

**SUNSHINE COAST REGIONAL DISTRICT**  
**ELPHINSTONE (AREA E)**  
**ADVISORY PLANNING COMMISSION MEETING AGENDA**  
Tuesday, March 26, 2024 at 7:00 p.m.

Frank West Hall, 1224 Chaster Road, Elphinstone, BC

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**CALL TO ORDER**

**ELECTION OF CHAIR AND VICE CHAIR**

**AGENDA**

1. Adoption of the Agenda

**DELEGATIONS**

**MINUTES**

- |   |             |
|---|-------------|
| 2. Elphinstone (Area E) APC Minutes of September 26, 2023                       | Pages 1 - 3 |
| 3. Egmont/Pender Harbour (Area A) APC Minutes of September 27, 2023             | pp 4 - 5    |
| 4. Halfmoon Bay (Area B) APC Minutes of September 26, 2023                      | pp 6 - 7    |
| 5. Roberts Creek (Area D) APC Minutes of September 18, 2023 & February 19, 2024 | pp 8 - 12   |
| 6. West Howe Sound (Area F) APC Minutes of September 26, 2023                   | pp 13 - 15  |

**BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS**

**REPORTS**

- |  |            |
|--|------------|
| 7. Amendment Zoning Bylaw No. 722.9 And 337.123 - Watercourse and Shoreline Protection | pp 16 - 23 |
|--|------------|

**NEW BUSINESS**

**DIRECTORS REPORT**

**NEXT MEETING**

**ADJOURNMENT**

## SUNSHINE COAST REGIONAL DISTRICT

### AREA E – ELPHINSTONE ADVISORY PLANNING COMMISSION

September 26, 2023

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

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<b>PRESENT:</b>	Chair	Mary Degan
	Members	Laura Macdonald Nara Brenchley (by zoom) Arne Hermann Clinton McDougall Anthony Paré Michael Sanderson
	Guest	Hermann Ziltener (Elphinstone community Association and Reed Road Forest Working Group)
<b>ALSO PRESENT:</b>	Electoral Area E Director	Donna McMahon Non-Voting Board Liaison (by zoom)
	Recording Secretary	Vicki Dobbyn

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**CALL TO ORDER** 7:02 p.m.

#### **AGENDA**

The agenda was adopted as circulated.

#### **MINUTES**

Elphinstone (Area E) APC Minutes of July 26, 2023 were approved as circulated.

#### **BUSINESS ARISING FROM THE MINUTES:**

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

The Area E APC recommended that the SCRD hold a meeting of all APCs about the regional growth strategy.

*There are questions about if and when the APC minutes go to senior planning staff at the SCRD. There needs to be a communication loop between APCs and planning staff to convey and respond to recommendations and questions.*

**Recommendation No. 2**      *Regional Growth Framework Baseline Research*

The Area E APC recommended that Chair Mary Degan re-send recommendations #1, #2 and #3 from the July 26 Area E APC meeting to SCRD to forward to the appropriate staff in the Planning Department.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of July 26, 2023
- Halfmoon Bay (Area B) APC Minutes of July 25, 2023
- Roberts Creek (Area D) APC Minutes of July 17, 2023
- West Howe Sound (Area F) APC Minutes of July 25, 2023

**REPORTS****Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027****Keys points of discussion:**

- Guest Hermann Ziltener reported that BC Timber Sales (BCTS) commissioned a 240 page Hydrology Report on Mount Elphinstone to support their case that they can continue logging the slopes above the town. The Reed Road Forest Working Group of the Elphinstone Community Association reviewed this report and created an 8 page rebuttal that makes three recommendations: no logging above aquifers 560 and 552, a moratorium on resource extraction, and development of a water sustainability plan by local governments.
- Thanks to the hydrology study, our creeks now have been accurately mapped but BCTS does not have expertise in hydrogeology so the report doesn't cover impacts to our aquifers. It is also based on poor data, since many registered wells are not identified on the province's database, which is outdated and inaccurate. The risk assessment is also not credible as it does not take into account what will happen as a result of adverse climate events.
- Who should be responsible for doing the risk assessment? Is there any legal framework for who should do assessments?
- Logging in our community's drinking watershed is not acceptable. 0519 is in the middle of aquifer recharge area.
- Watershed protection initiatives do not protect from logging; a change in the land use designation is needed to prevent logging. Local government has no control over activities on crown land. We used to have watershed reserves set up, but 20 years ago protection was removed from them, so they can be logged.
- Consider storm water management
- The BCTS report comes out with a 5-year plan and typically the SCRD and public complain and are then ignored.
- Concerns are not just drinking water; logging also endangers salmon
- Some cut blocks are outside watershed
- Annual allowable cut means the maximum but it is treated as the annual minimum cut.
- Would like to see a reference map where the cut blocks are, it is very cumbersome to have to go to the BCTS website.
- Question was raised - can a local municipality (SCRD) control logging through land use designations in the Official Community Plan (OCP) and/or Land Use Bylaw? Consensus of ACP members was that BCTS does not have to adhere to local regulations, that is, there is no local control of logging activities. Unless local

municipalities have some measure of local regulatory control then there are no means other than through political or public pressure to control logging activities.

**Recommendation No.3**      *Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027*

The Area E APC recommended that the staff analyses and recommendations be supported;

AND THAT the staff analyses and recommendations be sent directly to the MLA, the Minister responsible, and the Premier.

**Recommendation No. 4**      *Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027*

The Area E APC recommended that the SCRD expand their areas of concern in response to the report to include climate resilience against forest fires, protection of wildlife, salmon and other fish, and promotion of biodiversity.

**Recommendation No. 5**      *Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027*

The Area E APC recommended that the SCRD advocate to resume the protection of the watershed from logging by the redesignation of land use so watersheds are protected in perpetuity.

**Recommendation No. 6**      *Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027*

The Area E APC recommended that the SCRD advocate to require provincial agencies such as BC Timber Sales to adhere to local land use designations, recognizing that the SCRD is responsible for providing water but does not have the power to protect it.

## **NEW BUSINESS**

**Recommendation No. 7**      *Block D Development Application*

The Area E APC recommended that staff include the Block D development application in the next meeting agenda as it meets the criteria for APC consideration with over 10 lots in the proposed subdivision.

## **DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      Tuesday October 24, 2023 at 7:00 p.m.

**ADJOURNMENT**      8:25 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

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

September 27, 2023

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RECOMMENDATIONS FROM THE AREA "A" ADVISORY PLANNING COMMISSION MEETING HELD  
AT PENDER HARBOUR SECONDARY SCHOOL, 13639 SUNSHINE COAST HIGHWAY, MADEIRA  
PARK, BC

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

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

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

#### MINUTES

##### Area A Minutes

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

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of July 25, 2023
- Roberts Creek (Area D) APC Minutes of July 17, 2023
- Elphinstone (Area E) APC Minutes of July 26, 2023
- West Howe Sound (Area F) APC Minutes of July 25, 2023

#### BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

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

## REPORTS

### **Recommendation No.1**      Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027

The Area AAPC recommended that the SCRD's response to BCTS referral be supported as follows:

“THAT SCRD does not support the logging and construction of McNR005

AND THAT SCRD recommends that in advance of proposing/ engineering cut blocks on Mount Elphinstone near Roberts Creek, that a review of the cumulative impact to ground water resources of Aquifer 555 by qualified experts selected by Local Government water service providers be completed. Historical and any proposed forestry activities for the next 5 years, and climate change considerations should be considered as part of such assessment.

AND THAT BCTS completes a Watershed Assessment for the Roberts Creek watershed prior to auctioning of the proposed cut blocks.

### CONCLUSION

SCRD received forestry referrals from BC Timber Sales regarding the 2023-2027 Operating Plan. SCRD analysis shows potential impact to drinking water services, and increased risk of flooding and sediment transfer which could impact downstream SCRD assets.

SCRD has and will continue to emphasize strong concern to BCTS regarding cumulative impacts to:

- Downstream private property owners' stormwater impact
- Downstream public assets, such as roads, parks, watermain, and creeks
- Regional and provincial emergency response requirements for stormwater impact such as recent events in Fall of 2021.

SCRD has and will continue to advocate for:

- A proactive, landscape-level, multidisciplinary, cumulative impact assessment framework;
- Climate change informed, climate-resilient forest planning that recognizes and values local forests as local assets that protect against increasing climate impacts.”

Area AAPC feels that the SCRD should protect all areas whether they have any assets in the area.

## DIRECTOR'S REPORT

No Director's Report

**NEXT MEETING**      October 25, 2023

**ADJOURNMENT**      7:30 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

### HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION

September 26, 2023

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

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<b>PRESENT:</b>	Chair	Nicole Huska (Recorder)
	Members	Len Coombes Ellie Lenz Alda Grames Kelsey Oxley Kim Dougherty
<b>ALSO PRESENT:</b>	Director, Electoral Area B	Justine Gabias (Non-Voting Board Liaison)
<b>PUBLIC</b>		1
<b>ABSENT:</b>	Members	Barbara Bolding Suzette Stevenson Matt Garmon

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**CALL TO ORDER** 7:04 p.m.

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

#### MINUTES

##### Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of July 25, 2023 were approved as corrected to reflect that Kim Dougherty was in attendance at the meeting.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of July 26, 2023
- Roberts Creek (Area D) APC Minutes of July 17, 2023
- Elphinstone (Area E) APC Minutes of July 26, 2023
- West Howe Sound (Area F) APC Minutes of July 25, 2023

*The Halfmoon Bay (Area B) APC found it interesting that there are commonalities in the responses across the APCs with regards to Development Application process changes. The HMB APC feels additional training and better, clearer definitions would be of great utility to all.*

## REPORTS

Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027

**Recommendation No.1**      *Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027*

The Area B APC recommended that the report put forward by SCRD staff, in particular advocating for “a proactive, landscape-level, multidisciplinary, cumulative impact assessment framework” and the conclusions reached regarding cumulative water management, be supported.

## DIRECTOR’S REPORT

The Director’s report was received.

**NEXT MEETING**      Tuesday, October 24, 2023 via Zoom

**ADJOURNMENT**      7:38 p.m.



## SUNSHINE COAST REGIONAL DISTRICT

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

September 18, 2023

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RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING  
COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

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<b>PRESENT:</b>	Chair	Mike Allegretti
	Members	Meghan Hennessy Chris Richmond Bob Hogg Erik Mjanes Gerald Rainville
<b>ALSO PRESENT:</b>	Vicki Dobbyn	Recording Secretary
<b>REGRETS</b>	Electoral Area D Director	Kelly Backs (Non-Voting Board Liaison)

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**CALL TO ORDER** 7:07 p.m.

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

#### MINUTES

The Roberts Creek (Area D) APC Minutes of July 17, 2023 were approved as circulated.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of July 26, 2023
- Halfmoon Bay (Area B) APC Minutes of July 25, 2023
- Elphinstone (Area E) APC Minutes of July 26, 2023
- West Howe Sound (Area F) APC Minutes of July 25, 2023

#### REPORTS

Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027

#### Key Points of Discussion:

- No major concerns, appears there is less cutting.
- It was good to see ground water protection and storm water management being addressed.
- There needs to be recognition that the forest has other values besides fiber.

- What is missing in identifying the impacts of logging is the reliance on tourism for the local economy, as the forest is a big draw for mountain biking, hiking, and camping. There is also heavy use of forested areas by local residents for recreation.
- Also missing is more detail on climate change mitigation.
- Agree with the objection to logging due to water protection and wildfire risk.
- Left out of report is that there are many surface water permits and many wells are not identified, so the impact on water is not fully identified.
- MOTI was required to protect a private well during road construction.
- Agree with the report but it not addressing what happened in 2021 with the atmospheric river and floods.
- With few exceptions, most properties above the highway are not on regional water and have had to install expensive systems.
- Fire mitigation in relation to logging is complex and needs to be considered.
- This area that they want to log is really not forest anymore, but instead is an interface between populated residential areas and the natural environment, particularly in Area D. Hundreds of people use this natural environment for recreation. We are more comparable to the North Shore than to more remote areas.
- Consider no cutting at all on the Sunshine Coast, other values have to be considered.

**Recommendation No. 1** *Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027*

The Area D APC recommended that the analyses and recommendations of staff in the report be supported and that the following additions be included:

- Other examples of flooding damage, including Whitaker Creek, Clack Creek, Stephens Creek, Flume Creek, Gough Creek, and others that were affected.
- Recognition of the value of the forest to the local tourism economy and recreational users.
- Climate change and fire mitigation considerations.
- Identification of the numerous water users that are not on regional water and the impact on them by logging.
- An economic case against logging because timber values are currently very low while economic opportunities from an intact forest (tourism, recreation, property values, etc) are all very high, therefore the forest stands to generate more revenue for the Province through tax dollars and a strong local economy through those other drivers, than they do through logging in this area.

## **DIRECTORS REPORT**

No Director's Report was received.

## **NEXT MEETING**

November 20, 7:00 pm, if needed. Location to be announced, possibly Roberts Creek Library

**ADJOURNMENT** 8:07 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

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

February 19, 2024

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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

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<b>PRESENT:</b>	Vice Chair	Meghan Hennessy
	Members	Caroline Tarneaud Francesca Hollander Chris Glew Erik Mjanes
	Electoral Area D Director	Kelly Backs (Non-Voting Board Liaison)
<b>ALSO PRESENT:</b>	Recording Secretary Applicant Property Owners SCRD Planning Staff	Vicki Dobbyn Angela Letman Kathleen Wagler Paul Wagler Sven Koberwitz
<b>REGRETS:</b>		Lesley-Anne Staats Mike Allegretti Robert Hogg
<b>ABSENT:</b>		Chris Richmond James Budd

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**CALL TO ORDER** 7:07 p.m.

#### ELECTION OF CHAIR AND VICE CHAIR

Mike Allegretti was acclaimed as Chair. Meghan Hennessey was acclaimed as Vice Chair.

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

**DELEGATIONS** The applicant, Angela Letman, and property owners Kathleen and Paul Wagler.

#### MINUTES

The Roberts Creek (Area D) APC Minutes of September 18, 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
- Elphinstone (Area E) APC Minutes of September 26, 2023
- West Howe Sound (Area F) APC Minutes of September 26, 2023

## **BUSINESS ARISING FROM THE MINUTES AND NEW BUSINESS**

Regarding the recommendation in the September 18, 2023 minutes to support the staff recommendation that the SCRD respond to BCTS with objection to logging specific blocks, Director Back gave the update that the SCRD did send a letter last week with copy to Minister. The letter asked for BCTS to halt the sale of the block and designate it as protected old growth forest. The Director was referred to Tim Allen on this issue. It was acknowledged that as community members we should continue to be active in communication, correspondence and petitions with this concern.

## **REPORTS**

Roberts Creek Official Community Plan (OCP) Amendment Bylaw 641.15 and Zoning Amendment Bylaw 722.8

### **Key Points of Discussion:**

- The applicant Angela Letman reported on the process to date that has included a public information meeting, consulting with neighbours, and environmental studies. Due to proximity to Malcolm Creek an environmental border has been established. Ms. Letman presented a map as reference for the application.
- The history of the lot was reviewed with the explanation that it was originally two lots, but was consolidated to accommodate a level site on which to build a one level accessible home for the property owners. It is now proposed to subdivide it with a border different from the original one, to establish separate properties for the original dwelling and the recently built accessible dwelling.
- Some of the neighbours' feedback was concern about precedent setting. There is actually no precedent consideration in local government decisions, however, there is a possibility it could encourage other people to apply for subdivision. Another concern was about development but there is no additional development planned.
- It was acknowledged that this a unique situation as the lot was originally subdivided.

**Recommendation No. 1**      *Roberts Creek Official Community Plan (OCP) Amendment Bylaw 641.15 and Zoning Amendment Bylaw 722.8*

The Area D APC recommended that the application as presented be supported recognizing it should not be precedent setting due to the unique situation of reestablishing two lots, and recognizing as well as the specific intent to sell the home to the existing tenants.

**Recommendation No. 2**      *Roberts Creek Official Community Plan (OCP) Amendment Bylaw 641.15 and Zoning Amendment Bylaw 722.8*

The Area D APC recommended that an additional public information meeting is not necessary for this application.

## **DIRECTORS REPORT**

No Director's Report was received.

## **NEXT MEETING**

Monday, March 18, 2014, 7:00 pm, at Roberts Creek Library

Meetings will be on the third Monday of the month at 7:00 pm, except for May when this falls on Victoria Day. In May, the meeting will be held on the fourth Monday, May 27.

**ADJOURNMENT** 8:30 p.m.

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## SUNSHINE COAST REGIONAL DISTRICT

### AREA F – WEST HOWE SOUND ADVISORY PLANNING COMMISSION

September 26, 2023

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

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<b>PRESENT:</b>	Chair	Susan Fitchell
	Members	Kevin Healy Ryan Matthews Jonathan McMorran Miyuki Shinkai Katie Thomas
<b>ALSO PRESENT:</b>	Recording Secretary	Diane Corbett
<b>REGRETS:</b>	Director, Electoral Area F Member	Kate-Louise Stamford
		Tom Fitzgerald

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

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

#### MINUTES

##### West Howe Sound (Area F) Minutes

The West Howe Sound APC minutes of July 25, 2023 were approved as circulated.

*Chair Fitchell announced she was present at the last meeting via her phone, but could not speak. Chair Fitchell clarified for APC members that, if they wished to comment on agenda referral items but were unable to attend the meeting, comments could be sent directly to the Planning Office Assistant.*

##### Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of July 26, 2023
- Halfmoon Bay (Area B) APC Minutes of July 25, 2023
- Roberts Creek (Area D) APC Minutes of July 17, 2023
- Elphinstone (Area E) APC Minutes of July 26, 2023

## REPORTS

### Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027

The APC discussed the staff report and the online mapping regarding BC Timber Sales Operating Plan (CRN00155) 2023-2027.

The following points were noted:

- Importance of riparian areas.
- “Incredible” numbers of salmon observed this summer.
- A key factor to consider, found on page 4 of the staff report:
  - “The Hillside-Port Mellon OCP includes the following objective related to land use:
    - 2.1. To protect development from hazardous conditions in the form of land slip, erosion, flooding and debris torrents.
    - 2.2 To protect valuable fish and wildlife habitat areas associated with McNair and Dakota Creeks, Mohawk Creek, the Rainy River and the ocean foreshore.
    - 2.3 To satisfy the requirements of the provincial Fish Protection Act, in particular the Riparian Areas [Protection] Regulation, with respect to protecting fish habitat.”
- Concerns regarding where Block MCNR002 is situated between McNair and McNab slopes. Would like to see some extra care taken. Concerns regarding logging practices on steep hillsides in that area. McNair and Dakota are known as having flash floods.
- Happy that we get a chance to make comment on the BC Timber Sales Operating Plan.

### **Recommendation No. 1**     *Block McNR0005*

The Area F APC recommended that the draft recommendation on Block McNR0005 presented in the staff report be supported as follows:

The SCRD does not support the logging of McNR0005 due to it being located within a Community Watershed, as well as the potential impact to downstream SCRD assets of the Dakota Creek berm and Hillside Industrial Park.

### **Recommendation No. 2**     *Blocks ELPH010 and ELPH008*

The Area F APC recommended that the draft recommendation on Blocks ELPH010 and ELPH008 presented in the staff report be supported as follows:

SCRD recommends that in advance of proposing/engineering cutblocks on Mount Elphinstone near Roberts Creek, that a review of the cumulative impact to ground water resources of Aquifer 555 by qualified experts selected by Local Government water service providers be completed. Historical and any proposed forestry activities for the next 5 years, and climate change considerations should be considered as part of such assessment.

SCRD is concerned about the cumulative impacts of resource activity, including deforesting, that is proposed on or near Aquifer 555, which supports private wells who are not within the SCRD Regional Water Service Area and thus do not have access to other sources of water.

SCRD understands that BCTS is undertaking a Watershed Assessment for the Roberts Creek area and recommends the implementation of findings prior to the auctioning of these lots.

**Recommendation No. 3**      *Blocks GRAN011 and MCNA002*

The Area F APC recommended that the comment on Blocks GRAN011 and MCNA002 presented in the staff report be supported as follows:

The SCR D does not have any services or assets that would be impacted by this proposed cutblock.

*Block MCNR002: Before the Area F APC can make a recommendation regarding Block MCNR002, the Area F APC would like clarification regarding whether the location is a mapping error and whether the cutblock was in an earlier Operating Plan.*

**DIRECTOR'S REPORT**

There was no Director's Report.

The Area F APC would like to receive the Director's report on an update regarding the Hopkins Landing wharf.

**NEXT MEETING**      Tuesday, October 24, 2023

**ADJOURNMENT**      8:15 p.m.



## **SUNSHINE COAST REGIONAL DISTRICT STAFF MEMO**

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**TO:** Advisory Planning Commissions

**AUTHOR:** Alana Wittman, Planner II

Julie Clark, Senior Planner

**SUBJECT:** AMENDMENT ZONING BYLAW No. 722.9 AND 337.123 - WATERCOURSE AND  
SHORELINE PROTECTION

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### **RECOMMENDATIONS**

**THAT** the report titled Amendment Zoning Bylaw No. 722.9 And 337.123 - Watercourse and Shoreline Protection be received;

**AND THAT** the Advisory Planning Commissions review and if desired, provide updated and/or new recommendation(s) to SCRD Board.

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The Sunshine Coast Regional District (SCRD) is making essential updates to Zoning Bylaw 722 and 337 to align with provincial legislation and community values expressed in Official Community Plan policy objectives regarding watercourse and shoreline protections.

In July 2023 (Area A, B, E, F) and September (Area D) the Advisory Planning Commissions (APCs) were referred proposed Zoning Bylaw Amendments 722.9 and 337.123 regarding watercourse and shoreline protection for comment. APC minutes included requests for a workshop and/or more information on riparian regulations and their implementation through zoning bylaws.

APCs reviewed the staff report on this proposal in the July/September 2023 meetings. Minutes are available on the SCRD website for review: <https://www.scrd.ca/apc>

Staff are referring the proposed amendment back to the APCs, following the APC workshop (March 13<sup>th</sup>, 2024) and before taking the proposed bylaw amendments forward to SCRD Board for second reading (Spring 2024). Additional or amended recommendations are welcome and will be compiled with feedback from other referral agencies to guide SCRD Board decision making.

Please see the attached staff report.

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**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.**

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### 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, Loquilts Creek, Tsuadhdi 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, Loquilts Creek, Tsuadhdi 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