



BRIEFING

To: Trust Council
From: Executive Committee
For the Meeting of: June 20, 2017
Date prepared: May 26, 2017
File No.: Marine

SUBJECT: INVENTORY OF MARINE PROTECTION TOOLS

DESCRIPTION OF ISSUE:

The purpose of this briefing is to provide Trust Council with an inventory of local government land use planning marine protection tools categorized as to the level of protection that these tools can provide.

BACKGROUND:

In March 2017, Trust Council passed the following the resolutions:

TC-2017-017

That Trust Council amend the Strategic Plan to add in section 2.1 for fiscal year 2017/18 “Develop an inventory of available local government land use planning marine protection tools and develop general categories as to the level of protection these tools can provide (i.e. low, medium, high levels of protection)” assigned to the Executive Committee.

TC-2017-018

That Trust Council amend the Strategic Plan to add in section 2.1 for fiscal year 2017/18 “Compile an inventory of the marine protection tools each local trust committee/island municipality utilizes” assigned to the Executive Committee

Attached is an inventory of Local Government Marine Protection Tools that addresses TC Resolution 2017-017. An inventory of marine protection tools that each local trust committee and island municipality utilizes will be provided at a later Trust Council.

ATTACHMENT(S):

Inventory of Local Government Marine Protection Tools

FOLLOW-UP:

As the authority for land use planning is with the local trust committees and Bowen Island Municipality, this inventory should be provided to local trust committees and Bowen Island Municipality for information, and posted to the Islands Trust website.

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Reviewed By/Date: Executive Committee/ June 7, 2017

Chief Administrative Officer/Date

Attachment 1: Inventory of Local Government Land Use Planning Marine Protection Tools

The following lists outline the land use planning tools available to local trust committees and island municipalities that would be useful for the protection of marine areas. For each, the table indicates the relative level of protection achievable with the particular land use planning tool, the authorizing legislation, a brief description and a relative level of protection.

Name of the land use planning tool	Authorization for LTCs	Authorization for Island Municipalities	Description of Use	Level of Protection
Zoning	ITA s.29(1)(b) LGA s.479	LGA s.479	Divided all or part of the foreshore and assign and/or exempt specific uses. May also establish limits on building sizes and location in respect of the foreshore or other features.	High
Development Permits	ITA s.29(1)(b) LGA s.488	LGA s.488	For specific reasons may designate areas of the foreshore and/or uplands as development permit areas, establish objectives and guidelines. Works in conjunction with zoning and provides a finer grain level of review on a site specific base.	High
Heritage Conservation	ITA s.30(1) LGA s.614(1)	LGA s.614(1)	Similar to development permits, but for conservation of heritage features, may designate areas of the foreshore as heritage conservation areas, and establish objectives and guidelines.	Medium – limited to protection of heritage features.
Tree cutting in hazard areas	ITA s.29(1)(b) LGA s.500	n/a	Does not apply to island municipalities. May regulate or prohibit tree cutting in areas subject to erosion, flooding, land slip or avalanche.	Medium – only applies in specific situations.
Tree protection bylaws	n/a	CC 8(3)	Island municipalities have broad powers to regulate trees. May establish tree cutting bylaws for a variety of reasons, including hazard areas, protection of environment, aesthetic and protection of foreshore among other reasons.	Medium – tree protection bylaw cannot prevent use as permitted by zoning
Restrictive Covenants	LTA s.219	LTA s.219	May enter into an agreement with the land owner on restrictions of use of all or part of a property. This applies to uplands only but could be used to restrict uses that may impact the foreshore. Once agreed to, the covenant runs with the land and is binding on future owners.	Medium – requires agreement of the land owner
Screening	ITA s.29(1)(b) LGA s.527	LGA s.527	May require, by bylaw, screening provisions to provide a buffer between an upland development and sensitive foreshore feature.	Low – provides visual barrier only. Does not prevent intrusion.
Drainage and run-off Control	ITA s.29(1)(b) LGA s.523	LGA s.523	May require, by bylaw, run-off controls where paved areas or roofed areas are proposed to be developed.	Low – limited to managing on-site water run-off from development.

Glossary of acronyms

CC = Community Charter

ITA = Islands Trust Act

LGA = Local Government Act

LTO = Land Title Act

Attachment 1: Inventory of Local Government Land Use Planning Marine Protection Tools

The following lists outline the land use planning tools used by local trust committees and island municipalities to protect marine areas.

Name of the land use planning tool	BW	DE	GB	GL	GM	HO	LA	MA	NP	SA	SS	SP	TH	BIM
Zoning	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	+	✓	+	✓
Development Permits											+			
Heritage Conservation														
True-Cutting in Hazard Areas														▪
Tree Protection bylaws	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	▪	
Restrictive Covenants														
Screening														
Drainage and Runoff Controls														

Notes:

- ✓ In place for all marine foreshore areas within the local trust area or island municipality (except for Vancouver island or the mainland foreshores).
- +
- In place for some, but not all, marine foreshore areas in the local trust area or island municipality
- Not applicable

BW	Ballenas-Winchelsea
DE	Denman Island Local Trust Area
GB	Gabriola Island Local Trust Area
GL	Galiano Island Local Trust Area
GM	Gambier Island Local Trust Area
HO	Hornby Island Local Trust Area
LA	Lasqueti Island Local Trust Area
MA	Mayne Island Local Trust Area
NP	North Pender Island Local Trust Area
SA	Saturna Island Local Trust Area
SS	Salt Spring Island Local Trust Area
SP	South Pender Island Local Trust Area
TH	Thetis Island Island Local Trust Area
BIM	Bowen Island Municipality