

Revitalizing Local Government Environmental Protection Tools on the Lower Sunshine Coast: October 28, 2022 Meeting Synopsis

Executive Summary: Key Learning & Action

We are grateful to the shíshálh and Skwxwú7mesh Nations for stewarding the local natural environment since time immemorial. We come to this work with shared recognition that decolonization and reconciliation with Indigenous communities is an overarching priority informing everything we do as we endeavor to repair and restore our relationships with the land and its people. We respect the binding authority of the Declaration of the Rights of Indigenous Peoples (DRIPA) and the sovereignty of every Indigenous nation in governing law and policy at all levels relevant to their ancestral and traditional territories.

Ongoing population growth of the Sunshine Coast is driving a surge in development activity, and at the same time climate and biodiversity loss impacts are rapidly worsening. Conflicting values, jurisdictional issues, and complicated policies present challenges to implementing coherent, effective land use planning. The interest in minimizing detrimental environmental impacts must at the same time avoid 'Not In My Backyard' (NIMBY) responses that can arise to promote prejudice and gatekeeping.

Humans rely on ecosystems to sustain our way of life. It is imperative that we conserve ecosystem function, in order that our natural assets will support our communities in the long term. Ecosystem function protection requires that - rather than opting for only short-term and reactive solutions - we adopt a collective vision for the whole region for the next one thousand years, as a starting point. Long term thinking must guide our approaches to short and mid-term actions in real-time. To activate this, we need to collaborate, educate, and share resources. We need to facilitate collective ideation, problem solving, and action spaces where we can translate long-term needs and vision into concrete short and medium term actions, metrics, and solutions.

Toward this end, the Sunshine Coast Conservation Association will host a follow-up strategic action planning session to hone in on specific, immediate actions we can take to support our long-term conservation goals. This will be done with the support of Organizing for Change and with a diverse representation of community stakeholders on the lower Sunshine Coast.

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Introduction: Welcome & Context Setting

Suzanne Senger, Sunshine Coast Conservation Association

- We recognize and honor the ongoing government to government conversations between the shíshálh Nation and the provincial government. All the work we are doing today is in the context of the Declaration of the Rights of Indigenous Peoples Act (DRIPA) and ongoing processes of reconciliation with Indigenous communities.
- The Sunshine Coast Conservation Association (SCCA) works collaboratively with First Nations, all levels of government, organizations, and communities to protect the biodiversity of the Sunshine Coast. Over the past few years we have seen an increase in the number of people moving to the lower Sunshine Coast and we expect this increase to continue. This is putting pressure on local infrastructure and ecological systems resulting in more impacts within the wider threats of climate change, a change in weather patterns, and rising sea levels.
- When we started looking into legal tools to support our efforts, environmental Development Protection Areas (eDPAs) emerged as a key area of interest, but we know it is a complex political landscape to navigate. Our intention in this session is to explore and brainstorm effective pathways to address these issues and collaborate on regionwide solutions.

Darlene Tymo, Community Development Forum, Halfmoon Bay

- We began this work when a small group of community members in Halfmoon Bay were informed that a developer was proposing to up-zone a multi-acre forested lot from 6 to 50 lots. We looked into options for conserving the area and contacted organizations at the local, provincial, and federal levels for guidance. During this time we were introduced to the Sunshine Coast Conservation Association. We formed a Working Group within the SCCA to explore options for conserving natural asset values in our area, and on the Coast.
- At the same time there was another large ongoing development in Halfmoon Bay that was causing significant community concern. A growing group of residents became determined to find mechanisms to ensure that development is consistent with our OCP and environmental needs. We are consciously avoiding a Not In My BackYard (NIMBY) approach while balancing our interest in minimizing detrimental environmental impacts in the community. Knowing that our issues are likely shared along the Coast, we started to look for ways to connect with other community groups. We also saw the need for and created the Community Development Forum within the Halfmoon Bay Community Association, as a focal point for residents with concerns.
- We reached out to West Coast Environmental Law (WCEL) and applied for a grant to access legal research to support our efforts. WCEL linked us up with Organizing for Change (OFC) to provide coordination, facilitation, and convening support to the community at the local level. Together with the SCCA, we conceived of the idea for this meeting today, and see this as a first step towards collaboration on Coast-wide issues related to the development of private property.

Panel Presentations: Value of Legal Tools to Regulate Private Property

Deborah Curran, Environmental Law Center, University of Victoria

- Important to note and incorporate understanding into our work that compliance with DRIPA applies at every level of governance including by-law regulations.
- Local government decisions are political. They exercise a broad range of discretion that has allowed for sprawl and we now need to correct that inefficient land use form.
- We need to be thinking with a 1,000 year context to ensure we're protecting ecosystem functions. If you start at the site level, you have already lost.
- We need a collective, overarching green infrastructure/growth management plan for the whole Sunshine Coast that combines private and public land use to protect ecosystems functions. An agreed community vision creates community context and buy-in for site-specific regulation like eEDPAs when issues arise at the individual property level.
- We need bright lines on the maps, hard limits, and clear metrics in all policies that can be measured annually or at least every 3-5 years. They don't have to be overly onerous but need to be indicative metrics that can be consistently followed up on.
- For example, Whistler bed cap added significant beds for employee housing for many years. Development was otherwise limited unless there was a clear substantial benefit to the community alongside demonstrated community support. They also required that development would not cause any unacceptable negative impacts to the community, resort, or local environment.
- Include Crown lands in zoning and EDPA regulation is important. If/when lands become private these lands are already regulated pursuant to community values.

Ian Hall, Sunshine Coast Regional District

- We're here to talk about environmental management but we need to see this in the context of change management. We're seeing a surge in development activity. More people are living in the Sunshine Coast and, in the context of the pandemic, we continue to see a rise in development to keep up with the influx of remote workers.
- Recruiting and retaining professional staff is a major problem. Stresses of the job, and costs of living. Without experienced staff the work becomes more challenging.
- All the easy lots have been developed. When it comes to development there are lots of different value sets. There are values around nature conservation versus development, which are often in conflict, as well as the ongoing and worsening housing crisis.
- Land value is way up and there are low penalties for people who break the rules. Currently the SCRD is dealing with 70+ active retrospective legal disputes and investigations. They take a huge amount of time and we would much rather be investing in proactive work i.e. reconciliation projects that are currently initiated and underway at the SCRD.
- With regards to climate change, we are on the backfoot. We are the first place in Canada that has a state of local emergency for drought and potentially about to concurrently declare one for

flooding. We are going to introduce a new lens for reviewing planning applications that you can read more about in the [July board meeting minutes](#).

- Currently the SCRDP has some eDPAs for riparian and waterfront areas as well as some hazard eDPAs that have related benefits for wildlife corridors. There is some guidance from the Official Community Plans (OCPs), however, there are significant gaps.
- What does support look like? Sharing your capacity or expertise. Also, leveraging your trust to bring others into the discussion.

Marina Stjepovic, District of Sechelt

- Acknowledging the stresses we are feeling in relation to colonial apparatus, climate change, and extreme weather events. Personally take resilience from the buds of hope that are coming from the local level.
- Sechelt has an [OCP](#) from 2010, it has some good strong statements, we use it every day. There are eDPAs for marine foreshore, riparian, steep slopes, but not uplands. Example: A lot on the waterfront and they want to develop an old cottage where there is a cement wall. Often they start first and then get a visit from the by-law enforcement; 50% of private landowners come to the front counter and are provided with the relevant guidelines section of OCP but understanding of construction, budgets, natural systems (e.g. erosion and sediment control plan) are lacking.
- Property Owners generally find it difficult to understand. Without a really diverse skill set it's hard for land owners to understand what they should do. Without qualified experienced staff to oversee the application process, it's very challenging. We try to work out good conditions for permits to enable landowners to implement. We try to support landowners to get to an end point that is aligned with the OCP and meets the guidelines. Additionally try to spend a lot of time giving it the personal touch and understanding land owners intentions.

Q & A

- More housing won't necessarily equal more affordable housing.
- A checklist, that is added as a cover to development applications, could be useful to clearly show where proposed development meets existing bylaws/ OCP aims.
- Creating a 'green blue strategy would identify priority areas for conservation. There is federal funding available from the 30x30 Nature Agreement for community groups to engage in environmental protection.
- Need a multi-layered overarching guide for the Regional Growth Strategy (RGS). Currently there is nothing explicit. There is opportunity for community members to tell newly elected officials they want a RGS that draws from a foundational blue green strategy.
- Whistler RGS is a good example of having an effective hard metric. Any RGS has to be seen in the OCP and if OCP is not specific enough for the healthy development of the community then it needs more specificity. There is nothing preventing the inclusion of hard limits in OCP. Example: a 90% tree cover target would require anyone cutting below that to replant.
- eDPAs do not apply on public land, however, it is important to have them in place in case the land becomes privately owned. It's also important to have zoning and by-laws in place.

Breakout Group Discussions

What are *common community issues* to address going forward?

- Water shortages, stormwater management, flooding, and cumulative impacts of land alteration.
- Biodiversity and habitat loss particularly due to clear cutting on privately managed forest land.
- Lack of Regional Growth Strategy to inform consensus building, prioritization, and ownership.

What *legal protections* could be put in place for each and in what jurisdiction?

- Thousand year plan with a biodiversity strategy accounting for climate change.
- Regional Growth Strategy - including updated maps, eDPA guidelines, form and character DPAs, metrics and targets, and community resilience priorities - to create long term community vision, contextualize decisions, and gain community buy-in.
- Implementation of OCPs and bylaws, harmonized DPAs connected to bylaws, set service development containment boundary.
- Combined provincial regional land use plan and green strategy.

What are some *practical steps for community groups* to work with governments in moving these legal protections forward?

- Build collaborative trusting relationships among government, community groups, and First Nations. Build more diversity at the table on all levels to ensure different values and perspectives are heard and understood.
- Recruit professional and community expertise to support local government in shifting perspectives from colonial to watershed preservation and environmental protection lens.
- Conduct educational outreach in the community and among decision-makers including workshops and other spaces that facilitate collective ideation, problem solving, and action.
- Work with community, local government elected officials and staff, and experts including UVIC-ELC to develop a plan and timeline to advance this work.

Appendix I: Concept Note

Revitalizing Local Government Environmental Protection Tools on the lower Sunshine Coast Brainstorming Workshop: October 28, 2022

1. **Purpose of meeting:** Bring together experts, community and local government advocates to explore effective environmental protection tools and support progressive community planning in the context of increasing private land development on the lower Sunshine Coast.
2. **Objectives:**
 - a. Identify and prioritize common challenges affecting local communities arising from private land alteration and development;
 - b. Explore and agree on effective tools local governments could use to protect from degradation and loss of environmental and community values through private land development;
 - c. Consider how we may support local governments to develop a harmonized set of legal tools;
 - d. Establish connections¹ and develop like-minded partnerships to support local governments to advance this work.
3. **Outcomes:**
 - a. A survey of shared environmental and community issues caused and/or worsened by private land alteration and development on the Lower Sunshine Coast;
 - b. A prioritized set of common issues that could be solved through the creation and implementation of a harmonized set of local government legal tools;
 - c. A list of next steps to support local governments; and
 - d. A working group established to advance development of a harmonized set of local government legal tools.
4. **Venue:** Hybrid in-person at the [Sechelt Seniors Activity Centre](#) and online (Zoom) if needed.
5. **Date:** One full day session on October 28, 2022 (10am to 3pm)
6. **Organizers:** Suzanne Senger, Sunshine Coast Conservation Association ([SCCA](#)), Alistair Higson and Darlene Tymo, [Halfmoon Bay Community Development Forum](#) (HMB-CDF), and AK Saini, OFC, [Organizing for Change](#) (OFC)
7. **Panelists & Participants:** Representatives from local governments and conservation associations with support from subject matter and legal experts.

¹ Placing restrictions on the use of private land, even for well-intentioned or environmentally critical purposes, faces challenges. Experience has shown that focusing on *connectivity* can be key to overcoming those challenges and obstacles.

Appendix II: Agenda

Revitalizing Local Government Environmental Protection Tools on the Lower Sunshine Coast

Friday, October 28, 2022, 9:15 am to 3:30 pm, Sechelt Seniors Center

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Please prepare in advance of the meeting:

- Watch this 55 minute [Webinar on Green Bylaws Toolkit, 2022](#)
- Browse through the [Green Bylaws Toolkit for Protecting and Enhancing the Natural Environment and Green Infrastructure](#) (3rd edition 2021), section on EDPAs starts on p. 96

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9:15 Arrival: Coffee & tea provided

9:45 Welcome and overview by **Suzanne Senger**, *Moderator and Executive Director, Sunshine Coast Conservation Association*

Context Setting: **Darlene Tymo**, *Community Development Forum, Halfmoon Bay*

10:00 Introductions: Name, Affiliation, What do you hope to get out of participating?

10:45 Panel Presentations: Value of Legal Tools to Regulate Private Property

1. **Deborah Curran** - *Executive Director, Environmental Law Center, University of Victoria*
2. **Ian Hall** - *General Manager, Planning & Development, Sunshine Coast Regional District*
3. **Marina Stjepovic** - *Community Planner, Planning & Development Department, District of Sechelt*

11:15 Q&A discussion

12:00 Lunch: Catering provided

1:00 Breakout Groups

1. What are **3-5 common community issues** to address going forward?
2. What **legal protections** could be put in place for each and in what jurisdiction?
3. What are some **practical steps for community groups** to work with governments in moving these legal protections forward?

2:00 Report Back by Breakout Groups in Plenary

3:00 Next Steps & Closing

Appendix III: Participant List

Organizers

Alistair Higson	Halfmoon Bay Community Development Forum
Ellie O’Sullivan	Organizing for Change
AK Saini	Organizing for Change
Suzanne Senger	Sunshine Coast Conservation Association
Darlene Tymo	Halfmoon Bay Community Development Forum

Participants

Laurie Bates-Frymel	Halfmoon Bay Community Development Forum
Richard Carton	Sandy Hook Community Association
Deborah Curran	Environmental Law Center, University of Victoria
Annemarie DeAndrade	Town of Gibsons
Ian Hall	Sunshine Coast Regional District
Jonathan Jackson	Sunshine Coast Regional District
Angela McCue	Halfmoon Bay Community Development Forum
Gail Riddell	West Sechelt Community Association
Raphael Shay	Sunshine Coast Regional District
George Smith	Elphinstone Electors Association
Kate Louise Stamford	Islands Trustee Representative
Marina Stjepovic	District of Sechelt
Kim Wilkinson	Gibsons Community Representative
Ian Winn	West Howe Sound
Elaine Futterman	Roberts Creek OCP Monitoring Committee

Appendix IV: Breakout Group Reportbacks

THREE COMMON COMMUNITY ISSUES

- Loss of habitat + biodiversity
 ↳ invasive species (ruby lake!)
 ↳ strategy (SCAD)
- Climate action / ecosystem resilience
- Growth management** 'Regional Carrying Capacity' / Biodiversity strategy
 ↳ shifting baselines + metrics (ecosystem services)
 ↳ problems w/ prioritization + ownership (consensus building approach)
 ↳ ecosystem services / natural assets.
 ↳ more access to funding
- Water!**
- Demographics - does each community understand the needs of other communities?

- Lack of Jurisdiction
 ↳ Advocacy / Lobby (using UBCM)

Consider reframing questions beyond political local govt recognizing ecosystem/F.N. + multi-jurisdictional framework.

Common Community Issue.

- TREES... RURAL + Ecological Sustainability
 - WATER
 - Cumulative Effects
 - Housing Variety
 - Ecological Geographical Challenges
 - Downloading
- We are leaving values.

Trouble framing valuable responses to this question

LEGAL PROTECTIONS. & INTERGRATION

- Provincial unreviewed Land Use Plan + GREEN STRATEGY
- Better more Harmonized DPA's.
- S.S.C. Community Assoc. Network.
- Biological / Ecological shared professional expertise for Local Govt
- WATERSHED GOVERNANCE STRUCTURE (F.N. R+T) Considerations (funding for watershed issues)
- (Reactive) legal recourse for Crownland activity on private property.
- Updated mapping ???
- DPA based on CDF ecosystems

- PMFL / LAND CLEARING
- STORM WATER
- ENGAGEMENT & TRANSPARENCY

Legal Tools

OCPs (Bylaws)

- ↳ Maps
- ↳ ^{or DPA} guidelines, character + form DPAs
- ↳ metrics + targets (eg hard limits)
- ↳ vision, goals, actions
- ↳ community resilience policies

Zoning

- ↳ implementation of OCP.

RGS

- ↳ carrying capacity, serviced/development
- ↳ ~~containment~~ containment boundary
- ↳ 'One Coast TOGETHER'

Other bylaws

- ↳ ^{PROTECTION} tree bylaws.

Policy

- ↳ Criteria for Amendments. (stop gap)

PRACTICAL STEPS.

- WORKSHOP WITH ALL GROUPS. IE E.L.F.
 - RURAL AREAS ONLY??
 - COMING WITH RURAL DIRECTORS.
 - Climate Action Workshop from possible SCED.
- Justification plan for DPAs
- ~~1000~~ plan - Biodiversity Strategy, Climate Change Strategy → RGS.
- Where do F.N. strategies visions fit in.

Practical Steps for Community Groups

- ① Increase diversity @ the table ← how can community groups help?
- ② Share the load + collaborate.
- ③ Build relationships (lack of trust)
- ④ Strategic support for staff + decision-makers.
- ⑤ Engagement / transparency / accountability ^{policy}
 - ↳ avoid so many FOIs!
 - ↳ annual reporting
- ⑥ Bridge levels of government + First Nations
- ⑦ Education + Outreach by community associations