



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

DATE OF MEETING: October 1, 2024
TO: Gambier Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Keats Shoreline Protection Project – Bylaw Nos. 153 (OCP) and No. 154 (LUB) – Post Public Hearing for Second and Third Readings, and Ministerial Approval

RECOMMENDATION

1. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be amended as follows:
 - a. Schedule 1, Section 1.1, Part A – ADMINISTRATION AND INTERPRETATION, add “Subsection 3.5” after the word “INTERPRETATION”;
 - b. Schedule 1, Section 1.2, Part B – GOALS, OBJECTIVES AND POLICIES, add “Subsection 5.11” after the word “POLICIES”; and
 - c. Schedule 1, Section 1.4, PART C – DEVELOPMENT PERMIT AREAS, Justification Section, add the words “including the construction of” before “buildings or structures should not result in a loss of significant marine or coastal habitat”.
2. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a second time, as amended.
3. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a third time.
4. That the Gambier Island Local Trust Committee proposed Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021” be forwarded to the Minister of Municipal Affairs for approval.
5. That the Gambier Island Local Trust Committee Bylaw No. 154 cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” be amended as follows:
 - a. Schedule 1, Section 1.2 b), replace “1.2a)” with “2.7.3” and delete the word “above” after “setback”;
 - b. Schedule 1, Section 1.9, delete in its entirety and replace with the following:

“Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”;

- c. **Schedule 1, Section 1.12, delete in its entirety and replace with the following:**

“Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”;

- d. **Schedule 1, Section 1.20, delete in its entirety and replace with the following:**

“Despite Subsection 4.6.5, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”;

- e. **Schedule 1, 9.3 DP-3 Shoreline, Applicability Subsection .1, third bullet, delete the word “new”;**
- f. **Schedule 1, 9.3 DP-3 Shoreline, Exemptions Subsection .2, article a) add the words “land within” after “the ecology of”;**
- g. **Schedule 1, 9.3 DP-3 Shoreline, Exemptions Subsection .2, article i), clause ii) delete the word “wide” after “1 metre or less”;**
- h. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3 delete the words “to applications” after “guidelines apply” and add “within the DP-3 area” after “permits”;**
- i. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article a) delete the word “negative” before “impacts on the ecological”;**
- j. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article b) delete the word “new” before “construction”;**
- k. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article c) delete the word “new” before “development”;**

- l. Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article d) delete in its entirety and replace with “Consideration should be given to minimizing the impacts of sea level rise and storm surges.”;
 - m. Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article f) add “(as defined by the *Species At Risk Act* (SARA)” before “including terrestrial or aquatic”;
 - n. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Construction and Replacement of Docks and Ramps, Subsection .4, add “The following guidelines apply to applications for development permits within the DP-3 area:” before article a);
 - o. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Construction and Replacement of Docks and Ramps, Subsection .4, article b), delete in its entirety and renumber accordingly;
 - p. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Shoreline Modifications, Subsection .5, add “The following guidelines apply to applications for development permits within the DP-3 area:” before article a);
 - q. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Shoreline Modifications, Subsection .5, article b), replace “allowed” with “undertaken”;
 - r. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Shoreline Modifications, Subsection .5, article j) replace “contaminated material” with “contaminates”; and
 - s. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Vegetation Management and Restoration, Subsection .6, add “The following guidelines apply to applications for development permits within the DP-3 area:” before article a).
6. That the Gambier Island Local Trust Committee Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be read a second time, as amended
 7. That the Gambier Island Local Trust Committee Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be read a third time.
 8. That the Gambier Island Local Trust Committee proposed Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021’ and proposed Bylaw No. 154 cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

REPORT SUMMARY

This is a post Public Hearing report supporting next steps for proposed Bylaws No. 153 (OCP amendment) and Bylaw No.154 (LUB Amendment). These bylaws seek to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions.

Staff have consulted with legal and are recommending the LTC amend Proposed Bylaw Nos. 153 and 154 for clarity and to correct small editing errors.

The recommendations above are supported as:

- All statutory requirements have been completed including the required notification and holding of a Public Hearing consistent with the *Local Government Act*;
- Public, government agency or First Nation concerns raised with the proposed bylaws have been considered by the LTC; and,
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

BACKGROUND

The Gambier Island Local Trust Committee (LTC) is considering Bylaw Nos. 153 and 154 that would amend the Official Community Plan (OCP) and Land Use Bylaw (LUB).

Bylaw 153 (OCP Amendment) – amending the OCP to designate nearshore upland and marine areas as a Shoreline Development Permit Area for the purpose of protecting the natural environment, ecosystems and biodiversity, and to protect development from hazardous conditions. Areas currently proposed to be designated within the Development Permit Area are as follows:

- 15 metres measured upland of the present natural boundary of the sea;
- 100 metres seaward of the natural boundary of the sea; and
- Plumper Cove Provincial Park and areas zoned Marine Conservation (MC) in the LUB have not been included.

Bylaw 154 (Land Use Bylaw Amendment) – amending the LUB to:

- Limit the size and type of structures exempted from the setback from the natural boundary of the sea; and
- Update marine structure regulations, including:
 - Reducing dock float size and ramp widths;
 - Increasing setbacks between adjacent docks and lot boundaries.
 - Include new Shoreline Development Permit Area guidelines intended to protect the marine shoreline, guide dock construction and shoreline modifications, and restore or enhance vegetation along the shoreline.

Both Bylaw Nos. 153 (OCP) and 154 (LUB) were given first reading on July 22, 2021. First reading of Proposed Bylaw No. 154 was rescinded on October 14, 2021, amended by the LTC, and then given first reading again. Proposed Bylaw Nos. 153 and 154 were both given second reading at the LTC meeting on September 1, 2022.

In 2023, the LTC requested a bylaw review from a Qualified Environmental Professional (QEP) specializing in Aquatic Biology, as well as further staff review and LTC-initiated amendments. As a result of the additional work, proposed Bylaw No. 154 was given second reading as amended on May 14, 2024.

Throughout the project, four Community Information Meetings (CIMs) were held on September 29, 2021; October 14, 2021; September 15, 2022 and July 21, 2023. Community engagement activities included an informational mail out, CIMs, Working Group meetings and a community questionnaire.

Referrals and re-referrals were sent out to government agencies, organizations and First Nations in August 2021 and again in December 2021 to reflect significant changes to the proposed bylaws. Squamish First Nation responded in March 2022 with concerns related to the marine ecosystem and building setback regulation of 7.5m from the natural boundary of the sea. Staff, LTC and Squamish First Nation met in June 2022 to discuss these concerns. Some minor changes were made based on the discussion; however, the building setback regulation remains at 7.5m and not the 15m recommended by Squamish First Nation.

The bylaws received legal review in June 2024.

The Public Hearing was held July 31, 2024. A Public Hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading, as amended (this may include further changes to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding the OCP amendment to Ministry of Municipal Affairs for approval.
5. Final LTC consideration and adoption.

Following the close of the Public Hearing, the LTC may not hear further submissions without holding a new Public Hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing if it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the changes do not alter use or increase density, or decrease density without a landowner's consent.

SUGGESTED AMENDMENTS TO BYLAW NO. 154 (OCP)

Staff are proposing two minor edits to identify the exact location of subsection references and an edit for clarity in the "Justification" section of the OCP.

SUGGESTED AMENDMENTS TO BYLAW NO. 153 (LUB)

Staff are suggesting minor revisions to Proposed Bylaw No. 154 to eliminate redundancies and enhance clarity.

One of the more significant changes is alternate wording for dock sharing covenant and easement requirements. The language has been revised as it will require two instruments to allow for dock size increases when shared between residential lots:

1. Section 219 covenant on benefitting property prohibiting dock construction or access on benefitting property; and
2. Private easement over the residential lot with expanded dock size. A private easement is recommended as it ensures the enforcement is left to owners.

ALTERNATIVES

1. Amend the Bylaw(s)

That the Gambier Island Local Trust Committee proposed Bylaw No. 153, cited as ‘Keats Island Official Community Plan, 2002, Amendment No. 1, 2021’ be amended as follows:...

That the Gambier Island Local Trust Committee proposed Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’ be amended as follows:....

2. Proceed no further

That the Gambier Island Local Trust Committee proceed no further with Bylaw Nos. 153 and 154.

NEXT STEPS

If the recommendations are supported:

- Bylaw Nos. 153 and 154 will be forwarded to the Islands Trust Executive Committee for approvals;
- Bylaw 153 (OCP Amendment) will be forwarded to the Minister of Municipal Affairs for approval; and
- Bylaw Nos. 153 and 153 will be returned to the LTC for final adoption.

Submitted By:	Marlis McCargar, Island Planner	June 19, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 26, 2024

ATTACHMENTS

1. Bylaw 153 (OCP) - track changes copy
2. Bylaw 153 (OCP) – clean copy
3. Bylaw 154 (LUB) – track changes copy
4. Bylaw 154 (LUB) – clean copy

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY , 2021

READ A SECOND TIME THIS 1ST DAY OF SEPTEMBER , 2022

PUBLIC HEARING HELD THIS 31ST DAY OF JULY , 2024

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule “1”

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
 - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION, Subsection 3.5** is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
 - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES, Subsection 5.11** is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
 - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
 - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

The Shoreline DPA (DP-3) is designated as an area for which development approval information may be required as authorized by Section 484 of the *Local Government Act*.

Location

The Shoreline Development Permit Area (DP-3) includes all land designated on **Schedule E – Development Permit Areas** of this plan.

The Shoreline Development Permit Area applies to all land measured 15 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

It is the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, including the construction of buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- the protection of public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments; and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and to direct development away from such hazards.

Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions, cultural heritage and aesthetic values. The shoreline has environmental and cultural significance for forage fish, eelgrass, shorebirds, shellfish, marine mammals such as seals and many other marine organisms, as well as values that define the character of the Keats Island community. The Keats shoreline has been the location of cultural sites, canoe landings and gathering places for First Nations since time immemorial. The shoreline also includes areas that are transition zones of uplands and wetlands that may be susceptible to erosion or flooding.

Development activities on the upland, such as land clearing and increasing impermeable surfaces, can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas, shading of intertidal areas critical for fish habitat and cultural and heritage sites.

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were over 120 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified as having been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alters the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation.

Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY, ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

- OBJ 3.2** TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;
- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
- OBJ 3.4** TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;
- OBJ 3.5** TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;
- OBJ 3.6** TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw."

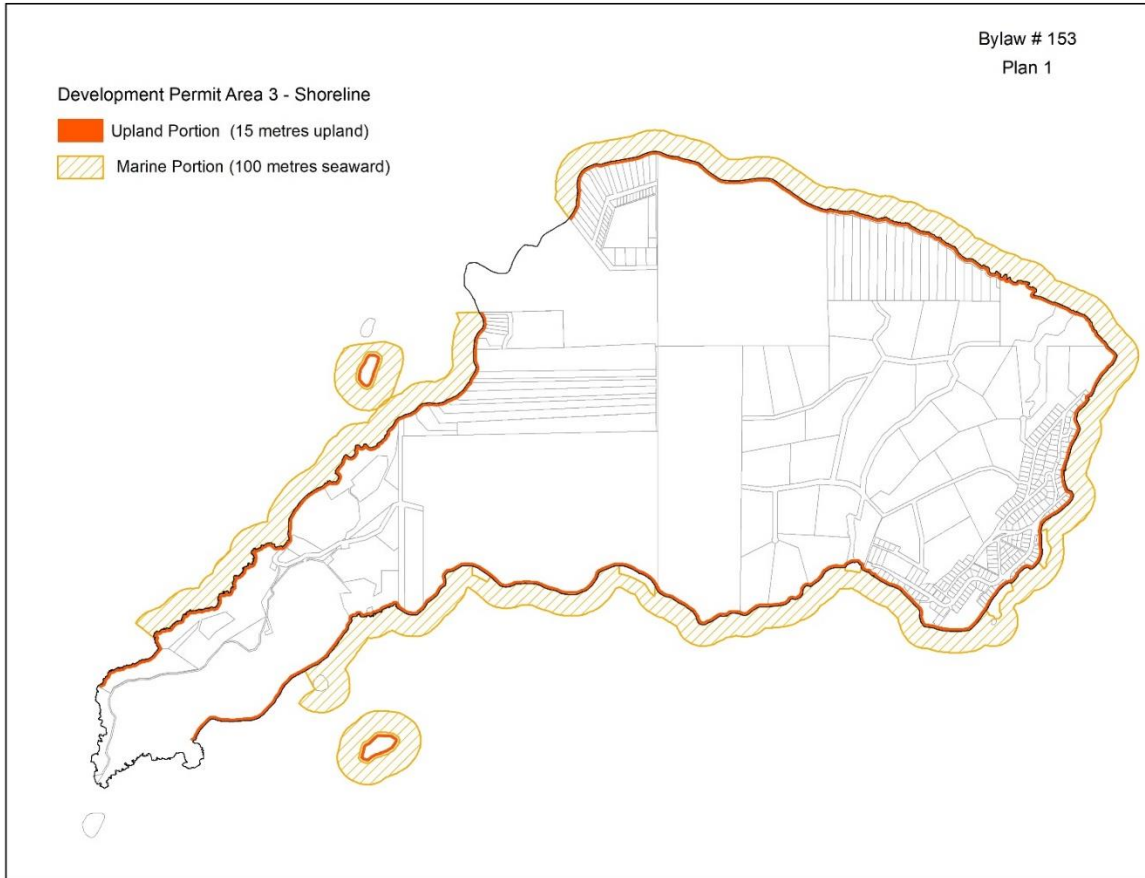
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule "2"

1. **Schedule "E" – DEVELOPMENT PERMIT AREAS**, is amended by designating a new Development Permit Area 3: Shoreline as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "E" of Bylaw No. 77 as are required to effect this change.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Plan No. 1



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

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1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY , 2021

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ADOPTED THIS _____ DAY OF _____ , 20XX

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BYLAW NO. 153**

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 - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

The Shoreline DPA (DP-3) is designated as an area for which development approval information may be required as authorized by Section 484 of the *Local Government Act*.

Location

The Shoreline Development Permit Area (DP-3) includes all land designated on **Schedule E – Development Permit Areas** of this plan.

The Shoreline Development Permit Area applies to all land measured 15 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

It is the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, including the construction of buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- the protection of public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments; and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and to direct development away from such hazards.

Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions, cultural heritage and aesthetic values. The shoreline has environmental and cultural significance for forage fish, eelgrass, shorebirds, shellfish, marine mammals such as seals and many other marine organisms, as well as values that define the character of the Keats Island community. The Keats shoreline has been the location of cultural sites, canoe landings and gathering places for First Nations since time immemorial. The shoreline also includes areas that are transition zones of uplands and wetlands that may be susceptible to erosion or flooding.

Development activities on the upland, such as land clearing and increasing impermeable surfaces, can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas, shading of intertidal areas critical for fish habitat and cultural and heritage sites.

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were over 120 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified as having been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alters the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation.

Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.

Objectives

The objectives of this development permit area are as follows:

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- OBJ 3.2** TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;
- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
- OBJ 3.4** TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;
- OBJ 3.5** TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;
- OBJ 3.6** TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw.”

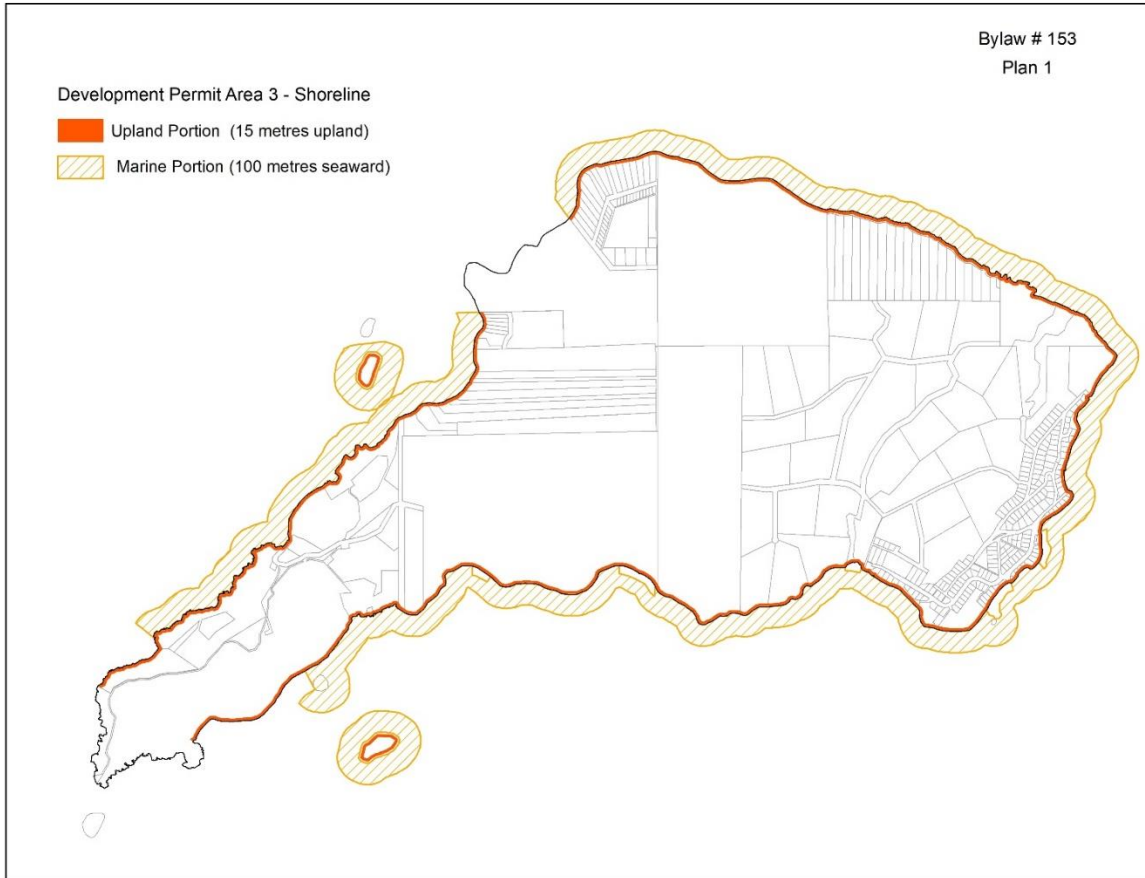
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule "2"

1. **Schedule "E" – DEVELOPMENT PERMIT AREAS**, is amended by designating a new Development Permit Area 3: Shoreline as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "E" of Bylaw No. 77 as are required to effect this change.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Plan No. 1



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as per Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 14TH DAY OF OCTOBER , 2021

READ A SECOND TIME THIS 14TH DAY OF MAY , 2024

PUBLIC HEARING HELD THIS 31ST DAY OF JULY , 2024

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Schedule "1"

1. Schedule "A" of Keats Island Land Use Bylaw, 2002 is amended as follows:

1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

"platform means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies."

"shoreline protection measures means hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. 'Hard' measures refer to the use of materials with impermeable surfaces (e.g., stone, concrete) whereas 'soft' measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.

Range of measures varying from soft to hard include:

<ul style="list-style-type: none"> • Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls 	<p>SOFT</p> <p>HARD</p>
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1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

- "a) No building or structure may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure.
- b) Notwithstanding subsection ~~1-2a)2.7.3~~ **2.7.3**, for properties zoned Rural Comprehensive the setback ~~above~~ shall be 15 metres (49.2 feet)."

1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.

1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting immediately after subsection 2.7.5 the following as a new subsection:

“2.7.6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”

1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.

1.6 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.9 **SITING COMPLIANCE**, Subsection .1 is amended by inserting the words “and development permit” after “development variance permit”.

1.7 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks”.

1.8 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.

1.9 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following:

“Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential ~~dwelling lot~~ served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on ~~the~~ titles to each of the participating ~~properties-residential lots which does not have its own dock~~, identifying the property on which the shared dock shall be situated, ~~and foreclosing prohibiting~~ the use or construction of a dock on or from any of the other properties that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”

1.10 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.

1.12 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following:

~~“Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.” dwelling served up to a maximum float size of 154 square metres (1130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and granting the occupants of each participating property the right to the use the shared dock freely.”~~

- 1.13 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.
- 1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”.
- 1.17 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.5 is amended by removing it in its entirety and replacing it with the following:
- “dock floats, that are accessory to a private institutional use on the adjacent upland lot, is 1,500 square metres (16,145 square feet).”
- 1.19 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, second bullet in Subsection 4.6.5 is amended by replacing “150 square metres” with “47 square metres (500 square feet)”.
- 1.20 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by adding a third bullet with the following:
- “Despite Subsection 4.6.5, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each

~~of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.” dwelling served up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and granting the occupants of each participating property the right to the use the shared dock freely.”~~

- 1.21 **PART 4 – ZONE REGULATIONS, Section 4.6 PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.9 is amended by replacing “30 acres” with “60 acres”.
- 1.22 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.23 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.24 **PART 4 – ZONE REGULATIONS, Section 4.12 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.25 **PART 4 – ZONE REGULATIONS, Section 4.12 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) a) is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1,500 square metres (16,145 square feet)”
- 1.26 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** attached to and forming part of this bylaw.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a Development Permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3.2:

- ~~new~~ construction, addition or alteration of a building, structure, utility, or shoreline protection measure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

Exemptions

.2 The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Repair and maintenance of lawful buildings, structures or utilities, including the replacement of building components as may be necessary to implement such repair and maintenance, provided always that any work is conducted entirely within the footprint of the existing building, structure, or utility and does not degrade the ecology of [land within DP-3](#);
- b) Alterations of previously disturbed land and to pre-existing buildings, structures and utilities located between 7.5 metres and 15 metres from the natural boundary of the sea, provided always that the alteration:
 - i. Takes place entirely within the perimeter of previously disturbed land or within the footprint of a pre-existing building, structure, or utility;
 - ii. Does not alter, disturb or otherwise harm previously undisturbed land or native vegetation anywhere within DP3; and
 - iii. Does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.
- c) Repair and maintenance of soft shoreline protection measures that were designed and implemented at the direction of a Qualified Professional, provided that any such work is limited to maintaining the original design parameters of the measure;
- d) Repair or replacement of a septic field site in the same location as the existing septic field;
- e) The installation of a mooring buoy;
- f) Construction or repair of the following structures sited within the setback from the natural boundary of the sea:
 - i. A platform not exceeding 5 square metres in area;
 - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- g) Small-scale, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best land management practices;
- h) Construction of a fence provided no native tree species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- i) The construction of a trail provided always the trail is:
 - i. Designed and situated to minimize vegetation disturbance and entirely avoid the removal of native trees and the erosion of soil on sloping terrain;

- ii. A width of 1 metre or less ~~wide~~;
 - iii. For personal and non-vehicular use only; and
 - iv. Surfaced with soil, gravel, mulch or other natural materials permeable to water.
- j) Repair and maintenance of existing roads, driveways, paths and trails, provided always there is no expansion of the width or length and no increase in the total area surfaced with concrete, pavers, asphalt or other materials impervious to water;
 - k) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
 - l) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
 - m) The removal of trees that pose an immediate threat to life or property, as determined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing;
 - n) Works required to prevent, control or reduce risk to or loss of human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
 - o) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
 - p) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
 - q) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
 - r) Consolidation of legal lots by subdivision; and
 - s) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

General Guidelines

- .3 The following guidelines apply ~~to applications~~ for development permits within the DP-3 area:
- a) Development in the shoreline area should minimize ~~negative~~ impacts on the ecological health and disruption to coastal sediment transport processes.
 - b) ~~New construction~~ Construction and additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection measures throughout the life of the structure.
 - c) ~~New development~~ Development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis by a Geotechnical Engineer or Professional Geoscientist.

- d) Consideration should be given to minimizing the impacts of sea level rise and storm surges should be addressed.
- e) Development design should prevent the release of sediment to the shore and to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan that includes actions to be taken prior to land clearing and site preparation may be required.
- f) Areas that include critical habitat of any Species-species at Riskrisk (as defined by the Species at Risk Act (SARA)), including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a rare species has been identified by Islands Trust mapping, should be left undisturbed. If disturbance cannot be avoided, then development and mitigation measures should be undertaken under the supervision of a Registered Professional Biologist with advice from applicable government agencies.
- g) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- h) All development below the natural boundary of the sea should minimize degradation of the marine ecosystem and disturbance of the substrate.

Guidelines - Construction and Replacement of Docks and Ramps

.4 The following guidelines apply to applications for development permits within the DP-3 area:

- a) Docks, floats and ramps should be sited to avoid interference with sensitive ecosystems such as eelgrass beds, forage fish habitat, and natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- ~~b) Docks should be designed to avoid interfering with public movement along the foreshore.~~
- ~~e)b)~~ Decking materials should allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.
- ~~d)c)~~ Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to greater distance between pilings over increasing the number of pilings.
- ~~e)d)~~ Docks should be constructed so that they do not rest on the seabed at low water/low tide levels and to allow the free flow of water beneath dock floats at all times.
- ~~f)e)~~ Docks should be constructed of stable materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.
- ~~g)f)~~ Preference is given to mooring buoys that are seagrass-friendly and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Commented [MM1]: Outside the DP specific authority for LGA sections 488(1)(a) and (b)

Guidelines - Shoreline Modifications

.5 The following guidelines apply to applications for development permits within the DP-3 area:

- a) Shoreline protection or stabilization measures should not be undertaken for the sole purpose of changing the measurement of setbacks on a property or to reclaim land lost due to erosion.

- b) Shoreline protection measures should not be ~~allowed~~ undertaken for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- c) Shoreline protection measures may be considered to protect existing structures as provided by a report, prepared by a Qualified Professional(s), which describes the following:
 - i. need for the proposed modification to protect existing structures;
 - ii. any natural hazards, erosion, or interruption of geohydraulic processes that may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iii. cumulative effect of shoreline protection along the drift sector where the works are proposed; and
 - iv. whether there will be any degradation of the marine ecosystem or loss of fish or wildlife habitat because of the modification.
- d) Shoreline protection measures should be designed by a Qualified Professional, and should:
 - i. Limit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Rely on non-structural shoreline protection measures when feasible;
 - iii. Be designed to avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
 - iv. Address compatibility with adjacent shoreline protection works.
- e) Structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered when a geotechnical and biophysical analysis provided by a Qualified Professional demonstrates the following:
 - i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves;
 - ii. erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iii. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - iv. Non-structural shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - v. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vi. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced provided that:
 - i. The replacement structure is of the same size and footprint as the existing structure;
 - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible; and
 - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns.
- g) Materials used for shoreline protection should be constructed of stable and uncontaminated materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.
- h) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume should only be considered when necessary to assist in the

enhancement of the natural shoreline's stability and ecological function. Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

- i) Placement of fill below the natural boundary of the sea should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, as allowed by the relevant provincial and/or federal authorities.
- j) All upland fill and beach nourishment materials should be clean and free of debris and ~~contaminated-contaminatesmaterial~~.

Guidelines - Vegetation Management and Restoration

.6 [The following guidelines apply to applications for development permits within the DP-3 area:](#)

- a) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- b) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- c) In areas cleared of native vegetation during development, replanting requirements and a security deposit to restore the natural environment or control erosion may be required.
- d) Sparsely vegetated areas may not require planting.
- e) Vegetation species used in replanting should be suitable for the soil, light and groundwater conditions of the site, native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. The use of suitably adapted non-invasive, non-native vegetation may be permitted in a replanting program when conditions render the use of native species materially less suitable for erosion control and habitat strengthening.
- f) Replanting may be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native plant species, irrigation, and the replacement of unhealthy, dying or dead stock at the owner's expense.

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as per Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 14TH DAY OF OCTOBER , 2021

READ A SECOND TIME THIS 14TH DAY OF MAY , 2024

PUBLIC HEARING HELD THIS 31ST DAY OF JULY , 2024

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Schedule “1”

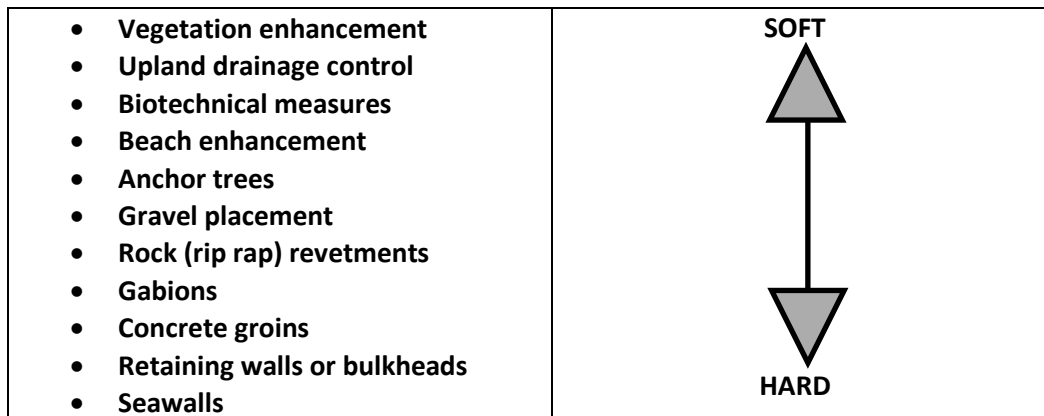
1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:

1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”

“**shoreline protection measures** means hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. ‘Hard’ measures refer to the use of materials with impermeable surfaces (e.g., stone, concrete) whereas ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.

Range of measures varying from soft to hard include:



1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

- “a) No building or structure may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure.

- b) Notwithstanding subsection 2.7.3, for properties zoned Rural Comprehensive the setback shall be 15 metres (49.2 feet).”

- 1.3 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
- 1.4 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting immediately after subsection 2.7.5 the following as a new subsection:
- “**2.7.6** Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
- 1.5 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
- 1.6 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.9 SITING COMPLIANCE**, Subsection .1 is amended by inserting the words “and development permit” after “development variance permit”.
- 1.7 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks”.
- 1.8 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.9 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following:
- “Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”
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- 1.11 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
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“Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”

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1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”.

1.17 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.18 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.5 is amended by removing it in its entirety and replacing it with the following:

“dock floats, that are accessory to a private institutional use on the adjacent upland lot, is 1,500 square metres (16,145 square feet).”

1.19 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, second bullet in Subsection 4.6.5 is amended by replacing “150 square metres” with “47 square metres (500 square feet)”.

1.20 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by adding a third bullet with the following:

“Despite Subsection 4.6.5, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”

- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.9 is amended by replacing “30 acres” with “60 acres”.
- 1.22 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.23 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.24 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.25 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) a) is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1,500 square metres (16,145 square feet)”
- 1.26 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** attached to and forming part of this bylaw.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a Development Permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3.2:

- construction, addition or alteration of a building, structure, utility, or shoreline protection measure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

Exemptions

.2 The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Repair and maintenance of lawful buildings, structures or utilities, including the replacement of building components as may be necessary to implement such repair and maintenance, provided always that any work is conducted entirely within the footprint of the existing building, structure, or utility and does not degrade the ecology of land within DP-3;
- b) Alterations of previously disturbed land and to pre-existing buildings, structures and utilities located between 7.5 metres and 15 metres from the natural boundary of the sea, provided always that the alteration:
 - i. Takes place entirely within the perimeter of previously disturbed land or within the footprint of a pre-existing building, structure, or utility;
 - ii. Does not alter, disturb or otherwise harm previously undisturbed land or native vegetation anywhere within DP3; and
 - iii. Does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.
- c) Repair and maintenance of soft shoreline protection measures that were designed and implemented at the direction of a Qualified Professional, provided that any such work is limited to maintaining the original design parameters of the measure;
- d) Repair or replacement of a septic field site in the same location as the existing septic field;
- e) The installation of a mooring buoy;
- f) Construction or repair of the following structures sited within the setback from the natural boundary of the sea:
 - i. A platform not exceeding 5 square metres in area;
 - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- g) Small-scale, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best land management practices;
- h) Construction of a fence provided no native tree species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- i) The construction of a trail provided always the trail is:
 - i. Designed and situated to minimize vegetation disturbance and entirely avoid the removal of native trees and the erosion of soil on sloping terrain;

- ii. A width of 1 metre or less;
 - iii. For personal and non-vehicular use only; and
 - iv. Surfaced with soil, gravel, mulch or other natural materials permeable to water.
- j) Repair and maintenance of existing roads, driveways, paths and trails, provided always there is no expansion of the width or length and no increase in the total area surfaced with concrete, pavers, asphalt or other materials impervious to water;
- k) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- l) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
- m) The removal of trees that pose an immediate threat to life or property, as determined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing;
- n) Works required to prevent, control or reduce risk to or loss of human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
- o) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- p) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- q) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- r) Consolidation of legal lots by subdivision; and
- s) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

General Guidelines

.3 The following guidelines apply for development permits within the DP-3 area:

- a) Development in the shoreline area should minimize impacts on the ecological health and disruption to coastal sediment transport processes.
- b) Construction and additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection measures throughout the life of the structure.
- c) Development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis by a Geotechnical Engineer or Professional Geoscientist.
- d) Consideration should be given to minimizing the impacts of sea level rise and storm surges.

- e) Development design should prevent the release of sediment to the shore and to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan that includes actions to be taken prior to land clearing and site preparation may be required.
- f) Areas that include critical habitat of any species at risk (as defined by the *Species at Risk Act* (SARA), including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a rare species has been identified by Islands Trust mapping, should be left undisturbed. If disturbance cannot be avoided, then development and mitigation measures should be undertaken under the supervision of a Registered Professional Biologist with advice from applicable government agencies.
- g) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- h) All development below the natural boundary of the sea should minimize degradation of the marine ecosystem and disturbance of the substrate.

Guidelines - Construction and Replacement of Docks and Ramps

.4 The following guidelines apply to applications for development permits within the DP-3 area:

- a) Docks, floats and ramps should be sited to avoid interference with sensitive ecosystems such as eelgrass beds, forage fish habitat, and natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- b) Decking materials should allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.
- c) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to greater distance between pilings over increasing the number of pilings.
- d) Docks should be constructed so that they do not rest on the seabed at low water/low tide levels and to allow the free flow of water beneath dock floats at all times.
- e) Docks should be constructed of stable materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.
- f) Preference is given to mooring buoys that are seagrass-friendly and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Guidelines - Shoreline Modifications

.5 The following guidelines apply to applications for development permits within the DP-3 area:

- a) Shoreline protection or stabilization measures should not be undertaken for the sole purpose of changing the measurement of setbacks on a property or to reclaim land lost due to erosion.
- b) Shoreline protection measures should not be undertaken for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- c) Shoreline protection measures may be considered to protect existing structures as provided by a report, prepared by a Qualified Professional(s), which describes the following:
 - i. need for the proposed modification to protect existing structures;

- ii. any natural hazards, erosion, or interruption of geohydraulic processes that may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iii. cumulative effect of shoreline protection along the drift sector where the works are proposed; and
 - iv. whether there will be any degradation of the marine ecosystem or loss of fish or wildlife habitat because of the modification.
- d) Shoreline protection measures should be designed by a Qualified Professional, and should:
 - i. Limit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Rely on non-structural shoreline protection measures when feasible;
 - iii. Be designed to avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
 - iv. Address compatibility with adjacent shoreline protection works.
- e) Structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered when a geotechnical and biophysical analysis provided by a Qualified Professional demonstrates the following:
 - i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves;
 - ii. erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iii. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - iv. Non-structural shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - v. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vi. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced provided that:
 - i. The replacement structure is of the same size and footprint as the existing structure;
 - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible; and
 - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns.
- g) Materials used for shoreline protection should be constructed of stable and uncontaminated materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.
- h) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume should only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- i) Placement of fill below the natural boundary of the sea should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, as allowed by the relevant provincial and/or federal authorities.

- j) All upland fill and beach nourishment materials should be clean and free of debris and contaminants.

Guidelines - Vegetation Management and Restoration

- .6 The following guidelines apply to applications for development permits within the DP-3 area:
 - a) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
 - b) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - c) In areas cleared of native vegetation during development, replanting requirements and a security deposit to restore the natural environment or control erosion may be required.
 - d) Sparsely vegetated areas may not require planting.
 - e) Vegetation species used in replanting should be suitable for the soil, light and groundwater conditions of the site, native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. The use of suitably adapted non-invasive, non-native vegetation may be permitted in a replanting program when conditions render the use of native species materially less suitable for erosion control and habitat strengthening.
 - f) Replanting may be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native plant species, irrigation, and the replacement of unhealthy, dying or dead stock at the owner's expense.