

FREQUENTLY ASKED QUESTIONS

ABOUT THE KEATS ISLAND SHORELINE PROTECTION PROJECT

What is the goal of the Shoreline Protection Project?

The project was initiated based on concerns about increased dock development and shoreline hardening (i.e., sea walls) in the sensitive foreshore and marine area.

There are two goals associated with the project:

- To amend both the Keats Island Official Community Plan (OCP) and the Land Use Bylaw (LUB) with the objective of providing better protection for the foreshore, near shore, and marine areas of Keats Island.

What has been the public engagement process to date?

The Local Trust Committee initiated the Keats Island Shoreline Protection Project three years ago.

Public engagement to date has included the following:

- July 2018 – community information meeting
- October 2018 – community information meeting
- July to October 2018 – conducted public survey
- Early 2019 to June 2020 – developed a working group made up of island representatives with meetings held both in-person and virtually. The group had representatives from Keats Landing, Melody Point, Plumper Cove, and Eastbourne.
- October 2020 – the working group recommendations were presented in a staff report to the Local Trust Committee
- September and October 2021 - community information meetings were held virtually and in-person

Where are we at in the process?

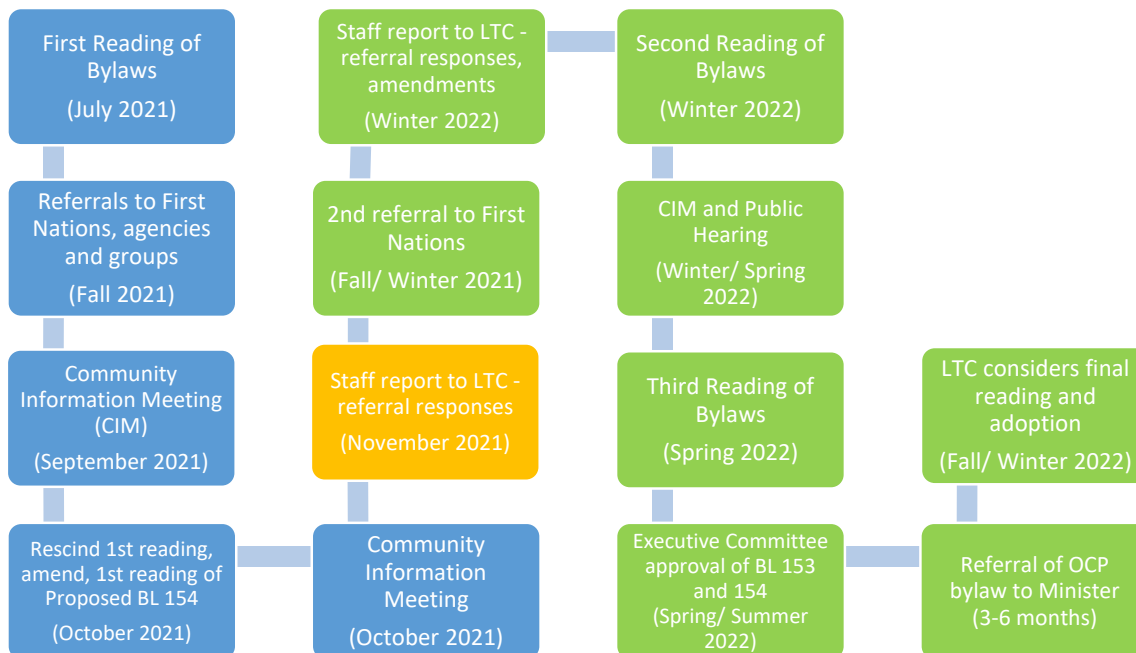
The Local Trust Committee (LTC) has gone through the following processes:

- Received input from the working group
- Considered First Nations cultural heritage and other interests
- Reviewed best practices and staff and expert reports
- Made amendments based on initial public input and passed first reading of the OCP and LUB amendments in July 2021
- Made an additional amendment and redid first reading of the LUB amendments in October 2021.

It is important to understand that in local government, the first reading represents the beginning of the formal process to amend a bylaw.

The next steps are outlined in the November 18, 2021 staff report located on the project webpage, <https://islandstrust.bc.ca/island-planning/gambier/projects/> - scroll down to Keats Island Shoreline Protection.

The graph below illustrates where we are at in the process.



* The graph is featured on page 11 of the November 18, 2021 staff report.

The draft bylaws have been referred to First Nations and local and provincial government agencies as well as community associations.

The referral responses that have been received were highlighted in the November 18, 2021 staff report.

After receipt of referral responses, the LTC will consider whether to amend the bylaws further, give them second reading, or schedule another community information meeting and public hearing. These decisions will be made at public LTC meetings over the next several months.

**Community feedback is welcome at any time,
up to and including, any public hearing.**

What is the purpose of an Official Community Plan (OCP)?

An OCP provides a vision, goals, objectives, and policies for how the community will manage change. The OCP guides the planning and decision making about land use and related community priorities. On the Islands Trust website you can locate the [Keats Island OCP](#), and the [corresponding map](#). (<https://islandstrust.bc.ca/island-planning/gambier/bylaws/>)

You will notice the OCP was last updated in 2002. Since then, there has been significant change on the island.

What are the proposed changes to the OCP?

The primary proposed change to the OCP is the creation of a Shoreline Development Permit Area (DPA) measured 15 metres upland from the foreshore and 100 metres seaward from the foreshore. This will require that a Development Permit (DP) be obtained for certain types of new development in the DPA. The rationale and objectives of the DPA are set out in proposed Bylaw 153 located in the ‘Proposed Bylaws’ folder on the project webpage.

During the public engagement process, we have heard positive support from most people on the goals of the OCP amendment.

What is the purpose of the Land Use Bylaw in the Islands Trust?

Land use bylaws are created by local trust committees to facilitate implementation of official community plan policies and establish what is allowed on specific lots. On the Islands Trust website you can locate the current land use bylaw for [Keats Island](#), and the [corresponding map](#). (<https://islandstrust.bc.ca/island-planning/gambier/bylaws/>)

What are the proposed changes to the Land Use Bylaw (LUB)?

The amendments to the LUB leave the setback for a development at 7.5 metres, except on two large undeveloped lots in the centre of the island, where it is proposed that the setback be 15 metres.

The amendments to the LUB are set out in proposed Bylaw 154 located in the ‘Proposed Bylaws’ folder on the project webpage.

Highlights of the land use bylaw in the in the development of changes to the OCP are:

- a) Reduction in the size of “platforms” in the setback from the natural boundary of the sea from 10 square metres to 5 square metres;
- b) Removal of some structures from “permitted” structures in the setback from the natural boundary of the sea including boat houses;
- c) Increase in the setback from the natural boundary of the sea to 15 metres in the Rural Comprehensive Zone (Lots 876 and 1829);
- d) Introduction of a minimum distance between docks of 10 metres;
- e) Reductions in the maximum size of docks and ramps to docks;
- f) Introduction of guidelines for the Development Permit Area. **Important note:** there is an extensive list of exemptions, including the need for a Development Permit (DP), and guidelines that set out the requirements to obtain a DP.

How does a Development Permit (DP) work?

When you are considering development on your waterfront property, first determine if that development will be within the 15 metres of the Development Permit Area (DPA).

- If it is not within the 15 metres of the DPA, there will be no requirement for a DP. (Keep in mind other restrictions may apply).

If your proposed development is within the DPA, then review the exemptions to consider whether any of them apply.

- If an exemption applies, there will be no requirement for a DP.

If your proposed development is within the DPA and the exemptions do not apply, then you will need to apply for a DP.

- Review the guidelines and seek any information or assistance from Islands Trust planning staff.

If you meet the requirements of the guidelines, subject to any First Nations rights, you are entitled to the DP. Once the guidelines have been met, the Local Trust Committee does not have discretion to refuse the DP.

How do these changes impact land holders existing structures?

All new land use bylaws are effective prospectively not retrospectively. As a result, regardless of changes to bylaws, any structure or activity (use) that was lawful at the time it was constructed, or the activity occurred remains lawful. This is called “lawful” or “legal non-conforming”.

A common example is a cabin that is situated within the setback from the marine area that was “lawful” or permitted at the time it was constructed.

- These structures can be repaired or maintained at any time without any impact from any new bylaws, so long as the work is done entirely within the existing footprint of that structure, and it does not alter or disturb the land or vegetation within the Shoreline DPA.
- However, if the structure is replaced or expanded beyond the footprint of the existing structure this would not comply with the bylaw and would require conformity to the new requirements.

If the cabin mentioned above was to be replaced, it would have to either meet the requirements of the bylaws or the owner would have to obtain a variance from the Local Trust Committee. If it is within the new Shoreline DPA, it would require a DP.

In short, if the structure (whether it be a dock, a shed, a cabin or a house, or any structure) was legal when constructed, any change to the bylaw will not require it to be moved or replaced.

Can the Local Trust Committee regulate in the marine area?

Yes, the LTC can regulate structures in marine areas that are anchored to the seafloor or attached to land, unless they are federally regulated (e.g., mooring buoys). A permit from the province may also be required.

Where can I locate information and resources on the Islands Trust website?

Information and details regarding this [project](#) can be found on the Islands Trust website (<https://islandstrust.bc.ca/island-planning/gambier/projects/>).

This web page is updated regularly to reflect the current status of the project.

Have your say

Comments from community members are always welcome. Remember, if you want your thoughts to be considered by the Local Trust Committee your correspondence will become part of the public record and will appear on the Islands Trust website.

To ask questions and submit feedback,

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