

File No.: 6500-20 (Keats Island
Shoreline Protection Project)

DATE OF MEETING: October 1, 2020
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Keats Islands Shoreline Protection Project 'Phase 2' – Next Steps

RECOMMENDATION

1. That the Gambier Island Local Trust Committee endorse the establishment of a Shoreline Development Permit Area in the “Keats Island Official Community Plan, 2002” for the purposes of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions.
2. That the Gambier Island Local Trust Committee request staff to report back with an outline of options for proceeding with a Shoreline Development Permit Area.

REPORT SUMMARY

This staff report provides the Gambier Island Local Trust Committee (LTC) with recommendations from staff and a summary of comments and recommendations from the Keats Island Shoreline Protection Working Group (“Working Group”) on next steps for the LTC top-priority project, ‘Keats Island Shoreline Protection’.

Staff are recommending a Shoreline Development Permit Area (DPA) be established in the Keats Island Official Community Plan (OCP) Bylaw No. 77, in accordance with Section 488 of the *Local Government Act*. Should the LTC resolve to proceed with establishing a new Shoreline DPA, staff could provide the LTC with an outline of options for proceeding with a Shoreline DPA.

The LTC is asked to consider the Working Group and staff’s recommendations, and provide direction to staff as to how the top-priority project should proceed at this time.

BACKGROUND

The over-arching goal of this project is to explore opportunities for strengthening shoreline protection on Keats Island. While Keats has seen an increase in development in recent years, the Official Community Plan and Land Use Bylaw have not have been updated since their adoption in 2002. The project has included broader community engagement in ‘Phase 1’ through a public survey and community information meetings. ‘Phase 2’ has involved more focused engagement with the Working Group, comprised of eight (8) community members asked to provide the LTC with advice and recommendations on the project.

During ‘Phase 1’ of the project, the Keats community identified a number of environmental and cultural values considered to be of high importance. These include:

- Protecting sensitive ecosystems and areas (i.e. low-lying beaches);

- Maintaining undeveloped/undisturbed areas;
- Maintaining public access to the foreshore and recreational opportunities;
- Maintaining access to privately owned waterfront lots;
- Protecting development from erosion, sea level rise and other hazard; and
- Recognition of existing buildings and structures.

In 'Phase 2', the Working Group have identified similar values, and additional values and concerns, including:

- Protecting important shoreline habitats (i.e. eelgrass) and upland ecosystems (i.e. coastal bluffs);
- Maintaining the rural character of the island;
- Addressing impacts and/or threats of climate change;
- Addressing impacts from increased dock and foreshore development;
- Updating dock regulations (i.e. permitted size, construction materials); and
- Maintaining access to water-access only lots.

Staff presented a [Discussion Paper](#) at the May 28, 2020 LTC meeting that outlined potential options to be considered by the LTC for enhancing shoreline protection through its regulatory and policy framework on Keats Island. The Discussion Paper also provided a summary of relevant existing Keats Island policies and regulations, a summary of other Local Trust Area regulations related to shoreline protection, and a background and context for each option, including both positive and negative considerations.

Following the May 28, 2020 LTC meeting, staff forwarded the Discussion Paper to the Working Group for discussion at their next meeting.

ANALYSIS

Potential Options for Project

Staff have identified five potential options in the Discussion Paper for advancing the project goal of enhancing shoreline protection on Keats Island. The options are:

1. Establish a Shoreline Development Permit Area;
2. Develop a flood protection bylaw;
3. Create marine zones;
4. Establish heritage conservation areas;
5. No change.

In the Discussion Paper, staff have provided a general background and context, along with a list of considerations (or "pros" and "cons"), for each option. Staff direct the LTC to the [Discussion Paper](#) for more information on these options. It is noted that the five options are not a comprehensive list of available policy or regulatory options available to the LTC, and further analysis of additional options could be provided should the LTC direct staff to do so.

Establish a Shoreline Development Permit Area

Development permit areas (DPA) are a common tool used by local governments to designate areas for specified reasons, and to establish guidelines in which a development permit may be obtained to do work in that area. Development permit areas are used in most Local Trust Areas for a number of purposes, and staff have identified seven (7) official community plans within the Islands Trust that have designated a shoreline or marine

DPA. It is noted there are currently two DPAs designated within the Keats Island Official Community Plan (OCP) Bylaw No. 77, both of which were established to protect the natural environment, its ecosystems and biological diversity under Section 488(1)(a) of the *Local Government Act*:

- Development Permit Area 1: Riparian Areas,
- Development Permit Area 2: Streamside Protection.

In the Discussion Paper, staff have noted that a Shoreline DPA could be designated in the OCP for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions.

Staff consider a Shoreline DPA to be the best option to address the greatest number of concerns related to shoreline protection. A Shoreline DPA may be the best (and most flexible) tool available to regulate shoreline development, as a DPA can prescribe how development activities occur. Examples of how this can be achieved include the timing of construction (i.e. during dry season), the construction materials, added protection for identified species, requiring restoration or mitigation measures, etc. Additionally, staff consider this option to be consistent with the over-arching theme in the OCP that supports environmental and rural conservation on Keats Island.

Keats Island Shoreline Protection Working Group

The Discussion Paper was forwarded to the Working Group for discussion at their June 29, 2020 meeting, held electronically via Zoom. At that meeting the Working Group was asked to review and discuss the regulatory options presented in the Discussion Paper, and provide their comments and recommendations to the LTC for the project moving forward. While the Working Group was generally supportive toward establishing a new Shoreline DPA over the other four options in the Discussion Paper, there were concerns raised in relation to the length of time of processing applications; what a Shoreline DPA would look like (i.e. content); impacts on existing buildings and structures; and on the effectiveness of enforcement.

It was determined the Working Group had additional feedback to provide beyond the constraints of an electronic meeting, and the Working Group was asked to provide their comments and recommendations to staff in writing. Staff were asked to compile the Working Group's comments and recommendations, and report back to the LTC. Staff have received correspondence from all eight (8) members of the Working Group. The following is a summary of the Working Group's responses:

- Majority of group supported establishing a Shoreline DPA – a DPA is seen as the best option for addressing the most concerns or issues related to shoreline protection, and the most effective and quick tool to enact protection;
- All were in support of making changes of some kind, none supported the “status quo”;
- The existing setback regulations on Keats are amongst the least restrictive of all islands;
- Requiring an application prior to development activities would ensure that best practices are at least considered, and could instill a “new norm”;
- Some members were supportive of establishing and adopting a DPA quickly, given the current rate of development; while other were supportive of a gradual transition, enacting a process that involves considerable public consultation with plenty of opportunity for feedback;

- While there is general support for protecting shorelines and environmental values are identified as a priority, consideration should also be made for other community values, such as recreation and aesthetic values. Examples include protecting public beaches and areas adjacent to high recreation areas, look-outs, trails, and contiguous undisturbed coastline;
- In addition to the above, consideration should be made to property owner benefits. Examples given include waterfront properties with no road access getting a higher benefit from docks; while properties with road access or properties that are exposed to high wave action, have a reduced benefit from docks;
- The group recognizes the importance of managing or restricting dock development, however there remains support for permitting docks on waterfront lots with no road access. It should be recognized that subdivision plans and maps may indicate a road right of way where a road is not actually constructed;
- Consideration should be made for the irregular-shaped properties, and for the varied and unique shoreline on Keats, i.e. one size does not fit all;
- To reduce the proliferation of docks and walkways along the shoreline, support was given for shared docks, and specifically for incentivizing shared docks;
- Focus should be on soft shore or greenshore approaches, specifically on lots most affected by erosion. These approaches should be incentivized over hardening shorelines;
- Recognize existing buildings and structures, the focus of new regulations should be on new buildings and structures;
- Incorporate First Nations perspectives, knowledge and stewardship.

More specifically, the Working Group provided comments that could be incorporated into a DPA, if the LTC chooses this option:

- Introduce more restrictive guidelines to start, and “adjust course” later on if needed;
- “Borrow” from other islands, there are good examples of DPAs in other Local Trust Areas, and there is comfort in precedent;
- Recognize the interconnectedness of the upland and marine areas by extending setbacks and seaward protection;
- Focus should be on limiting shoreline development;
- Softer shore protection measures should be considered first over “hard” measures, including vegetation enhancement, beach enhancement, anchor trees, restoration measures, etc.;
- Identify areas with more value, such as eelgrass meadows and coastal bluffs, and develop regulations based on those areas. Limit development of shoreline structures, such as docks, in particularly ecologically sensitive areas. This is seen in other DPAs elsewhere, where restrictions are based on specific areas, ecosystems or species. Use the mapping resources that are already available;

- Increasing setbacks from the natural boundary of the sea for structures may not be enough, and consideration should be made for regulating development activities within the setback area. This could include limiting land alteration, tree clearing and removal of vegetation within the setback area to reduce erosion, impacts on drainage and slope stability;
- Regulations should address construction materials for docks to promote a healthy Howe Sound ecosystem (i.e. creosote, Styrofoam, grated walkways). Provincial and federal best practices could be incorporated into regulations for construction materials;
- Manage upland runoff, not just adjacent to the foreshore. Specifically, when extensive tree clearing or road building occurs, there should be requirements for silt fencing or sedimentation ponds.

The concerns raised related to a Shoreline DPA include:

- Unnecessary or unintended restrictions on seasonal properties;
- Costs and procedures necessary to comply with the DPA approach, requirements for professional or technical assessments should be reasonable;
- Implications for existing development, specifically on upland lots with limitations;
- Implications on lots with no road access;
- Impact on property values;
- Requirements should be clear, transparent and equally applied to reduce subjectivity from staff and elected officials, and to reduce landowner frustration;
- Increase enforcement capacity – regulations are only as good as the ability to enforce;
- The most impacted beaches (from erosion, sea level rise, storm action) are often the most popular beaches, and people are inclined to protect the beaches and their upland property.

Rationale for Recommendation

The Discussion Paper provides five options for proceeding with the Keats Island Shoreline Protection project. Staff are recommended proceeding with establishing a Shoreline DPA to enhance shoreline protection on Keats Island. Staff consider a DPA to be the most flexible and broadest option to address the greatest number of concerns related to shoreline protection. Staff consider this option to align with community objectives and policies in the OCP that support environmental and rural conservation.

The eight (8) members of the Working Group have provided their advice and recommendations to the LTC. The Working Group has indicated their preference for establishing a Shoreline DPA, and have provided additional comments that staff consider to be valuable for developing new regulations.

Prior to drafting new DPA language, staff could provide the LTC with an outline of options for proceeding. Details to be considered include applicability (i.e. the whole island or only identified areas, upland and/or marine areas), justification and objectives of a DPA, and the development of guidelines.

The LTC is requested to provide staff with direction on the project moving forward.

ALTERNATIVES

1. Revise project charter; direct staff to draft new Development Permit Area wording

The LTC may endorse proceeding with a Shoreline Development Permit Area, request that staff revise the project charter that reflects the LTC's endorsement, and request that staff provide draft bylaw language for a draft DPA. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request staff to revise the 'Keats Island Shoreline Protection' project charter to reflect the direction to establish a Shoreline Development Permit Area.

That the Gambier Island Local Trust Committee request staff prepare draft bylaw language for the purpose of establishing a Shoreline Development Permit Area for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions.

2. Direction elsewhere

The LTC may choose a different option for proceeding with the project. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee endorse the establishment/development/creation of [option selected by LTC]...

That the Gambier Island Local Trust Committee request staff develop a project charter that reflects the direction to [option selected by LTC]...

3. Request further information

The LTC may request further information prior to making a decision on project direction. Staff advise that the implications of this alternative are additional staff time and project delay. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request that staff provide further information on [specific information needed to be provided by the LTC]...

NEXT STEPS

If the LTC concurs with staff's recommendation, staff will report back to the LTC with options to establish a Shoreline DPA.

Submitted By:	Jaime Dubyna Planner 2	September 9, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 17, 2020

ATTACHMENTS

1. Attachment 1 – Project Charter v. 3.1 (update May 28, 2020)

Keats Island Shoreline Protection 'Phase 2' - Charter v3.1

Gambier Island Local Trust Committee

Date: April 19, 2018 Revised: January 30, 2020

Updated: May 28, 2020

Purpose: To review and update relevant Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access on Keats Island.

Background: 'Phase 1' of the project involved community consultation to solicit input on policy, regulation and voluntary stewardship options to address shoreline protection on Keats Island. 'Phase 2' of the project is strongly aligned with Trust Council direction, provincial policy regarding updating flood protection levels and sea level rise, and First Nations and community interest in ensuring the OCP policies and LUB regulations are updated to allow for continue access to waterfront properties while protecting archaeological resources, sensitive ecosystems and species at risk.

Objectives

Conduct a comprehensive review of and update for OCP policies and LUB regulations to address:

- Sea level rise and flood protection;
- Protection of archaeological resources, sensitive ecosystems and species at risk;
- Consistency with Atl'ka7tsem/Howe Sound cumulative effects studies, conservation and marine use planning documents; ITC Regional Conservation Plan and Coastal Douglas-fir Ecosystem Protection Toolkit.

In Scope

1. Establish a Keats Island Shoreline Protection Working Group.
2. Review OCP and LUB policies and regulations related to setback and flood protection levels; dock regulations; marine zones; flood protection bylaw.
3. Identify options for and prioritize policy and regulatory amendments to be made related to shoreline protection.
4. Potentially develop a shoreline development permit area.
5. Minor 'housekeeping' bylaw amendments.

Out of Scope

- Green Shores for homes workshop.
- Impact current legal foreshore structures and docks.

Workplan Overview

Deliverable/Milestone	Date
LTC endorsed revised project charter and Working Group TOR.	June 2019
Appointments to Working Group.	June 2019
Working Group meetings – referral to review targeted topics.	July 2019 – ongoing
LTC review of staff and Working Group recommendations. Direction to draft bylaw language.	Spring/Summer 2020
Legal review. Draft bylaw(s) presented to LTC for review.	Fall 2020
Community consultation, early referrals of draft bylaw(s).	Winter 2020
Legislative process for proposed bylaw(s).	Winter 2020/ Spring 2021
Adoption of proposed bylaw(s) and communication materials.	Spring/Summer 2021

Project Team

Planner 2	Project Manager
Island Planner	Project Support
Islands Trust GIS Technician	Mapping Support
Islands Trust Admin. Staff	Administrative Support
RPM Approval: Heather Kauer Date: 21 Jan 2020	LTC Endorsement: Resolution #: 2020-05 Date: 30 Jan 2020

Budget

Budget Sources:		
Fiscal	Item	Cost
2019-2020	Working Group meetings	\$200
2020-2021	Legal Review	\$3000*
2020-2021	Legislative Process (CIM, public hearing, advertising)	\$2000*
	Total (*pending approval)	\$5200*

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
LTC regular business meeting	Revised project charter to LTC for consideration; LTC provides direction.	January 30, 2020	n/a
RWM	Staff provide update to LTC.	March 26, 2020	n/a
LTC regular business meeting	Staff presents discussion paper identifying policy and regulatory options.	May 28, 2020	n/a
Working Group Meeting	Staff presents discussion paper to Working Group and group identifies recommended policy / regulatory option and elements of option	June, 2020	
LTC regular business meeting	Staff present working group recommendation and introduction staff report to proposed elements of an amending bylaw, LTC direct staff to draft bylaws and proceed with legal review.	July 23, 2020	n/a
n/a	Legal review.	August/ September 2020	Approx. \$2000 (pending approval)
LTC regular business meeting	Draft bylaws considered by LTC.	October 1, 2020/ November 19, 2020	n/a
LTC meeting, CIM, public hearing, Executive Committee meeting	Legislative process – includes 1 st , 2 nd , 3 rd reading by LTC; referrals to agencies; Community Information Meeting and Public Hearing; Executive Committee review; referral to Ministry; etc.)	December 2020/ January-March 2021	Approx. \$3000 (pending approval)
LTC regular business meeting	Adoption of proposed bylaws.	Spring 2021	n/a
TOTAL			\$5200 (pending approval)