



ELECTORAL AREA SERVICES COMMITTEE

Thursday, April 18, 2024

TO BE HELD

IN THE BOARDROOM OF THE SUNSHINE COAST
REGIONAL DISTRICT OFFICES AT 1975 FIELD ROAD, SECHELT, B.C.

AGENDA

CALL TO ORDER 9:30 a.m.

AGENDA

1. Adoption of Agenda Pages 1 - 2

PRESENTATIONS AND DELEGATIONS

REPORTS

2. Province Housing Legislation – Implications for SCRD & Small-Scale Multi-Unit Housing Legislation Extension Request Annex A
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Manager, Planning and Development and Planner II
Rural Planning (Voting – A, B, D, E, F)
3. Zoning Bylaw Amendment 722.9 and 337.123 (Riparian and Shoreline Protection) - 2nd Reading Annex B
pp 13 - 23
Senior Planner and Planner II
Rural Planning (Voting – A, B, D, E, F)
4. Zoning Amendment Bylaw No. 722.6 (268 Stella Maris Road) – Consideration of 4th Reading Annex C
pp 24 - 27
Planner II
Electoral Area F - Rural Planning (Voting – A, B, D, E, F)
5. Frontage Waiver Application FRW00020 (1197 Hawthorn Road) - Electoral Area D Annex D
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Planner II
Electoral Area D - Rural Planning (Voting – A, B, D, E, F)
6. Electoral Area B (Halfmoon Bay) Advisory Planning Commission Minutes of March 26, 2024 Annex E
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Electoral Area B - Rural Planning (Voting – A, B, D, E, F)
7. Electoral Area D (Roberts Creek) Advisory Planning Commission Minutes of March 18, 2024 Annex F
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Electoral Area D - Rural Planning (Voting – A, B, D, E, F)
8. Electoral Area E (Elphinstone) Advisory Planning Commission Minutes of March 26, 2024 Annex G
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Electoral Area E - Rural Planning (Voting – A, B, D, E, F)

COMMUNICATIONS

NEW BUSINESS

IN CAMERA

That the public be excluded from attendance at the meeting in accordance with Section 90 (1) (k) of the *Community Charter* – “negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.”

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – April 18, 2024

AUTHOR: Alana Wittman, Planner 2, Community Planning
Jonathan Jackson, Manager, Planning & Development

SUBJECT: **PROVINCIAL HOUSING LEGISLATION – IMPLICATIONS FOR SCRD & SMALL-SCALE MULTI-UNIT HOUSING LEGISLATION EXTENSION REQUEST**

RECOMMENDATION(S)

- (1) **THAT the report titled Province Housing Legislation – Implications for SCRD & Small-Scale Multi-Unit Housing Legislation Extension Request be received for information;**
 - (2) **AND THAT the Board supports the submission of an application to the Ministry of Housing requesting an extension to the Small-Scale Multi Unit Housing legislation compliance deadline from June 30, 2024, to June 30, 2026;**
 - (3) **AND FURTHER THAT this report be provided to Advisory Planning Commissions as capacity-building information in advance of anticipated work on Official Community Plan renewal.**
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BACKGROUND

Purpose

The purpose of this staff report is to seek a decision on an application to the BC Ministry of Housing to request an extension to the Small-Scale, Multi-Unit Housing (SSMUH) legislation compliance deadline.

This report further seeks decision on allocating the remaining balance of the capacity funding the Sunshine Coast Regional District (SCRD) received from the Province, to implement the new legislative changes to the Official Community Plan (OCP) Renewal for the purposes of detailed servicing analysis to understand the opportunities and constraints related to increasing residential densities to comply with SSMUH.

The need to comply with SSMUH requirements is both the most time-sensitive and the last outstanding/unplanned-for implication from recent provincial legislation updates. For a summary of recent legislation and implications for Regional Districts/SCRD see Attachment B.

Background

In November 2023, the BC Government passed several new laws intended to fulfil the Homes for People plan and increase the affordable housing supply in the province. Bill 44 (*Housing Statutes [Residential Development] Amendment Act*) includes SSMUH legislation which applies to all municipalities and Regional District electoral areas.

The province describes SSMUH as “a range of buildings and housing units that can provide attainable housing for middle-income families”.

Examples of SSMUH include:

- Secondary suites in single-unit dwellings
- Auxiliary dwelling units (ADUs), such as garden suites or laneway homes
- Multiplexes, such as duplex, triplex, or fourplex
- Townhomes

Under the new legislation, a minimum of one secondary suite and/or one ADU must be permitted in all single unit dwelling residential zones.

In response, the SCR D will need to amend these regulatory bylaws to ensure compliance with the new requirements of the *Local Government Act (LGA)* as it relates to SSMUH. The Province has set a statutory deadline of June 30, 2024. As discussed below, there are mechanisms for extensions and exemptions included in the new legislation.

Statutory Authority

- LGA Section 481.3(3) – Zoning bylaws and small-scale multi-family housing.
- LGA Section 582.1 – Provincial policy guidelines related to small-scale multi-family housing.
- LGA Section 785-786 – Extension processes and extended compliance regulations for small-scale multi-family housing

DISCUSSION

Extensions to the SSMUH Compliance Deadline

Local governments can apply for time-based extensions to the June 30th, 2024, compliance deadline under the three categories outlined below.

1. The local government is in the process of upgrading infrastructure that services the specific area or specific lots for which the extension is being requested;
2. The infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety, or the environment in that area; or
3. Extraordinary circumstances exist that otherwise prevent compliance in relation to the area.

The SCR D may be eligible for an extension under category 2. Further, elements of category 1 may also apply, however, staff consider the “increased risk” to be a short-term concern.

A Board resolution is required to authorize requests for extensions, which must be submitted to the Minister by June 1, 2024, for requests related to infrastructure and servicing concerns, or by June 30, 2024, for requests related to extraordinary circumstances.

Assessing SCRD's Readiness for Compliance

Category 2 – Increase risk to health, public safety, or the environment

SSMUH compliance under existing SCRD infrastructure conditions would likely increase risk due to:

- **Primary:** Wastewater – The SCRD operates 15 wastewater treatment facilities, which makes up a small proportion of developed land in the electoral areas (approximately 700 parcels). These wastewater treatment facilities were designed, permitted and built for limited capacities as part of specific developments and detailed investigations will be required for each to understand the implications of adding additional effluent load. Permitting a potentially large number of additional units in areas serviced by these systems prior to these studies being done and any required upgrades to infrastructure and permits to be completed could increase health and environmental risk.
- **Additional:** Drinking Water Deficit – The majority of the additional housing units would be connected to a SCRD Water System, several of which face frequent supply concerns. In 6 out of the 9 past years, the most severe water restrictions (a full ban on use of outdoor water) have been required to guarantee adequate supply of potable water to the majority of the residents within the SCRD water systems. This has also resulted in several activations of Emergency Operation Centres and development of Emergency Water Supply Sources. With climate change expected to increase frequency of extreme weather events such as those conditions that lead to such water scarcity situations, it would be premature to make general increases to rural area residential densities until strategic planning work that is underway is completed.
- **Additional:** Fire Flow Deficiencies – In late 2023, fire flow deficiencies in several SCRD water systems were identified. Fire flow is a fire hydrant's ability to deliver water flow continuously for an appropriate duration to control a major fire. Hydraulic modeling of the SCRD water systems identified 40% of hydrants as deficient in their ability to provide sufficient fire flow to control major fires. The SCRD is now working to address fire flow concerns, including the development of a Fire Flow Action Plan that will outline the infrastructure upgrades required to address these concerns within the next 5-10 years.

It is important to clarify that the nature and extent of risk increase is, at this time, unknown. Through further study and analysis, it is likely that many areas can be proven to be suitable for SSMUH without an increased risk to health, public safety or environment. An extension to the deadline would provide the time needed to conduct this analysis.

Directing the balance of Provincial capacity funding to the in-progress OCP Renewal project will enable a detailed study on opportunities and constraints related to increasing residential housing densities to comply with SSMUH within SCRD's existing infrastructure network. This servicing analysis would directly inform the Housing Needs which is being conducted as part of the OCP renewal project. Both the extension and the provision of the balance of Provincial capacity funding to OCP Renewal would provide time and resources to appropriately update growth management regulations, while mitigating asset management and other growth induced risks.

*Analysis – SCRD Policies and Bylaws Current State Relative to SSMUH
 SCRD Zoning Bylaws 337 and 722*

Zoning Bylaw 722 (2022) establishes the zoning for Electoral Areas B (Halfmoon Bay), D (Roberts Creek), E (Elphinstone) and F (West Howe Sound), while Zoning Bylaw 337 (1990) establishes the zoning for Electoral Area A (Egmont/Pender Harbour). Amendments to Zoning Bylaws 722 and 337 are required to meet the Province’s SSMUH requirements (see Table 1).

Table 1 – SSMUH Legislation Alignment withing SCRD Zoning Bylaws 722 and 337

SSMUH Unit Type	SSMUH Requirements	SCRD Zoning Bylaw 722	SCRD Zoning Bylaw 337
Secondary Suite	A minimum of 1 secondary suite and/ or 1 ADU must be permitted in Residential Zones in all regional district electoral areas.	Secondary suites up to 55 m ² are permitted in any zone where a single-unit dwelling is permitted, except on parcels within SCRD wastewater service areas. <i>Zoning Bylaw 722 generally meets (and exceeds) SSMUH requirements for secondary suites.</i>	Secondary suites and ADUs are not differentiated between in Zoning Bylaw 337.
Auxiliary Dwelling Unit (ADU)	The province notes that “only secondary suites (not ADUs) should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government.”	<i>Amendments are required in cases where a parcel is within an SCRD wastewater service area.</i> ADUs up to 90 m ² are permitted in eight Zoning Bylaw 722 zones, including R1, R2, CR1, RU1, RU1A, RU2 (Area B & D), RF3 and AG. However, not all “residential zones” currently permit ADUs. Note, permissions for ADUs differ by zone and minimum parcel size. <i>Given SCRD Zoning Bylaw 722 allows for secondary suites, as noted above, the allowance for ADUs is in addition to (exceeds) SSMUH requirements.</i>	An additional dwelling unit (referred to as an ADU in the bylaw) up to 55 m ² is currently permitted in 11 zones, including R1, R2, R3, R3A, R3B, R3C, CR1, RU1, RU1B, RU1D and RU2. However, not in all “residential zones”. <i>Zoning Bylaw 337 requires amendments to meet SSMUH requirements for secondary suites and ADUs.</i>

Note – Bill 44 outlines additional requirements, however, several are not relevant to the SCRD. Attachment A includes further information for optional review.

SCRD OCPs

Based on a preliminary analysis, Bill 44 will allow for density increases that exceed what is currently permitted in SCRD Zoning Bylaws 722 and 337, noting that the province is simultaneously making changes to development financing legislation that guides how growth contributes to public infrastructure and amenities. Existing development permit area requirements will continue to apply. Amendments will be required to implement SSMUH; however detailed infrastructure, risk and OCP analysis is required to determine the appropriateness of the required changes.

The SCRD's OCP Renewal project has been initiated to include a review of land uses, appropriate densities, environmentally sensitive and hazard areas, and much more. Comprehensively updating the SCRD's growth management regulations to meet Bill 44 requirements would fit into the scope of the OCP Renewal project, however, this requires an extension from the province to align the timelines.

Summary of the Current State

There are many current/existing opportunities for development of SSMUH on the Sunshine Coast. In some areas, development rights relating to ADUs and secondary suites exceed the provincially mandated minimum. SSMUH compliant units are currently permitted on approximately 74% of parcels in SCRD rural areas. BC Assessment data suggests that only 5.2% of parcels currently eligible for a SSMUH under Bylaws 337 and 722 have developed either a secondary suite or ADU. Furthermore, 43% of the parcels where a secondary suite is currently permitted also permit an ADU on the same parcel, and if this total allowance for SSMUH compliant units is considered, the absorption rate drops to approximately 3.7%.

Based on the above analysis, SCRD rural areas have significant unbuilt capacity remaining on parcels where SSMUH is already permitted. Given the amount of existent SSMUH capacity, a request for an extension is the most practical approach to ensure that future SSMUH allowances are aligned with OCP Renewal and current infrastructure projects and do not create risk.

Options

Option 1: Support Proposed Extension Request (Staff Recommendation)

The SCRD Board supports the submission of an application to the Ministry of Housing requesting an extension to the Small-Scale Multi Unit Housing legislation compliance deadline from June 30, 2024, to June 30, 2026. Staff will provide information to a future Committee regarding infrastructure analysis required to prove feasibility of compliance.

Option 2: Reject Proposed Extension Request and Allocation of the Balance of Provincial Capacity Funding to OCP Renewal

The SCRD Board directs staff to complete required updates by the established deadline on June 30, 2024. This decision will impact division work plans and remove capacity from planned long range planning, development planning, and infrastructure projects and tasks. It would also introduce unstudied risks related to infrastructure management, especially within community wastewater treatment plant service areas.

Financial Implications

The staff resources required to amend the SCRD's OCPs and Zoning Bylaws to implement Bill 44 is significant.

Staff are assessing the gaps between currently-funded servicing capacity projects and what will be required to prepare recommendations on zoning changes. A report to a future Committee will provide more details.

As a general comment on financial capacity/implications flowing from new provincial legislation and a possible funding source for some of the to-be-determined work: under the Local Government Housing Initiatives funding program, the provincial government has issued \$80,000 + \$5.80/per capita to each Regional District to help meet new legislative requirements. In 2024, the SCRD received \$174,383 to be spent on eligible costs and activities related to legislative requirements arising from Bills 44, 46, and 47. Of these funds, \$80,000 was allocated to projects (housing needs report and related GIS work) in the 2024 Budget. \$94,383 remains.

Timeline for next steps or estimated completion date

Should the Board support the recommendation to seek an extension, the proposal is for the amendments to be completed by March 2026 to align with OCP Renewal project timeline, with a 3-month buffer (June 30, 2026). If the extension is granted, the Minister will indicate the new deadline for compliance. If the application is refused, the SCRD will have 90 days after the date set out in the notice of refusal to provide notice that SCRD complied with the SSMUH legislated requirements.

Communications Strategy

Local Government Act Section 464 asserts that local governments must not hold a Public Hearing for zoning bylaw updates that are initiated for the sole purpose of complying with the SSMUH legislation. Associated public notices of the proposed amendments must be published prior to first reading in accordance with Section 467 of the *Local Government Act*.

STRATEGIC PLAN AND RELATED POLICIES

Strategic Plan lenses, and especially the Service Delivery Excellence Lens, were applied to the development of this report.

CONCLUSION

Recent changes to Provincial legislation under Bill 44 (*Housing Statutes Amendment Act*) require that residential lots in SCRD electoral areas must now permit a secondary suite and/ or an auxiliary dwelling unit. Local governments are required to adopt bylaw amendments to allow housing at the prescribed density by June 30th, 2024, or may apply for a time-based extension. Staff recommend the Board supports the submission of an application to the Ministry of Housing requesting an extension to the Small-Scale Multi Unit Housing legislation compliance deadline from June 30, 2024, to June 30, 2026. Staff will provide information to a future Committee regarding analysis required to prove feasibility of future compliance.

ATTACHMENTS

- Attachment A - Small-Scale Multi-Unit Housing Applicability to SCRD Electoral Areas
- Attachment B - Bills 44, 46, 47 Implications for SCRD

Reviewed by:			
Manager	X - J. Jackson	Finance	
GM	X- I. Hall X - R. Rosenboom	Legislative	
CAO	X - D. McKinley	Other	

Attachment A- Small-Scale Multi-Unit Housing Applicability to SCRD Electoral Areas

Small-Scale Multi-Unit Housing Applicability to SCRD Electoral Areas

Density	SCRD Applicability	Description of requirement
Secondary Suits & ADUs on single-unit-dwelling and duplex zoned lots	Required	A minimum of 1 secondary suite and/or 1 detached auxiliary dwelling unit (ADU) must be permitted in Residential Zones (single-unit-dwelling and duplex zones) in all municipalities and regional district electoral areas. <i>SCRD is not required to allow additional density in “rural residential” zones.</i>
3 to 4 units on single-unit-dwelling and duplex lots	N/A	Three to four units of small-scale, multi-unit housing must be permitted on each parcel of land if zoned exclusively for single-family or duplex residential in a municipality with a population greater than 5,000 and/or within an Urban Containment Boundary identified in a Regional Growth Strategy. <i>SCRD does not have a Regional Growth Strategy and therefore does not have Urban Containment Boundaries.</i>
6 units on single-unit-dwelling and duplex lots near frequent bus stops	N/A	Six units of small-scale, multi-unit housing must be allowed near frequent bus service on single-family and duplex residential lots greater than 280 m ² and within a municipality or regional district with a minimum population of 5,000. <i>SCRD transit service levels do not meet the frequency threshold defined in Bill 44.</i>

Attachment B – Bills 44, 46, 47 Implications for SCRD

Qualifying Note: This information is provided based on current best understanding of provincial legislation and policy guidance as of date of drafting. Further updates and guidance continue to be released by the Province that could lead to updated analysis/ recommendations.

Colour Coding:

- Green: In hand, already planned for
- Yellow: Requires decision and/or new action
- Red: Significant concern, requires action

Legislation	Implications for SCRD	How SCRD Proposes to Approach
Bill 35 – Short-Term Rental Accommodations Act	<ul style="list-style-type: none"> • Enables SCRD to regulate STRs and other businesses through licensing, if desired. Would require establishment of a new service. 	<ul style="list-style-type: none"> • It is anticipated that housing, STRs and area character will be central to OCP/zoning bylaw renewal
	<ul style="list-style-type: none"> • Enables increased bylaw enforcement tickets/fines – maximum \$3,000/day, up from \$1,000/day. 	<ul style="list-style-type: none"> • Bylaw enforcement tickets/fines are being reviewed; staff report planned for Q2 2024
	<ul style="list-style-type: none"> • New provincial registry, data sharing and platform accountability mechanisms are expected to provide information useful for SCRD bylaw enforcement (and for use by the Province for enforcement). 	<ul style="list-style-type: none"> • Monitoring. Province has stated details are coming this spring.
	<ul style="list-style-type: none"> • Changes may have some impact on MRDT revenue (and share provided to SCRD) as MRDT is collected on STRs. 	<ul style="list-style-type: none"> • Monitoring

	<p>Notes:</p> <ul style="list-style-type: none"> • Principal residence requirement does not automatically apply to SCR D; there is an option to opt in • There are exemptions for time shares, home exchanges, strata guest suites, etc. • Legislation does not apply to motels, hotels, RVs, tents, or other temporary shelters 	
<p>Bill 44 – Housing Statutes (Residential Development) Amendment Act</p>	<ul style="list-style-type: none"> • By June 30, local governments must have updated their zoning bylaw to accommodate small-scale, multi-unit housing requirements (except in areas where they have applied for an extension). 	<ul style="list-style-type: none"> • Recommending applying for an extension (Category 2) before June 1, 2024. • Promoting current/existing opportunities for SSMUH.
	<ul style="list-style-type: none"> • By January 1, 2025 local governments must have completed their interim Housing Needs Report. 	<ul style="list-style-type: none"> • Planned for/approved as part of Budget 2024. • Timing holds synergy with OCP renewal project; OCP drafting can ensure compliance with all Bill 44 requirements related to proactive planning. • SCR D applying a coordinated approach with member municipalities with support of Regional Housing Coordinator
	<p>Note: there is a requirement for municipalities to update their Official Community Plans and zoning bylaws (based on the interim Housing Needs Report) by December 21, 2025. This requirement includes pre-zoning for required housing and planning for ongoing updates.</p>	
	<ul style="list-style-type: none"> • One-off, site-by-site public hearings for rezonings have been phased out for housing projects that are consistent with OCPs (which already have a public hearing). • Public hearings will continue to be required whenever local governments update or develop new OCPs or consider rezonings for projects that are not consistent with the OCP. 	<ul style="list-style-type: none"> • Monitoring best practice, review of procedure documents. • Synergy with planned/budgeted updates as part of DAPR implementation.

	<ul style="list-style-type: none"> • Development cost charges (DCC) can now be applied to <u>new</u> categories of growth-related/required infrastructure: fire protection facilities (fire halls), police facilities, solid waste facilities and cost-shared highway projects. • Prescribed process, public engagement and bylaw adoption required. 	<ul style="list-style-type: none"> • Staff are reviewing and are in communication with the Province. More information to be provided to the Board in Q2/Q3 2024.
	<ul style="list-style-type: none"> • Amenity cost charges (ACC) can be levied for new recreation/community centres, daycares, libraries, park development. • Prescribed process, public engagement and bylaw adoption required. 	<ul style="list-style-type: none"> • Staff are reviewing.
	<ul style="list-style-type: none"> • New inclusionary zoning, density bonusing, transportation demand management and tenant protection bylaw (during redevelopment) authorities or clarifications are available. 	<ul style="list-style-type: none"> • Staff are reviewing. • Potential for integration with planned OCP, zoning and servicing bylaw updates.
<p>Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendment Act</p>	<ul style="list-style-type: none"> • Does not apply to the Sunshine Coast based on status of our transit system. 	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – April 18, 2024

AUTHOR: Alana Wittman, Planner II
Julie Clark, Senior Planner

SUBJECT: POLICY FIX MICRO PROJECT: AMENDMENT ZONING BYLAW NO. 722.9 AND 337.123

RECOMMENDATION(S)

- (1) THAT the report titled Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 be received for information;
 - (2) AND THAT Zoning Bylaw No. 722.9 and 337.123 be considered for Second Reading;
 - (3) AND THAT a Public Hearing to consider Amendment Zoning Bylaw No. 722.9 and 337.123 be scheduled;
 - (4) AND THAT the Public Hearing be conducted as a hybrid meeting allowing the public to attend in-person or virtually;
 - (5) AND FURTHER THAT Director _____ be delegated as the Chair and Director _____ be delegated as the Alternate Chair to conduct the Public Hearing.
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BACKGROUND

Amendments to Zoning Bylaw 337 and 722 are proposed to strengthen protection of watercourses and ocean shorelines within the Sunshine Coast Regional District (SCRD). The proposed amendments aim to immediately implement existing SCRCD Official Community Plan (OCP) objectives to protect sensitive ecological areas and the Board Strategic Plan's goal to enhance the region's resiliency to the effects of climate change. The proposed amendments would additionally provide development approvals process enhancements by setting clear and consistent regulations across the SCRCD's electoral areas.

Currently, the SCRCD's two zoning bylaws are not aligned with each other or provincial legislation and guidelines when it comes to development regulations for properties containing or adjacent to waterbodies, watercourses, or ocean shorelines.

On July 27, 2023, the SCRCD Board adopted resolution 224/23 as follows:

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

THAT the report titled Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Mitigation Watercourse and Shoreline Protection Amendments be received for information;

AND THAT Zoning Bylaw No. 722.9 and 337.123 be considered for First Reading;

AND FURTHER THAT Zoning Bylaw No. 722 and 337 be referred to agencies and Advisory Planning Commissions for comment.

Pursuant to this resolution, the proposed zoning bylaw amendments were referred to the Advisory Planning Commissions (APCs) and relevant agencies. This report provides a summary of the referral comments and recommends forwarding the proposed amendments to the Board for consideration of Second Reading of the bylaws.

DISCUSSION

Agency Comments

Amendment Zoning Bylaw 722.9 and 337.123 has been referred to the following departments and agencies for comment:

Table 1: Department / Agency Referral Comments

Referral Agency	Comments Received
Słwǰwú7mesh Úxwumixw	No comment on the proposed amendments.
Ministry of Water, Land and Resource Stewardship (MWLRS) - Aquatic Ecosystems Branch, Water, Fisheries, and Coast Division	Definitions (Bylaw 722 & 337): <ul style="list-style-type: none"> Recommend adding “ditch” and/or utilizing the definition of a “stream” directly from the <i>Riparian Areas Protection Regulation, BC Reg 178/2019</i> (RAPR). To improve consistency and compliance with the RAPR, recommend using definitions directly from the Regulation. Section 2 states “ <i>The proposal is to establish a buffer to protect the existing and future tree roots and branches within the Streamside Protection and Enhancement Area (SPEA) that extend into the developable portion of a property.</i> ” Windfirm boundaries and stable top of bank (ravine bank) setbacks are also measures to protect SPEAs that may extent farther than root zone protections. <ul style="list-style-type: none"> 5 m buffers to SPEAs are proposed. Is 5 m adequate as a windfirm boundary and top of bank setback? “<i>Landscaping, such as a garden, would not be subject to this buffer.</i>” If the buffer is in a natural state, it should not be altered to allow for landscaping per RAPR standards. Under area calculation <i>proposed add</i> on page 5/13: <ul style="list-style-type: none"> Proposed add should also include SPEA buffer areas as undevelopable. Under the RAPR, measures to protect the SPEA are also undevelopable. Under <i>proposed amendment to Bylaw 337, Section 402 proposed add</i> on page 5/13: <ul style="list-style-type: none"> Proposed add should also include SPEA buffer areas as excluded areas of minimum parcel size. Under the RAPR, measures to protect the SPEA are also undevelopable. Under <i>proposed replacement for (b) and add (c)</i> on page 5/13: <ul style="list-style-type: none"> Proposed add should also include SPEA buffer areas as excluded areas of average parcel size. Under the RAPR, measures to protect the SPEA are also undevelopable. Proposed additions to the bylaws include the following language:

	<p><i>area of land covered by flowing or standing water, including, without limitation, a lake, pond, river, creek, spring, ravine, or wetland, whether or not usually containing water</i></p> <p>What defines “covered by”? Suggest change to land inclusive and below the <i>natural boundary</i> as defined in the Land Act of a watercourse or water body including, without limitation, a lake, pond, river, creek, spring, ravine, or wetland, whether or not usually containing water.</p> <p><u>Proposed Amendment 2: Buffer from Streamside Protection and Enhancement Areas (SPEA)</u></p> <p><i>Given that existing and future trees within the SPEA have roots and branches that extend into the developable portion of a property, the proposed bylaw amendment would require all buildings, structures, and hardscaping to be situated a minimum of 5 m away from the SPEA boundary to ensure that there is adequate space for protecting natural assets and ensuring that land alteration activity does not intrude on the SPEA.</i></p> <ul style="list-style-type: none"> • As above, if the buffer is in a natural state (not an area of human disturbance), it should also be protected from alteration. Furthermore, if the buffer area is in a natural state, it is grand parented in that condition, but cannot be improved or changed to another type of area of human disturbance. Buffers should be considered enhancement opportunity areas just like SPEAs if they’re degraded. • How will the buffer area be protected during construction? If a building is sited adjacent to the buffer, construction activities are likely necessary around the building. Recommend a minimum construction zone around buildings and structures in addition to the buffer. SPEA protection areas are also protected under the RAPR. <p><u>Proposed Amendment 3: Setback from Waterbodies and Watercourses</u></p> <p><i>Proposed amendment to Bylaw 337, Section 515(1)(d):</i></p> <ul style="list-style-type: none"> • <i>Current: 7.5 m of the natural boundary of a swamp or pond;</i> • <i>Proposed Replacement: 17 m of the natural boundary of a swamp or pond;</i> <ul style="list-style-type: none"> ○ Note that RAPR boundaries for waterbodies (lakes and wetlands) are 15-30m from the stream boundary. However, this will mitigate disturbances to non-RAPR wetlands.
<p>MWLRS - Water Sustainability Division</p>	<p>Referral was sent on December 11, 2023. No comments received at time of report writing.</p>
<p>Department of Fisheries and Oceans (DFO) – Ecosystems Management Branch</p>	<p>The conservation and protection of Canada’s marine and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). DFO’s Fish and Fish Habitat Protection Program (FFHPP) helps conserve and protect fish and fish habitat and restore fish habitat for future generations. The FFHPP administers and ensures compliance for development projects taking place in and around fish habitat, under the <i>Fisheries Act</i> and relevant provisions of the <i>Species at Risk Act</i>.</p> <p>DFO’s FFHPP is not providing detailed comments on the referenced Bylaw Amendment. However, DFO recommends that land use planning processes consider establishing clear environmental conservation and protection objectives that are reflected in designation of environmentally</p>

	sensitive areas, setback requirements, stormwater retention/detention requirements, land use restrictions and bylaws (e.g., tree removal). Protection of freshwater and marine resources provides long-term benefits to fish and fish habitat, as well as to the public, by regulating water quality and quantity, providing for stream channel and foreshore stability, and increasing resiliency to climate change impacts.
DFO – Species at Risk	Our Freshwater Team had a chance to review this zoning document and identified no implications for our team. We are generally supportive of these increased protections.
Town of Gibsons	The Town of Gibsons supports a consistent Coast-wide approach to watercourse and shoreline protection.
Islands Trust	The Gambier Island Local Trust Committee requests staff advise the SCRD that the Gambier Island Local Trust Committee interests are not affected by Zoning Bylaw Amendment Nos. 337.123 and 722.9.
shísháhl Nation	Referral was sent on December 11, 2023, with follow up emails sent on January 24 and March 20, 2024. No comments received at time of report writing.
Ministry of Transportation and Infrastructure	Referral was sent on December 11, 2023. No comments received at time of report writing.
District of Sechelt	Referral was sent on December 11, 2023. No comments received at time of report writing.

Staff have made minor revisions to the proposed bylaws based on feedback from the referral agencies (see Appendix A and B).

Advisory Planning Commission (APC) Comments

The proposed amendments were referred to the Electoral Area APCs in June 2023. The comments included several questions and requests for more information through a workshop.

In response, an all-APC workshop on the topic was held on March 13, 2024, which answered APC questions and provided information on the Riparian Area Protection Regulation (RAPR) in BC. Following the workshop, the proposed amendments were re-referred to the APCs in March 2024. Please note, Area F did not meet quorum in March 2024 and therefore the comments from Area F included in the summary below are from their July 25, 2023, meeting minutes on the subject amendments. A summary of the APC comments can be found in the APC Meeting Minutes.

Key themes of the March 2024 APC comments included:

- Area B, D, E and F support the SCRD Zoning Bylaws being consistent with existing provincial legislation and guidelines (proposed amendment # 1 and 3).
- Mix of support and opposition to the proposed SPEA buffer across APCs, as well as comments requesting clarity the proposed amendment (proposed amendment #2).
- Several recommendations for the SCRD to provide education to the public about what it means to have a riparian area on their property and how to manage it, including what is permitted in the SPEA and buffer zones.
- Requests for the SCRD and Province to increase the enforcement of the riparian regulations to protect SPEAs and reduce tree removal.
- Area A doesn't support the proposed amendments, noting concerns as expressed in July 2023 minutes.

Most actionable APC comments were regarding the SPEA buffer and requests for clarity on the proposed bylaw amendment. These questions and comments told staff that we needed to add more clarity to the proposed bylaw wording and intent. Staff have revised the proposed bylaws to add clarity while maintaining the same goal, which is to protect SPEAs from unauthorized land alteration (see Appendix A and B). This proposal is based on staff experience that when buildings, structures and hardscaping is planned along the SPEA boundary, encroachment often occurs which results in costly and time-consuming remediation processes for both the property owner and the SCR. D.

Options

Option 1 Proceed with Second Reading for all proposed amendments (recommended).

The proposed amendments provide measures to immediately address organization risk and strengthen community climate resilience, while also facilitating streamlining of development approvals by setting clear and consistent regulations across the regional district's electoral areas.

By setting clear and consistent regulations it is additionally hoped that the proposed amendments will lessen the demand on staff for bylaw enforcement and remedial planning applications (REM). Accordingly, staff believe these amendments should be implemented as soon as possible during this early stage of the OCP Renewal.

Option 2 Proceed with Second Reading for one or more of the proposed amendments.

Any proposed amendments that do not move to Second Reading now will be revisited during future Official Community Plan renewal work associated with OCP Renewal.

Option 3 Make no changes at this time.

Continue development review and approvals based on the current zoning bylaws.

Organizational and Intergovernmental Implications

The proposed amendments to Zoning Bylaws 722 and 337 seek alignment with Provincial legislation and guidelines. As noted in the agency referral comments above, intergovernmental agencies are in support of the proposed amendments.

Additionally, these proposed amendments are aligned with the draft Community Climate Action Plan, being brought back to a forthcoming Committee. They build resilience to sea level rise as well as to the increase in frequency and intensity of extreme weather events, both of which are identified in the Sunshine Coast Climate Risk Assessment.

Financial Implications

There are no financial implications associated with this report, though it is noted that the proposed amendments seek to create regulatory clarity and simplicity aimed at improving development approval efficiency and lessening demands on Bylaw Enforcement Officers and Planning Department staff.

Timeline for next steps

If the Board gives the proposed bylaws Second Reading, public consultation opportunities will be arranged to gather further community feedback on the proposal. The public consultation opportunities will include, at minimum, updates to the Let's Talk page (letstalk.scrd.ca/micro-policy-fix) and a Public Hearing. The Board can consider whether to proceed with Third Reading and adoption of the bylaws after the Public Hearing.

Communications Strategy

A riparian and shoreline protection awareness campaign will launch in Q2 2024 that will run over the next two years. Should the proposed amendments be approved, the communications strategy will be updated to raise broad awareness of the changes to the bylaws. Notifications for the public hearing will be conducted per *Local Government Act* requirements.

STRATEGIC PLAN AND RELATED POLICIES

This initiative/proposal can be seen as supporting the following lenses in the Board's 2023 – 2027 Strategic Plan: service delivery excellence, climate resilience and environment, and governance excellence.

CONCLUSION

Amendments to Zoning Bylaws 337 and 722 are proposed to strengthen protection of watercourses and ocean shorelines within the SCRD electoral areas. Currently, the SCRD's zoning bylaws are not aligned with each other or provincial legislation and guidelines when it comes to development regulations for properties containing or adjacent to waterbodies, watercourses, or ocean shorelines.

Staff recommend that *Sunshine Coast Regional District Zoning Bylaw Amendment 722.9 and 337.123* be presented to the Board for Second Reading and a public hearing be arranged.

ATTACHMENTS

- Appendix A – Amendment Zoning Bylaw No. 722.9
- Appendix B – Amendment Zoning Bylaw No. 337.123

Reviewed by:			
Manager	X - J. Jackson	Finance	
GM	X - I. Hall	Legislative	X - S. Reid
CAO	X - D. McKinley	Risk Management	

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 722.9

A bylaw to amend the *Sunshine Coast Regional District Zoning Bylaw No. 722, 2019*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Sunshine Coast Regional District Zoning Amendment Bylaw No. 722.9, 2023*.

PART B – AMENDMENT

2. *Sunshine Coast Regional District Zoning Bylaw No. 722, 2019* is hereby amended as follows:

Insert the following immediately following Section 4.3.1(c):

d) Area of land inclusive and below the natural boundary of a watercourse or waterbody covered by flowing or standing water, including, without limitation, a lake, pond, river, creek, spring, ravine, or wetland, whether or not usually containing water;

e) Area of land that contains a Stream Protection and Enhancement Area (SPEA), as established under the *Provincial Riparian Areas Protection Regulations*.

Insert the following immediately following Section 5.16.2:

5.16.3 No buildings, structures, hardscaping, or any part thereof shall be constructed, reconstructed, moved, located, or extended within 5 metres of an established provincially approved Streamside Protection and Enhancement Areas (SPEA), boundary or the default Riparian Assessment Area if a provincially approved SPEA has not been established.

Insert the following definition in Part 12 immediately following “green roof”:

hardscaping: means any human-made element made from inanimate materials like gravel, brick, wood, pavers, stone, concrete, asphalt, or similar material. Examples of hardscaping include landscaped elements (e.g., patio, deck, stone wall, pavers, etc.), retaining walls, roads/parking lots, campground pads, and fill placement.

PART C – ADOPTION

READ A FIRST TIME this	27 TH	DAY OF JULY,	2023
READ A SECOND TIME this	####	DAY OF,	YEAR
PUBLIC HEARING HELD PURSUANT TO THE <i>LOCAL GOVERNMENT ACT</i> this	####	DAY OF,	YEAR
READ A THIRD TIME this	####	DAY OF,	YEAR
ADOPTED this	####	DAY OF,	YEAR

Corporate Officer

Chair

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 337.123

A bylaw to amend the *Sunshine Coast Regional District Zoning Bylaw No. 337, 1990*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Sunshine Coast Regional District Zoning Amendment Bylaw No. 337.123, 2023*.

PART B – AMENDMENT

2. *Sunshine Coast Regional District Zoning Bylaw No. 337, 1990* is hereby amended as follows:

Insert the following immediately following Section 402(3):

402(4) excluding the following areas from the calculation of minimum parcel area

- (i) area to be used for community sewer field and equipment;
- (ii) area to be dedicated for public open space, park or returned to the Province, except as permitted by the *Strata Property Act*;
- (iii) area to be dedicated as a highway;
- (iv) area of land inclusive and below the natural boundary of a watercourse or waterbody covered by flowing or standing water, including, without limitation, a lake, pond, river, creek, spring, ravine, or wetland, whether or not usually containing water; or
- (v) area of land that contains a Stream Protection and Enhancement Area (SPEA), as established under the *Provincial Riparian Areas Protection Regulations*.

Replace Section 404(b) with the following:

404(b) inclusive and below the natural boundary of a watercourse or waterbody covered by flowing or standing water, including, without limitation, a lake, pond, river, creek, spring, ravine, or wetland, whether or not usually containing water.

Insert the following, immediately following Section 404(b):

404(c) that contains a Stream Protection and Enhancement Area (SPEA), as established under the Provincial *Riparian Areas Protection Regulations*.

Insert the following immediately following Section 515(3):

515(4) Notwithstanding any other provision of this bylaw, and for the purpose of protecting the long-term integrity and health of Streamside Protection and Enhancement Areas (SPEA), no buildings, structures, hardscaping, or any part thereof shall be constructed, reconstructed, moved, located, or extended within 5 metres of an provincially approved established SPEA boundary, or the default Riparian Assessment Area if a provincially approved SPEA has not been established.

Insert the following definition in Section 201 immediately following “grade, average natural”:

“hardscaping” means any human-made element made from inanimate materials like gravel, brick, wood, pavers, stone, concrete, asphalt, or similar material. Examples of hardscaping include landscaped elements (e.g., patio, deck, stone wall, pavers, etc.), retaining walls, roads/parking lots, campground pads, and fill placement.

Replace Section 515(1)(a) with the following:

515(1)(a) 15 m of the natural boundary of the ocean

Replace Section 515(1)(d) with the following:

515(1)(d) 17 m of the natural boundary of a swamp or pond;

Replace Section 515(1)(e) with the following:

515(1)(e) 30 metres of the natural boundary of Brittain River, Smanit Creek, Skawaka River, Deserted River, Vancouver River, Seshal Creek, Hunaechin Creek, Stakawus Creek, Potato Creek, Loquilts Creek, Tsuadhdhi Creek, Osgood Creek; or 17 metres of the natural boundary of all other watercourses.

PART C – ADOPTION

READ A FIRST TIME this	27 TH	DAY OF JULY,	2023
READ A SECOND TIME this	#####	DAY OF,	YEAR
PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this	#####	DAY OF,	YEAR
READ A THIRD TIME this	#####	DAY OF,	YEAR

ADOPTED this

DAY OF,

YEAR

Corporate Officer

Chair

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – April 18, 2024
AUTHOR: Alana Wittman, Planner II
SUBJECT: Zoning Amendment Bylaw No. 722.6 (268 Stella Maris Road) –
 Consideration of Adoption

RECOMMENDATIONS

- (1) THAT the report titled Zoning Amendment Bylaw No. 722.6 (268 Stella Maris Road) – Consideration of Adoption be received;
- (2) AND THAT Zoning Amendment Bylaw No. 722.6 be forwarded to the Board for consideration of adoption.
-

BACKGROUND

The Sunshine Coast Regional District (SCRD) received a Zoning Bylaw Amendment application to amend the zoning (from RU1 to R2) and subdivision district (from I to C) of a property at 268 Stella Maris Road in Area F - West Howe Sound. The purpose of Zoning Amendment Bylaw No. 722.6 (Attachment A) is to enable a future residential subdivision. The conceptual subdivision plan, which envisages a total of up to 16 lots, is provided in Attachment B.

On January 25, 2024, the SCRD Board adopted Resolution 020/24 as follows:

Recommendation No. 1 Zoning Amendment Bylaw No. 722.6 (268 Stella Maris Road)

THAT the report titled Zoning Amendment Bylaw No. 722.6 (268 Stella Maris Road) – Consideration of Third Reading be received for information;

AND THAT Zoning Amendment Bylaw No. 722.6 be forwarded to the Board for Third Reading;

AND FURTHER THAT prior to adoption of Zoning Amendment Bylaw No. 722.6, the following conditions be met:

- Approval by the Ministry of Transportation and Infrastructure pursuant to Section 52 of the *Transportation Act*;
- Payment of Affordable Housing Contribution valued at \$120,000 be secured by transfer of funds, or registration of a *Land Title Act* Section 219 covenant that requires the payment of the Affordable Housing Contribution prior to consideration of subdivision.

DISCUSSION

Per resolution 2020/24, the SCRD referred the application to the Ministry of Transportation and Infrastructure (MOTI) for approval following third reading of the bylaw.

On February 5, 2024, MOTI approved the zoning bylaw amendment pursuant to Section 52(3)(a) of the *Transportation Act*.

Further, the *Land Title Act* Section 219 covenant was registered with the Land Title Office on March 19, 2024.

Staff recommend that *Sunshine Coast Regional District Zoning Bylaw Amendment 722.6* be presented to the Board for adoption as all conditions have been met.

Timeline for Next Steps

Following adoption, the applicant is permitted to submit Subdivision and Development Permit Applications to the SCR.D.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

Staff recommend that *Sunshine Coast Regional District Zoning Bylaw Amendment 722.6* be presented to the Board for consideration of adoption.

ATTACHMENTS

- Attachment A – Zoning Amendment Bylaw 722.6
- Attachment B – Preliminary Subdivision Plan

Reviewed by:			
Manager	X – K. Jones	CFO/Finance	
GM	X – I. Hall	Legislative	X - S. Reid
CAO	X - D. McKinley		

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 722.6

A bylaw to amend the *Sunshine Coast Regional District Zoning Bylaw No. 722, 2019*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Sunshine Coast Regional District Zoning Amendment Bylaw No. 722.6, 2023*.

PART B – AMENDMENT

2. *Sunshine Coast Regional District Zoning Bylaw No. 722, 2019* is hereby amended as follows:
 - a. Amend Schedule A by rezoning BLOCK 15 EXCEPT: PART DEDICATED FOR ROAD ON PLAN LMP4631; DISTRICT LOT 1402 PLAN 737 from RU1 (Residential Rural One) to R2 (Residential Two)
 - b. Amend Schedule B by re-designating BLOCK 15 EXCEPT: PART DEDICATED FOR ROAD ON PLAN LMP4631; DISTRICT LOT 1402 PLAN 737 from Subdivision District I to Subdivision District C

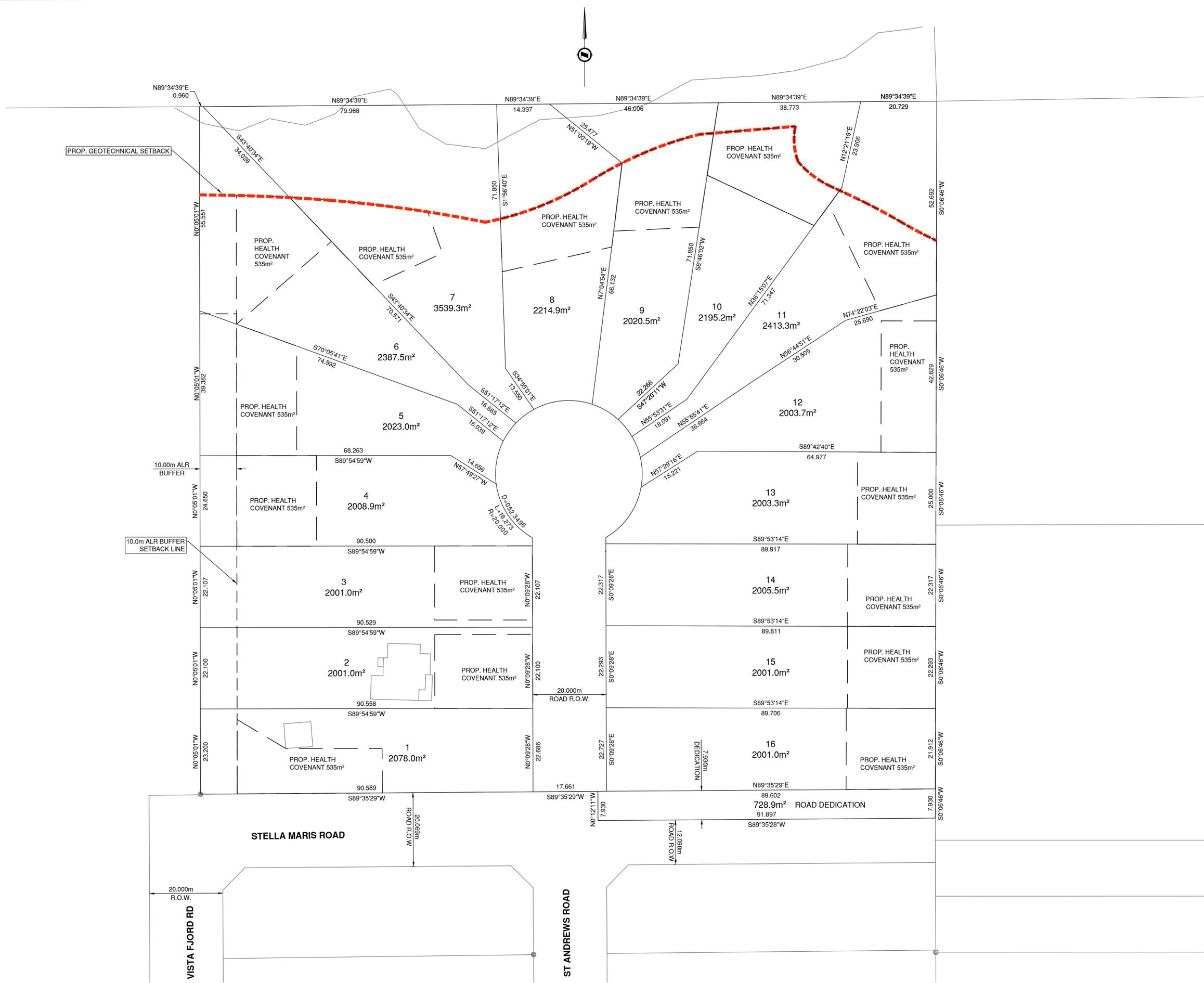
PART C – ADOPTION

READ A FIRST TIME this	27 TH	DAY OF JULY,	2023
READ A SECOND TIME this	27 TH	DAY OF JULY,	2023
PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this	17 TH	DAY OF OCTOBER,	2023
READ A THIRD TIME this	25 TH	DAY OF JANUARY,	2024
APPROVED PURSUANT TO SECTION 52 OF THE TRANSPORTATION ACT this	5 TH	DAY OF FEBRUARY,	2024
ADOPTED this	####	DAY OF,	YEAR

Corporate Officer

Chair

LEGAL DESCRIPTION:
 BLOCK 15 EXCEPT: PART DEDICATED FOR ROAD ON
 PLAN LMP 4631: DL 1402 PLAN 737
 PID: 010-536-418
 CIVIC ADDRESS: 268 STELLA MARIS ROAD
 DATUM: ELEVATIONS ARE GEODETIC AND REFER
 TO SMARTNET REFERENCE STATIONS BCSE
 (RTCM_REF_4021).



No.	DATE	REVISION	BY
1	24-03-26	ISSUED FOR REVIEW	DC

LANDEV Consulting Inc.
 Engineering & Development Services
 WWW.LANDEVCONSULTING.CA
 EMAIL: INFO@LANDEVCONSULTING.CA PH: 604-989-7300

DRAWING DESCRIPTION
 268 STELLA MARIS ROAD, GIBSONS
 PROPOSED 16 LOT SUBDIVISION
 LOT LAYOUT PLAN

CLIENT
 STELLA MARIS COMMUNITY DEVELOPMENT LTD.
 4805 DONSDALE DRIVE, EDMONTON ALTA, T6M 2N2

PROJECT No. 2304
SCALE 1:500

DATE 2023-06-01
DESIGN BY DC
CHECKED BY SB
SURVEYED BY BENNETT
DWG. NO. LL
SHEET NO. 1 OF 1
REV. 1

NOT FOR CONSTRUCTION

PLOT DATE: March 27, 2024 - C:\Users\landev\OneDrive\Projects\23002304 - Hopkins Landing\CAD\Final\2304 Lot Layout.dwg

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – April 18, 2024

AUTHOR: Nick Copes, Planner II

SUBJECT: **Frontage Waiver FRW00020 (1197 Hawthorn Road)**
Electoral Area D

RECOMMENDATION(S)

- (1) THAT the report titled **Frontage Waiver FRW00020 (1197 Hawthorn Road) – Electoral Area D** be received for information;
 - (2) AND THAT the requirement for a minimum 10% of the lot perimeter to front on the highway for proposed Lot B be waived.
-

BACKGROUND

The SCRCD has received a Frontage Waiver Application in relation to a 2-lot subdivision at 1197 Hawthorn Road in Roberts Creek.

Section 512 of the *Local Government Act* requires all new parcels to have a minimum 10 percent of the perimeter fronting a highway unless a local government waives the requirement. Proposed Lot B in the planned subdivision does not meet the 10% perimeter road frontage requirement. To facilitate the proposed subdivision, the applicant is requesting that the SCRCD Board consider waiving the road frontage requirement.

The purpose of this report is to provide information on the application and obtain direction from the Electoral Area Services Committee on this request.

Table 1 – Application Summary

Owner / Applicant:	Tyson Cross
Parent Parcel Legal Descriptions:	LOT 8 EXCEPT: PART SUBDIVIDED BY PLAN BCP27767; BLOCK 3 DISTRICT LOT 1317 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP12664
Parent Parcel P.I.D.'s:	018-472-141
Civic Address:	1197 Hawthorn Road, Roberts Creek
Subject Parcel Area	4716 m ²
OCP Land Use:	Residential A, Village Amenity Density Bonusing Area, Enhanced B&B Area
Land Use Zone:	R2
Subdivision District:	C – 2,000 m ² minimum
Application Intent:	Frontage waiver for proposed Lot B

Applicant Rationale for Frontage Waiver

Given the existing development on proposed lot A, a panhandle is necessary to access proposed lot B.

Staff Comment

Staff have reviewed the applicant’s proposal and note that there is an existing home in the middle of the parent parcel. While splitting the parcel in half lengthwise would likely remove the need for a frontage waiver, this would not be possible without removing the existing home. The parcel does not contain frontage on any additional roads, which also limits access options. The applicant’s proposal represents the best solution for creating an additional lot, while retaining the existing home. Staff worked with the applicant to increase the panhandle from the required minimum of 6 m to 10 m to provide sufficient room for a driveway and accommodate potential future road alignments.

CONCLUSION

A waiver for the 10 percent perimeter frontage requirement is required by the SCRD Board for the proposed subdivision to proceed as proposed.

Staff support this application and recommend issuing the frontage waiver for proposed Lot B which will allow the subdivision to proceed and be considered for final approval by the Ministry of Transportation and Infrastructure.

Reviewed by:			
Manager	X – K. Jones	Finance	
GM	X – I. Hall	Legislative	
CAO	X - D. McKinley	Other	

SUNSHINE COAST REGIONAL DISTRICT

HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION

March 26, 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
ALSO PRESENT:	Director, Electoral Area B	Justine Gabias (Non-Voting Board Liaison)
	Recorder	Diane Corbett
ABSENT:	Members	Alda Grames Barbara Bolding

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.

MINUTESHalfmoon 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

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

March 18, 2024

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

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

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

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

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

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 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 SCR D 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 SCR D 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.

NEW BUSINESS

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING April 23, 2024

ADJOURNMENT 9:15 p.m.