

Date: June 23, 2016

File No.: 6500-20-Dock
Review

To: Galiano Island Local Trust Committee
For the meeting of July 4, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: Dock Review

Preliminary Report

This staff report is to present the project charter for the Galiano Island Local Trust Committee's (LTC) consideration and to provide an outline for the project.

Project Objectives

The intent of the project is to consider amending current or adding new policies and regulations for private docks within the Galiano Island Local Trust Area.

Project Background

In March 2016, the Galiano Island LTC added the Dock Review project to the Top Priority list. At the June 6, 2016 Galiano Island LTC meeting, the following resolution was passed:

“GL-2016-61

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to provide a project charter on dock review. “

In the past few years, issues concerning private docks have increased. The impacts of docks include environmental impacts, particularly on eelgrass or forage fish spawning areas and archaeological sites along shorelines can be impacted by dock development. Increasingly First Nations are expressing concerns about the proliferation of private docks as they impact First Nations' ability to engage in traditional food gathering activities, other cultural impacts, and rights and title implications. The protection of public access to the shoreline is also a concern for community members, and visitors to the Island. Visual impacts of docks can be significant for neighbours, as the Galiano Island LTC has experienced when dealing with the last two Development Permits for

dock construction within the Shoreline & Marine Development Permit Area. The community has expressed a desire to have the opportunity to speak to specific dock construction, design, and location.

Relevant Policy and Land Use Considerations

Islands Trust Policy Statement

Support for regulating the use of private docks can be found in the following relevant policies:

3.4.4 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

3.4.5 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

4.5.8 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.

4.5.10 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

4.5.11 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

5.1.3 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

5.5.4 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.

5.5.5 - Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.

Official Community Plan

The following are policies related to private docks in the Galiano Island Official Community Plan (OCP):

- The establishment of group or shared docks shall be encouraged.
- The Local Trust Committee may consider amending the existing Marine zone to not permit new individual private docks. Applications for rezoning for shared docks should be considered.

The OCP also includes specific Shoreline & Marine Development Permit Area (DPA) guidelines for dock construction or replacement:

42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.

43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.

45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.

46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.

47. Piers and pilings and floating docks are preferred over solid-core piers.

48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.

49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geohydraulic processes.

50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.

51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.

52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.

Land Use Bylaw

The Marine (M) zone currently permits docks. The Marine Zone is as follows:

12.2.1 In the Marine zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

12.2.1.1 docks, private floats, wharves, piers and walkways accessory to the residential use of an abutting upland lot and providing access to that lot

12.2.1.2 moorage of boats accessory to the residential use of an upland lot

12.2.2 Despite Subsection 12.2.1 one private float and walkway is permitted, not to exceed a total length of 35 metres from the natural boundary of District Lot 145, Cowichan District, without the establishment of a residential use on the upland lot.

12.2.3 Without limiting the generality of the foregoing, no commercial or industrial activity is permitted in this zone in connection with the use of docks, floats or wharves and the residential use of a watercraft of any kind, whether temporary or permanent, is prohibited.

Minimum Setbacks

12.2.4 Docks, floats and wharves must be sited entirely within the boundaries of the owner's water lot lease, licence of occupation or other Crown tenure and at least 3 metres from the seaward projection of any side lot line of the abutting upland lot.

Docks are also currently permitted in the Marine Service (MS) zone and the Marine Commercial Land (MCL) zone although these are for commercial purposes, not intended to regulate private residential docks.

Climate Change Mitigation and Adaptation

Sea level rise is an anticipated concern with climate change and its impact on shoreline development. More extreme storms and weather events will shape the way development is managed along shorelines. There are now programs with goal to educate shoreline property owners and encourage them to use softer and greener approaches to shoreline development.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

Recent mapping and other initiatives have provided new sources of data to inform decisions and policy-making related to shoreline issues which could guide policy and regulations for private docks. These include:

- Shoreline Features Mapping
- Integrated Shoreline Mapping
- Forage Fish Mapping
- Eelgrass mapping

Communications and Community Consultation

Implementation of a review of policies and regulations for private docks within the Galiano Island Local Trust Area would typically require significant consultation with affected stakeholders, publication of the initiative, and multiple opportunities for community input. Given this topic could be a contentious issue with the community, expectations would be for a significant amount of community consultation. Staff are suggesting the following consultation steps:

- An online survey to gather input from the community regarding what policies or regulations should be amended or added.
- A webpage with background information and options for public comment.
- A written summary introducing the initiative to be placed in the Active Page as a trustee report, to be posted on the webpage, and available for distribution as hard copies.
- An early referral to First Nations and FLNRO (issuers of private moorage leases).
- An invitation to First Nation representatives to speak to the issues of private docks from a cultural and rights and title perspective.
- A discussion paper, summarizing issues and options.
- An open house and community information meeting (likely in the late fall) to obtain further community feedback.
- LTC consideration of options and recommendations
- Direction to prepare draft bylaws (if warranted)
- Referral to agencies and the APC.
- An option for a later, additional stand-alone community information meeting if needed.
- A public hearing, likely later 2017, with a community information meeting. Depending on the level of community interest this could be in a regular meeting or as a special Saturday meeting.

This approach assumes that the consultation is staff led and organized. Alternatives would be to appoint an advisory group to provide input to the LTC or for the LTC to undertake more direct consultation through a series of community information meetings. As the project could involve an OCP amendment, the LTC is required by the Local Government Act to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. If the LTC considers that there shall be additional consultation than identified above it should identify that.

Project Charter

Staff have prepared the attached project charter for LTC endorsement. The purpose of a project charter is to establish in a single document the scope, deliverables, timeline, and resources associated with the project. As the project proceeds the charter is regularly reviewed to determine if the project is proceeding with the defined scope or if the scope and thus the charter should be reviewed and potentially revised.

Next Steps

At the next meeting, staff would report back with a report outlining the options in more detail and requesting direction or decisions from the LTCs. In the meantime, staff would also initiate the following:

- Invite First Nations contact to attend a future LTC meeting to discuss the cultural aspects of private docks.
- Prepare wording for local trustees to include in a local trustee report.
- Initiate early referral letters to First Nations, with copies to the Ministry of Community, Sport and Cultural Development.
- Initiate early referral letters to the Ministry of Forest, Lands, and Natural Resources.
- Commence work on the background document.

Summary of Planning Recommendations

If the LTC is satisfied with the direction proposed in this staff report, the recommendation is for the LTC to endorse the attached project charter and request staff to prepare a report with policy and regulatory options for the Dock Review project for the next meeting.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee endorse the project charter attached to the staff report dated June 23, 2016.
2. THAT the Galiano Island Local Trust Committee request that staff report back with a report outlining policy and regulatory options for the Dock Review project.

Prepared and Submitted by:



Kim Stockdill
A/Planner 2

June 23, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

June 23, 2016

Date

Attachment: Project Charter

Dock Review - Charter v1

Galiano Island Local Trust Committee

Date: June 23, 2016

Purpose *To consider amendments to the OCP and LUB to regulate private docks on Galiano Island*

Background *The LTC identified this as a Top Priority in March 2016. The intent of the project is to consider amending current, or adding new, policies and regulations for private docks within the Galiano Island Local Trust Area. The Galiano Island LUB currently permits private docks within the Marine (M) zone. The Galiano Island OCP also contains construction guidelines for private docks within the Shoreline & Marine Development Permit Area. In the past few years issues concerning private docks have arisen from First Nation, protecting sensitive ecosystems, addressing neighbours' concerns, and private dock best management practices.*

Objectives

- To identify options for further regulating private docks
- To consider amendments to the OCP and LUB
- To implement potential regulatory changes to restrict private docks.

In Scope

- Review of options for regulating docks
- Public consultation on options to further regulate docks
- Consultation with agencies and first nations
- Bylaw amendment process
- Implementation

Out of Scope

- Unrelated OCP or LUB amendments

Workplan Overview

| Deliverable/Milestone | Date |
|---|-------------------------|
| Early consultation—trustee newsletter, survey, First Nations, FLNRO | September—November 2016 |
| Discussion paper | November 2016 |
| Open house and Community Information meeting | November 2016 |
| LTC review of options | January—March 2017 |
| LTC direction to prepare amending bylaws | March 2017 |
| Second community information meeting (optional) | May 2017 |
| Legislative process | May—September 2017 |

Project Team

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|-----------------|-----------------|
| Robert Kojima | Project Manager |
| Kim Farris | Planner |
| Regina Robinson | Admin Support |
| Barb Dashwood | GIS technician |

RPM Approval:

Date:

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source:

| Fiscal | Item | Cost |
|---------|-------------------------------------|---------------|
| 2016-17 | Advertising, communications, survey | \$1000 |
| 2016-17 | Open house/CIM | \$500 |
| 2016-17 | Second CIM (optional) | \$500 |
| 2016-17 | Contingency | \$1000 |
| 2017-18 | Public Hearing | \$2000 |
| | Total | \$5000 |