



<u>COUNCIL AGENDA</u>	
Date: <u>February 11/14/2022</u>	Item: <u>181</u>
March 29, 2022 PH	4.2/R-2



4.2/R-2

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

CONFIDENTIAL COUNCIL REPORT

Date:	January 26, 2022
From:	Heather Keith, Manager, Environmental Protection
Subject:	Foreshore Development Permit Area
File:	0332-04

RECOMMENDATION

THAT opportunities for consultation on the proposed Official Community Plan amendment, with persons, organizations, and authorities, as outlined in the report from the Manager, Environmental Protection, dated January 26, 2022, be endorsed as sufficient consultation for purposes of section 475 of the *Local Government Act*.

RECOMMENDATION

THAT proposed “Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5128, 2022” be read a first time.

RECOMMENDATION

THAT proposed “Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5127, 2022” be read a first time.

RECOMMENDATION

THAT proposed “Fees and Charges Bylaw No. 5136, 2021, Amendment Bylaw No. 5129, 2022” be read a first time.

RECOMMENDATION

THAT proposed “Tree Bylaw No. 4892, 2016, Amendment Bylaw No. 5133, 2022” be read a first time.

RECOMMENDATION

THAT proposed “Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5128, 2022” be presented at a public hearing scheduled for March 29, 2022 at 6 p.m. in the Municipal Hall Raven Room, and that statutory notice be given of the scheduled public hearing.

RECOMMENDATION

THAT the implementation of the guidelines for developing within the Foreshore Development Permit Area proceed in accordance with Schedule A of Appendix A.

1.0 Purpose

To amend bylaws to establish a proposed Foreshore Development Permit Area (DPA) and associated procedures to support its implementation.

2.0 Legislation/Bylaw/Policy

2.1 Legislation

Section 488 of the *Local Government Act* (LGA) indicates that: (1) An Official Community Plan (OCP) may designate DPAs for the: (a) protection of the natural environment, its ecosystems, and biological diversity; and (b) protection of development from hazardous conditions.

2.2 Bylaw and Policy

The following bylaws are proposed to be amended with the adoption of the Foreshore DPA:

- The “Official Community Plan Bylaw No. 4985, 2018” is a bylaw that regulates land use and guides development.
- The “Development Procedures Bylaw No. 4940, 2017” is a bylaw that defines procedures under which an owner of land may apply for the issuance of permits.
- The “Fees and Charges Bylaw No. 5136, 2021” is a bylaw to establish fees and charges for services and information.
- The “Tree Bylaw No. 4892, 2016” is a bylaw that regulates, prohibits, and imposes requirements in relation to trees.

3.0 Council Strategic Objective(s)/Official Community Plan

On November 8, 2021, Council approved the Strategic Goals and Objectives for 2021/2022, which included the retention of Objective 3.2 of Council’s 2020-2021 Strategic plan to “Address the threats of [...] floods”.

The District’s OCP is a statement of objectives and policies to guide decisions on planning and land use. It includes the identification of development controls and restrictions based on hazardous conditions or environmentally sensitive areas (i.e., DPAs). The following sections of the OCP provide policy direction to enable the community and associated infrastructure to adapt to and manage the risk of sea level rise and coastal flooding:

- Policy 2.6.10 directs the protection of the shoreline and its significant environmental and cultural features through:
 - Seeking strategic land acquisition where appropriate;
 - Restricting private encroachment except where required for access; and
 - Regulating existing structures to minimize impact.
- Policy 2.6.11 directs shoreline protection strategies and flood construction levels to be updated to further protect from sea level

rise, reduce shoreline erosion, preserve and enhance habitat, and improve public access.

- Policy 2.6.12 directs the establishment of a foreshore development permit area to guide development and construction on or near the foreshore and to protect and enhance foreshore habitats.
- Policy 2.6.20 directs the employment of land use regulations, non-structural enhancements and structural flood protection measures to reduce potential impacts on public safety and property from sea level rise and storm surge.

4.0 Financial Implications

The following application fees are proposed for a Foreshore Development Permit:

Schedule A – DEVELOPMENT & PERMITS	FEE	DETAILS
DEVELOPMENT PERMIT UNDER OCP DESIGNATION BF-NE2		
For foreshore protection that includes construction of habitable space	\$2,500.00	plus \$700.00 if the application involves zoning bylaw variances, plus \$500.00 if the application proceeds to Council for consideration.
For foreshore protection where only site work is proposed (does not include construction of habitable space)	\$800.00	plus \$700.00 if the application involves zoning bylaw variances, plus \$500.00 if the application proceeds to Council for consideration.
Minor amendment to existing Development Permit by Director	\$1,000.00	
For foreshore protection where only tree work is proposed	\$300.00	\$300.00 for any pruning work or removal of one tree, \$100.00 for each additional tree removal proposed

The proposed Foreshore DPA will enable the collection of application fees as revenue to offset the costs associated with the implementation of the permit. The fee will specifically offset staff time allocated for permit processing, including submission intake, staff circulation and review, correspondence with the applicant, permit approval by the Director of Planning and Development Services, permit issuance, and follow-up inspections. In addition, the revenue from the fees will help offset the

longer-term requirements for monitoring and to ensure compliance under the enforcement bylaws associated with this DPA.

The proposed fees are consistent with the fees for an Environmental Development Permit for watercourse protection given that the staff time and resources required are expected to be consistent. The fees collected for applications will likely result in net-neutral budget impact for cost recovery.

5.0 Background

5.1 Previous Decisions

At its July 8, 2019 regular meeting, Council recognized that climate change constitutes an emergency for West Vancouver and directed staff to prepare a “comprehensive climate adaptation strategy”. Over the course of five subsequent Council meetings (2019-2020) an omnibus suite of bylaw and policy amendments were approved to address climate change mitigation (i.e., greenhouse gas reduction). This current report and proposed establishment of a Foreshore DPA represent a recommended action to support climate change adaptation (i.e., resiliency to the impacts of climate change, specifically coastal flooding).

At its November 16, 2020 regular meeting, Council were presented with a report titled “Coastal Planning and Preparation of a Foreshore Development Permit Area”. This report included a flood mapping study for the West Vancouver coastline, a review of potential mitigation measures, including a Foreshore DPA with development guidelines based on guidance from the Province for land use management in flood hazard areas.

At this meeting, Council passed the following motions:

1. THAT the report dated October 28, 2020 titled Coastal Planning and Preparation of a Foreshore Development Permit Area be received for information.
2. THAT staff prepare and introduce for Council's consideration a Foreshore Development Permit Area.
3. THAT the District begin a workshop no later than the first quarter of 2021, with relevant community stakeholders (such as, but not limited to: the Coastal Marine Management Plan Working Group, affected residents, marine biologists, foreshore engineers, Council, etc.) as preparation work on the Foreshore DPA progresses, with the aim of ensuring that diverse expertise is incorporated therein.

To address item (3) of the Council motion from November 16, 2020, staff conducted a public workshop on April 28, 2021, with community stakeholders to provide an overview of the Foreshore DPA, the guidelines, and the permitting process, should the policy be adopted. Participants

were provided the opportunity to ask questions, seek clarification, and provide comments and feedback prior to staff finalizing the OCP guidelines for the Foreshore DPA.

For item (2), staff brought forward the proposed OCP guidelines for a Foreshore DPA for Council consideration on June 14, 2021. The item was defeated and Council passed the following motions:

1. THAT further consideration of the Foreshore Development Permit Area be deferred until such time as staff have completed additional public consultation by proactively reaching out to all homeowners in the proposed development permit area via a mail-out that includes a link to tonight's Foreshore Development Permit Area Council report and appendices as well as staff contact information, and then host two or three workshops/roundtable discussions in accordance with public health orders.
2. THAT staff bring back the Foreshore Development Permit Area in conjunction with the Coastal Marine Management Plan Working Group final report.

To address item (1) of the Council motion from June 14, 2021, staff conducted three public workshops on October 12, 13, and 20, 2021, with community stakeholders to provide an overview of the Foreshore DPA, the guidelines, and the permitting process, should the policy be adopted. Through a virtual break-out session format, participants were provided the opportunity to ask questions, seek clarification, and provide comments and feedback prior to staff finalizing the OCP guidelines for the Foreshore DPA. For these workshops, staff notified all homeowners within the proposed DPA through mail-outs in addition to other communications through directed email to specific interested groups, Northshore News, social media outlets, westvancouverite website, and posters in the community.

The proposed OCP guidelines for a Foreshore DPA that are the subject of this report are in response to item (2) of the Council motion from June 14, 2021.

5.2 History

Storm events within the province have been increasing, particularly during the winter period, when King Tide events are becoming more frequent over time. In particular, the storm events in December 2018 and more recently in January 2022, caused significant damage to many waterfront properties. Given that a large proportion of the community of West Vancouver is located along the coastline, there is a strong basis to develop adaptation measures to protect the community from the threat of sea level rise and coastal flooding.

As of January 1, 2018, the Province amended the *Flood Hazard Area Land Use Management Guidelines* (the "Provincial Guidelines") to address Flood Construction Levels (FCL) for habitable structures in the context of development and projected sea level rise due to climate change. The

current projection for sea level rise is a one metre increase by the year 2100 and a two metre increase by the year 2200. The Province provided guidance to local governments to use these projections for land use planning in flood hazard areas.

There are four principle measures available in order to adapt to sea level rise with respect to upland property and development:

- Avoid (e.g., setbacks);
- Protect (e.g., seawall, breakwater, storm surge barrier, berm to elevate foreshore land);
- Accommodate (e.g., elevate upland structures); and
- Retreat (e.g., relocation of structures away from coastal areas).

In response to the Provincial guidelines, the policies in the OCP, as well as Professional Practice Guidelines, the Planning and Development Services Department has been applying the principle of “Accommodate” for consideration of private property development within the coastal flood hazard area. Under Section 56 of the Community Charter, the Chief Building Inspector is able to require a report by a qualified professional to certify that the land may be used safely for the intended use (i.e., the proposed development), accounting for the guidance from the Province for land use management in flood hazard areas.

There are; however, limitations to relying on the Community Charter for this work and staff have looked into a better mechanism to ensure re-development in the coastal flood hazard area is built for “safe use”, responds to site-specific conditions and environments, while being situated within a consistent regulatory framework for all impacted properties. This could be done through a DPA designation, which is a policy to allow local governments to identify locations that need special treatment for certain purposes (in this case, the protection of development from hazards and the protection of the natural environment).

The proposed DPA will:

- Guide development in coastal flood hazard areas;
- Require new homes to be at an elevation above the risk of coastal flooding; and
- Protect the foreshore environment from erosion and impacts related to development.

6.0 Analysis

6.1 Discussion

Sea level rise, storm surge, and wave effects are elements that lead to greater risk of flood hazards on private property, including flooding of

homes and risk to life safety and property damage. Currently, the District has limited regulations in place to effectively address the risk of coastal flooding, particularly on private property.

To address these challenges, the proposed Foreshore DPA would be established to:

- Minimize risk to people and property from coastal hazards including sea level rise, storms, wave effects, and flooding;
- Support coastal management in reducing flooding risks; and
- Preserve and enhance the integrity of the intertidal habitat of the foreshore and minimize shoreline erosion.

Proposed Bylaws

In order to formalize the recommended approach to protect properties from coastal flooding and to protect the natural foreshore environment, the following bylaws are proposed for amendment:

- (A) OCP Bylaw to establish a Foreshore DPA and Policies;
- (B) Development Procedures Bylaw;
- (C) Fees and Charges Bylaw; and
- (D) Tree Bylaw.

These bylaws are described in greater detail below.

(A) Official Community Plan Amendment Bylaw

A DPA would require a development permit for any property within that area proposed to be subdivided, altered, or developed, as per section 489 of the LGA. There would be the requirement to build habitable space to the FCL if a property is at an elevation subject to coastal flooding. However, the DPA would allow flexibility for a property owner and their qualified professional(s) to propose variances to the Zoning Bylaw, flood-proofing strategies, and setback measures to achieve the FCL. In addition, the DPA would require considerations for the protection of the intertidal habitat and upper riparian habitat of the foreshore and require environmental protection measures to mitigate impacts.

Following the public engagement sessions held in October 2021, the Foreshore DPA guidelines were adjusted based on feedback received. Specifically, the following was completed and incorporated into the OCP guidelines:

1. Given that Eagle Island and other small islands in that area are fixed objects and will not change over the planning timeframe to the year 2100, further analysis was completed on the calculated FCLs for that area. The updated analyses accounted for the protection of Eagle Island on inland properties given that wave

effects would be minimized. This resulted in lower FCLs for areas and properties protected by the islands and the removal of fifteen properties from the DPA and a lower FCL elevation for other properties, allowing for a greater area for development above the FCL.

2. Clarity on exemptions for the requirement of a development permit for work with 15 m of the natural boundary of the ocean. The exemptions were modified to allow for greater flexibility to repair or modify existing structures within this protected area.

Appendix A includes a map of the Foreshore DPA, which designates all lands that are at an elevation at risk of coastal flooding based on a calculated flood construction level using the Provincial methodology and a projected sea level rise of 1.0 m to the year 2100. The map is also provided separately for convenience as **Appendix B**.

Once a development permit is issued, it would be registered to the Land Title of the property as per section 503 of the LGA, to ensure the development requirements are maintained over time and with each consecutive owner, to ensure safe use of the land as intended.

Official Community Plan Bylaw No. 4985, 2018 Amendment Bylaw No. 5128, 2021 (**Appendix A**) reflects the proposed changes.

(B) Development Procedures Amendment Bylaw

In order to implement the proposed amendment to the OCP as required by the LGA and to ensure a streamlined, efficient approach to authorizing development, staff are recommending that the Development Procedures Bylaw also be amended to:

- Delegate to staff the authority to issue Foreshore Development Permits (applicants would be entitled to appeal a decision of staff to Council);
- Allow the applicant to request variance(s) to the Zoning Bylaw that, in the opinion of the Director, protect(s) the dwelling from coastal flood hazards;
- Revise the definition of “Minor Development Permit” to specify when a Notice of consideration of an application shall be given to owners and occupants of all parcels of land that requires notifications to neighbours; and
- Establish, in a checklist format, the submission requirements for a Foreshore Development Permit application.

Development Procedures Bylaw No. 4940, 2017 Amendment Bylaw No. 5127, 2022 (**Appendix C**) reflects the proposed changes.

(C) Fees and Charges Amendment Bylaw

In order to cover the administrative costs for staff time allocated to the implementation of the Foreshore DPA, the fees outlined in the Financial Implications section 4.0 of this report are proposed.

Fees and Charges Bylaw No. 5136, 2021 Amendment Bylaw No. 5129, 2022 (**Appendix D**) reflects the proposed changes.

(D) Tree Bylaw

In order to protect trees within the Foreshore DPA, staff are recommending that the definition of a “Protected Tree” in the Tree Bylaw be updated with the addition of trees greater than 10 centimetres diameter at breast height (DBH) within 15 metres of the natural boundary of the ocean (i.e., the Foreshore Protection Area). The definitions of the Foreshore Protection Area and natural boundary would also be added to the Tree Bylaw.

Tree Bylaw No. 4892, 2016 Amendment Bylaw No. 5133, 2022 (**Appendix E**) reflects the proposed changes

6.2 Sustainability

With sea level rise occurring, it is important to establish adaptation measures to protect the community from coastal hazards. Planning for sea level rise will help to protect upland development, reduce shoreline erosion, and preserve and enhance the intertidal habitat of the foreshore.

6.3 Public Engagement and Outreach

The preparation of a Foreshore DPA is recommended in the District’s OCP. Broad public engagement was completed during the 2017-2018 OCP review. In addition, the Coastal Marine Management Plan Working Group is an ongoing citizen-led District initiative to develop a Coastal Marine Management Plan that will provide guidance on District coastal management issues. Staff from the Planning and Development Services Department met with the Working Group to gain a better understanding of their emerging recommendations on key issues; most specifically with respect to the public/private interface at the foreshore. The Working Group has a comprehensive understanding of the complexity of sea level rise as it relates to West Vancouver, and the establishment of a Foreshore DPA is aligned with the Working Group’s guidance.

Staff held public workshops on April 28 and October 12, 13, and 20, 2021 with participants including waterfront homeowners, developers, architects, realtors, Qualified Professionals in the areas of coastal engineering, environmental protection, and surveying, as well as other interested stakeholders. The workshops provided an opportunity for participants to learn about the Foreshore DPA, the guidelines and permitting process, and ask questions and provide comments prior to finalizing the DPA

guidelines. The comments provided by the participants were accounted for in the OCP guidelines for the Foreshore DPA provided in **Appendix A**.

6.4 Other Communication, Consultation, and Research

The North Shore Sea Level Rise (NSSLR) Strategy is a collaborative initiative to develop an increased understanding of sea level rise risk and establish a set of coordinated action areas to build adaptability and resiliency across the North Shore. A public engagement process on coastal hazards and sea level rise was completed as part of the NSSLR Strategy (<https://www.dnv.org/sea-level-rise-strategy>). This included an online survey to gain a better understanding of concerns from residents.

The strategy report (<https://westvancouver.ca/environment/major-projects/north-shore-sea-level-rise-strategy>) that was completed in February 2021, outlines recommendations to address sea level rise and coastal flooding, which includes establishing a Foreshore DPA for private property development.

7.0 Options

7.1 Recommended Option

That Council give first reading to the proposed Foreshore DPA and corresponding amendments to bylaws, and set the date for a public hearing.

7.2 Considered Options

That Council provide alternative direction (to be specified).

8.0 Conclusion

A Foreshore DPA is a proactive measure to adapt to sea level rise and build community resilience overtime to the risk and potential impacts of coastal flooding. By establishing natural hazard management guidelines in existing neighbourhoods, the District and the community will be better protected from the risk of sea level rise and better positioned to respond to such occurrences.



Author: _____

Heather Keith, Manager, Environmental Protection

Appendices:

- A – Official Community Plan Bylaw No. 4985, 2018 Amendment Bylaw No. 5128, 2022
- B – Foreshore Development Permit Area Map
- C – Development Procedures Bylaw No. 4940, 2017 Amendment Bylaw No. 5127, 2022
- D – Fees and Charges Bylaw No. 5136, 2021 Amendment Bylaw No. 5129, 2022
- E – Tree Bylaw No. 4892, 2016 Amendment Bylaw No. 5133, 2022



District of West Vancouver

**Official Community Plan
Bylaw No. 4985, 2018,
Amendment Bylaw No. 5128, 2022**

Effective Date:

District of West Vancouver

**Official Community Plan Bylaw No. 4985,
2018
Amendment Bylaw No. 5128, 2022**

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District of West Vancouver

Official Community Plan Bylaw No. 4985, 2018 Amendment Bylaw No. 5128, 2022

A bylaw to amend the Official Community Plan Bylaw No. 4985, 2018 to include a Foreshore Development Permit Area Designation

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the designation of a Foreshore Development Permit Area;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5128, 2022.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Schedule ii Area-Specific Policies & Guidelines of Schedule A – District of West Vancouver Official Community Plan

Schedule A of Official Community Plan Bylaw No. 4985, 2018, is amended by:

- 3.1 Replacing title and map reference “Natural Environment Guidelines for Development Permit Area Designations” in Guidelines section with “Natural Environment and Hazards Guidelines for Development Permit Area Designations”.

- 3.2 Inserting new guideline section in Schedule A of this document under the new title “Guidelines NE2 Foreshore Development Permit Area Guidelines” in new section “Natural Environment and Hazard Guidelines for Development Permit Area Designations” after the section “Guidelines NE1 Wildfire Hazard Development Permit Area Guidelines”.

Schedules

Schedule A – Foreshore Development Permit Area Guidelines

READ A FIRST TIME (MAJORITY VOTE OF ALL COUNCIL MEMBERS) on
[Date]

PUBLICATION OF NOTICE OF PUBLIC HEARING on [Date]

PUBLIC HEARING HELD on [Date]

READ A SECOND TIME AS MODIFIED (MAJORITY VOTE OF ALL COUNCIL
MEMBERS) on [Date]

READ A THIRD TIME (MAJORITY VOTE OF ALL COUNCIL MEMBERS) on
[Date]

ADOPTED (MAJORITY VOTE OF ALL COUNCIL MEMBERS) by the Council on
[Date].

Mayor

Corporate Officer

Schedule A – NE2 Foreshore Development Permit Area Guidelines

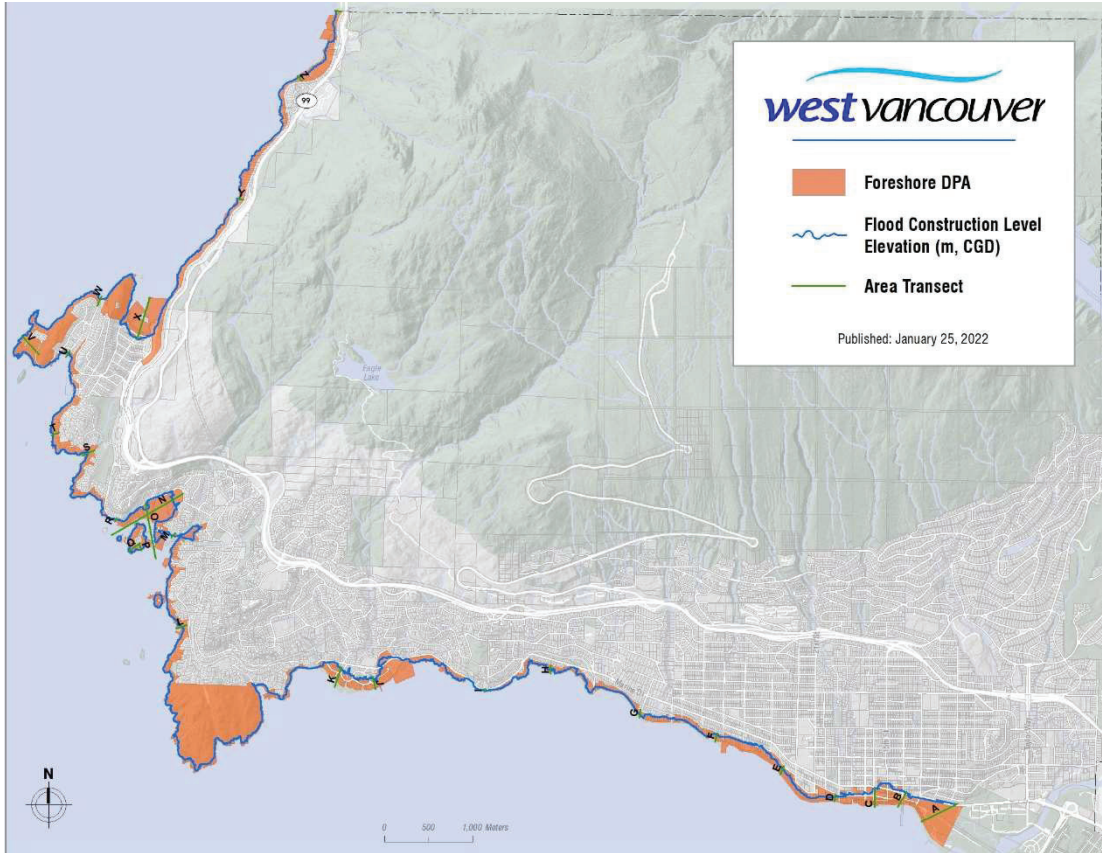
Policy NE2: Sites within the Coastal Floodplain Area

Development Permit Area Designation NE2

Sites at an elevation that may be at risk to coastal flooding, as defined in the Foreshore Development Permit Area Designation Map NE 2, are designated as a Development Permit Area.

Category	<i>Local Government Act</i> Section 488(1) (a) and (b)
Conditions	<p>The Development Permit Area (DPA) has been designated pursuant to the following sections of the <i>Local Government Act</i>:</p> <ol style="list-style-type: none"> 1. 488(1)(a) protection of the natural environment, its ecosystems and biological diversity 2. 488(1)(b) protection of development from hazardous conditions
Objective	<p>The Foreshore DPA is established to:</p> <ol style="list-style-type: none"> 1. Minimize risk to people and property from coastal hazards including sea level rise, storms, wave effects, and flooding 2. Support coastal management in reducing flooding risks 3. Preserve and enhance the integrity of the intertidal habitat of the foreshore and minimize shoreline erosion
Guidelines Schedule	NE 2
A Development Permit is required for:	<ol style="list-style-type: none"> 1. Subdivision of land 2. Construction of, or alteration, or addition to a dwelling 3. Construction of, or alteration or addition to all other non-dwelling buildings and structures, including pools, hot tubs, sheds, retaining walls, and other structures within 15 metres of the natural boundary of the ocean 4. Alteration of land within 15 metres of the natural boundary of the ocean (i.e., the riparian area of the foreshore), including, and without limitation: <ul style="list-style-type: none"> • site clearing or grading • cutting of trees • placement of fill, or disturbance of soils, rocks or other native materials for purposes other than routine maintenance of existing landscaping

	<ul style="list-style-type: none"> • creation of impervious and semi-impervious surfaces (such as patios and driveways) • installation, construction, or alteration of flood protection or erosion protection works • installation, construction, or maintenance of drainage, hydro, water, sewer, or other utilities
<p>Exemptions from the requirement of a Development Permit:</p>	<ul style="list-style-type: none"> • Interior renovations to existing buildings • Exterior renovations, repairs, or alterations to existing buildings or structures except when the following is within 15 m of the natural boundary of the ocean: <ul style="list-style-type: none"> ○ an increase in the size of the existing structures; or ○ Removal and reconstruction of structures • Installation of fences that allow for passage of water and does not require removal of trees • Emergency works, including tree cutting, necessary to remove an immediate danger or hazard, as certified by an Arborist
<p>Exemptions from the requirement to meet the Flood Construction Level (FCL):</p>	<ul style="list-style-type: none"> • Recreation shelters, stands, washrooms and other outdoor facilities designed to withstand periodic flooding • Renovation of an existing building or structure. • Construction of a portion of a building or structure that is used as a carport or garage • Accessory buildings such as storage buildings, porches, and domestic greenhouses that is not habitable space • An addition, below the minimum FCL elevation that would increase the size of the building or structure by less than 25 percent of the existing floor area • Commercial space



**Natural Environment and Hazard Development Permit Area Designation
Map NE 2**

Guidelines

- I. For the purpose of reducing the risk from coastal flood hazards on upland property and development, the following guidelines for buildings and construction shall apply:
 - a) All development should be located in the least hazardous portion of a property.
 - b) The setback for a dwelling should be the greater of 15 metres from the future estimated natural boundary of the ocean at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100 Flood Construction Level (FCL), calculated by a Professional Engineer, using the Provincial guidelines ([Sections 3.5 & 3.6 of the Flood Hazard Area Land Use Management Guidelines](#)) as amended from time to time.
 - c) For subdivisions, either through the layout of the subdivision or through conditions in the Development Permit that supplement the District’s Zoning Bylaw, the permitted building envelope for every lot should be the greater of 15 metres from the estimated natural boundary of the ocean at Year 2100, or landward of the location where the natural ground elevation

- contour is equivalent to the Year 2100 FCL, calculated by a Professional Engineer, using the Provincial guidelines ([Flood Hazard Area Land Use Management Guidelines](#)) as amended from time to time.
- d) The assessment by the Professional Engineer must be in accordance with the Provincial guidelines ([Flood Hazard Area Land Use Management Guidelines](#)), including without limitation, the requirement to account for any secondary sources of flooding when calculating an FCL.
 - e) In addition to the calculation of the FCL, the Professional Engineer must also provide other recommendations for safe use of the dwelling, to ensure that the proposed development is protected from the natural hazard.
 - f) For commercial space where the FCL is not applied, a Professional Engineer must provide recommendations to minimize damage to property and safety hazards during a flooding event.
 - g) All major mechanical and electrical infrastructure susceptible to damage should be located above the FCL or within flood-proofing measures as recommended by the Professional Engineer.
 - h) Egress/ingress to buildings should be located above the FCL.
 - i) A Flood Hazard and Risk Assurance Statement must be submitted by the Professional Engineer.
 - j) The onsite stormwater management plan must account for the FCL if the outlet is to the marine environment. The plan must include mitigation measures against sea level rise and future submerged outlet conditions.
 - k) Construction of septic tanks and deposit fields must be located outside of 15 metres of the natural boundary of the ocean.
 - l) Construction and construction materials shall adhere to Provincial [Environmental Best Management Practices for Land Development](#) as amended or replaced from time to time, to ensure no deleterious substances entering the sensitive environment of the foreshore area and water.
 - m) Should imported fill be required for site grading, the fill should be clean and free of debris and deleterious substances and adhere to fill specifications outlined by a Geotechnical Engineer.
 - n) If any landfill is proposed, it should be adequately compacted, and the face of the landfill slope should be adequately protected against erosion from flood flows, wave action, ice or other debris. The fill must not adversely impact neighbouring properties by increasing the surface water elevation or directing flows toward those properties.
 - o) Consider zoning bylaw variances in order to construct a home at the elevation of the calculated FCL or 15 metres from the future estimated natural boundary of the ocean at Year 2100, whichever is greater (see

Guideline I(b)). Variances may include, but are not limited to, height and setback variances. Requested variances shall consider proximity to adjacent dwellings, as well as privacy and view impacts for neighbours.

- p) Where changes in site grading are proposed to mitigate coastal flooding, landscaping shall address grade differences to adjacent properties to consider privacy including light, view, and overlook and proximity issues between properties. In addition, site grading should consider the topography of a site, reducing the need for major site preparation or earthwork, maintenance or enhancement of desirable site features (natural vegetation, trees, natural shoreline, or rock outcrops/bluffs). The use of exposed retaining walls shall be minimized with specific consideration for exposed retaining walls facing adjacent properties.

II. For the purpose of these guidelines, unless a Year 2100 FCL is established by a Professional Engineer in accordance with Guidelines I(b) and (c), the FCL for a property is set out in the following table with the Area Transects (delineated in the Foreshore Development Permit Area Designation Map NE 2).

Area Transect	Area Description	FCL (metre, Canadian Geodatic Datum)
A	Ambleside Beach	4.63
B	Ferry Building to 16th Street	4.79
C	16th Street to 19th Street	4.66
D	19th Street to 22nd Avenue	6.82
E	22nd Avenue to Dundarave Beach	7.53
F	Dundarave Beach to 29th Street	6.63
G	29th Street to West Bay Beach	6.79
H	West Bay Beach to Sharon Drive	7.32
I	Sharon Drive to Ferndale Avenue	6.87
J	Ferndale Avenue to Cypress Creek	5.71
K	Cypress Creek to Pitcairn Place	5.61
L	Pitcairn Place to Eagle Harbour Beach Park	8.67
M	Eagle Harbour Beach Park to Eagle Harbour Yacht Club	6.03
N	North side of Eagle Island, Abode Island, Seaview Place to 5800 block Marine Drive	4.70
O	East side of Eagle Island, Eagle Harbour Road across from Eagle Island, 5800 block Marine Drive	4.75
Q	Southwest area of Eagle Island	6.47
P	South side of Eagle Island	4.96
R	5900 block Marine Drive to Larson Bay Park	7.15
S	Larson Bay Park to St. Georges Crescent	7.56
T	St. Georges Crescent to Batchelor Bay Park	7.54

U	Batchelor Bay Park to Arbutus Road	5.94
V	Arbutus Road to Copper Cove Road	7.36
W	Copper Cove Road to Horseshoe Bay	6.42
X	Horseshoe Bay to Pasco Road	7.08
Y	Pasco Road to Lawrence Way	6.74
Z	Lawrence Way to DWV Boundary	6.70

- III. If the proposed dwelling is above the elevation of the area-specific FCL (in Guideline Section II), without any landfill or structural support to achieve that elevation, the proposed building is exempt from Guideline Sections I(a) to (h).
- IV. For the purposes of protecting or enhancing the intertidal habitat of the foreshore, the following guidelines apply to proposed work within 15 metres of the natural boundary of the ocean:
 - a) Locate development in the least environmentally sensitive areas (e.g., areas that have been previously disturbed) to minimize impact to the ecology of the intertidal habitat.
 - b) Encourage the preservation of healthy trees, shrubs, and hedges, or where necessary, their replacement with suitable species to the coastal environment.
 - c) Where possible, natural or soft landscaping materials shall be used to protect the property and foreshore area, and create resiliency to coastal flooding.
 - d) The use of retaining walls and other “hard” surfaces such as seawalls and riprap armouring shall only be supported where a Qualified Environmental Professional (QEP) has determined that “soft” approaches to shoreline stabilization are not appropriate given site-specific conditions and shall not increase scour and erosion of the foreshore area.
 - e) Consideration should be given to removing hard structures when not required and replacing with natural features to enhance the foreshore habitat.
 - f) For any reduction in the 15 metres setback from the natural boundary of the ocean, to allow for placement of a structure, an Environmental Assessment by a QEP shall be completed and include recommendations for protection and/or restoration required to minimize disruption to the physical and biological processes of the foreshore habitat.
 - g) Where native plant species or plant communities dependent on a marine shoreline habitat are identified as sensitive, rare, threatened, or endangered, and have been identified by a QEP for protection, their habitat areas shall be left undisturbed.
- V. For work within 15 metres of the natural boundary of the ocean or on the public foreshore for access to the upland property, a Construction

Environmental Management Plan will be required to define mitigation and protection measures during construction activities.

- VI.** All proposed structures and works should be located upland of the natural boundary of the ocean on private property, and not on the public foreshore, where possible. For any work proposed on the public foreshore, including work on existing encroachment structures, the District's Zoning Bylaw 4662, 2010, applicable to the public foreshore, and conditions of the Head Lease with the Province shall apply. Additional information may be required to meet the requirements of the Head Lease.
- VII.** Any works must account for and protect any municipal infrastructure and necessary mitigation measures applied to the project, as determined by the District.

Definitions

“commercial space” means buildings that are used for commercial purposes, including office buildings, retail buildings, and restaurants.

“construction environmental management plan” means a guidance document s a guidance document to measure and achieve compliance with the environmental protection and mitigation requirements of a project as required by all levels of government, and includes specific mitigation measures for contractors to follow during construction phases of a project in order to protect the natural environment.

“designated flood” means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available.

“designated flood level” means the observed or calculated elevation for the designated flood and is used in the calculation of the flood construction level.

“dwelling” means a building or portion of a building having two or more rooms used or intended to be used together for the domestic purposes of one or more persons and including at least one living room, one cooking facility and one bathroom and not rented or available for rent or occupation for periods of less than 30 days.

“fence” means a vertical structure used as an enclosure or a screen of all or part of a site, not exceeding 0.08 metre in thickness, excluding posts and rails, but shall not include a garden wall.

“flood construction level” means the designated flood level plus the allowance for freeboard and is used to establish the elevation of the underside of a wooden floor system or top of concrete slab for habitable buildings.

“freeboard” means a vertical distance added to the designated flood level, used to establish the flood construction level.

“floodplain” means a lowland area that is susceptible to flooding from an adjoining watercourse, ocean, lake or other body of water and for administration purposes is taken to be that area submerged by the designated flood plus freeboard.

“flood-proofing” means the alteration of land or structures either physically or in use to reduce flood damage and includes the use of building setbacks from water bodies.

“foreshore” means the part of a shore between high and low water marks.

“geotechnical engineer” means a Professional with appropriate education, training and experience, fully insured and in good standing with the relevant Professional association, for the purpose of soil and rock assessments, with experience or training in geotechnical and geohazard assessments;

“habitable space” means any room or space within a building or structure, which room or space is or can be used for human occupancy, or storage of goods, personal property or mechanical or electrical equipment (including furnaces), and which room or space would be subject to damage if flooded.

“intertidal” means the zone above water level at low tide and underwater at high tide (i.e., the area within the tidal range).

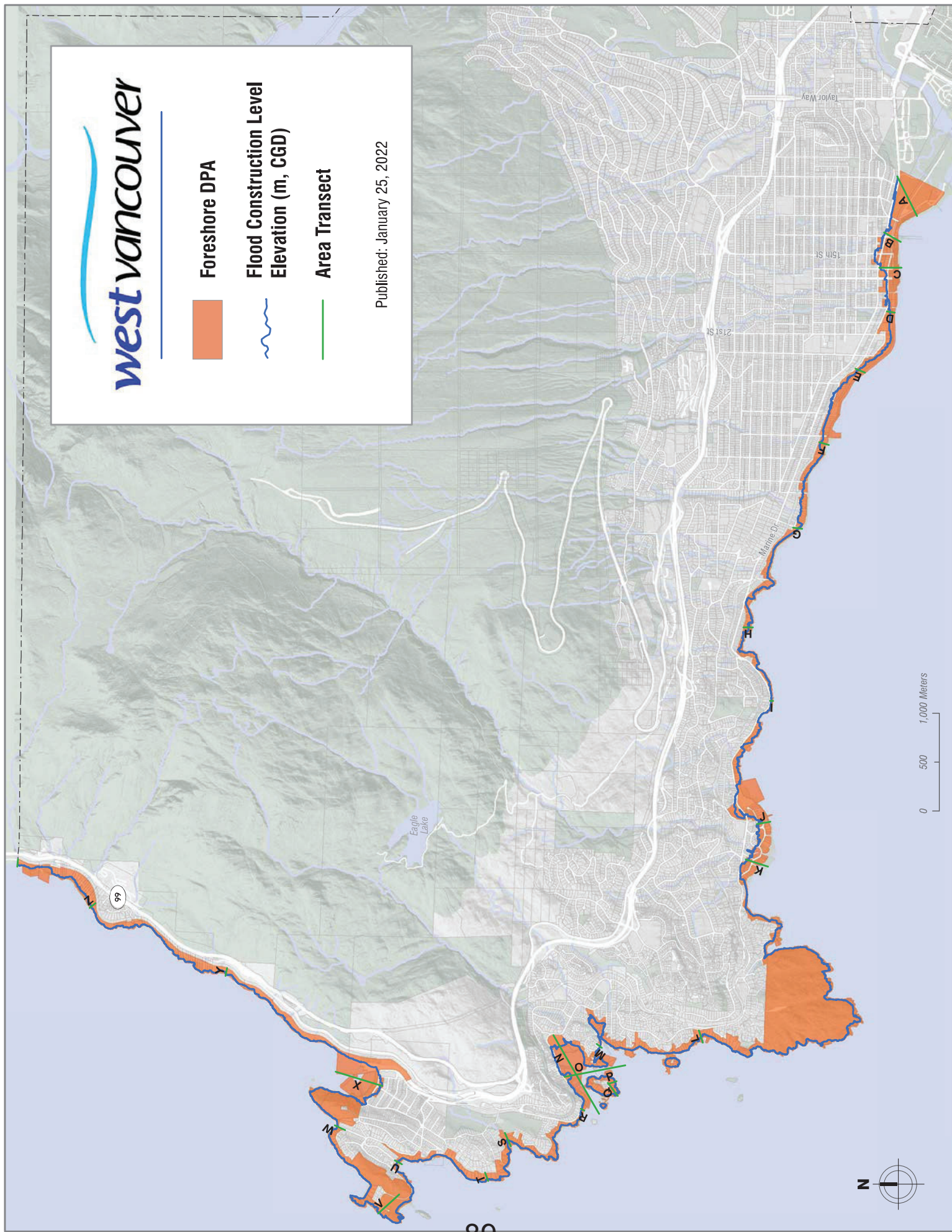
“natural boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

“professional engineer” means a professional with appropriate education, training and experience, fully insured and in good standing with the relevant professional association and for the purpose of the coastal flood hazard assessments and shoreline protection projects, an engineer who, as required by the Engineers and Geoscientists British Columbia (EGBC) Guidelines, has appropriate training and experience to prepare the report in view of the terrain characteristics, the type of potential flood hazard, and the type of mitigative works potentially needed.

“qualified environmental professional” means a professional with appropriate education, training and experience, fully insured and in good standing with the

relevant professional association, for the purpose of evaluating biological impacts on the foreshore, a registered professional biologist, with experience in the assessment of intertidal marine habitat, the impact pathways associated with development, and mitigative measures to minimize impact to the environment.

“riparian” means the zone upland the intertidal area, which consists of vegetation and features that influence the aquatic ecosystem of the intertidal area.



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District of West Vancouver

**Development Procedures
Bylaw No. 4940, 2017,
Amendment Bylaw No. 5127, 2022**

Effective Date:

District of West Vancouver

**Development Procedures Bylaw No. 4940,
2017
Amendment Bylaw No. 5127, 2022**

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District of West Vancouver

Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5127, 2022

A bylaw to define development permit procedures in accordance with the Foreshore Development Permit Area and clarify development procedures for development permits under Section 488 (1)(a).

Previous amendments: Amendment Bylaws 5029, 5043, 5073, 5077, 5109, and 5156.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an amendment to the Development Procedures Bylaw to include Foreshore Development Permits;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5127, 2022.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Part 4 Definitions

Development Procedures Bylaw No. 4940, 2017, Part 4 Definitions is amended by:

- 3.1 Deleting the definition for “Minor Development Permit” in its entirety and replacing with the following:

“Minor Development Permit” means a development permit for:

- Duplex Areas BF-B11;
- Detached Secondary Suite (Coach House) BF-B3.1; and
- Sites with Difficult Terrain NE6 where as part of the development three or fewer lots are or will be created; and
- Neighbourhood Designated areas within the Horseshoe Bay Local Area Plan;

all as identified in the Official Community Plan;

Part 4 Amends Part 10 Notification

Development Procedures Bylaw No. 4940, 2017, Part 10 Notification is amended by:

- 4.1 Deleting section 10.2.2 in its entirety and replacing with the following:

Notice of consideration of the applications shown in Column A below shall be given to owners and occupants of all parcels of land, any part of which is the subject of the application or within the distance specified in Column B below from the perimeter of the subject parcel:

A. Development Application	B. Distance
Major Development Permit (with or without variances)	100 metres
Discharge of, or amendment to, a Land Use Contract	100 metres
Minor Development Permit (with or without variances)	50 metres
Development Variance Permit	50 metres
Temporary Use Permit	50 metres
Heritage Alteration Permit	50 metres
Heritage Alteration Permit in Lower Caulfeild Heritage Conservation Area	Entire Lower Caulfeild Heritage Conservation Area
Strata Conversion	50 metres
Natural Environment and Hazardous Areas NE2, NE5, and NE13 (with variances)	50 metres

Part 5 Amends Part 19 Delegation

Development Procedures Bylaw No. 4940, 2017, Part 19 Delegation is amended by:

5.1 Deleting section 19.1 in its entirety and replacing with the following:

Council delegates to the Director the authority to consider, issue, and/or refuse the types of permits listed in the table below, in accordance with the conditions set out in sections 19.7 to 19.20 below.

Permit Type	Purpose	Development Permit Area Designation
Development Permits	Multiple Family Areas, Commercial Areas, New Neighbourhood Areas, Natural Environment and Upper Lands Areas, excluding Development Permits delegated elsewhere in this bylaw.	BF-B4, B5, B7, B8, B9, B10, B12, B13, B14, BF-C3, C5, C6, C8, C9, C10, BF-D1, D4, NE5, NE6, UL8, UL9.
Development Permit	Detached Secondary Suite (Coach House)	BF-B3.1
Development Permit	Duplex	BF-B11
Heritage Alteration Permit	Heritage conservation in the LCHCA	HE 6
Development Permit	Wildfire Hazard areas	NE 1
Development Permit	Foreshore areas	NE 2
Development Permit	Sites with difficult terrain	NE 6
Development Permit	Watercourse protection and enhancement areas	NE 13
Development Permit	Future Neighbourhoods	UL 8
Development Permit	Form and character regulation of intensive residential, multifamily and commercial development in Rodgers Creek	UL 8.1
Development Permit	Limited Use and Recreation Area	UL 9
Development Permit	Neighbourhood Designated areas	Horseshoe Bay Local Area Plan
Permit Type	Purpose	Zoning Bylaw
Temporary Use Permit	Temporary uses and buildings	s.120.15
Strata Conversion for Previously Occupied Buildings	Strata conversion of amenity space based on Section 120.21 (3) of the Zoning Bylaw	s. 120.21 (3)

5.1.1 Deleting section 19.2 in its entirety and replacing with:

If a permit application does not comply with the conditions set out in sections 19.7 to 19.20 below, then the Director shall refuse the permit.

5.1.2 Inserting the following new section to be numbered as 19.20:

“Foreshore Development Permit”

19.20 Development permits in respect of Development Permit NE 2 (Foreshore Development Permit Area) may be issued by the Director if the proposed development:

19.20.1 complies with Guidelines NE 2; and

either

19.20.2 conforms to the Zoning Bylaw; or

19.20.3 Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, protects the dwelling from coastal flooding hazards.

Part 6 Amends Schedule B – Application Submission Requirements

Development Procedures Bylaw No. 4940, 2017 Schedule B is amended by:

6.1 Replacing subsection d in Section 12, with the following:

d. Environmental reports (e.g. for any development within 15 metres of top of watercourse bank or within 15 metres of the natural boundary of the ocean); and

6.2 Following subsection e in Section 12, inserting new subsections numbered as f and g:

Flood Hazard Assessment Report (e.g., for any development with habitable space within the Foreshore Development Permit Area).

A Flood Hazard and Risk Assurance Statement signed by a Professional Engineer.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer



District of West Vancouver

**Fees and Charges
Bylaw No. 5136, 2021,
Amendment Bylaw No. 5129, 2022**

Effective Date:

Fees and Charges Bylaw No. 5136, 2021, Amendment Bylaw No. 5129, 2022

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District of West Vancouver

Fees and Charges Bylaw No. 5136, 2021, Amendment Bylaw No. 5129, 2022

A bylaw to establish fees and charges for services and information.

Previous amendments: Amendment bylaws 5079, 5084, 5103, 5104, 5119, 5125, 5134, and 5158.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for fees and charges for services and information;

AND WHEREAS section 194 of the Community Charter authorizes municipalities by bylaw to impose fees in respect of services or for the provision of information;

AND WHEREAS Council deems it necessary and desirable to exercise the authority provided by the Community Charter to cover costs of providing services and information where appropriate;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Fees and Charges Bylaw No. 5136, 2021, Amendment Bylaw No. 5129, 2022.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Schedule A – Development & Permits

Fees and Charges Bylaw No. 5136, 2021 Schedule A is amended by:

- 3.1 Inserting the following table as “Development Permit Under OCP

Designation BF-NE2” before the table “Development Permit Under OCP Designation BF-NE6”:

Schedule A – DEVELOPMENT & PERMITS	FEE	DETAILS
DEVELOPMENT PERMIT UNDER OCP DESIGNATION BF-NE2		
For foreshore protection where only site work is proposed (does not include construction of habitable space)	\$800	plus \$700.00 if the application involves zoning bylaw variances, plus \$500.00 if the application proceeds to Council for consideration.
For foreshore protection in all other cases (includes construction of habitable space)	\$2,500	plus \$700.00 if the application involves zoning bylaw variances, plus \$500.00 if the application proceeds to Council for consideration.
Minor amendment to existing Development Permit by Director	\$1,000	
For foreshore protection where only tree work is proposed	\$300	\$300.00 for any pruning work or removal of one tree, \$100.00 for each additional tree removal proposed.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer

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District of West Vancouver

**Tree Bylaw No. 4892, 2016,
Amendment Bylaw No. 5133, 2022**

Effective Date:

District of West Vancouver

Tree Bylaw No. 4892, 2016, Amendment Bylaw No. 5133, 2022

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District of West Vancouver

Tree Bylaw No. 4892, 2016, Amendment Bylaw No. 5133, 2022

A bylaw to regulate, prohibit and impose requirements in relation to trees.

Previous amendments: Amendment bylaws 4913 and 5089

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the management of tree cutting and tree damaging activities;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

This bylaw may be cited as Tree Bylaw No. 4892, 2016, Amendment Bylaw No. 5133, 2022.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Interpretation

Tree Bylaw No. 4892, 2016 Part 4 Interpretation is amended by:

- 3.1 In section 4.3, replacing the definition of “Protected Tree” with the following:

“**Protected tree**” means any of the following:

- a) Any tree greater than 75 cm DBH, or in the case of a tree with multiple stems, a combined stem DBH of 75 cm or more;
- b) Any replacement tree;
- c) Any retained tree;
- d) Any heritage tree;
- e) Any tree located within a Watercourse Protection Area or Foreshore Protection Area;
- f) Any tree of the following species, greater than 20 cm DBH:
 - i. *Arbutus (Arbutus menziesii)*;
 - ii. *Garry Oak (Quercus garryana)*;
 - iii. *Pacific yew (Taxus brevifolia)*;
 - iv. *Pacific dogwood (Cornus nuttallii)*;
 - v. *Yellow cedar (Cupressus nootkatensis)*;
 - vi. *Shore pine (Pinus contorta var contorta)* that lie within the protected shoreline area as defined using the Provincial ecosystem zone mapping;
- g) Any tree that contains an active nest of any bird, or the nest, whether active or not, of an eagle, peregrine falcon, gyrfalcon, heron, osprey, or burrowing owl;
- h) Any tree that constitutes the habitat of a protected wildlife species under the Provincial *Wildlife Act* or Federal *Migratory Bird Act*.

- 3.2 Adding the following definition to section 4.3:

“**Foreshore Protection Area**” means the land within 15 metres of the current natural boundary of the ocean.

“**Natural Boundary**” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as

to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

Part 4 Amends Tree Cutting Permits

Tree Bylaw No. 4892, 2016, Part 6 Tree Cutting Permits is amended by:

4.1 Replacing section 6.1 with the following:

No person shall cut any protected tree unless a tree cutting permit has been issued in respect of the tree; and in the case of a tree that is a protected tree because it is within a Watercourse Protection Area or Foreshore Protection Area, an Environmental Development Permit or Foreshore Development Permit authorizing the tree to be cut is deemed to be a tree cutting permit if the tree meets the criteria set out in section 6.3.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer