



PUBLIC HEARING INFORMATION BINDER

Zoning Amendment Bylaw No. 722.9 & 337.123

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TAB 1

BOARD RESOLUTION TO HOLD THE PUBLIC HEARING

BOARD RESOLUTION TO HOLD PUBLIC HEARING

Resolution 112/24 adopted on April 25, 2024.

Recommendation No. 4 *Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123*

THAT the report titled Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 be received for information;

AND THAT *Sunshine Coast Regional District Zoning Amendment Bylaw No. 722.9 and 337.123* be forwarded to the Board for Second Reading;

AND THAT a Public Hearing to consider *Sunshine Coast Regional District Zoning Amendment Bylaw No. 722.9 and 337.123* be scheduled;

AND THAT the Public Hearing be conducted as a hybrid meeting allowing the public to attend in-person or virtually;

AND FURTHER THAT Director Stamford be delegated as the Chair and Director Gabias be delegated as the Alternate Chair to conduct the Public Hearing.

TAB 2

STAFF REPORTS INCLUDING THE PROPOSED BYLAWS

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – July 20, 2023

AUTHOR: Alana Wittman, Planner 2

Julie Clark, Senior Planner

**SUBJECT: 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**

RECOMMENDATION(S)

- (1) 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;**
- (2) AND THAT Zoning Bylaw No. 722.9 and 337.123 be considered for First Reading;**
- (3) AND FURTHER THAT Zoning Bylaw No. 722 and 337 be referred to agencies and Advisory Planning Commissions for comment.**

BACKGROUND

The purpose of this report is to present amendments to Zoning Bylaw 722 and 337 to the Board for consideration of First Reading.

The proposed housekeeping amendments will:

1. Align with Provincial legislative requirements and guidelines;
2. Operationalize OCPs; and
3. Enhance consistency, clarity, and efficiency in the development approvals process.

These amendments were identified through the Sunshine Coast Regional District (SCRD) Planning Enhancement Project 2 (PEP2). PEP2 is a multi-year project to review and update the SCRD's Official Community Plans (OCP) and all related bylaws and policies that operationalize the OCPs.

An update on this project, including reference to forthcoming proposals for emergency micro-policy amendments, was provided to the May 18 Electoral Areas Services Committee. Several emergency policy fixes are underway. SCRD recently repealed the Board Policy on Geotechnical Risk as it was outdated and misaligned with current Provincial Geotechnical best practices. Additionally, an OCP Amendment Board Policy is under development to foster best practices in developing and reviewing OCP amendment applications.

Policy Context

SCRD land use policies (OCPs) express a strong commitment to protecting sensitive ecological areas, which is not fully operationalized through the zoning bylaws. In proposing to fix this gap,

the zoning amendments would implement a key element of the community's vision. This fix has significant benefit to the community and SCRD: by protecting green infrastructure, we strategically foster climate resilience and mitigate organizational risk.

Clarity & Efficiency

In addition, the proposed amendments enhance efficiency in the development approval process by providing consistency with provincial regulations and guidelines as well as amongst SCRD Electoral Areas. This consistency creates regulatory clarity for developers, property owners, and staff. Such improvements to SCRD's policy framework have been identified as a need through the Development Approvals Process Review (DAPR).

DISCUSSION

Analysis

Currently, SCRD's two Zoning Bylaws 337 and 722 are not aligned with each other or provincial requirements and guidelines when it comes to development regulations related to sites containing or adjacent to waterbodies and watercourses. Of note, both Zoning Bylaw 337 and 722 currently allow for Streamside Protection and Enhancement Areas (SPEAs) to be considered developable area at time of subdivision.

SCRD Planning staff have received direct guidance from Provincial Riparian Biologists that zoning amendments to rectify this policy conflict are required. Similarly, Zoning Bylaw 337 and 722 do not consistently apply setbacks from waterbodies and watercourses, and neither bylaw provides adequate protection from development adjacent to SPEAs.

Specific proposed changes include:

1. Parcel area calculation in Bylaw 722 and Bylaw 337;
2. Buffer from SPEA in Bylaw 722 and Bylaw 337; and
3. Enhanced setbacks from waterbodies and watercourses in Bylaw 337.

Proposed Amendment 1: Parcel Area Calculation

Staff propose amendments to Bylaw 722, Section 4.3.1 as well as Bylaw 337, Sections 402 and 404, related to calculating parcel area when subdividing land. The proposed amendment aims to enhance climate resilience through protection of natural assets and reduce the organizational risk of approving proposed lots that are susceptible to increasingly frequent and intense precipitation events (atmospheric rivers). By aligning SCRD policies with provincial regulations and best practices, subdivision application processing times could be reduced by providing clear expectations to applicants and limiting back-and-forth referrals between SCRD Planning and the Provincial Riparian Areas Protection Regulation (RAPR) Team.

Proposed amendment to Bylaw 722, Section 4.3.1:

Current:

The calculation of minimum parcel area shall not include:

- a) Area to be used for community sewer field and equipment;
 - b) Area to be dedicated for public open space, park or returned to the Province, except as permitted by the *Strata Property Act*; or
 - c) Area to be dedicated as a highway
-

Proposed Add:

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

Proposed amendment to Bylaw 337, Section 402

Current:

The minimum parcel area shall be determined by:

- (1) the minimum average parcel size, the minimum individual parcel size, the minimum usable parcel area and other subdivision options in the applicable subdivision district;
- (2) the minimum site area required under this bylaw for the intended use of the parcel;
- and
- (3) the servicing requirements applying to the parcel.

Proposed Add:

- (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 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*.

Proposed amendment to Bylaw 337, Section 404:

Current:

The calculation of average parcel area shall not include land:

- (a) used or dedicated for public open space, park, returned to crown, highway, or community sewer field and equipment; or
- (b) lying beneath a waterbody.

Proposed replacement for (b) and add (c):

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

Precedent for the proposed amendment:

- City of Surrey Zoning Bylaw 12000
- District of Mission Consolidated Zoning Bylaw 2940-2020

Proposed Amendment 2: Buffer from Streamside Protection and Enhancement Areas (SPEA)

Staff propose amendments to Bylaw 337, Section 515 and Bylaw 722, Section 5.16 related to protecting the long-term integrity and health of the SPEA. 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.

This proposal results from Planning, Building and Bylaw staff observations that a lack of regulatory clarity contributes to a pattern of land alteration infractions. Land alteration in the SPEA triggers bylaw compliance investigations and remedial development permit processes, which are time consuming and expensive for property owners and staff alike.

The implementation of a mandatory 5m SPEA buffer will provide community clarity around the protection of critical natural assets. To implement the regulation, the following definition is proposed to be added to Bylaw 337 and 722:

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.

The amendment is also aimed at providing more efficient processing of development that is adjacent to a SPEA by setting simplified and consistent regulatory expectations. Moreover, the buffer provides protection to the natural features, functions, and conditions in the SPEA; a critical green infrastructure asset that strengthens the region's resilience to climate change impacts.

Proposed amendment to Bylaw 337, Section 515:

- Current: There is no SPEA buffer in Bylaw 337 at this time.
- Proposed Add: 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 established SPEA boundary.

Proposed amendment to Bylaw 722, Section 5.16:

- Current: There is no SPEA buffer in Bylaw 722 at this time.
- Proposed Add: No buildings, structures, hardscaping, or any part thereof shall be constructed, reconstructed, moved, located or extended within 5 metres of an established Streamside Protection and Enhancement Areas (SPEA) boundary.

Local government precedent for more robust SPEA protection:

- City of Abbotsford Streamside Protection Bylaw 1465-2005
- City of Coquitlam Zoning Bylaw 3000

Proposed Amendment 3: Setback from Waterbodies and Watercourses

Staff propose amendments to Bylaw 337, Section 515(1)(a), Section 515(1)(d), and Section 515(1)(e). The proposed amendments are consistent with Zoning Bylaw 722, Section 5.16 setbacks for waterbodies and watercourses. The amendment would promote clear and consistent setback regulations from waterbodies and watercourses across SCRD Electoral

Areas. Further, the proposed amendment would strengthen property protection from flooding and facilitate environmental protection, public enjoyment of natural coastline, and reconciliation. These regulations would align with provincial guidelines and best practices and enhance SCRD's approach to building climate resilience and mitigating risk from climate change. This regulatory consistency and enhanced alignment with provincial guidelines and best practices is also envisioned to further enhance SCRD's ability to streamline development approvals.

Proposed amendment to Bylaw 337, Section 515(1)(a):

- Current: 7.5 m of the natural boundary of the ocean
- Proposed Replacement: 15 m of the natural boundary of the ocean

Proposed amendment to Bylaw 337, Section 515(1)(d):

- Current: 7.5 m of the natural boundary of a swamp or pond;
- Proposed Replacement: 17 m of the natural boundary of a swamp or pond;

Proposed amendment to Bylaw 337, Section 515(1)(e):

- Current: 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, Loquills Creek, Tsuadhdhi Creek, Osgood Creek; or 15 metres of the natural boundary of all other watercourses.
- Proposed Replacement: 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, Loquills Creek, Tsuadhdhi Creek, Osgood Creek; or 17 metres of the natural boundary of all other watercourses.

Precedent for the proposed amendment:

- SCRD Zoning Bylaw 722
- District of Sechelt Zoning Bylaw 580
- South Cowichan Zoning Bylaw 3520
- Comox Valley Zoning Bylaw 520

Options

Option 1 Proceed with First Reading for all proposed amendments (staff recommendation)

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. Accordingly, staff believe these amendments should be implemented as soon as possible during this early stage of PEP2.

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

Any proposed amendments that do not move to First Reading now will be revisited during future Official Community Plan renewal work associated with PEP2.

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 Bylaw 337 and 722 seek alignment with Provincial regulations and guidelines.

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 and planning staff.

Timeline for next steps or estimated completion date

If the Board gives the proposed bylaws First Reading, staff propose to engage with the Advisory Planning Commissions (APCs) and conduct public engagement via Let's Talk throughout Q3, 2023. Following APC and public engagement, consideration of Second Reading would be brought forward in a future staff report. This report would also contain recommendations on whether a public hearing should be held or if consideration should be given to waiving the public hearing, per Section 464(2) of the *Local Government Act*. Third Reading, and Bylaw Adoption are targeted for Q4, 2023.

Communications Strategy

A communications plan is in development.

STRATEGIC PLAN AND RELATED POLICIES

This initiative/proposal can be seen as supporting Strategic Focus Area 4: Climate Change and Resilience in the Board's 2019 – 2023 Strategic Plan.

CONCLUSION

Housekeeping amendments are proposed for Zoning Bylaw 337 and 722. The proposed amendments provide measures to strengthen protection of ecologically sensitive areas including watercourses, and shorelines within SCRD. 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 that are aligned with Provincial best practices. 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. These amendments are therefore recommended to advance in this early stage of PEP2 work. Staff recommend proceeding with First Reading for the proposed amendments.

ATTACHMENT

Appendix A – Amendment Zoning Bylaw No. 722.9

Appendix B – Amendment Zoning Bylaw No. 722.9

Reviewed by:			
Manager	X – J. Jackson	Finance	
A/GM	X – R. Shay	Legislative	
CAO		Risk Management	X – V. Cropp

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 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) 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

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 established SPEA boundary.

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, Tsuadhdi Creek, Osgood Creek; or 17 metres of the natural boundary of all other watercourses.

PART C – ADOPTION

READ A FIRST TIME this	####	DAY OF,	YEAR
READ A SECOND TIME this	####	DAYOF,	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. 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 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 Streamside Protection and Enhancement Areas (SPEA) boundary.

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 ##### DAY OF, YEAR

READ A SECOND TIME this ##### DAYOF, 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
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.
-

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 SCRD 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 SCRD's electoral areas.

Currently, the SCRD'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 SCRD 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
Skw̓wú7mesh Úxwumixw	No comment on the proposed amendments.
Ministry of Water, Land and Resource Stewardship (MWLRS) - Aquatic Ecosystems Branch, Water, Fisheries, and Coast Division	<p>Definitions (Bylaw 722 & 337):</p> <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. <p>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.</p> <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. <p>Under area calculation <i>proposed add</i> on page 5/13:</p> <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. <p>Under <i>proposed amendment to Bylaw 337, Section 402 proposed add</i> on page 5/13:</p> <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. <p>Under <i>proposed replacement for (b) and add (c)</i> on page 5/13:</p> <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. <p>Proposed additions to the bylaws include the following language:</p>

	<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><u>Proposed amendment to Bylaw 337, Section 515(1)(d):</u></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.
MWLRS - Water Sustainability Division	Referral was sent on December 11, 2023. No comments received at time of report writing.
Department of Fisheries and Oceans (DFO) – Ecosystems Management Branch	<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.
shíshálh 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 SCRD.

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 27TH 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

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 27TH 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

TAB 3

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Zoning Amendment Bylaw No. 722.9 and 337.123

Notice is given that the Sunshine Coast Regional District (SCRD) Board will hold a Public Hearing in accordance with Section 466 of the *Local Government Act* to consider Zoning Amendment Bylaw No. 722.9 and 337.123 on:

Date	Monday, June 24, 2024
Time	7:00 PM
Location	Hybrid Public Hearing with options to participate in-person at the SCRD Administrative Office (1975 Field Road, Sechelt) or electronically (ZOOM)

Purpose of the Bylaws

Amendments to Zoning Bylaw 337 and 722 are proposed to bring SCRD zoning bylaws into alignment with provincial legislation and guidelines, while strengthening the protection of watercourses and ocean shorelines within the Electoral Areas.

More information on the proposed bylaw is available for inspection electronically at www.scrd.ca/public-hearings or physically at the SCRD Office located at 1975 Field Road, Sechelt, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday, excluding statutory holidays, beginning June 14 until June 24, 2024.

Attending the Public Hearing

The Public Hearing will be conducted in a hybrid format to provide members of the public with an option to attend in-person at the SCRD Field Road office or electronically via ZOOM. To attend and participate electronically, you will need to run the ZOOM app on your device (computer, tablet, phone) or dial in from a telephone. A viewing-only option is also available via the live stream of the Public Hearing on YouTube.

More information on how to attend the Public Hearing, including the ZOOM and YouTube links, is available for review at www.scrd.ca/public-hearings.

Written Submission

All persons who consider their interest to be affected by the proposed bylaw will be given reasonable opportunity to be heard at the Public Hearing, or to provide written submissions for the public record, respecting matters contained in the bylaws. Please note:


- Written submissions received by the SCRD on or before 12:00 PM (noon) on June 24, 2024, will form part of the Public Hearing record and be considered by the Board;
- After 12:00 PM (noon) on June 24, 2024, written submissions will only be considered by the Board if read out at the Public Hearing.

Written submissions must be delivered only by using any of the following methods. Submissions to any other addresses, email addresses or fax numbers will not be accepted.


- **Hand delivery or mail:** Submissions must be addressed only to: Planning Department, Sunshine Coast Regional District, 1975 Field Road, Sechelt, BC, V7Z 0A8
- **Email:** Submissions must be sent only to publichearings@scrd.ca
- **Fax:** 604-885-7909

TAB 4

NEWSPAPER ADS



FRAN MILLER
Licensed Realtor




GOOD PEOPLE
REALTY GROUP

GoodPeopleGroup.com
604-741-2240 • Hello@GoodPeopleGroup.com



KELLY RIGGINS
Licensed Realtor



DARIA ANICO
Unlicensed Assistant

Open House - Saturday June 15th, 12:00 PM - 1:30 PM

New Listing!



Charming 2/3 Bed, 2 bath 1600 sf Rancher with a large shop is a private oasis tucked away in your own park-like setting in the Bay area. A lovely landscaped large lot with a generous garage/shop tucked away at the back. You'll love the perfect location on quiet street, a stone's throw to Franklin Beach, popular Harmony Hall and easy walk to seawall the Public Market, Marina and all lower Gibsons amenities.

283 Cochrane Road, Gibsons

\$1,129,000

Open House - Saturday June 15th, 12:00 PM - 1:30 PM

New Listing!



Terrific home in central Gibsons. Stylish 4 bedroom view home meets all your needs. 10 foot ceilings with bright open concept. Hardwood floors, 2 gas fireplaces, luxurious ensuite off master. Down stairs features perfect 2 bedroom in-law accommodations with private patio, private office space with outside entry. 2 single garages.

729 School Road, Gibsons

\$1,395,000



NOTICE OF PUBLIC HEARING

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Hybrid Public Hearing with options to participate in-person at the SCRD Administrative Office (1975 Field Road, Sechelt) or electronically (ZOOM).

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All persons who consider their interest to be affected by the proposed bylaw will be given reasonable opportunity to be heard at the Public Hearing, or to provide written submissions for the public record, respecting matters contained in the bylaws. Please note:

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- **Hand delivery or mail:** Submissions must be addressed only to: Planning Department, Sunshine Coast Regional District, 1975 Field Road, Sechelt, BC, V7Z 0A8
- **Email:** Submissions must be sent only to publichearings@scrd.ca
- **Fax:** 604-885-7909

TAB 5

**WRITTEN SUBMISSION RECEIVED IN
RESPONSE TO THE NOTICE OF PUBLIC
HEARING**

Ticket Subject: Proposed Riparian Zone Amendments

History

Wed Jun 12 11:47:10 2024 **Shaundehi Runka** - Ticket created

From: "Shaundehi Runka"

To: "publichearings@scrd.ca" <publichearings@scrd.ca>

Subject: Proposed Riparian Zone Amendments

Date: Wed, 12 Jun 2024 18:32:18 +0000

SCRD staff have proposed long overdue zoning amendments to protect riparian zones in the region. It is difficult to believe that this is only now being considered. I encourage the elected officials to proceed with these amendments immediately. One concern I have is the suggestion that landscaping and gardens will be an acceptable use in the setback zones. These uses involve land clearing, removing native plants and have just as much negative impact on the riparian zone as constructing a building. In addition, amendments and fertilizers as well as the planting of invasive horticultural species that move into native landscapes is a concern. Please reconsider this use within the setback zone and keep the area as natural as possible to ensure our waterways and the immediate environment that they travel through are as healthy and intact as possible.

Thank you

Shaundehi Runka

Gibsons BC