

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

DATE OF MEETING: February 4, 2021
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Keats Island Shoreline Protection Project 'Phase 3' – Draft Bylaw Language

RECOMMENDATION

1. That the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Official Community Plan Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 of the Staff Report dated February 4, 2021.
2. That the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Land Use Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 and Attachment 3 of the Staff Report dated February 4, 2021.
3. That the Gambier Island Local Trust Committee direct staff to proceed with early referrals to First Nations under the advice of the Islands Trust Senior Intergovernmental Policy Advisor.

REPORT SUMMARY

The purpose of this report is to provide the Gambier Island Local Trust Committee (LTC) with draft bylaw language to amend the Keats Island Official Community Plan (OCP) Bylaw No. 77 and Keats Island Land Use Bylaw No. 78 (LUB), as part of the Keats Island Shoreline Protection Project 'Phase 3'. The draft bylaw language includes draft Development Permit Area (DPA) provisions for marine shoreline protection and protection of development from hazardous conditions, and potential amendments to marine structure regulations.

The LTC is asked to consider the draft bylaw language and options presented, and provide staff with direction to move toward draft bylaw preparation.

Staff are recommending that draft bylaws be prepared to amend the Keats OCP and LUB, consistent with the draft bylaw language presented in Attachment 2 and 3 of this report.

BACKGROUND

The draft bylaw language the LTC is asked to consider, is a direct response to the following LTC resolutions passed at the October 1, 2020 LTC regular business meeting:

GM-2020-031

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff revise the 'Keats Island Shoreline Protection' Project Charter to reflect our direction to establish a Shoreline Development Permit Area.

CARRIED

GM-2020-032

It was MOVED and SECONDED,

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

CARRIED

GM-2020-033

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff explore whether a Development Permit Area can restrict the proliferation of development in the marine area.

CARRIED

GM-2020-034

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff develop potential Land Use Bylaw amendments to restrict wharf size, ramp size, type and size of access ramps and stairs, and mooring buoy anchor systems.

CARRIED

At the November 19, 2020 LTC regular business meeting, the LTC passed the following resolutions:

GM-2020-054

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee endorse the 'Keats Island Shoreline Protection Project Phase 3' Project Charter v.1, dated November 19, 2020, as amended.

CARRIED

GM-2020-055

that the Keats Island Shoreline Protection Project Charter Phase 3 be amended to provide for early referral of draft bylaws to relevant First Nations, and to provide for a Community Information Meeting and Public Hearing in July 2021.

CARRIED

A copy of the project charter is found in Attachment 1.

ANALYSIS**Policy/Regulatory**

The establishment of a Shoreline DPA aligns with Islands Trust Policy Statement (ITPS) direction to protect sensitive coastal areas and coastal processes; and Keats Island OCP policies that support environmental and rural conservation. A summary of relevant policies and regulations that are applicable to this project are found in the [Discussion Paper](#), dated May 28, 2020 (revised June 2020).

Islands Trust Conservancy:

Trust Council Policy 3.1.II requires referral to the Islands Trust Conservancy Board (ITCB) for any OCP and LUB amendments that “directly affects ITC owned property or conservation covenant”. With the recent transfer of ownership of Sandy Beach Nature Reserve to the Islands Trust Conservancy, referral to the ITCB would be required.

Issues and Opportunities

Development Permit Area – Basic Structure

While local governments are not required to establish development permit areas (DPAs), there are mandatory requirements to implement them. Sections 488 through 491 of the *Local Government Act* (LGA) pertain to DPAs, and include general and specific authority that local governments have when designating a DPA.

In accordance with the LGA, and to be consistent with the existing Keats Island DPAs, staff are recommending the Shoreline DPA be structured as follows:

1. Purpose of the DPA

The purpose of the Shoreline DPA should be clearly stated in the OCP and is necessary for drafting and interpretation of restrictions on property owners, and in stating the justification, DPA guidelines, and requirements or conditions to be imposed within the Shoreline DPA.

Section 488 (1) of the LGA gives the authority to a local government to designate a DPA within its OCP for specified purposes. The LTC has directed staff to draft bylaw language for a Shoreline DPA for the following purposes, in accordance with Section 488 (1) of the LGA:

- (a) protection of the natural environment, its ecosystems and biological diversity;*
- (b) protection of development from hazardous conditions;*

2. Location

The area designated within the Shoreline DPA should be identified within the OCP. A property owner should be able to read the OCP and conclusively determine (by text or reference to maps) that their lot is within the Shoreline DPA or not. Currently Schedule E in the Keats Island OCP designates the areas on Keats Island that are within DP-1 (Riparian Areas) and DP-2 (Streamside Protection). Part C, Section 1 and 2 of the OCP also describe the location of existing DPAs by text.

3. Justification and Objectives

Section 488 (2) (a) of the LGA requires that an OCP describe the “special conditions or objectives that justify the designation”. Staff have include both justification and objectives for the Shoreline DPA. The draft language “Justification” provided in Attachment 2 refers generally to the “preserve and protect” object of the Islands Trust, relevant Islands Trust Policy Statement directives, and to Keats Island specifically; while the objectives lay out what the Shoreline DPA aims to achieve. Both the justification and objectives are intended to inform the DPA guidelines.

4. Applicability

Section 489 of the LGA requires that a property owner obtain a development permit for the following activities, unless otherwise exempted:

- (a) land within the area must not be subdivided;*
- (b) construction of, addition to or alteration of a building or other structure must not be started;*
- (c) land within an area designated under section 488 (1) (a) or (b) [natural environment, hazardous conditions] must not be altered;*

The development activities where a development permit is required may be listed in either the OCP or the LUB. To be consistent with the existing DPAs on Keats Island, staff would recommend including the “Applicability” section for the new Shoreline DPA in the LUB.

5. Exemptions

The LTC may include development activities that are exempted from the requirement of a development permit. Staff have included a comprehensive list of potential exemptions for the Shoreline DPA that range from general to specific. To be consistent with the existing DPAs on Keats Island, staff would recommend including the “Exemptions” in the LUB.

6. Guidelines

Section 488 (2) (b) of the LGA grants local governments the authority to “specify guidelines respecting the manner by which the special conditions or objectives will be addressed”. Alternatively, DPA guidelines may also be included in a zoning (or land use) bylaw, in accordance with Section 488 (3) of the LGA. Staff would recommend the “Guidelines” for the Shoreline DPA be included in the LUB, to be consistent with the existing DPAs.

Guidelines are intended to direct development, and issuance of a development permit must be done in accordance with applicable DPA guidelines. Staff have included general guidelines that would be applicable to a broad range of applications in the Shoreline DPA. As well, given the range of potential activities that may occur in the Shoreline DPA, staff have included specific guidelines for the following:

- Construction and replacement of docks and ramps;
- Shoreline modifications;
- Vegetation management, restoration and enhancement; and
- Subdivision.

By grouping guidelines for certain development activities, this may provide some clarity to current or future LTCs, property owners and planning staff, of which guidelines are applicable or not for proposed development activities. For example, where a property owner is proposing to construct an upland structure within the Shoreline DPA, the guidelines for docks and ramps would likely not be applicable.

Options for Location (area of application)

The upland and marine areas to be designated within the Shoreline DPA have yet to be established. The LTC are asked to consider the following options for the upland areas:

- 1) 7.5 metres measured upland of the present natural boundary of the sea (NBS)
- 2) 15 metres measured upland of the present NBS
- 3) 30 metres measured upland of the present NBS
- 4) All waterfront lots

It is noted that the existing setback from the natural boundary of the sea for buildings or structures in Section 2.7.3 of the LUB, is 7.5 metres (24.6 feet), except for exempted structures. A straightforward approach would be to apply the Shoreline DPA in a 7.5 metre buffer of the NBS, to align with Section 2.7.3. This would mean that all proposed development activities conducted within 7.5 metres of the NBS would be required to apply for a development permit, aside from exempted activities. This option would address shoreline modifications (shore protection or stabilization works) and dock construction, which are ongoing concerns on Keats Island.

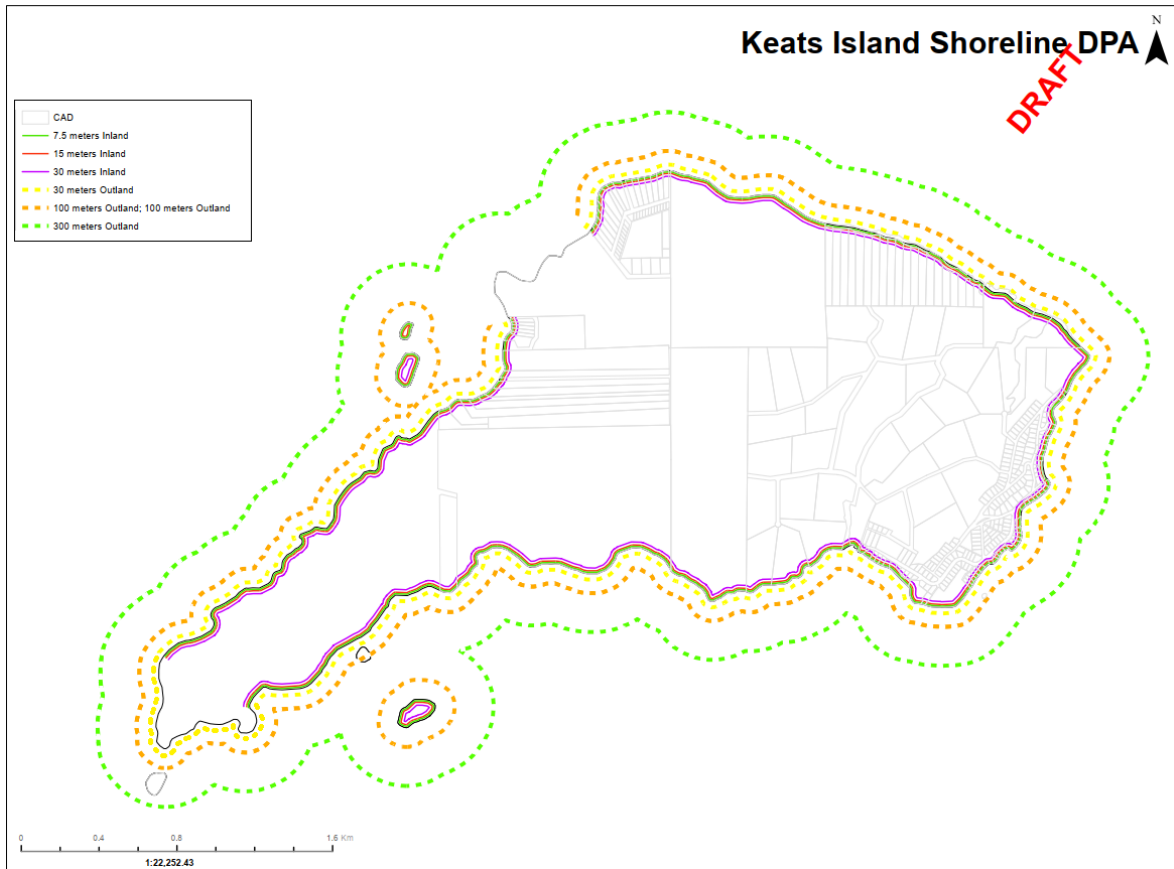


Figure 1. DPA options (7.5 m, 15 m, 30 m upland; 30 m, 100 m, 300 m marine area)

Generally, a larger buffer upland would provide additional protection as the DPA would be applicable to a larger area and would address activities occurring further upland that may impact the shoreline and marine environment. However, it is noted that applying a 30 metre upland buffer would in some cases encompass entire lots, as shown in Figure 2. Should the LTC impose a DPA that extends further upland than the setback in the LUB, the LTC should demonstrate why the DPA should impose a more onerous condition.



Figure 2. Examples of DPA applicability on waterfront and upland lots.

Options for the extent of the Shoreline DPA into marine areas include:

- 1) 30 metres seaward of NBS
- 2) 100 metres seaward of NBS
- 3) 300 metres seaward of NBS
- 4) 1000 metres seaward of natural boundary (area of application for Keats OCP and LUB)

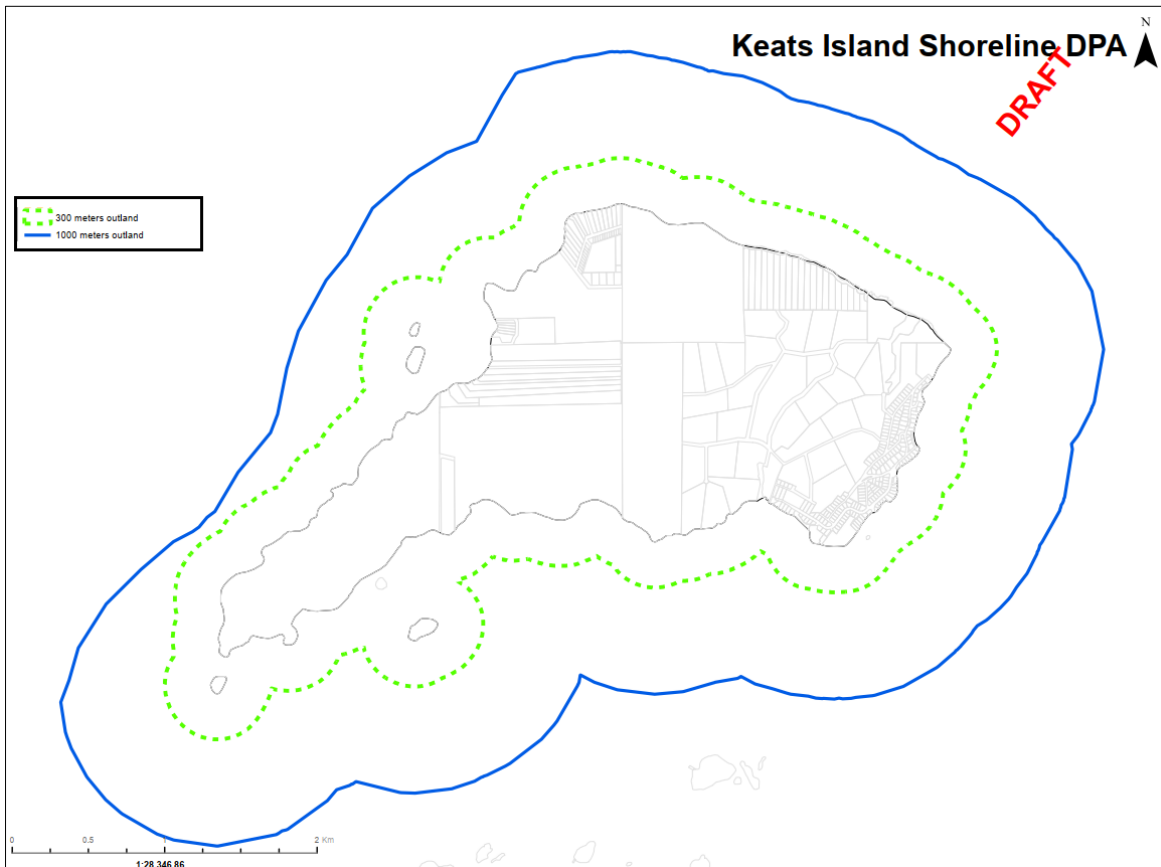


Figure 3. DPA options (300 m, 1000 m marine areas)

For the most part applicable development activities are likely to occur within 30 metres of the NBS. However, in cases where a marine structure extends beyond 30 metres, this would not provide adequate protection. Staff have recommended a minimum of 100 metre seaward buffer in the Shoreline DPA for this reason. However, it is noted that the area of application for the OCP and LUB includes Keats Island, Home Island, Preston Island, the larger of the two Shelter Islets and the area 1,000 metres seaward of the Keats Island shoreline. Encompassing the whole of the area of bylaw application (1,000 metres seaward of the NBS) may be the simplest option.

As an example, the Salt Spring Island Shoreline DPA extends seaward 300 metres of the NBS, while the Galiano Island Shoreline and Marine DPA extends seaward to the boundary of the area of bylaw application (the Galiano Island Local Trust Area).

As shown on Figure 1, staff recommend excluding the upland portion of Sandy Beach Nature Reserve and the upland and marine portion of Plumper Cove Provincial Park from the Shoreline DPA.

Figures 1 and 3 provide visual examples of where the Shoreline DPA may be applied. Attachment 4 provides an overview of what each option would achieve and not achieve.

Although not included in the draft bylaw language or the example Shoreline DPA maps, there may be certain locations valued for their ecological importance, aesthetics or recreational use, or areas that are particularly sensitive that require additional protection. Examples may be coastal bluffs, eelgrass meadows or areas of high erosion. While the draft bylaw language does not distinguish such areas, the LTC may direct staff to draft regulations specifically for these areas or ecosystems.

Development in the Marine Area

In resolution GM-2020-033, the LTC had requested that staff explore whether a DPA can restrict the proliferation of development in the marine area. Staff note that a DPA designation restricts what a property owner may do with that portion of their lot or area that is within the DPA, and provides guidance on how development may occur in that area. A DPA is not used as a tool for regulating density, as Section 490 (3) of the LGA provides,

(3) A development permit must not

(a) vary the use or density of the land from that permitted in the bylaw except as authorized by section 1 (3) [variation in relation to health, safety or protection of property],

The variation in 490 (3) (a) is in relation to hazardous conditions.

Pursuant to Section 479 (1) of the LGA, a local government may regulate the use of the density of land in a zoning bylaw:

(1) A local government may, by bylaw, do one or more of the following:

(c) regulate the following within a zone:

(i) the use of land, buildings and other structures;

(ii) the density of the use of land, buildings and other structures;

There are existing Keats LUB regulations such as Section 4.1.10, which regulate the density of use in the marine area of the Community Residential 1 (CR1) zone:

.10 A maximum of one dock is permitted in the marine-area abutting each water front lot.

The proliferation of mooring buoys in the marine area around Keats Island has been a topic of concern during this project. While the LUB does regulate mooring buoys by prohibiting their use for commercial or industrial purposes, Transport Canada has jurisdiction over private buoys under the *Private Buoy Regulations* (under the *Canada Shipping Act*) and the *Navigable Waters Protection Act*. It is likely outside of the LTC's jurisdiction to limit the number of mooring buoys in an area or to regulate the type of mooring buoy used; however, staff advise that the LTC may want to have staff look into this further.

Regarding the type of mooring buoy used, staff have included in the draft bylaw language a guideline that encourages the use of "seagrass-friendly" buoys to reduce scouring of the sea floor. There may be an education opportunity for the Keats Island community through Sea Change Marine Conservation Society's "Operation Save the Eelgrass Initiative", which encourages the use of seagrass-friendly moorings.

Options for Marine Structure Regulations

In addition to the Shoreline DPA, 'Phase 3' of the project proposes to update marine structure regulations. It has been noted that the existing LUB regulations for marine structures are generous when compared to other Local Trust Areas, and in relation to provincial best practices. Staff have included in Attachment 3 draft bylaw language for potential amendments to the LUB.

The potential amendments to marine structure regulations include:

- Increasing the setback from lot line projections for private floats and docks;
- Increasing the distance between new and existing docks and structures;
- Regulating the projection seaward of a private float and dock from the NBS;
- Reducing the maximum float area of private docks, and shared docks;
- Reducing the width of ramps associated with a dock.

The LTC is asked to consider the draft bylaw language and direct staff accordingly.

Structures within 7.5 Metres of the Natural Boundary

Existing regulations in the LUB do not permit the construction of buildings and structures within 7.5 metres of the NBS, aside from the following in Subsection 2.7.3:

- .3** *No building or structure except platforms not exceeding a combined floor area of 10 square metres, a permitted boathouse, pump/utility house, or stairs, or walkways required to access the foreshore or a permitted float, dock, wharf, or other permitted marine related structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.*

In addition, Subsection 2.7.2 does not permit the following:

- .2** *The following features may project into a required setback area:*
- *steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;*
 - *balconies, decks and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;*
 - *retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.*

Staff note that any proposed building or structure within the DPA, aside from those *specifically* exempted within the DPA regulations, would require a development permit (DP) application. Staff have not included the structures identified in Subsection 2.7.3 within the exempted activities, and would recommend the LTC require a DP application for those structures.

While the draft bylaw language for the Shoreline DPA include guidelines that suggest shoreline protection or stabilization works may be constructed within the setback from the NBS, staff note that a development variance permit (DVP) application would also be required alongside a DP application for such proposed works. Staff note that while a DP application is considered on the basis of meeting DPA guidelines, LTC decision making is discretionary for DVP applications and may take into consideration other information, such as the impact on archaeological resources or neighbour/community concerns.

Marine 4 – Private Log Dump (M4) Zone

At the October 1, 2020 LTC regular business meeting, the LTC discussed the possibility of eliminating the Marine 4 – Private Log Dump (M4) zone. Staff note there is currently one location zoned M4 at the north end of Keats Island, directly offshore of the Barnabas Family Ministries property, shown in Figure 4.



Figure 4. M4-zoned location on Keats Island

According to the province’s mapping resource iMapBC, this location is currently under an industrial tenure for log handling/storage. The tenure is set to expire in January 2024.

Without further information to provide the LTC, staff are hesitant to recommend rezoning this location. The LTC may direct staff accordingly.

Development Approval Information (DAI)

Sections 484 and 485 of the LGA enable a local government to establish a Development Approval Information (DAI) bylaw in order to obtain information regarding the anticipated impact of a proposed activity or development. A benefit of a DAI bylaw is that it establishes the authority of the local government to request information from a property owner, and provides greater procedural clarity for an applicant, the LTC and planning staff by establishing the content and nature of the professional reports needed to support a development application.

To adopt a DAI bylaw, one key aspect is that the LTC must designate areas within its OCP that the DAI bylaw applies to, and describe the specific conditions or objectives that justify the designation of those areas.

Currently Section 4.7 of the Keats Island OCP provides the following regarding DAI:

- 4.7** *Development approval information may be required to ensure that development may be accommodated in a manner that sustains natural resources, environmentally sensitive areas and the rural character of the Keats Planning Area. Development approval information may be required to help the Local Trust Committee determine appropriate uses, density and siting of future development.*

Both existing DPAs on Keats Island note that DAI may be required; however there is currently no DAI bylaw in effect for Keats Island and the Gambier Island Local Trust Area. The LTC may consider adopting a DAI bylaw alongside this project, or as a separate project.

Since a DAI bylaw is an administrative bylaw, there is no requirement for a public hearing or formal notification or consultation.

Consultation

As the project would involve an OCP amendment, the LTC is required by the LGA to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The project charter in Attachment 1 details the intended consultation schedule.

Next steps for this project are to send out early referrals to First Nations. Staff will work with the Islands Trust Intergovernmental Policy Advisor to send early referrals as directed by the LTC.

Staff will present a list of agencies that the LTC may send referrals to, when a draft bylaw is presented to the LTC.

Rationale for Recommendation

Staff have presented draft bylaw language that would establish a Shoreline DPA for Keats Island for the purpose of protecting the natural environment, ecosystems and biodiversity and protecting development from hazardous conditions in the adjacent upland, foreshore and marine areas; as well as amend regulations for marine structures in the Land Use Bylaw.

Staff are recommending that the LTC direct staff to proceed with preparing a draft bylaw that would amend the OCP and the LUB as presented in Attachments 2 and 3. Refer to the formal recommendation, included on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

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

That the Gambier Island Local Trust Committee request [insert requested information here].

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will prepare draft bylaw amendments for LTC consideration during the next scheduled regular business meeting. The LTC may consider first reading, referral to the Keats Island Shoreline Protection Working Group or community consultation at that time.

Submitted By:	Jaime Dubyna Planner 2	January 21, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 22, 2021

ATTACHMENTS

1. Project Charter
2. Draft Bylaw Language (Shoreline DPA)
3. Draft Bylaw Language (Land Use Bylaw)
4. Development Permit Area Options Table

Keats Island Shoreline Protection 'Phase 3' – Project Charter v.1

Gambier Island Local Trust Committee

Date: November 19, 2020

Purpose: The Gambier Island Local Trust Committee (LTC) seeks 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; and to develop potential land use bylaw amendments to restrict the size and type of identified marine structures.

Background: 'Phase 1' of this project involved community consultation to solicit input on policy, regulation and voluntary stewardship options to address shoreline protection on Keats. 'Phase 2' established a community Working Group to discuss the project and provide recommendations to the LTC, which included establishment of a Shoreline DPA. A Shoreline DPA aligns with Islands Trust Policy Statement (ITPS) direction to protect sensitive coastal areas and coastal processes, and identify areas hazardous to development; and Keats Island Official Community Plan (OCP) policies that support environmental and rural conservation on Keats.

Objectives

- Improve the protection of Keats Islands' shoreline and foreshore areas, including sensitive ecosystems and species at risk;
- Increase protection of development from sea level rise and flood hazards;
- Update marine structure regulations.

In Scope

- Amend the Keats Island OCP by designating a Shoreline Development Permit Area and guidelines for the marine and near shore areas of Keats Island;
- Amend the Keats Island Land use Bylaw for marine zones to restrict marine structure size and type (wharves, ramps, mooring buoys), in accordance with best practices for marine structures.

Out of Scope

- Amendments to the setback from the natural boundary of the sea.
- Proposed new OCP designations or LUB zones.
- Proposed heritage conservation areas.
- Flood Protection Bylaw.

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of Project Charter	November 19, 2020
Staff prepare draft bylaw language, LTC consideration of draft bylaw language	February 2021
Early referrals to First Nations	March 2021
LTC consideration of 1 st reading, bylaw referrals to First Nations, Agencies and adjacent LTAs	April 2021
<i>Legal Review (discretionary)</i>	<i>May/June 2021</i>
LTC consideration of referral responses, legal review and 2 nd Reading	July 2021
Community Information Meeting & Public Hearing	July 2021
3 rd reading of proposed bylaws, Executive Committee approval	September/October 2021
Ministerial approval, adoption of bylaw amendments, distribution of communication materials	January/February 2022
LTC Adoption of bylaws	Spring 2022

Project Team

Planner 2	Project Manager
Regional Planning Manager	Project Sponsor
Legislative Clerk	Administrative Support
GIS Department	Mapping Support
RPM Approval: Date: Nov. 19/20	LTC Endorsement: Resolution #: 2020-054 Date: Nov. 19/20

Budget

Budget Sources:

Fiscal	Item	Cost
2020-2021	Legal Review (<i>discretionary</i>)	\$3000
2020-2021	CIM, Public Hearing notice	\$2000
	Total	\$5000 (*pending approval)

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
LTC regular business meeting	Revised project charter to LTC for consideration	November 19, 2020	n/a
LTC regular business meeting	Staff present draft bylaw language to LTC for consideration	February 2021	n/a
n/a	Early referrals to First Nations	March 2021	n/a
LTC regular business meeting	LTC consideration of 1 st reading, LTC direct staff to send bylaw referrals to First Nations, Agencies and adjacent LTAs	April 2021	n/a
n/a	<i>Legal review of draft bylaws (discretionary)</i>	<i>May / June 2021</i>	<i>Approx. \$3000 (pending approval)</i>
LTC regular business meeting	LTC consideration of referral responses and consideration of 2 nd Reading	July 2021	n/a
CIM, Public Hearing	Community Information Meeting and Public Hearing*	July 2021	Approx. \$2000 (pending approval)
LTC regular business meeting	LTC consideration 3 rd reading of proposed bylaws	September 2021	n/a
Executive Committee meeting	Executive Committee approval	September/October 2021	
n/a	Ministerial approval	January/February 2022	n/a
LTC regular business meeting	LTC adoption of bylaws	Spring 2022	n/a
TOTAL			\$5000 (pending approval)

ATTACHMENT 2 – DRAFT BYLAW LANGUAGE FOR SHORELINE DPA

Shoreline Development Permit Area Additions to Official Community Plan			
#	OCP Section	Proposed Text	Staff Comments
-	PART C – DEVELOPMENT PERMIT AREAS	BACKGROUND Pursuant to Section 488(1) of the <i>Local Government Act</i> ...	Update to <i>Local Government Act</i> (LGA) section citation. Staff recommend updating any additional outdated LGA sections that are cited in the OCP.
3.	NEW SECTION 3. Development Permit Area 3: Shoreline	Purpose The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the <i>Local Government Act</i> for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the <i>Local Government Act</i> 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 <i>Local Government Act</i> .	Standard background in an OCP for a new Development Permit Area citing LGA authority.
3.	NEW SECTION Development Permit Area 3: Shoreline	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 7.5 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.	OCP must clearly state the DP area that is to be designated and reference the map schedule. Staff are suggesting that all surrounding islets also be included in the DP area. See Attachment 4 for DP area options.
3.	NEW SECTION Development Permit Area 3: Shoreline	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	Standard reference to the Islands Trust Objective.

		<p>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.”</p> <p>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, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.</p> <p>It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:</p> <ul style="list-style-type: none"> • 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. <p>Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions and aesthetic values. The shoreline has environmental significance for forage fish, eelgrass, shorebirds and shellfish, marine mammals such as seals and many other marine organisms, as well as resources that define the character of the Keats Island community. The shoreline also includes areas that may be susceptible to erosion or flooding.</p> <p>Development activities on the uplands such as land clearing and increasing impermeable surfaces can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas and shading of intertidal areas critical for fish habitat. Since the adoption of the OCP, there has</p>	<p>Standard reference to the Islands Trust Council policy that supports the establishment of the Development Permit Area.</p> <p>Reference Keats Island specific justification for the DP area.</p>
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		<p>been an increase in residential development on Keats Island along the shoreline.</p> <p>As of 2020, there were 90 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.</p> <p>In 2013, approx. 9% of the Keats shoreline was identified as having been structurally altered by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time.</p> <p>Shoreline armouring, such as retaining walls, alter 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.</p> <p>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.</p>	
3.	NEW SECTION Development Permit Area 3: Shoreline	<p>Objectives</p> <p>The objectives of this development permit area are as follows:</p> <p>OBJ 3.1 To plan and regulate new development in a manner that preserves, protects and restores the long-term physical integrity, connectivity, and ecological and marine resource values of shorelines and associated foreshore and upland areas;</p> <p>OBJ 3.2 To balance development opportunities with the ecological conservation and restoration of the shoreline and marine environment;</p> <p>OBJ 3.3 To minimize the disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features;</p>	OCP must clearly describe the objectives of the DPA.

		<p>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;</p> <p>OBJ 3.5 To adapt to the anticipated effects of climate change;</p> <p>OBJ 3.6 To protect coastal properties and development from damage and hazardous conditions that can arise from erosion and flooding.</p>	
3.	NEW SECTION Development Permit Area 3: Shoreline	<p>Development Approval Information</p> <p>Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 484 of the <i>Local Government Act</i>. 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.</p>	<p>OCP currently states this requirement for existing DP-1 and DP-2.</p> <p>Currently no DAI Bylaw in effect for Gambier Island Local Trust Area.</p>
3.	NEW SECTION Development Permit Area 3: Shoreline	<p>Information Note: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw.</p>	<p>Standard information note in the OCP for existing DP-1 and DP-2.</p>
<p align="center">Shoreline Development Permit Area Additions to Land Use Bylaw</p>			
#	LUB Section	Proposed Text	Staff Comments
-	PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES		NEW section required to enact the DPA which is designated by the OCP.
9.3.1	NEW SECTION 9.3 DP-3 SHORELINE	<p>.1 Applicability</p> <p>The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:</p> <ul style="list-style-type: none"> • construction of, addition to or alteration of a building or structure; • land alteration, including vegetation removal and disturbance of soils; and • subdivision of land; <p>except where such activities are specifically exempted.</p>	LUB must clarify under what circumstances a development permit (DP) is triggered.


9.3.2	NEW SECTION 9.3 DP-3 SHORELINE	<p>.2 Exemptions</p> <p>The following activities are exempt from any requirement for a DP-3 development permit:</p> <ul style="list-style-type: none"> • Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor. • Repair, maintenance or alteration of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of ‘structure’ in the Keats Island Land Use Bylaw. • The installation of a mooring buoy. • Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices. • Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence. • The construction of a trail if all of the following apply: <ul style="list-style-type: none"> • Trail design and location must minimize vegetation disturbance; • No native trees are removed; • The trail is 1 metre wide or less; • The trail is for personal, non-vehicular use only; • The trail is constructed of soil, gravel, mulch or other pervious surface; • The trail is designed to prevent soil erosion where slopes occur. • Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing. • Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, 	<p>LUB must clearly state under what circumstances a DP is <u>NOT</u> triggered.</p>
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		<p>weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land.</p> <ul style="list-style-type: none"> • Pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture (ISA), which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone. • The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property. • Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including: <ul style="list-style-type: none"> • Forest fire, flood and erosion protection works; • Protection, repair or replacement of public facilities; • Clearing of an obstruction from a bridge, culvert, dock wharf or stream; • Bridge repairs. • A farm operation as defined in the <i>Farm Practices Protection (Right to Farm) Act</i>. • Forest management activities, as defined in the <i>Private Management Forest Land Regulation</i>, on land classified as managed forest land under the <i>Private Managed Forest Land Act</i>. • 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. • Subdivision involving lot consolidation. • Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department). 	
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		<p>terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.</p> <ul style="list-style-type: none"> • Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods. 	<p>habitat and applies to the actual area of the parcel that could be potentially disturbed. Applicable senior environmental agencies include the Ministry of Environment and Climate Change Strategy, Fisheries and Oceans Canada (DFO) and Environment Canada.</p> <p>Best practices identify June 1 to February 15 as being appropriate for marine and foreshore construction; however, this varies from species to species.</p>
9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<p><i>Guidelines for the Construction and Replacement of Docks and Ramps</i></p> <ul style="list-style-type: none"> • All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate. • Construction details such as design, materials, methods, timing of construction and access should be provided at the time of permit application. • Docks should be located and designed to avoid the need for shore defence works or breakwaters. • Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This may require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question. • Docks must be designed to ensure that public access along the shore is maintained. • Dock and float design should allow natural light penetration to the submerged land underneath. Natural light penetration can be facilitated by spacing the decking surface of 	<p>These guidelines would only apply for construction of a new or replacement dock, ramp or float.</p> <p>Ensure DP application requires this level of detail for all applications.</p> <p>Breakwaters are not permitted by zoning in residential zones.</p>

		<p>the dock, incorporating grating and minimizing the width of the structure. Where possible, docks should be aligned in a north-south direction to allow for the maximum extent of light.</p> <ul style="list-style-type: none"> • 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 large spans over more pilings. • Dock and float design should allow the free flow of water beneath it. • All docks should be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. • Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted. • Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area, unless two or more parcels have legal access to the dock, in which case permitted total surface area may be increased in accordance with the regulations in the Land Use Bylaw. • The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres. • Preference is given to mooring buoys that are considered “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. 	<p>Best practices recommend a minimum of 1.5 metres above the seabed during the lowest water level or tide. Consider specifying a number in this guideline.</p> <p>Current Land Use Bylaw regulations permit a float area of 65 m², which can be increased to a maximum of 158 m² for shared docks. Staff recommend the maximum float area be reduced to 35 m², with additional float area permitted for shared docks.</p> <p>Current Land Use Bylaw regulations permit a ramp width of 2.4 metres. Staff recommend reducing this regulation to 1.5 metres in the Land Use Bylaw. It is noted that best practices recommend a max. width of 1.2 metres.</p>
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9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<p><i>Guidelines for Shoreline Modifications</i></p> <ul style="list-style-type: none"> • Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback pursuant to Section 2.7.3 of the Land Use Bylaw or for reclaiming land lost due to erosion. • Shoreline protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures. • Applications for shoreline protection or stabilization works shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows: <ul style="list-style-type: none"> i. The need for the proposed modification to protect existing structures; ii. Where the modification is proposed to protect new structures, the locations on the property where those structures could be built and not require shoreline modification; iii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations; iv. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed; v. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification; vi. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area. • Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with 	<p>Shoreline modifications refer to the construction of physical structures to support shoreline use or protect a use from erosion; as well as modifications that restore natural shoreline functions.</p> <p>The construction of a structure within the DPA may require an accompanying development variance permit (DVP) application.</p> <p>Guidelines in this section set out a criteria for allowing shoreline modifications, including constructing shoreline protection or stabilization measures or placing fill.</p>
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		<p>experience in coastal and/or geotechnical engineering, and:</p> <ol style="list-style-type: none"> Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland; Apply the 'softest' possible shoreline protection measure that will still provide satisfactory protection; Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land; Address compatibility with adjacent shoreline protection works. <p>Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' or 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:</p> <div style="display: flex; align-items: center; justify-content: center;"> <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 <div style="margin-left: 20px;"> <p>SOFT</p>  <p>HARD</p> </div> </div> <p>In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.</p> <ul style="list-style-type: none"> All structural shoreline protection or stabilization measures must be installed within 	
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		<p>the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining the necessary approval from the provincial and federal governments.</p> <ul style="list-style-type: none"> • Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that: <ul style="list-style-type: none"> i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need; ii. The 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 or 'soft' 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. • An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that: <ul style="list-style-type: none"> i. The replacement structure is of the same size and footprint as the existing structure; 	
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		<ul style="list-style-type: none"> ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible; 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. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure; iv. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure. <ul style="list-style-type: none"> • Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters. • Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering. • Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals below the natural boundary are subject to approval 	<p>The following 3 guidelines would apply where fill placement or beach nourishment is proposed within the DPA.</p>
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		<p>by the appropriate provincial and/or federal authorities.</p> <ul style="list-style-type: none"> All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. 	
9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<p><i>Guidelines for Vegetation Management, Restoration and Enhancement</i></p> <ul style="list-style-type: none"> 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. 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. If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable. All replanting shall 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 	<p>These guidelines would apply to a broad range of applications where any shoreline or marine vegetation alteration would be proposed to occur.</p>

		<p>invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.</p>	
9.3.3	<p>NEW SECTION 9.3 DP-3 SHORELINE</p>	<p><i>Guidelines for Subdivision</i></p> <ul style="list-style-type: none"> • All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development. • New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area. 	<p>This guideline aims to reduce future applications for variances and reduce the need for future shoreline protection works.</p> <p>Encourages thoughtful subdivision layout with consideration of the location of any new roads, driveways and septic systems.</p>

ATTACHMENT 3 – DRAFT BYLAW LANGUAGE FOR LAND USE BYLAW

Proposed Amendments to Land Use Bylaw			
#	LUB Section	Proposed Text	Staff Comments
1	LUB Section 1.5 Definitions	See staff comments.	Consider reviewing and updating all marine and foreshore related definitions incorporating best practices.
2	LUB Section 2.7 Measurement of Setbacks	Subsection 2.7.2 See staff comments.	Consider including additional ‘hard’ shoreline protection structures in the last point starting with “retaining walls”, for clarity. This could include: rock (rip rap) revetments, bulkheads and seawalls.
3	LUB Section 2.7 Measurement of Setbacks	Buildings and Structures .5 Private floats and docks shall be located within the seaward boundary of the upland property served and shall be setback 5.0 metres from the projection of those lot lines. This setback regulation does not apply to a shared lot boundary between residential lots served by the same private float and dock.	Consider amending in accordance with provincial requirements and best management practices.
4	LUB Section 2.7 Measurement of Setbacks	Buildings and Structures (new subsection) .6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.	Consider adding new regulation in accordance with provincial requirements and best management practices.

5	LUB Section 2.7 Measurement of Setbacks	Buildings and Structures (new subsection) .7 Private floats and docks shall not be sited or extended towards the sea beyond 30 metres from the present natural boundary of the upland parcel.	Consider adding new regulation in accordance with provincial requirements and best management practices. Ensuring this distance will minimize environmental and visual impacts.
6	LUB Section 4.1 Community Residential 1 (CR1) Zone	Permitted Buildings and Structures .4 The following structures are permitted in the marine-based area: <ul style="list-style-type: none"> mooring buoys, floats, docks, dock ramps, stairs and piers providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone; marine navigational aids; and signs, subject to Section 5. 	For consistency. Currently the term “dock ramps” is missing in this regulation, while similar regulations in other zones include the term.
7	LUB Section 4.1 Community Residential 1 (CR1) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
8	LUB Section 4.1 Community Residential 1 (CR1) Zone	Marine-Based Structures Limitations .7 Despite Subsection 4.1.6, the maximum float area may be increased by 25 square metres (269 square feet) per residential dwelling served up to a maximum float size of 85 square metres (915 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.	Consider reducing in accordance with best practices.
9	LUB Section 4.1 Community Residential 1 (CR1) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
10	LUB Section 4.2 Community Residential 2 (CR2) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
11	LUB Section 4.2 Community Residential 2 (CR2) Zone	Marine-Based Structures Limitations .7 Despite Subsection 4.2.6, the maximum float area may be increased by 25 square metres (269 square feet) per residential dwelling	Consider reducing in accordance with best practices.

		served up to a maximum float size of 85 square metres (915 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.	
12	LUB Section 4.2 Community Residential 2 (CR2) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
-	LUB Section 4.3 Comprehensive Development 1 (CD1) Zone	<i>Proposed amendments to subsections 4.3.6 and 4.3.8, and the removal of subsection 4.3.7, are included as part of proposed Bylaw No. 152.</i>	
13	LUB Section 4.4 Rural Residential (RR) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
14	LUB Section 4.4 Rural Residential (RR) Zone	Marine-Based Structures Limitations .7 Despite Subsection 4.4.6, the maximum float area may be increased by 25 square metres (269 square feet) per residential lot served up to a maximum float size of 85 square metres (915 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.	Consider reducing in accordance with best practices.
15	LUB Section 4.4 Rural Residential (RR) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
16	LUB Section 4.5 Rural Comprehensive (RC) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
17	LUB Section 4.5 Rural Comprehensive (RC) Zone	Despite Subsection 4.5.6 of this subsection, the maximum float area may be increased by 25 square metres (269 square feet) per residential lot served up to a maximum float size of 85 square metres (915 square feet).	Amend to be consistent with LUB elsewhere. Consider reducing in accordance with best practices.
18	LUB Section 4.5 Rural Comprehensive (RC) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
19	LUB Section 4.12 Provincial Marine Park (P2) Zone	Marine-Based Structures Limitations .7 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.

20	LUB Section 4.14 Marine 2 – Communal Moorage (M2) Zone	Marine-Based Structures Limitations .5 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
21	LUB Section 4.16 Marine 4 – Private Log Dump (M4) Zone	Consider removing this section in its entirety.	Consider rezoning current M4 zoned marine area. Staff note that there is an existing tenure (industrial) for log handling/storage at this location.

ATTACHMENT 4 – SHORELINE DPA OPTIONS

Development Permit Areas Options			
Options	DPA Applicability	What the DPA Achieves	What the DPA does NOT Achieve
UPLAND (incl. private and public property)			
1	7.5 metre buffer upland	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Requires protection of sensitive ecosystems and critical habitats from development and fragmentation within a 7.5 m buffer of the NBS. <input checked="" type="checkbox"/> Applies to all development activities, including subdivision, within 7.5 metres of the NBS (unless exempt). <input checked="" type="checkbox"/> Aligns with existing Land Use Bylaw setback from the NBS. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Protection of sensitive ecosystems, critical habitats from development in the upland outside 7.5 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc). <input checked="" type="checkbox"/> Inform conservation subdivision layout
2	15 metre buffer upland	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Requires protection of sensitive ecosystems and critical habitats from development and fragmentation within a 15 m buffer of the NBS. <input checked="" type="checkbox"/> Applies to all development activities, including subdivision, within 15 metres of the NBS (unless exempt). <input checked="" type="checkbox"/> Aligns with provincial “Flood Hazard Area Land Use Management Guidelines” that require building setbacks to be 15 metres or greater (from the future estimated NBS at year 2100). 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Protection of sensitive ecosystems, critical habitats from development in the upland outside 15 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc). <input checked="" type="checkbox"/> Inform conservation subdivision layout.
3	30 metre buffer upland	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Requires protection of sensitive ecosystems and critical habitats from development and fragmentation within a 30 m buffer of the natural boundary of the sea (NBS). <input checked="" type="checkbox"/> Applies to all development activities, including subdivision, within 30 metres of the NBS (unless exempt). <input checked="" type="checkbox"/> Aligns with or exceeds provincial “Flood Hazard Area Land Use Management Guidelines” that require building setbacks to be 15 metres or greater (from the 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Protection of sensitive ecosystems and critical habitats from development in the upland outside 30 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc). <input checked="" type="checkbox"/> Inform conservation subdivision layout.

		future estimated NBS at year 2100).	
4	Whole Waterfront Parcel	<input checked="" type="checkbox"/> Requires protection of sensitive ecosystems, critical habitats from development and fragmentation on entire parcel regardless of size. <input checked="" type="checkbox"/> Applies to all activities within waterfront parcels (unless exempt). <input checked="" type="checkbox"/> Aligns with or exceeds provincial "Flood Hazard Area Land Use Management Guidelines" that require building setbacks to be 15 metres or greater (from the future estimated NBS at year 2100).	<input checked="" type="checkbox"/> Protection of sensitive ecosystems and critical habitats from development in the upland outside of the waterfront parcel. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
MARINE			
5	Seaward 30 metres	<input checked="" type="checkbox"/> Applies to new or replacement marine structures such as docks, piers, ramps and floats.	<input checked="" type="checkbox"/> Protection of sensitive ecosystems and critical habitats from development in the marine area outside 30 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
6	Seaward 100 metres	<input checked="" type="checkbox"/> Applies to new or replacement marine structures such as docks, piers, ramps and floats.	<input checked="" type="checkbox"/> Protection of sensitive ecosystems and critical habitats from development in the marine area outside 100 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
7	Seaward 300 metres	<input checked="" type="checkbox"/> Applies to new or replacement marine structures such as docks, piers, ramps and floats.	<input checked="" type="checkbox"/> Protection of sensitive ecosystems and critical habitats from development in the marine area outside 300 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
8	Seaward 1000 metres (boundary of area of bylaw application)	<input checked="" type="checkbox"/> Applies to new or replacement marine structures such as docks, piers, ramps and floats.	<input checked="" type="checkbox"/> Protection of sensitive ecosystems and critical habitats from development in the marine area outside 1000 m buffer. <input checked="" type="checkbox"/> Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).