

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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

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**SUBJECT:** **AMENDMENT ZONING BYLAW No. 722.9 AND 337.123 CONSIDERATION OF THIRD READING AND ADOPTION**

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### RECOMMENDATIONS

- (1) THAT the report titled Amendment Zoning Bylaw No. 722.9 and 337.123 Consideration of Third Reading and Adoption be received;**
  - (2) AND THAT Amendment Bylaw No. 722.9 and 337.123 be forwarded to the Board for consideration of Third Reading and Adoption.**
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### BACKGROUND

Amendments to Sunshine Coast Regional District (SCRD) Zoning Bylaws 337 and 722 have been proposed to:

- ensure alignment with provincial legislation for freshwater riparian areas, and professional geoscience guidance supplied by the province for risk mitigation at ocean shorelines.
- include the option of a buffer setback to Streamside Protection and Enhancement Areas.
- achieve the additional goal to standardize regulations across the SCRD's two zoning bylaws, which aligns with recommendations in the Development Approvals Process Review (DAPR).

On April 25, 2024, the SCRD Board adopted the following resolution:

**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.

The purpose of this report is to bring forward the feedback from the public hearing, and for the Board to consider Third Reading and Adoption of Amendment Zoning Bylaw 722.9 and 337.123.

## **DISCUSSION**

### *Public Engagement*

Public engagement on the proposed zoning amendments for riparian and shoreline areas began in summer 2023, following First Reading, with the launch of a Let's Talk page and an Advisory Planning Commission (APC) referral. In spring 2024, an APC workshop on the proposed bylaw amendments was delivered, followed by a second APC referral before Second Reading. After Second Reading, the Let's Talk page was updated to provide further information in advance of the public hearing. A public information meeting was hosted on July 4, 2024, and public hearing on July 16, 2024.

In addition, a public information campaign was launched in spring 2024 to raise awareness and answer frequently asked questions about riparian areas. The campaign aimed to increase general community knowledge of riparian areas and to support understanding of the forthcoming public engagement on the proposed amendments.

### Let's Talk - Project Information Page

A Let's Talk engagement page with information on the proposed amendments has been live since summer 2023. The page has been updated at each key process milestone and includes resources to support public understanding of the proposed amendments.

Resources have included:

- Overview of the proposed amendments and upcoming engagement opportunities;
- Document library, including the bylaw reading reports and draft bylaw amendments;
- Process timeline which outlined key milestones including readings, referrals, and engagement opportunities;

- Forum for community members to ask questions on the proposed amendments and/or review questions already answered by staff;
- Video where staff explain the proposed amendments in a more visual format; and
- Recording of the public hearing and link to the public hearing information binder.

As of October 29, 2024, the engagement statistics from Let's Talk were:

- 1,800 Let's Talk engagement page visits
- 1,094 video views
- 39 questions asked on the Let's Talk engagement page

#### Public Information Meeting

The public information meeting was held July 4, 2024, to inform the community and answer questions about the proposed amendments. Approximately 56 community members attended the meeting, with representation from all five SCRD electoral areas.

The open house format allowed participants to drop in at their convenience. An information station for each proposed amendment was set up, stocked with information on the specific amendment, supporting material including reference zoning bylaws and provincial legislation, regulations, and professional guidelines. A Planner was positioned at each station to provide community members the opportunity for one-on-one conversations with staff on the proposed amendments. Appendix G provides a summary of the public information meeting.

#### Public Hearing Summary

The public hearing was held at the SCRD Field Road office on July 16, 2024. Approximately 126 members of the public attended the meeting, either in person or electronically. Written submissions received before noon on the day of the public hearing also form part of the public record. A Public Hearing Report, including minutes from the public hearing and all written submissions, is provided in Appendix H.

Table 1 summarizes the main themes from verbal and written submissions and outlines how these comments informed revisions to the proposed bylaw amendment wording.

During community engagement, particularly in the period just before the public information meeting through the public hearing, staff observed frequent misunderstandings in the questions and comments received. In response staff provided factual clarifications to correct misinformation about the proposed bylaw amendments. Below Table 1, clarifications are provided to address these misunderstandings. These issues were also addressed on the Let's Talk page as they emerged.

Table 1 – Summary of comments received and how they were used to inform the bylaw wording

Summary of Key Themes & Comments Received	Response to Key Themes & How They Were Used to Inform Bylaw Wording
<p><b>Opposition to Proposed Amendments:</b> Many residents expressed opposition to the bylaw amendments, citing concerns about the potential impact on private property owners and future land use.</p>	<p>Comments noted.</p>
<p><b>Support for Proposed Amendments:</b> Many residents expressed support for the bylaw amendments, citing the importance of stewarding riparian areas, adapting to climate change, and planning for future generations at both the local and community scale.</p>	<p>Comments noted.</p>
<p><b>Scientific Guidance:</b> Some residents asked if there is scientific basis to justify amending the building setback from the natural boundary of the ocean from 7.5 metres to 15 metres in Bylaw 337.</p>	<p>The BC Government commissioned reports to provide local governments with professional analysis and guidance to assist in developing land use management regulations for flood hazard in coastal areas. These report (listed below) recommend a 15m setback from the ocean as a minimum standard to mitigate risk.</p> <p>BC Government Guidance Reports:</p> <ol style="list-style-type: none"> <li>1. <i>2018 Flood Hazard Area Land Use Management Guidelines</i>; and</li> <li>2. <i>2011 Climate Change Adaption Guidelines for Sea Dikes and Coastal Flood Hazard Land Use - Guidelines for Management of Coastal Flood Hazard Land Use.</i></li> </ol>

<p><b>Applicability:</b> Some residents asked if the proposed amendments are intended for only new development and newly subdivided lots, or all properties?</p>	<p>If the proposed bylaws are approved, any new use or division of land, as well as construction of and alterations to buildings would be subject to the new bylaw regulations.</p>
<p><b>Requests for Regulatory Clarity:</b> Some residents highlighted the complexity of the regulatory framework. Requests were made for the bylaw wording to be as clear as possible to help the community understand what is permitted when developing near freshwater and ocean shorelines.</p>	<p>Revisions to improve clarity have been made to two of the proposed amendments: Parcel Area Calculation (Bylaw 722 &amp; 337) and SPEA Buffer (Bylaw 722 &amp; 337). Appendix C and D show the wording changes to the proposed bylaws since community engagement and second reading.</p>
<p><b>Goals: Environmental Stewardship and Private Property Use:</b> There were two main goals that were apparent in public feedback: long term stewardship of natural systems and assured use of private property.</p>	<p>The recommendations in the staff report respond to both sets of goals, while also considering limiting hazardous risks.</p> <p>To support existing property uses and buildings, legislative planning tools are available in the <i>Local Government Act</i>. These tools include legal non-conforming status and the variance process (see description in the table below).</p> <p>Together, these planning tools allow local governments to pursue legislative compliance, mitigate hazardous risks and strengthen environmental stewardship, while simultaneously facilitating practical outcomes. Enjoyment of established property development can be respected through legal non-conforming status and the variance process can allow consideration of practical solutions for unique properties and circumstances, while ensuring environmental matters and risk and liabilities related to hazardous conditions are appropriately addressed.</p>

<p><b>Ocean Access:</b> Safe and practical access to the ocean front, particularly of concern in Area A</p>	<p>The proposed amendments <u>do not change</u> the permissions or setback requirements in Zoning Bylaw 337 or 722 regarding access or stairways from the natural boundary of the ocean. Specifically:</p> <p><u>Zoning Bylaw 337 (Area A):</u></p> <ul style="list-style-type: none"><li>• Section 515(1) does not restrict access or stairways to the ocean. The section only applies setbacks to <i>buildings</i> (e.g. houses), not <i>structures</i> (e.g. staircases).</li><li>• All zones have parcel line setbacks for <i>buildings</i> and <i>structures</i>. Depending on the scale and design, a staircase would likely be considered a <i>structure</i> and require compliance with the parcel line setback.</li></ul> <p><u>Zoning Bylaw 722 (Area B, D, E &amp; F):</u></p> <ul style="list-style-type: none"><li>• Section 5.16.1 applies setbacks to both <i>buildings</i> and <i>structures</i> from the ocean.</li><li>• Like Bylaw 337, all zones have parcel line setbacks for <i>buildings</i> and <i>structures</i>.</li><li>• Depending on the scale and design, a staircase would likely be considered a <i>structure</i>, triggering both the section 5.16.1 ocean setback and the parcel line setback.</li></ul> <p><u>Variance Approval:</u></p> <ul style="list-style-type: none"><li>• Property owners can apply for a variance to seek exceptions to zoning requirements, including <i>structure</i> setbacks.</li><li>• If a staircase is considered a <i>structure</i> within the setback area, a variance approval is required.</li><li>• The SCRD Board reviews Development Variance Permit applications according to Policy 13-6410-6 and has full discretion in approving or denying them.</li></ul> <p>In summary, if a staircase is considered a <i>structure</i>, then variance approval to reduce setbacks has always been required under Zoning Bylaw 337 and 722. This requirement remains unchanged.</p>
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	<p>Additional notes:</p> <ul style="list-style-type: none"> <li>• The definitions of <i>structure</i> in each zoning bylaw are inconsistent and could be aligned in the future to provide clarity and consistency.</li> <li>• The definitions of <i>structure</i> in each bylaw do not address ocean access needs. This could be considered in the future as part of bylaw renewal – via an exemption for staircases or similar access structures that still maintains regulatory requirements.</li> </ul>
<p><b>Legal Non-Conforming (Existing Buildings and Structures):</b> Concerns were raised about how the amendments would affect existing buildings and structures located within the current and/or proposed zoning bylaw building setbacks.</p>	<p>Legal non-conforming status, as outlined in the BC <i>Local Government Act</i>, allows uses or structures that were lawfully established under previous zoning regulations to continue, even if they no longer fully comply with new regulations.</p> <p>For example, if you own a property with a house that is located within a proposed setback, you can continue to live in, maintain, and renovate your house, provided you do not expand it further into the setback area.</p> <p>The intent of legal non-conforming legislation provisions is that such structures are not replaced as-of-right when they reach the end-of-life. Conformance is expected at some point in the future. If a property owner wishes to seek an exception to the setback requirements, they can apply for variance approval.</p> <p>Legal non-conforming is sometimes referred to as “grandfathering”.</p>
<p><b>Concerns about limiting unique and small properties:</b> Concerns were expressed about the potential limitations on building opportunities for small, irregularly shaped, or hazard-prone properties due to the proposed setback amendments.</p>	<p>The variance process allows property owners the opportunity to seek exceptions/relaxation from some zoning requirements, including setbacks.</p> <p>Owners can seek relief by demonstrating that their variance request aligns with community goals, does not negatively impact the environment or neighboring properties, and is safe for the proposed use.</p> <p>In future, the Board may consider streamlining the variance process by delegating authority to staff to approve certain minor/practical variances when accompanied</p>

	by supporting decision making policy criteria (as recommended in the Development Approval Process Review).
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Clarification on common misunderstandings made in questions and comments received:

- Zoning bylaw setbacks do not remove land from private property.
- The SCRDC does not have authority over the foreshore (land below the highwater mark).
- The SCRDC is a signatory to and named in the *Riparian Area Protection Regulation* and therefore must comply with aligned local regulations.
- Streamside Protection and Enhancement Area (SPEA) do not apply to ocean shoreline zoning bylaw setbacks.
- Building and land alteration are already prohibited within a Streamside Protection and Enhancement Area (SPEA) in SCRDC zoning bylaws, as required by provincial legislation.



*Revisions to Bylaw Wording*

In response to feedback and insights gathered through public engagement, revisions have been made to the proposed bylaw wording to better align with the concerns of residents and improve clarity. The section below outlines where revisions to the bylaw wording were made based on the community input, and where revisions are not recommended in order to meet minimum legislative compliance and professional guidelines.

Appendix A and B provide the proposed bylaw schedules. Appendix C and D provide a track changed versions of the proposed bylaw schedules to transparently show where revisions were made since Second Reading. Appendix E and F provide the relevant sections from Bylaw 722 and 337 with the proposed amendment wording. The aim is to clearly illustrate how the proposed amendment bylaws would appear if the recommendations are adopted as presented.

1) Parcel Area Calculation – Bylaw 722 and 337

Amendments to Zoning Bylaw 722 & 337 related to parcel area calculation are required to comply with the Provincial *Riparian Area Protection Regulation* (RAPR).

Staff re-engaged senior officials at the Ministry of Water, Land, and Resource Stewardship to review the proposed bylaw amendment wording, ensuring it effectively responds to RAPR legislation. Below is a statement from Mya Eastmure, Unit Head, Aquatic Ecosystems Policy and Programs, Ministry of Water, Land and Resource Stewardship:

*“The proposed amendments to SCRD’s zoning bylaws, which exclude the watercourse and Streamside Protection and Enhancement Area (SPEA) from the minimum parcel area calculation for new subdivisions, align with the Riparian Areas Protection Regulation (RAPR) and enhance compliance. This approach ensures that no child lots are created into undue hardship, while certifying RAPR compliance and promoting stronger riparian protection and improved environmental outcomes. Additionally, these changes support adherence to the federal Fisheries Act” (received September 18, 2024).*

Minor revisions have been made to the proposed amendments for clarity, reflecting community feedback. The revised wording aims to simplify and clarify the calculation of parcel area when subdividing land that includes a freshwater watercourse, waterbody, wetland, and/or Streamside Protection and Enhancement Area (SPEA).

2) Setback for Buildings and Structures from Wetlands and Creeks – Bylaw 337

There have been no revisions to the proposed wording following second reading and community engagement. An amendment to the current setbacks of 7.5 metres from wetlands and creeks (referred to as swamps and ponds in bylaw s. 515) to a minimum of 15 metres in Bylaw 337 is required to comply with the 2019 updates to the *Riparian Area Protection Regulation* (RAPR).

According to RAPR, the minimum Streamside Protection and Enhancement Area (SPEA) setback from waterbodies – including wetlands (e.g. swamps) – is 15 metres. This requirement was reiterated to the SCRDC by the Ministry of Water, Land and Resource Stewardship when the proposed bylaws were referred to their team following first reading (see all referral comments in the Second Reading staff report).

Staff recommend increasing the setback to 17 metres to align with the equivalent requirement in Zoning Bylaw 722. This recommendation supports the implementation of the DAPR recommendation to standardize regulations across the region. The Board may decide on another setback that complies with the legislated minimum (e.g. 15 metres).

### 3) Setback for Buildings from the Natural Boundary of the Ocean – Bylaw 337

Amendments to Zoning Bylaw 337 that would increase setback from the ocean are not required by legislation. There have been no revisions to the proposed wording following second reading and community engagement.

The BC Government has provided local governments with science-based professional guidance for flood hazard mitigation in coastal areas to assist with the development of land use management bylaws that limit risk (reports are referenced in Table 1). This guidance recommends a minimum building setback of at least 15 metres from the natural boundary of the ocean. The *Local Government Act* (s. 524) requires local governments to consider such guidance, including the *Flood Hazard Area Land Use Management Guidelines*, in land use planning to mitigate risks to public and private landowners.

Given the professional guidance on coastal flooding risk mitigation, staff recommend the approval of the amendment as a practical measure that provides clarity to reduce the impacts and risks associated with ocean flooding events and sea level rise on lives, property and environment.

### 4) Streamside Protection and Enhancement (SPEA) Buffer – Bylaw 722 and 337

Amendments to Zoning Bylaw 722 & 337 that would establish a SPEA buffer (riparian transition zone) are not required by legislation.

The proposal seeks to establish clearer regulations regarding construction and land alterations in and around freshwater and riparian areas in order to ensure land development can be undertaken without encroachments into these protected areas. The proposed amendment is intended to reduce the number of associated bylaw infractions and enforcement files and in support of uninterrupted/timely development.

In light of the mixed feedback from the community regarding this proposed amendment, three options are offered for the SCRD Board to consider:

**SPEA Buffer Option A:** Approve a revised version of the proposed amendment as outlined in Attachment A and B. (Staff Recommendation)

In response to community input, this revision removes all references to “hardscaping”, while maintaining a 5-metre SPEA buffer (riparian transition zone) for buildings and structures. By eliminating “hardscaping” from the amendment, property owners would be allowed to construct features such as at-grade patios, campground/RV pads (where zoning allows), and driveways directly adjacent to the covenanted SPEA on their property.

**SPEA Buffer Option B:** Abandon the proposed amendment

Not implementing a SPEA buffer would allow property owners to construct buildings, structures, and hardscaping up to the SPEA boundary without being required to allocate the space required to keep movement of materials/machinery/people from impacting the SPEA during construction/excavation. Alternatives to a designated buffer (e.g. voluntary guidelines or amendments to development permit requirements) could be explored.

**SPEA Buffer Option C:** Approve the proposed amendment as presented in the Second Reading staff report, which prohibits hardscaping in the buffer area.

This approach is more restrictive than “SPEA Buffer Option A” and was developed prior to community consultation. It stipulates that no buildings, structures, or hardscaping (e.g.: patios, campground/RV pads, and driveways) may be placed within 5 metres of a SPEA boundary.

### *Options*

Four overall options have been developed for the Board to consider.

Each option presents distinct considerations to address regulatory compliance and risk mitigation, while responding to community feedback, allowing the SCRD Board to choose the most suitable path forward. The options are listed below in order from most to least alignment with professional practices.

**Option 1 Proceed with Third Reading and Adoption for All Proposed Amendments (Staff Recommendation)**

This option outlines proposed amendments designed to meet provincial legislation, effectively address risks associated with ocean flooding events/sea level rise, and streamline development approvals by establishing clear expectations for development near freshwater and Streamside Protection and Enhancement Areas (SPEAs).

Additionally, this option supports the Development Approvals Process Review (DAPR) recommendation to create consistent regulations across the electoral areas. By clarifying these expectations, the amendments aim to facilitate streamlined development approvals and reduce demand on planning and bylaw enforcement staff resources.

**Option 2 Proceed with Third Reading and Adoption for Proposed Amendments for Legislative Compliance (freshwater) and Risk Mitigation (ocean)**

This option prioritizes meeting minimum legislative requirements and addresses the current professional guidance related to risks and impacts of flooding/sea level rise.

Adoption of the following are required to meet provincial legislation: Parcel Area Calculation (Bylaw 722 and 337), and Setback for Buildings and Structures from Wetlands and Creeks (Bylaw 337).

Adoption of the Setback for Buildings from the Natural Boundary of the Ocean (Bylaw 337) is recommended to meet the minimum guidance from the province to mitigate the risk and impacts of ocean flooding events and sea level rise on lives and property.

Amendments related to the SPEA buffer could be deferred or abandoned.

**Option 3 Proceed with Third Reading and Adoption for Proposed Amendments for Legislative Compliance only**

This option focuses solely on adopting the amendments necessary for minimum compliance with provincial legislation.

The following amendments are required to meet provincial legislation: Parcel Area Calculation (Bylaw 722 and 337), and Setback for Buildings and Structures from Wetlands and Creeks (Bylaw 337).

Amendments related to ocean setback and SPEA buffer could be deferred or abandoned.

#### **Option 4   Defer or Abandon All Amendments**

This option entails deferring or abandoning all proposed amendments.

This will conclude consideration of changes at this time. However, current work on the coastal flooding study, land use bylaw updates (e.g. proposed new zoning bylaws would need to be in compliance with provincial legislation) and climate risk vulnerability/adaptation planning is likely to include the same topics/aspects of development regulation – so the matter is likely to be considered again in the future.

#### *Organization and Intergovernmental Implications*

The primary purpose of the proposed amendments to Zoning Bylaws 722 and 337 seek alignment with current provincial legislation and professional guidance supplied by the province to all BC local governments.

Absence of bylaw regulations that implement provincial legislation and consider minimum professional guidance to mitigate hazards could have potential risks.

#### *Financial Implications*

There are no direct financial implications associated with this report.

Deferral or abandonment of amendments relating to legislative compliance is likely to increase future workload as the matter is likely to resurface/work need to be repeated.

#### *Timeline for Next Steps or Estimated Completion Date*

If adopted, the bylaws will come into effect the day of adoption.

#### *Communications Strategy*

A riparian and shoreline areas education campaign launched in April 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.

**STRATEGIC PLAN AND RELATED POLICIES**

Strategic Plan lenses were applied in the preparation of this report.

There is alignment with the Community Climate Action Plan and Development Approvals Process Review findings.

**CONCLUSION**

Amendments to Zoning Bylaws 337 and 722 are proposed to strengthen stewardship of freshwater, riparian areas, and ocean shorelines in electoral areas.

Following the Board consideration of the options presented, staff recommend that *Sunshine Coast Regional District Zoning Bylaw Amendment 722.9 and 337.123* (option 1) be presented to the Board for Third Reading and Adoption.

**ATTACHMENTS**

- Appendix A – Amendment Zoning Bylaw No. 722.9
- Appendix B – Amendment Zoning Bylaw No. 337.123
- Appendix C – Amendment Zoning Bylaw No. 722.9 (with track changes)
- Appendix D – Amendment Zoning Bylaw No. 337.123 (with track changes)
- Appendix E – Amendment Bylaw 722.9 Changes in Context
- Appendix F – Amendment Bylaw 337.123 Changes in Context
- Appendix G – Public Information Meeting Summary
- Appendix H – Public Hearing Report

Reviewed by:			
Manager	X - J. Jackson	Finance	
GM	X - I. Hall	Legislative	X - S. Reid
CAO / CFO	X - T. Perreault	Other	