



District of
North Saanich

STAFF REPORT

To: Bruce Williams
Chief Administrative Officer

Date: September 23, 2008

From: Tracy Olsen
Director, Development & Community Services

File:

Re: Marine Task Force Final Report – Recommendations on Implementation

RECOMMENDATIONS:

1. Accept the Final Report of the Marine Task Force;
2. Direct staff to proceed with the Action Items 1, 4, 5 and 7 to 14;
3. Provide staff with direction on Action Items 2, 3 and 6;
4. Postpone any decisions on matters related to sewers until advice is provided by the Infrastructure Services department; and
5. Refer recommendations 8, 10, 11 and 17 to budget discussions.

PURPOSE:

To advise Council on the implementation of the Marine Task Force Report.

BACKGROUND:

In its' 2006-2009 Strategic Plan, Council stated its intention to create a Marine Task Force (MTF). Terms of Reference for the Task Force (attached as Appendix "A") were prepared and endorsed by Council. The opportunity to become a member of the Task Force was advertised in the Peninsula News Review and in April of 2007, the Task Force held its first meeting.

Over a fourteen month period, the MTF send out questionnaires, heard presentations from several guest speakers and met with a variety of groups and stakeholders. The MTF finalized its report in June of this year and presented it to Council at its July 21st, 2008 meeting. Council responded by asking staff at its August 11, 2008 meeting to prepare a report on the implementation of the Marine Task Force Report.

The MTF report, including appendices, is 126 pages long. Asked by Council to specifically comment on the implementation of the report, this staff will, for that reason, focus on the 21 recommendations in Section 7.2. Each recommendation is referred to by the same number used in the MTF report but an abbreviated title is used. For the complete wording of each recommendation, please see Appendix "B" attached to this report.

Before discussing the MTF's recommendations, it is important to clarify what is meant by the term: "Marine Development Guidelines" as it is used in the report. Marine Development Guidelines are not a single document, rather the term is used to describe a range of policies, bylaws and guidelines, some existing and some to be created, that the MTF is recommending that the District use to guide all types of development in the marine areas.

DISCUSSION:

1. Better recognize marine heritage, economic contributions and boating interests.

To achieve this goal, the MTF has suggested a number of items, including:

- Supplementing Section 7.0 *Commercial Development* of the Official Community Plan (OCP) with a specific marine development policy incorporating some of the key recommendations and philosophies contained in this report;
- Developing specific Marine Development Guidelines as outlined in Part 6.3 and incorporating them into the appropriate development process bylaws;
- Incorporating support for economic and sustainable diversification of the current tax base in the policies;
- Investigating current land use plans in the McDonald Park Road and Airport land areas with a view to encouraging further marine-related businesses;
- Supporting the current Oceans Network Canada proposal to create a new high tech applied research centre and business park at the University of Victoria site at Patricia Bay;
- Considering development of affordable housing to encourage marine trades employees to live in and contribute to the economy of the area;
- Encouraging proponents of new waterfront developments and improvements to incorporate an element of public use, e.g., waterfront trails/restaurants in appropriately zoned areas.

Staff agree that section 7 of the OCP should be amended to include some of the recommendations found in the MTF Report. Section 5 of the OCP should also be revised to clarify the marine policy statements. The guidelines for Development Permit Area (DPA) Number 1 – Marine Uplands and Foreshores and DPA Number 6 Commercial and Industrial should also be revised to include guidelines for marinas. The last recommendation above regarding the incorporation of public use in marine developments can be added to the OCP.

More specific comments on the Marine Guidelines are covered elsewhere in this report as are comments about the McDonald Park Road and Airport lands.

Council will be able to demonstrate its level of support for the new high tech applied research centre and business park once it starts receiving draft proposals from the University.

Housing for the marine industry would be encompassed in the Housing Strategy.

ACTION ITEM #1: Prepare a report for Council on possible changes to the wording of sections 5 and 7 of the OCP and DPAs Number 1 and 6 to incorporate key recommendations of the MTF report.

2. Support up to a 10% expansion in the current capacity of marinas

The MTF is recommending that the OCP be amended to encourage applications from marina owners for a 10% increase in their capacity which will then encourage investment in upgrading docks to “Best Practices” standards and providing pump-out facilities.

Council will need to decide if it wishes to pursue this recommendation. Staff can prepare a report on the necessary changes to the OCP and Zoning Bylaw if requested by Council.

ACTION ITEM #2: Council to decide if it wishes to direct staff to prepare a report on possible amendments to the OCP and Zoning Bylaw to facilitate a 10% increase in the capacity of existing marinas.

3. Discuss expansion options, land use and zoning changes with existing marinas.

The idea of consulting with the marinas is a good one, if Council is interested in seeing their expansion providing the facilities are upgraded to current “Best Management Practices.

ACTION ITEM #3: Council to decide if it wishes to meet with owners of the marinas to discuss options for expansion providing facilities are upgraded to current “Best Management Practices”.

4. Suggestions for Reconfiguration of the Deep Cove Marina.

Currently, the development permit application for the Deep Cove Marina is on hold. The owner of the marina had offered as part of the application to allow the launching of canoes and kayaks at the marina.

The MTF report suggests that the Deep Cove Marina provide a pump-out facility. The issue of whether or not there is sufficient capacity at the treatment plant for additional effluent for this type of use would need to be discussed before a decision can be made on this suggestion.

At this point in time, the reconstruction of Blauw Pier is not being entertained by the District. If Council decides to look at the reconstruction of the pier, it will likely refer the matter to the Parks Commission and engage the public in the discussion. Suggestions such as the one being made by the MTF could be looked at then.

5. Keep boatshed regulations the same.

No action is required on this recommendation at this time. The suggestion of the MTF to look at common covered moorage (continuous roofline) versus individual boatsheds to increase density should be taken into consideration in any reconfiguration proposals.

6. Flexibility in dealing with rezoning requests for dry land storage.

The MTF views dry land storage as an environmentally friendly approach to increasing the number of vessels accessing local waters. One of the existing zones, Commercial Waterfront (M-3), already allows for dry boat storage and boat launching. The three largest marinas, Canoe Cove Marina, Westport Marina and North Saanich – Sidney Yacht Club all have this zoning. Canoe Cove and Westport already have a number of boats stored on their respective properties.

This recommendation is easily implemented. Properties already zoned M-3 can currently expand their dry land storage providing they comply with the guidelines for DPA Number 1 – Marina Uplands and Foreshore without rezoning. It is possible that there may need to be variances given for lot coverage or parking requirements, if existing parking lots were going to be utilized.

7. Develop new guidelines for private docks.

The District has zoned the surface of the water since the adoption of Zoning Bylaw No. 464 in 1984. Private mooring facilities were first prohibited in February of 1989 when Bylaw No. 604 was adopted. As the MTF notes, most of the coastline in North Saanich is currently zoned Non-Commercial Marine 2(M-6) which is specifically intended to prohibit the construction of any marine facility on land or water.

The MTF recommends that Council re-examine its position on private moorage facilities while respecting public access and the environmental sensitivities of the shoreline. Information generated by the shoreline inventory could be used to identify potential areas for permitting private moorage facilities. Once these areas are identified, policy changes could be made to the OCP to specify those areas where private moorage facilities may be permitted and under what conditions/guidelines. The MTF also suggests alternatives such as multi-use or community docks are looked at to lessen the number of new docks.

This recommendation could prove to be quite controversial. Council will need to decide if it wants to explore the matter further. If it does decide to proceed, then a public process needs to be decided upon.

The MTF's point that properly written guidelines in the OCP would provide more certainty to proponents and help create an objective and informed basis for approving or disallowing applications is well-taken. The policy statements in section 4 of the OCP are confusing and should be rewritten to more clearly state Council's intentions.

8. Have District representation on the Tsehum Harbour Commission.

This recommendation focuses on issues in the North Saanich portion of the Tsehum Harbour such as inappropriate buoy placement, transient moorage, derelict boats, fire protection and waste discharges. The MTF has identified the Tsehum Harbour Commission as an agency that could potentially be used by the District to address these problems by joining it.

The enforcement issues in Tsehum Harbour mentioned in the MTF report are real and difficult for the District to address largely due to the jurisdictional authority and responsibility of senior governments for shipping, navigation and environmental protection of the water. There is also a need for a coordinated effort between North Saanich and Sidney in any enforcement. Council should consider entering into discussions with the Commission and the Town of Sidney to see if this concept is feasible and if it would achieve the end results desired by the District.

ACTION ITEM #4: Enter into preliminary discussions with Town of Sidney and the Tsehum Harbour Commission and report back to Council.

FINANCIAL CONSIDERATION: Council may be asked to contribute to the administrative overhead of this Commission if it is a participant.

9. Ask Parks Canada to consider designating parts of the Saanich Inlet as a Marine Park

The MTF report recognizes that Parks Canada is exploring the creation of a National Marine Conservation Area in the Southern Strait of Georgia. The Task Force is of the opinion that it will be a number of years before a decision is made and is recommending that the District more aggressively pursue a designation of several areas of the Saanich Inlet as marine parks. To accomplish this goal, the District will need to proactively follow up with Parks Canada.

ACTION ITEM #5: Send a letter to Parks Canada asking for a presentation on the National Marine Conservation Area proposal for the Southern Strait of Georgia and discussion of the potential for marine parks in the Saanich Inlet.

10. Development of a public boat ramp on the west side of the Peninsula.

A number of respondents to the MTF questionnaire indicated support for a small boat launch on the west side of the peninsula. Small boats can launch on the east side of the peninsula at Tulista Park but must then travel for several hours to reach and return from the Saanich Inlet.

The District has expended energies in the past attempting to get the federal government to reconsider closure of the boat launching facility in Patricia Bay, the preferred location of the MTF for a facility. Other alternatives could be explored. If Council is interested in pursuing this initiative, an ad hoc committee could be struck with former members of the MTF, boating groups and other interested parties.

ACTION ITEM #6: Council to decide if it wishes to investigate the development of a small boat launch for public use on the west side of the peninsula.

FINANCIAL CONSIDERATION: Implementation of this recommendation could lead to future requests for funding for the development of a boat launch or the associated parking.

11. Develop a consultation process to review the issues surrounding beach accesses.

The MTF recommends that most of the existing public beach accesses remain in their current unimproved state. It also recommends improving the state of already developed public accesses and beaches through a process of consultation, scheduling and budgeting that examines the issues surrounding the public desire for access versus private property interests. The process should also look at parking issues, public misbehaviour and maintenance at the popular beaches. Enhancements to existing sites such as designating kayak launch sites, repairing the Scoter Trail and improving Chalet Beach are also included as is up-dating and improving the District's trail guide.

This recommendation falls largely within the purview of the Parks Commission. Council could refer this matter to the Parks Commission to see if it can accommodate it.

ACTION ITEM #7: Refer this recommendation to the Parks Commission.

FINANCIAL CONSIDERATION: Unless this item can be funded out of current resource levels, then additional funding will be required.

12. Support for a Shoreline Inventory

Previous OCPs as well as the current one contain a map developed from a shoreline inventory carried out in the early 1980s. The policies in section 4 of the OCP are based on biophysical information in this map.

The shoreline inventory, once completed, will provide better quality and more recent data. The findings of the shoreline inventory should be used to up-date the OCP and other District bylaws, regulations and policies as recommended by the MTF. Funding has already been allocated to this. The changes to policies, regulations and Council policies would be considered at public meetings in accordance with the requirements of the Local Government Act.

ACTION ITEM #8: Once the shoreline inventory is complete, use the information to up-date the OCP and other District bylaws, regulations and policies.

13. Develop a pro-active report to dealing with and remediating water pollution issues, particularly in the Saanich Inlet.

This recommendation is actually comprised of several recommendations including:

- better informing residents of North Saanich on pollution issues in streams and the waters around the Peninsula;
- an information program to advise waterfront landowners as to what they can do to reduce pollution, particularly from the upland areas, e.g., ensure proper functioning of on-site sewage treatment systems, reduce the use of fertilizers and pesticides in gardens, encourage residents to plant native species in the 15-m buffer zone;
- continued monitoring of stormwater outfalls and sediments in Saanich Inlet in partnership with CRD & VIHA and development of solutions that reduce pollution levels of public health and environmental concern;
- District encouragement for North Saanich marinas seeking Clean Marine BC recognition, a Georgia Strait Alliance voluntary environmental recognition program for marinas and boatyards in BC;
- the District working with all levels of government to ensure the major portion of Saanich Inlet is designated as a marine protected area;
- continuation of support to local environmental organizations to provide specific environmental deliverables and to foster public awareness and action.

Some of these recommendations are on-going and primarily relate to how staff interacts with other agencies. It is suggested that senior staff pass these recommendations along to all staff members who work in these areas.

ACTION ITEM #9: Senior staff to ensure all staff members working in these areas are aware of these recommendations.

14. Develop guidelines for waste management, pump-outs and design standards.

Due to a lack of in-house expertise, it is very difficult for the District to develop its own design standards for docks, seawalls and other marine structures. In keeping with the intent of the recommendation, it would be easier for the District to adapt and integrate the design guidelines of other government agencies active in marine management. For example, all development permits for work in DPA No. 1 include the requirement for adherence to the Best Management Practices of the Department of Fisheries and Oceans.

ACTION ITEM #10: Adapt and integrate the design guidelines of other government agencies active in marine management.

15. Ensure the Zoning Bylaw is consistent with federal Private Buoy Regulations.

Staff can confirm that the Zoning Bylaw is consistent with the federal Private Buoy Regulations. (See Appendix "C" attached.) No further action is required.

16. Liaise with the Integrated Land Management Bureau on Foreshore Leases

At the present time, the Province refers all water license applications to the District for its comments. This part of the process works well and allows for District staff to comment. Any problems that have arisen are the result of referrals being sent to the wrong local government. In these cases, when the Province does not hear back, it is assumed that the District does not wish to make any comments and a license is issued. The District needs to work with the Province to revise its referral process such that it requires an answer from the District, whether it has objections or not, before it issues a water license. Regardless, when the licenses have been issued without local government consultation, staff has notified the Province of this. The Province has then contacted the licensee to draw their attention to the standard clause in the lease requiring compliance with local government bylaws and regulations.

ACTION ITEM #11: Council could send a letter to the Regional Manager outlining its concerns regarding the current referral process.

The MTF also recommends that all businesses, marinas, yacht clubs and residents with property located in DPA No. 1 be made aware that they are within a development permit area and how this DPA could affect construction or alteration of the land within the DPA.

Staff have observed that there are very few problems with long-term property owners. Problems tend to arise with new property owners who come from other jurisdictions that do not have the same type of legislation and regulations found in Greater Victoria and BC. For example, not all provinces have enabling legislation for tree protection and not all municipalities in BC have tree protection bylaws. Although a letter to the current owners can easily be done, it is more difficult to develop a system for alerting new owners. If letters or brochures are sent to all the waterfront property owners, they may pass them along to future purchasers.

FINANCIAL CONSIDERATION:: Provide Council with a cost estimate for preparing a brochure for distribution to so this can be considered in the budgetary process.

17. Develop policy to address the replacement of legal, non-conforming docks.

As noted in the MTF report, the replacement of legal, non-conforming docks can be quite complex. It is largely governed by section 911 of the *Local Government Act (LGA)* which is attached as Appendix "D". This section of the *LGA* restricts the replacement of legal, non-conforming structures whose use is not permitted by existing zoning. Because many existing docks are zoned M-6, they require the permission of the Board of Variance before they can be repaired.

Increasingly, the marine industry is recognizing the importance of using environmentally friendly materials and methods of construction. However, it is not possible for the Board of Variance to establish conditions of its approval such as using environmentally friendly materials. Staff will need to investigate ways to make the process less complicated to allow the replacement of existing moorage facilities with environmentally friendly materials.

ACTION ITEM #12: Staff to investigate ways to make the process for replacing legal, non-conforming decks with environmentally friendly materials less complicated.

18. Review policies pertaining to seawalls.

Staff agrees that the District should review its policies on sea walls and is currently discussing the matter with the District's solicitor as recommended by the MTF report.

All applications in DPAs for environmental sensitivities are referred to the Environmental Advisory Commission (EAC) which then evaluates the proposal for compliance with the guidelines in the OCP. Protection of the environment is critical in this evaluation and the EAC often makes recommendations to Council on the terms and conditions of the permit in this regard.

Once the data from the shoreline inventory is received, staff will be able to determine if it can be used assess the impact that seawalls have on natural shore processes. It is likely that the services of a qualified professional would be needed to carry out this

ACTION ITEM #13: Review the District's policies on seawalls and report back to Council.

19. Review the existing marine zones to simplify them and integrate the other changes recommended in this report.

No macro changes in marine zoning were recommended by the MTF. It did recommend reviewing the existing zoning to simplify the classifications. This work can be done through the Zoning Bylaw review currently underway.

Council will need to specifically direct staff to create new industrial zones for marine service businesses in the McDonald Park and Airport areas, keeping in mind that much of the undeveloped land around these areas is in the ALR or designated for residential use. There are opportunities on the Airport lands themselves for marine related services to locate.

ACTION ITEM #14: The inconsistencies between terms used in the OCP text and those on the map legends and schedules regarding marine areas should be corrected.

ACTION ITEM #15: Look at ways to simply the marine zoning during the Zoning Review process.

20. Consider a successor marine advisory group.

There is not sufficient work for a successor marine group to do in terms of reviewing development applications. These types of applications should continue to be referred to the EAC. Council may wish to ensure during its appointments of EAC members that one or two of the members have a background or interest in the marine environment.

Council may wish to establish an ad hoc advisory committee to provide advice on integrating the findings of the marine shoreline inventory with the District policies. This committee should not be established until the inventory is close to completion.

ACTION ITEM #16: Establish an ad hoc committee to advise Council on ways to integrate the findings of the shoreline inventory with District policy.

ALTERNATIVES:

1. Accept the report of the Marine Task Force; or
2. Do not accept the report of the Marine Task Force
3. Ask staff to carry out the 14 action items;
4. Ask staff to carry out some of the action items; or
5. Do not ask staff to carry out any of the action items.
6. Do not make a decision on any of the recommendations involving the sewer system without first obtaining further information from the Infrastructure Services Department.
7. Refer Recommendations 8, 10, 11 and 17 to budget discussions.

FINANCIAL IMPLICATIONS:

Several of the recommendations (8, 10, 11 and 17) could have direct financial implications and should be looked at in the context of the budget discussions.

LEGAL IMPLICATIONS:

Staff is discussing the legal issues associated with seawalls and riparian rights with the solicitor. This information will be useful in the development of any policies.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

There has been some criticism that the Task Force did not adequately represent waterfront property owners. As Council has noted, a public process was used to invite people to sit on the Task Force. Now that Council is aware of the interest of waterfront property owners in being actively involved in the process, Council can ensure that all future task forces and committees make provision for representation by waterfront property owners.

Some of the recommendations in the MTF report are likely to be controversial, in particular, numbers 2, 3, 7, 11 and 19.

Included in the MTF report is a recommendation to start a public education program. A good first step may be to include articles in the District newsletter. A more extensive effort will require the services of a registered professional biologist or other qualified professional to prepare a pamphlet or brochure that can be distributed to waterfront property owners and businesses.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

No decisions should be made on hooking up marinas for pump-out facilities until the Infrastructure Services Department has had the opportunity to adequately assess the demand for this type of service and the potential impact on the sewer system and treatment capacity.

SUMMARY:

The Marine Task Force has presented a well-written and carefully researched report to Council. Some of the recommendations in the report are easily carried out or already underway. Some of the recommendations will require funding. Council direction is required on Recommendations 2, 3 and 6 before staff can proceed.

RECOMMENDATIONS:

1. Accept the Final Report of the Marine Task Force;
2. Direct staff to proceed with the Action Items 1, 4, 5 and 7 to 14;
3. Provide staff with direction on Action Items 2, 3 and 6;
4. Postpone any decisions on matters related to sewers until advice is provided by the Infrastructure Services department; and
5. Refer recommendations 8, 10, 11 and 17 to budget discussions.

Respectfully submitted,

Concurrence:

Tracy Olsen
Development & Community Services

Bruce Williams
Chief Administrative Officer

APPENDIX “A”:

TERMS OF REFERENCE
MARINE TASK FORCE

The “Marine Task Force” (MTF) is hereby established with the following terms of reference.

MANDATE

The mandate for the MTF has two focuses; economic and environmental protection and enhancement.

(a) Economic

- Review the seven (7) marine zones (M-1 to M-7) to reconsider the permitted uses and restrictions and the extent to which some zoning changes and consolidation may be possible to facilitate more covered moorage (boat houses) and additional development of the upland areas to allow expansion of commercial business (including retail) and greater public access to amenities (e.g. marinas, marine retail shops, other tourism venues such as boat/kayak rentals, charters and tours). This could include:
 - Environmental impact assessments at each marina site for current and potential expansion scenarios;
 - Strategies and policies covering real estate development around marina sites;
 - Projection demands for moorage facilities and services, economic benefits to the community, tax revenues to the District and additional infrastructure costs and how they are to be recovered;
 - Plans on how the marine industry will handle utilities (e.g. water, sewer and garbage).

(b) Environmental Protection and Enhancement

- Develop and recommend to Council a method to:
 - Inventory sensitive shoreline including beach erosion, inter-tidal and marine environments and identify those requiring protection;
 - Review and assess the effectiveness and relevance of existing North Saanich bylaws and policies and procedures designed to address, protect and/or enhance marine and foreshore habitats; and
 - Identify short and long term environmental impacts of commercial and residential development/encroachment (current and planned) on marine habitat, foreshore and related water courses that exist in or are adjacent to marine environments.
- Develop practical policies that will:
 - Protect marine environments and habitats in North Saanich, all with the context of the OCP;
 - Incorporate the new Federal Government’s regulations requiring holding tanks and pump out stations in order to prevent the dumping of raw sewage from boats in bays, marinas and the open ocean;
 - Balance access/use and protection of the shoreline surrounding the District (a Provincial resource under the jurisdiction and control of Land and Water BC Inc.);

- Guide marine and shoreline development, including best practices at marinas regarding boat painting and washing;
- Examine boat launch ramps (are they necessary and if yes, where should they be located e.g. Pat Bay), including parking.

MEMBERSHIP

The Task Force will consist of eleven (11) members appointed by Council as follows:

- a) One (1) member of Council appointed as a non-voting liaison member;
- b) One (1) member from the Advisory Planning Commission;
- c) One (1) member from the Economic Planning Committee;
- d) One (1) member from the Environmental Advisory Commission, who has a biology background;
- e) One (1) member from the Parks Commission;
- f) Three (3) members from the public at large who are not already on a North Saanich Commission or Committee that have no affiliation with the marine industry; and
- g) Three (3) members representing the "Marine Industry" (example, commercial marinas, yacht/boat industry (e.g. sales and service), marina restaurants and marine tourism industry).

All members are subject to the removal at the pleasure of Council during their appointment.

The Marine Task Force shall elect from its members a chairperson and vice-chairperson.

The members of the Task Force are appointed until such time as the Task Force has fulfilled its mandate or has been terminated by Council.

Administration shall advertise in the peninsula News Review to seek individuals who are interested in serving on the Task Force and appointments shall be made in accordance with section 90(1)(a) of the *Community Charter*.

MEETINGS

Administration shall arrange for the first meeting of the MTF and conduct the election of the Chair.

The time and schedule of the MTF meetings shall be determined by the Chairperson, in consultation with its members.

For the purposes of constituting a quorum, a majority of the members of the MTF (Excluding the member of Council) shall be six.

The MTF shall follow the rules of procedure outlined in the Council Procedures Bylaw.

All decisions of the MTF shall be in the form of resolutions duly passed by a majority of its Members present. The Task Force shall strive to reach consensus on issues.

A member of the MTF who abstains from voting shall be deemed to have voted in the affirmative.

REMUNERATION OF TASK FORCE MEMBERS

The members of the MTF, including the Chair, shall serve in a volunteer capacity only, with no remuneration except for the reasonable expense of attending meetings as a may be determined by the Chief Administrative Officer.

TASK FORCE REPORT

The MTF shall submit a written report to Council, through the Committee of the Whole, confirming its recommendations with respect to its purpose, within eighteen (18) months of its first meeting.

The MTF report shall be a public document and will contain reasons and justification for all recommendations. All background material relied upon or considered in the formation of recommendations shall be cited in the report and made available to Council and interested members of the public, unless doing so would infringe upon the privacy of the person or organization that provided the information.

FINANCE AND ADMINISTRATION

The Director of development and Community Services or her designate will provide administrative services and support to the MTF.

The Task Force shall not be authorized to commit financial resources to the District of North Saanich.

TERMINATION

The Task Force shall terminate upon acceptance of the Task Force's final report by Council or any earlier date as determined by a resolution of Council.

APPENDIX B:

Excerpt from the Marine Task Force Final Report:

7.2 Recommendations

In developing the recommendations, the Task Force has followed these guiding principles and philosophies:

- That the District should encourage and support the sustainable use and enjoyment of the magnificent waters around our coastline by all residents and taxpayers be they boaters, hikers, kayakers, residents or local businesses with balanced attention to the needs of all;
- That in reviewing and approving development proposals, sound environmental practices are applied and that key public amenities such as beaches (and access to beaches), parks and trails are protected for the use and enjoyment of future generations;
- That development processes support objective and informed decision-making, which balance business and public needs and strive for win-win outcomes;
- That permitting and re-zoning processes be reviewed and streamlined, where possible;
- That sensitivity, goodwill and respect of public and private property rights to the enjoyment of the District foreshore be exercised by all parties in the communication and review of proposals affecting the foreshore;
- That a vital and sustainable marine industry contributes to both the economic and social well-being of the community and helps diversify municipal tax revenue; and,
- That the environmental health of the marine areas surrounding the District be maintained and, where possible, improved.

7.2.1 General marine sector development

2. The District better recognizes the marine heritage, economic contributions and the boating interests of many of its residents by:
 - a. Supplementing Section 7.0 *Commercial Development* of the OCP with a specific marine development policy incorporating some of the key recommendations and philosophies contained in this report;
 - b. Developing specific Marine Development Guidelines as outlined in Part 6.3 and incorporating them into the appropriate development process bylaws;
 - c. Incorporating support for economic and sustainable diversification of the current tax base in the policies;
 - Investigating current land use plans in the McDonald Park Road and Airport land areas with a view to encouraging further marine-related businesses;
 - Supporting the current Oceans Network Canada proposal to create a new high tech applied research centre and business park at the University of Victoria site at Patricia Bay;
 - Considering development of affordable housing to encourage marine trades employees to live in and contribute to the economy of the area;
 - Encouraging proponents of new waterfront developments and improvements to incorporate an element of public use, e.g., waterfront trails/restaurants in appropriately zoned areas.

7.2.2 Marine & foreshore use

2. Support a policy which permits, subject to specific applications, marina expansions in the order of 10% over and above current capacity. Such a policy would help mitigate the substantial shortage of wet moorage, thereby shortening the waiting lists for slips in the area.
3. Further to Recommendation 2, enter into proactive discussions with individual marinas on the various sites at Deep Cove, Canoe Cove and Tsehum Harbour described in Part 4.1.4. The discussions should include expansion options, land use and zoning optimization within the permit areas, environmental issues and opportunities for sewer connection and upgrading of facilities to current “best practices”.
4. For the Deep Cove reconfiguration application, the District should encourage the proponent to install a pump-out facility and also consider establishing a float and ramp at the end of the new or modified Blauw Pier that would be accessible to the public and suitable for launching kayaks or similar small boats.
5. No changes to current boatshed regulations are recommended at this time. The possibility of common covered moorage (continuous roofline) versus individual boatsheds allows for higher density moorage and should be considered in reviews of any reconfiguration proposals.
6. The District should be flexible in dealing with any requested land use or zoning changes necessary to accommodate dry land boat storage facilities. This is an environmentally friendly approach to increase the number of vessels accessing local waters. Several marina sites would be suitable for expanded dry land storage as well as the possibility of a stand-alone site. The addition of a launch ramp would be helpful in facilitating such a business venture.
7. Most of the North Saanich coastline is zoned M-6 that precludes development of new private docks without rezoning. Private docks clearly provide benefits to the waterfront residents involved but can create environmental and public access issues. The Task Force recommends further work to define, in conjunction with the shoreline inventory program, acceptable areas and consider rezoning these areas to M-5. In the interim, the new Marine Development Guidelines should deal with issues around development of such docks – perhaps encouraging multi-use or community docks. Properly written guidelines would provide more certainty to proponents and help create an objective and informed basis for approving or disallowing applications.
8. North Saanich should join with Sidney to either expand the scope of the existing Tsehum Harbour Commission or form a new one, which could, at a later date, be expanded to include all of the District’s shoreline. The mandate and role need to be further developed as discussed in Part 4.3 to monitor and trigger enforcement by the responsible bodies for issues such as inappropriate buoy placement, transient moorage, derelict boats, fire protection and waste discharges.
9. The District should proactively follow up with Parks Canada on the designation of parts of the Saanich Inlet as a Marine Park. Such discussions should also explore the development of transient overnight mooring buoys at appropriate

- locations as a user-friendly, pay-for-use alternative to transient anchoring. The buoys at Sidney Spit are a good example of this approach.
10. The District should commit to development of a public access boat launch ramp on the west side of the Peninsula. The preferred location is in the Patricia Bay area but, as noted in Part 4.5, land use and business arrangements need further investigation. Fallback options that would relieve existing demand are the Dolphin Road site at Swartz Bay or Cy Hampson Park on Bazan Bay. Ongoing investigation should include parking reviews and consultation with any affected residents.
11. The District currently has some 37 public beach accesses, many of which are accessed by narrow residential streets and steep trails down to the beaches. The Task Force recommends that most of these should remain in their natural “unimproved condition”. However, the potential exists to improve resident access, use and enjoyment of our beaches with selected improvements at several locations. It is therefore recommended that the District further investigate, and after appropriate consultation with parties involved, adopt a phased program and budget to carry out the following:
- Review and implement the most effective consultation process to achieve balanced resolution of various issues around public needs and private property interests;
 - Review existing parking possibilities and restrictions at some of the more popular beaches;
 - Review District policies regarding maintenance of existing beach accesses and adjoining beaches (including trash removal) and review of regulations / bylaws (particularly to minimize incidents of rowdiness) and other matters related to safety and the encouragement of reasonable and respectful use;
 - Add lockable bike racks at some or all of the following locations:

West end of Cromar Road
West end of Norris Road
West end of Towner Road
North end of Scoter Trail
Patricia Bay Park
West end of Braemar Avenue
Cy Hampson Park
Lillian Hoffar Park
West end of Tatlow Road (Chalet Beach)
West end of Moses Point Road
West end of McTavish Road
Blauw Pier

- Consider designating Chalet Beach as a destination beach for picnicking and general day use, which would require improving parking availability and adding toilet facilities. It may also be a suitable location for a seasonal small boat dock;
- Consider designating the following locations as kayak launch sites:

West end of Braemar Road in Ardmore
Patricia Bay at the north end of the Scoter Trail
West end of Tatlow Road in Deep Cove (Chalet Beach)
Cy Hampson Park
Lillian Hoffar Park

These designations would require a review of parking, addition of toilets and potentially lockable user pay kayak racks or sheds. A good place to conduct an initial trial for the latter would be Lillian Hoffar Park.

- Repair and restore the seawall in those sections of Scoter Trail extending north of Patricia Bay Park that were damaged in the winter storms of 2006 to 2008;
- Consider publishing a guide to District beach accesses that describes the recreational possibilities and also provides a code of conduct for beach visitors, kayakers and canoeists and fishers. Signage at strategic locations should also be developed with the same messages as the guide.

7.2.3 Shoreline inventory

12. The Task Force endorses the scope of the recently approved comprehensive shoreline inventory initiative (Saanich Inlet and Peninsula Atlas of Shorelines -SIPAS) that is being undertaken by the Saanich Inlet Protection Society and the SeaChange Marine Conservation Society. As this work extends beyond the end date of the MTF mandate, some of the regulatory and policy recommendations in this report are based on our current understanding of the issues and may require further quantification at a later date. It is recommended that, as a co-funder, the District stay closely involved in the work and as results become available:

- Assess current compliance and take action on deviations with current policies and bylaws;
- Designate areas requiring more or less protection than covered by existing zoning, policies and bylaws;
- Review adequacy and, if necessary, modify or expand existing policies and bylaws to protect and preserve the foreshore environment;
- Use data to develop best practice guidelines for foreshore structures and incorporate into the policies discussed in Recommendation 1;
- Review current marine zoning in light of any new data from the inventory;
- Consider establishing an ongoing standing expert advisory committee to assist in this work, including policy reviews and application assessments;
- Develop an information program for waterfront landowners (see Recommendation 13).

7.2.4 Policies, procedures & environmental protection

13. The District should take a proactive approach in dealing with and remediating water pollution issues –particularly in the Saanich Inlet. Measures should include:
 - better informing residents of North Saanich on pollution issues in streams and the waters around the Peninsula;
 - an information program to advise waterfront landowners as to what they can do to reduce pollution, particularly from the upland areas, e.g., ensure proper functioning of on-site sewage treatment systems, reduce the use of fertilizers and pesticides in gardens, encourage residents to plant native species in the 15-m buffer zone;
 - continued monitoring of stormwater outfalls and sediments in Saanich Inlet in partnership with CRD & VIHA and development of solutions that reduce pollution levels of public health and environmental concern;
 - District encouragement for North Saanich marinas seeking Clean Marine BC recognition, a Georgia Strait Alliance voluntary environmental recognition program for marinas and boatyards in BC;
 - the District working with all levels of government to ensure the major portion of Saanich Inlet is designated as a marine protected area;
 - continuation of support to local environmental organizations to provide specific environmental deliverables and to foster public awareness and action.
14. The new Marine Development Guidelines should incorporate appropriate waste management guidelines, installation of pump-outs for new marina expansions, and up-to-date design standards for docks, seawalls and other marine structures.
15. Once the new Marine Development Guidelines are in place, Council should encourage applicants to “round table” expansion plans with District staff to provide a better understanding of needs and expectations before making major investments in preliminary work.
16. The District should ensure that the Zoning Bylaw regarding private mooring to buoys is consistent with federal Private Buoy Regulations.
17. The District should liaise with the Integrated Land Management Bureau of the provincial Ministry of Agriculture and Lands to integrate processes for foreshore lease applications and also ensure that sensitive marine areas in North Saanich (e.g., pocket beaches, bird sanctuaries, and ecological reserves) are flagged and receive appropriate attention. The District should also ensure that all businesses, marinas, yacht clubs and residents within the marine and foreshore Development Permit Area are aware of District requirements for any construction or alterations.
18. The new Marine Development Guidelines should incorporate a policy that unsafe and failing legal, non-conforming docks or piers can be replaced and, where appropriate, more environmentally sound materials and methods should be used. The Task Force has also recommended earlier that the District consider opening more areas to private docks based on a strict set of guidelines as to when this would be acceptable.

19. The District should review policies on sea walls as per the following:
 - The new Marine Development Guidelines should incorporate up-to-date information on environmentally sound practices and guidelines for materials, types and size of walls;
 - The District should seek a legal opinion on the District's responsibilities and liabilities regarding sea walls;
 - The District should ensure that all Development Permits are evaluated for effectiveness in protecting environmental values and develop enforcement policies for non-compliance with permit conditions; and,
 - The District should use data from the shoreline inventory program to assess the extent sea walls impact natural shore processes and revise policies and guidelines as necessary.

19. No macro changes in marine zoning are recommended pending development of some of the marine and dock development guidelines discussed in the preceding sections and completion of the shoreline inventory. It is, however, recommended that:
 - the existing M2, M3, M4 zoning and the Class A,B, and C marina designations and permit areas be reviewed on a case-by-case basis with the individual marina operators to both simplify the classifications and to accommodate the recommendations made on incremental expansions and potential dry boat storage;
 - possible new industrial zones for marine service businesses be evaluated in the McDonald Park and Airport areas;
 - as the shoreline inventory work is completed, possible M5 zoning sites that would permit some level of private or community docks should be identified; and,
 - the inconsistencies between terms used in the OCP text and those on the map legends and on the schedules regarding marine areas should be corrected.

21. Several of the above recommendations relate to actions and development of policies requiring technical marine knowledge and expertise. Council should, therefore, consider setting up a successor marine advisory group to support ongoing actions on Task Force recommendations.

APPENDIX "C":

PRIVATE BUOY REGULATIONS

INTERPRETATION

1. In these Regulations, "private buoy" means a buoy that is not owned by the federal government, a provincial government or a government agency.

APPLICATION

2. These Regulations apply to every private buoy other than private buoys used to mark fishing gear.

PLACEMENT REQUIREMENTS

3. No person shall place in any Canadian waters a private buoy that interferes with or is likely to interfere with the navigation of any vessel, or that misleads or is likely to mislead the operator of any vessel.

4. (1) No person shall place a private buoy in any Canadian waters unless

(a) the part of the buoy that shows above the surface of the water is at least 15.25 cm wide and at least 30.5 cm high;

(b) the buoy displays, on opposite sides, the capital letters "PRIV" that are

(i) as large as is practical for the size of the buoy, and

(ii) white when the background colour is red, green or black,

(iii) black when the background colour is white or yellow;

(c) the buoy complies with the requirements set out in *Canadian Aids to Navigation* (TP 968) published by the Canadian Coast Guard in 1995, as amended from time to time;

(d) the buoy displays, in a conspicuous location and in a permanent and legible manner, the name, address and telephone number of its owner;

(e) the buoy is constructed and maintained in a manner and with materials that ensure that it remains in position and retains the characteristics specified in paragraphs (a) to (d); and

(f) the buoy's anchor is constructed and maintained in a manner and with materials that ensure that it remains in position.

(2) The owner of a private buoy placed in any Canadian waters shall ensure that the information required by paragraph (1)(d) is accurate at all times.

5. (1) If there is a need for increased visibility or better identification of a buoy for safety and the prevention of accidents, the Minister of Fisheries and Oceans may order the owner of the buoy to modify it according to the requirements set out in the *Procedures Manual for Design and Review of Short-range Aids to Navigation Systems* (TP9677), published in March 1989 by the Canadian Coast Guard, as amended from time to time.

(2) [Repealed by SOR/2002-19]

6. No person shall place in any Canadian waters a private buoy that has a light unless the light remains lit throughout the night and meets the requirements referred to in paragraph 4(1)(c).

REMOVAL

7. The Minister of Fisheries and Oceans may remove from any Canadian waters a private buoy that does not comply with these Regulations.

APPENDIX "D": Section 911 of the Local Government Act

Non-conforming uses and siting

- 911** (1) If, at the time a bylaw under this Division is adopted,
- (a) land, or a building or other structure, is lawfully used, and
 - (b) the use does not conform to the bylaw,
- the use may be continued as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the bylaw.
- (2) The use of land, a building or other structure, for seasonal uses or for agricultural purposes is not discontinued as a result of normal seasonal or agricultural practices, including
- (a) seasonal, market or production cycles,
 - (b) the control of disease or pests, or
 - (c) the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.
- (3) A building or other structure that is lawfully under construction at the time of the adoption of a bylaw under this Division is deemed, for the purpose of this section,
- (a) to be a building or other structure existing at that time, and
 - (b) to be then in use for its intended purpose as determined from the building permit authorizing its construction.
- (4) If subsections (1) and (2) authorize a non-conforming use of part of a building or other structure to continue, the whole of that building or other structure may be used for that non-conforming use.
- (5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.
- (6) In relation to land, subsection (1) or (4) does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the bylaw under this Division.
- (7) For the purposes of this section, a change of owners, tenants or occupants of any land, or of a building or other structure, does not, by reason only of the change, affect the use of the land or building or other structure.
- (8) If a building or other structure, the use of which does not conform to the provisions of a bylaw under this Division is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, it must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.
- (8.1) If the use of a building or structure that is on land identified in a phased development agreement under section 905.1 [*phased development agreements*] complies with a zoning bylaw provision specified under

section 905.1 (3) for the phased development agreement, subsection (8) does not apply to the building or other structure while the phased development agreement is in effect, unless

- (a) the provision has been repealed or amended, and
- (b) either
 - (i) the developer has agreed in writing under section 905.1 (5) that the changes to the zoning bylaw apply, or
 - (ii) the changes to the zoning bylaw apply under section 905.1 (6) without the written agreement of the developer.
- (9) If the use and density of buildings and other structures conform to a bylaw under this Division but
 - (a) the siting, size or dimensions of a building or other structure constructed before the bylaw was adopted does not conform with the bylaw, or
 - (b) the siting, size, dimensions or number of offstreet parking or loading spaces constructed or provided before the bylaw was adopted does not conform with the bylaw,the building or other structure or spaces may be maintained, extended or altered to the extent authorized by subsection (10).
- (10) A building or other structure or spaces to which subsection (9) applies may be maintained, extended or altered only to the extent that
 - (a) the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started, and
 - (b) in the case of protected heritage property, the repair, extension or alteration is permitted or authorized in accordance with the provisions governing the heritage protection of the property.
- (11) Subsections (5) and (8) do not apply to alterations, additions, repairs or reconstruction of a protected heritage property if the alteration, addition, repair or reconstruction is authorized by a heritage alteration permit under section 972.