

SUNSHINE COAST REGIONAL DISTRICT
ROBERTS CREEK (AREA D)
ADVISORY PLANNING COMMISSION MEETING AGENDA
Monday, March 18, 2024 at 7:00 p.m.

Roberts Creek Library Reading Room, 1044 Roberts Creek Road, Roberts Creek, BC

CALL TO ORDER

AGENDA

1. Adoption of the Agenda

DELEGATIONS

MINUTES

2. Roberts Creek (Area D) APC Minutes of February 19, 2024 Pages 1 - 3
3. Egmont/Pender Harbour (Area A) APC February 28, 2024 Meeting Cancelled
4. Halfmoon Bay (Area B) APC February 27, 2024 Meeting Cancelled
5. Elphinstone (Area E) APC February 27, 2024 Meeting Cancelled
6. West Howe Sound (Area F) APC February 27, 2024 Meeting Cancelled

BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS

REPORTS

7. Amendment Zoning Bylaw No. 722.9 And 337.123 - Watercourse and Shoreline Protection pp 4 - 11

NEW BUSINESS

DIRECTORS REPORT

NEXT MEETING

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT

ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION

February 19, 2024

RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION MEETING HELD AT ROBERTS CREEK LIBRARY READING ROOM LOCATED AT 1044 ROBERTS CREEK ROAD, ROBERTS CREEK, BC

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

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 STAFF MEMO

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

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.

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 13th, 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

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, 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