

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

DATE OF MEETING: April 1, 2021
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Keats Island Shoreline Protection Project 'Phase 3' – Draft Bylaws No. 153 and 154

RECOMMENDATION

1. That the Gambier Island Local Trust Committee direct staff to forward Draft Bylaw Nos. 153 and 154 to Squamish Nation and Tsleil-Waututh Nation for early review and comment.

REPORT SUMMARY

The report introduces two draft bylaws, Draft Bylaw No. 153 to amend the Keats Island Official Community Plan (OCP) Bylaw No. 77 and Draft Bylaw No. 154 to amend the Keats Island Land Use Bylaw No. 78 (LUB).

Staff are recommending the draft bylaws be forwarded to First Nations for review and comment. At this time, staff are not recommending first reading of the draft bylaws to provide sufficient time for First Nations to review the draft bylaws and provide comment, and in acknowledgement that there may be amendments made to the draft bylaws following First Nations review.

The Gambier Island Local Trust Committee (LTC) is asked to consider the draft bylaws, and provide staff with direction on next steps. The LTC may also consider amending the draft bylaws without giving first reading.

BACKGROUND

The LTC passed the following resolutions at the February 4, 2021 LTC regular business meeting:

GM-2021-004

It was MOVED and SECONDED,

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, with the addition of a Hazardous DPA in relation to three areas identified in the Local Trust Committee meeting of February 4, 2021.

CARRIED

GM-2021-005

It was MOVED and SECONDED,

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, and consistent with the Official Community Plan language and with the removal of any change to the M4 zone.

CARRIED

GM-2021-006

It was MOVED and SECONDED,

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.

CARRIED

Staff have sent early notification to Squamish Nation and Tsleil-Waututh Nation to introduce the project. On February 25, 2021, a meeting was held between Islands Trust staff, a Trustee and Squamish Nation staff, where Squamish Nation staff expressed interest in receiving the draft bylaws for review and comment. Staff are recommending the draft bylaws be forwarded to both Squamish Nation and Tsleil-Waututh Nation, and that engagement remains ongoing during the project's process.

A copy of the project charter is found in Attachment 1. A copy of the Draft Bylaw Nos. 153 (OCP) and 154 (LUB) are found in Attachments 2 and 3.

ANALYSIS

Staff have identified the following for LTC consideration:

- Summary of Draft Bylaw No. 153 (OCP)
- Summary of Draft Bylaw No. 154 (LUB)
- Hazardous Slopes
- Setback from the Natural Boundary of the Sea
- Consistency with Islands Trust Policy Statement
- DAI Bylaw

Issues and Opportunities

Draft Bylaw No. 153 (OCP)

Draft Bylaw No. 153 (OCP) would establish a new Development Permit Area 3: Shoreline (DP-3) in the OCP, for the purpose of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. Draft Bylaw No. 153 (OCP) includes a description of the location, justification and objectives of the new DP-3. Plan No. 1 attached to and forming part of the Draft Bylaw No. 153 would amend Schedule E of the OCP to include areas within the Shoreline DPA.

All areas zoned Marine Conservation (MC), Private Conservation (PC) and Provincial Marine Park (P2) have not been included in DP-3. The Sandy Beach Nature Reserve has not been included in DP-3, as ownership has been transferred to the Islands Trust Conservancy and a conservation covenant will be placed on title to protect it in perpetuity.

Draft Bylaw No. 153 (OCP) would also include updates to all references in the *Local Government Act* (LGA), as the current references found in the OCP are outdated. While this work was not explicitly included in the scope of the project, staff found that document continuity would be affected if LGA references were only updated in one section of the OCP and not all the others.

Draft Bylaw No. 154 (LUB)

Draft Bylaw No. 154 (LUB) would amend marine structure regulations, including:

- Increasing the setback of private floats and docks from lot line projections into marine areas;
- Adding a new regulation requiring private floats and docks be sited 10 metres from existing docks or structures;
- Adding a new regulation limiting the seaward projection of a private float and dock to 30 metres measured from the natural boundary of the sea;
- Reducing the permitted float area for private and shared docks;
- Reducing the permitted width of ramps associated with docks;
- Reducing the permitted area of wharf floats, connecting ramps and piers in the Private Institutional 2 (PI2) zone;
- Corrections to Provincial Marine Park (P2) zone regulations where it references “docks” and should reference “wharf”.

Currently Subsection 4.6.5 of the LUB permits a maximum area of 3,000 square metres (or 32,970 square feet) for wharves (including floats, ramps and piers) in the marine-based area of the PI2 zone. Staff conclude that this regulation is fairly generous and could likely be reduced considerably (1,000 m²). Using Islands Trust orthophoto mapping, staff estimate the combined area of the existing marine structures (wharf float, connecting ramp and pier) in the PI2 zone to be approx. 750 m².

In the LUB, a “dock” is defined in relation to private use – “*private moorage of boats or vessels in association with a permitted residential use on the adjacent upland*”, and a “wharf” is defined in relation to public use – “*in association with a public use, provincial marine park, private institutional or communal moorage use.*” A “public wharf” is a permitted marine structure in Subsection 4.10.4 in the P2 zone, however Subsections 4.10.6 and 4.10.7 refer to “docks”. Staff have amended these subsections in Draft Bylaw No. 154 (LUB) to apply to a “wharf” rather than a “dock”.

Staff have not included any amendments to the permitted maximum area of a wharf (float) in the P2 nor the Marine 1 – Public Wharf (M1) zone, in accordance with OCP Policy 5.79, which provides:

P 5.79 *Use of existing public wharf facilities shall be addressed by land use zoning regulations. Any change in use, expansion or downsizing, should only be considered subject to extensive consultation with the Keats Island community as a whole.*

Staff conclude that the LUB regulations in Section 4.10 regulate the maximum float size (600 m²) and number (1) of wharves permitted in the P2 zone.

Staff had previously recommended reducing the permitted width of a ramp associated with a dock in the P2 zone, however given that this is within a provincial park and for public use, it is expected that when it came time to replace or construct a new ramp, the Province would employ provincial best practices.

No amendments have been made to the LUB regulations for the Comprehensive Development 1 (CD1) and Comprehensive Development 2 (CD2) zones. The CD1 zone is subject of Proposed Bylaw No. 152, which addresses the dock regulations of that zone; and the CD2 zone is subject to the recently adopted Bylaw No. 143 (consolidated into Keats Island Land Use Bylaw, 2002 in March 2021).

Draft Bylaw No. 154 (LUB) also includes draft guidelines, exempted activities and applicability for the Shoreline DPA. The LTC may amend the draft bylaw to remove or include additional exemptions or guidelines.

Hazardous Slopes

At the February 4, 2021 meeting, the LTC identified three areas on Keats Island that could be included in the Shoreline DPA as hazardous areas (shown in Figure 1):

- the upland adjacent to Andy's Beach (where Silver Creek flows);
- the long, narrow lots in the northeast portion of Keats Island (on Plan 3662); and
- the upland adjacent to Pebble Beach.

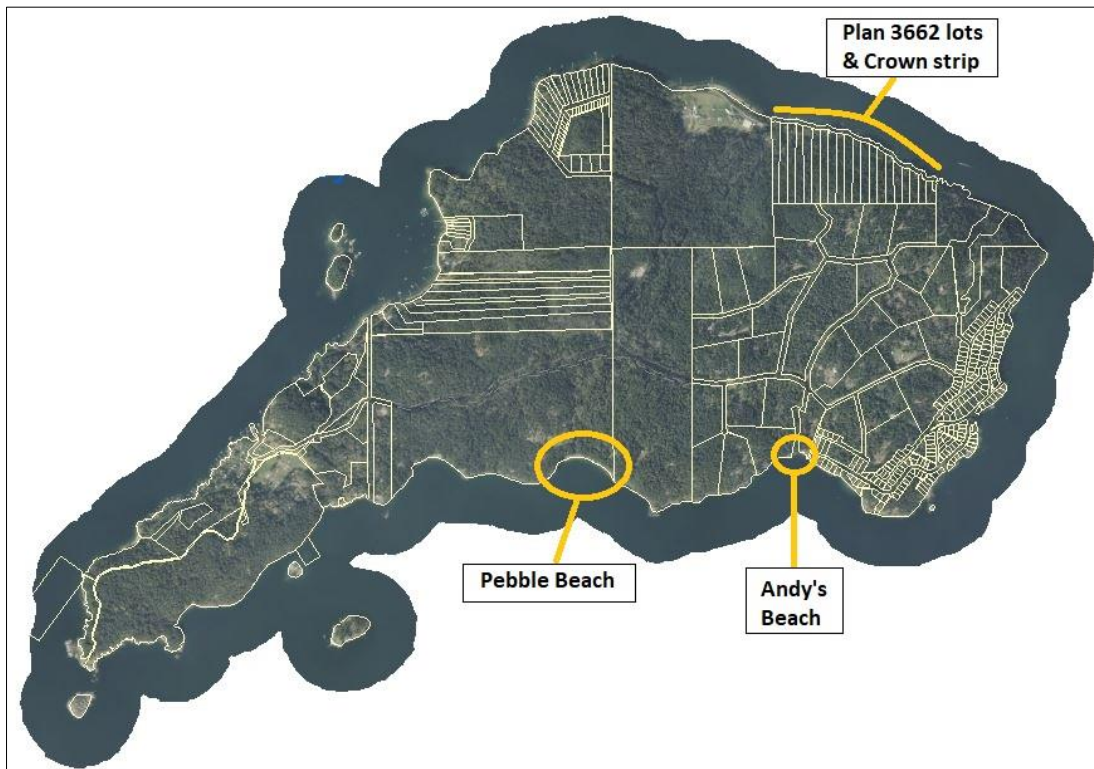


Figure 1. Potential hazardous slopes on Keats Island

The LTC noted that there is a history of bank collapse at Andy's Beach. Staff note that a portion of the upland area directly adjacent to Andy's Beach is identified on Schedule E of the OCP as being within the Streamside Protection DPA (DP-2), and development within that area may be subject to the DP-2 guidelines found in Section 9.2 of the LUB.

The LTC also noted that the lots on Plan 3662 (Cotton Point) are identified as high bank waterfront lots, that may be subject to instability. According to provincial mapping, and confirmed on ParcelMap BC (LTSA), there is a 66' (approx. 20 metre) Crown strip between the natural boundary of the sea and the boundary of the lots on Plan 3662. It is staff's understanding that any development within the Crown strip, including access to a permitted private dock, would require permission or authorization from the Province. Islands Trust mapping indicates there are several structures constructed within the Crown strip; however, according to provincial mapping there is currently only one Crown tenure application for access across the Crown strip associated with Lot 7, Plan 3662.

The upland lot adjacent to Pebble Beach is currently undeveloped, however staff note there is subdivision potential on this lot. Aside from setback requirements, there are no regulations related to siting from the adjacent upland of Pebble Beach at this time.

Islands Trust contour mapping indicates steep slopes in all three identified areas, but no information regarding soil erosion or slope instability hazards. The Islands Trust mapping department can utilize LIDAR mapping and set baseline parameters to identify steep slopes, such as identifying slopes of 30% or greater; however a slope hazard assessment should be completed by a qualified (geotechnical) professional.

In the absence of a qualified professional's analysis, the mapping may identify steep slope areas (i.e. 30% or greater) within the Shoreline DPA, and a guideline could be included in the Shoreline DPA guidelines that requires an assessment report by a qualified professional (i.e. geotechnical analysis) where development is proposed in those areas. As staff are not qualified to provide an analysis of slope hazards, staff advise this would likely require hiring a qualified professional to conduct a geotechnical analysis. Staff note there is one guideline (9.3.3.3) in Draft Bylaw No. 154 (LUB) that addresses steep slopes or bluffs:

- d) *New 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 and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.*

The boundaries for the Shoreline DPA do not take into consideration steep slopes or other conditions, but include all upland areas measured 7.5 metres from the natural boundary of the sea (aside from those zoned P2 and PC). The Shoreline DPA could be increased further upland to include areas where slopes are 30% or greater (or where the baseline is decided). For example, rather than measuring the Shoreline DPA from 7.5 metres upland of the natural boundary of the sea, it could be increased to 15 or 30 metres upland of the natural boundary of the sea to capture development further upland. Should the LTC direct staff to explore this option, staff will report back at a subsequent LTC meeting.

Staff contacted Sunshine Coast Regional District (SCRD) Building Department staff to understand the building permitting process in relation to steep slopes. The Building Inspector informed staff that they require a Letter of Assurance from a geotechnical professional for all new residential buildings, and for some additions to residential buildings. In areas where there is significant concern for hazards, based on the professional's analysis, the SCRD may require a geotechnical assessment report and/or section 219 covenant be registered on title.

Currently the Keats Island Shoreline Protection project charter includes the following objective: "Increase protection of development from sea level rise and flood hazards." Staff advise that adding "steep slopes" to the Shoreline DPA may require amendments to the project charter, including amendments to the objectives, scope, workplan overview (timeline) and budget.

Alternatively, the LTC may consider including a hazardous slopes DPA on its project list as a future project.

Setback from the Natural Boundary of the Sea

In the [staff report](#) dated February 4, 2021, staff had recommended not including the structures identified in Subsection 2.7.3 in the list of activities exempted from the requirement of a development permit (DP), thus requiring a DP; however the LTC indicated that this may require further contemplation. For reference, Subsection 2.7.3 provides:

- .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.*

Staff consider Subsection 2.7.3 to be fairly generous, as it does not regulate the number of stairs, walkways or platforms, nor does it regulate the size of these structures, aside from the combined floor area of platforms. By not regulating the number or size of stairs or walkways (specifically the width or length), or the number of platforms, results in multiple configurations in the upland directly adjacent to the shoreline. Additionally, this regulation does not take into consideration land alteration and vegetation clearing, nor best practices to construct these structures.

Should the LTC resolve to exempt these structures from the requirement for a DP, the LTC may consider amending Subsection 2.7.3 to reduce the footprint of permitted structures in the setback from the natural boundary of sea, including:

- Reducing the number of permitted platforms to one;
- Reducing the permitted combined floor area of platforms;
- Limiting the size of a pump/utility house, and/or not permitting a pump/utility house in the setback;
- Permitting only one set of stairs or one walkway;
- Limiting the width and length of stairs or walkways.

Should the LTC direct staff to include any of these options, the Shoreline DPA could require a DP for structures that go beyond what is permitted in Subsection 2.7.3; for example, where a set of stairs is longer than “X” (to be determined) metres, a DP would be required. Such a structure would also require a Development Variance Permit (DVP) application.

Comments received from the Islands Trust Senior Intergovernmental Policy Advisor (SIPA) recommend extending the setback from the natural boundary of the sea further upland to increase protection of both cultural heritage areas and the natural environment. Staff had presented this option to the LTC previously, however direction was given to maintain the existing setback found in Subsection 2.7.3 of the LUB. Should the LTC consider increasing the setback from the natural boundary of the sea, the extent of the upland area of the Shoreline DPA should be adjusted accordingly.

Consistency with Islands Trust Policy Statement

Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement (ITPS) Directives Only Checklist (Attachments 4 and 5) and have concluded that for the most part the Draft Bylaw Nos. 153 (OCP) and 154 (LUB) as written are not contrary or at variance with the ITPS. However, staff have indicated that consistency with ITPS Directive Policy 5.2.6 is “TBD” (to be determined), as there may be additional amendments made to the draft bylaws in relation to slope instability and erosion.

Development Approval Information (DAI)

The LTC is asked to consider establishing a Development Approval Information (DAI) bylaw for Keats Island. The staff report dated February 4, 2021 noted that while the OCP designates Keats Island as an area where development approval information (DAI) may be required, there is currently no DAI Bylaw in effect. Staff presented the option of establishing a DAI Bylaw for Keats (or Gambier, generally) that would establish the authority of the LTC to request information from property owners.

A model Development Approval Information bylaw has been drafted and is currently being considered by the Regional Planning Committee of Islands Trust. The model bylaw is anticipated to be available to the Local Trust Committees for consideration of adoption within the next 6 months. Since a DAI bylaw is an administrative bylaw,

there would be no requirement for a public hearing or formal notification or consultation so could be relatively easy to implement.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The general process for proposed bylaws after first reading includes referrals of the bylaws to First Nations, provincial agencies, local governments and other referral agencies. A community information meeting and public hearing are included as part of community consultation, and may occur between first and second reading, or between second and third reading.

Staff are recommending that the draft bylaws be forwarded to Squamish Nation and Tsleil-Waututh Nation for early review and comment at this time. Sending the draft bylaws early in the process will provide ample time for collaboration with the nations.

Staff will present a list of other recommended agencies and First Nations that the LTC may send referrals to following first reading.

Rationale for Recommendation

Staff are presenting draft bylaws that would establish a Shoreline DPA (DP-3) for Keats Island and amend regulations for marine structures in the Land Use Bylaw.

Staff are recommending that the Draft Bylaw Nos. 153 (OCP) and 154 (LUB) be forwarded to Squamish Nation and Tsleil-Waututh Nation for review and comment. Staff are not recommending first reading at this time, as there may be amendments made to the draft bylaws by the LTC and following review and comment by First Nations.

ALTERNATIVES

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

1. Amend the draft bylaws

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected, then the following resolution is recommended:

That the Gambier Island Local Trust Committee amend Draft Bylaw No. XXX, cited as “...” with the following: [list amendments].

2. Give first reading of draft bylaws

The LTC may give first reading to the draft bylaws. If this alternative is selected, the LTC can also direct staff to send out referrals to other agencies and First Nations. If selecting this alternative, then the following resolution is recommended:

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 first time.

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 first time.

That the Proposed Bylaws No. 153 and 154 be referred to the following First Nations, local governments and agencies for comment:

[list to be provided by staff]

3. Request additional information

The LTC may request specific additional information from staff prior to consideration of first reading. If this alternative is selected, then the following resolution is recommended:

That the Gambier Island Local Trust Committee request staff provide the following [specify information request] prior to further consideration of Draft Bylaw Nos. 153 (OCP) and 154 (LUB).

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will forward the draft bylaws to First Nations for review and comment. Staff will report back to the LTC at a subsequent meeting where the LTC may resolve to proceed with first reading of the draft bylaws.

Submitted By:	Jaime Dubyna Planner 2	March 18, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 23, 2021

ATTACHMENTS

1. Project Charter
2. Draft Bylaw No. 153 (OCP)
3. Draft Bylaw No. 154 (LUB)
4. Islands Trust Policy Statement Directives Only Checklist – Draft Bylaw No. 153 (OCP)
5. Islands Trust Policy Statement Directives Only Checklist – Draft Bylaw No. 154 (LUB)

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)

DRAFT

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 _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ 20____

ADOPTED THIS

_____ DAY OF _____ 20____

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**, is amended by replacing *Local Government Act* references to “Section 911” with “Section 528” and “Section 946” with “Section 514”.
 - 1.2 **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”.
 - 1.3 **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 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.

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, 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 and 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 area 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 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.

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. 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.

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,

Draft Bylaw No. 153 (OCP)

AND 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**

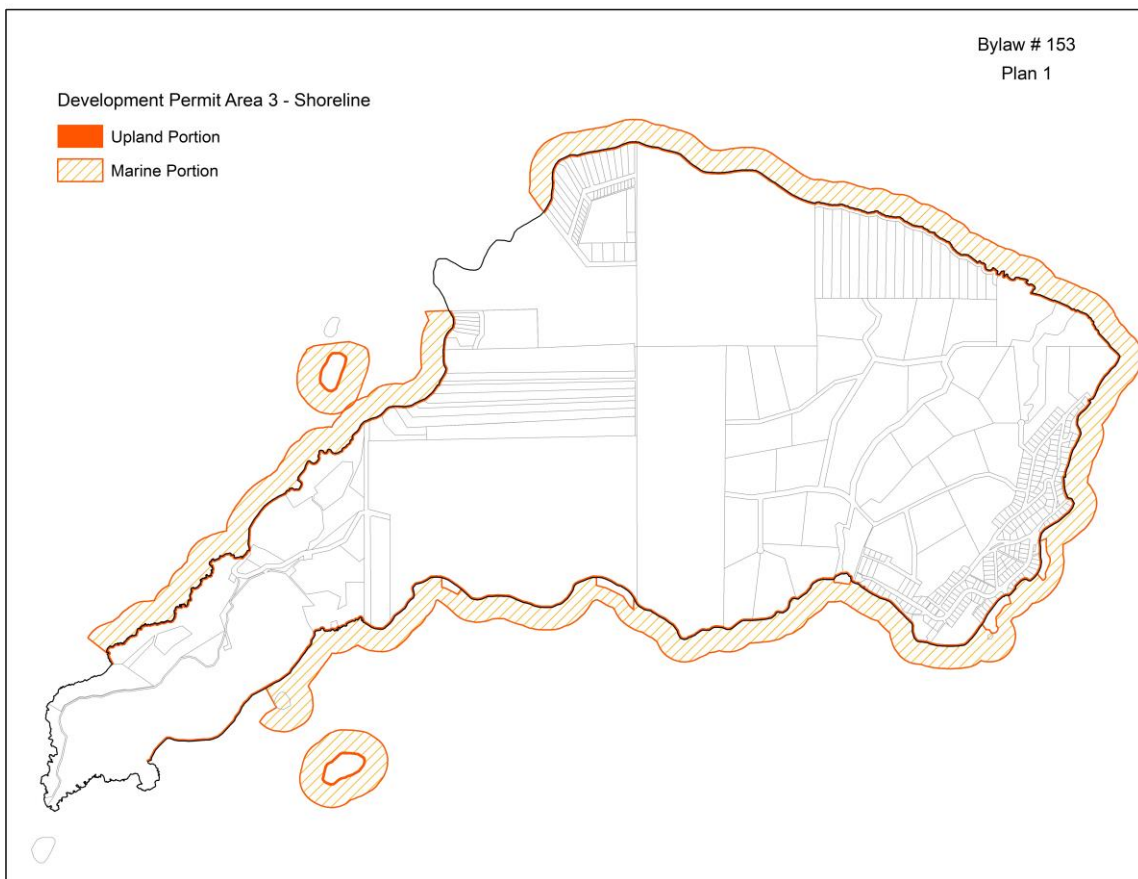
Schedule “2”

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.

Draft Bylaw No. 153 (OCP)

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153

Plan No. 1



DRAFT

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 _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

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 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”.
 - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“2.7.6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
 - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“2.7.7 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.”
 - 1.4 **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 2.7.8.
 - 1.5 **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” and before “and stairs”.
 - 1.6 **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 “35 square metres (377 square feet)”.
 - 1.7 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
 - 1.8 **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)”.
 - 1.9 **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 “35 square metres (377 square feet)”.

- 1.10 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
- 1.11 **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)”.
- 1.12 **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”.
- 1.13 **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 “35 square metres (377 square feet)”.
- 1.14 **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 “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
- 1.15 **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)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1,000 metres (10,764 square feet)”.
- 1.17 **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”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.19 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** as shown on Appendix 1 attached to and forming part of this bylaw.

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

Appendix 1

9.3 DP-3 SHORELINE

Applicability

.1 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:

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

Exemptions

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

- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
- b) 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;
- c) The installation of a mooring buoy;
- d) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
- e) 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;
- f) The construction of a trail if all of the following apply:
 - i. Trail design and location must minimize vegetation disturbance;
 - ii. No native trees are removed;
 - iii. The trail is 1 metre wide or less;
 - iv. The trail is for personal, non-vehicular use only;
 - v. The trail is constructed of soil, gravel, mulch or other pervious surface;
 - vi. The trail is designed to prevent soil erosion where slopes occur;
- g) 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;
- h) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding,

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shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;

- i) 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;
- j) 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;
- k) Emergency works required to prevent, control or reduce an immediate threat to 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.
- l) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- m) 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*;
- n) 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;
- o) Subdivision involving lot consolidation;
- p) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department).

Guidelines

- .3** Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development, and the following guidelines apply:

General Guidelines:

- a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
- b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
- c) New upland structures or additions should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.
- d) New 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 and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.
- e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
- f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to

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any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

- g) Where this Development Permit Area includes critical habitat of any Species at Risk, including 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.

Guidelines for the Construction and Replacement of Docks and Ramps

- h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- i) 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.
- j) Construction details such as design, materials, methods, timing of construction and access should be provided at the time of permit application.
- k) Docks should be located and designed to avoid the need for shore defence works or breakwaters.
- l) 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.
- m) Docks must be designed to ensure that public access along the shore is maintained.
- n) 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 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.
- o) 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.
- p) Dock and float design should allow the free flow of water beneath it.
- q) All docks should be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels.
- r) 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.
- s) 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.


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- t) The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
- u) 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.

Guidelines for Shoreline Modifications

- v) 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.
- w) 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.
- x) 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:
 - 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.
- y) Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with experience in coastal and/or geotechnical engineering, and:
 - i. Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Apply the ‘softest’ possible shoreline protection measure that will still provide satisfactory protection;
 - iii. Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land;
 - iv. Address compatibility with adjacent shoreline protection works.

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:

<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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In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.

- z) 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:
- 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;
 - The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - All shoreline protection structures are installed upland of the present natural boundary of the sea.
- aa) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:
- The replacement structure is of the same size and footprint as the existing structure or smaller;
 - The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - 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;
 - 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.
- bb) 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.

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- cc) 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.
- dd) 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 by the appropriate provincial and/or federal authorities.
- ee) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Guidelines for Vegetation Management, Restoration and Enhancement

- ff) 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.
- gg) 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.
- hh) 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.
- ii) 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.
- jj) 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 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.

Guidelines for Subdivision

- kk) 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.
- ll) New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

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

File Name: Draft Bylaw No. 153 (OCP)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
CONSISTENT	No.	DIRECTIVE POLICY
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
TBD	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
n/a	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

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

File Name: Draft Bylaw No. 154 (LUB)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
CONSISTENT	No.	DIRECTIVE POLICY
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
TBD	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
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