

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

DATE OF MEETING: November 18, 2021  
TO: Gambier Island Local Trust Committee  
FROM: Jaime Dubyna, Island Planner  
Northern Team  
SUBJECT: Keats Island Proposed Bylaws No. 153 and 154

## RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to prepare the following changes to Proposed Bylaw No. 153:
  - a. In Section 1.4 of Schedule 1, under the heading “Justification” amend the number “90” with “over 120”.
  - b. Replace Plan No. 1 with the amended Plan No. 1 in Attachment 1.
2. That the Gambier Island Local Trust Committee request staff to prepare the following changes to Proposed Bylaw No. 154:
  - a. In Schedule 1, Sections 1.7, 1.10, 1.14 and 1.21, replace the number “35 square metres (377 square feet)” with “36 square metres (387.5 square feet)”.
  - b. In Appendix 1, 9.3 DP-3 SHORELINE, .2 Exemptions, item “j” replace with, “The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree.”
  - c. In Appendix 1, 9.3 DP-3 SHORELINE, .2 Exemptions, item “r” replace with, “Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.”
  - d. In Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, item “m” replace with, “Decking materials must allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.”
  - e. In Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, add a new guideline “n” that provides, “To allow for the maximum amount of light penetration to the water surface, docks should be aligned in a north-south direction to the maximum extent that is possible given the site-specific conditions”, and renumber the subsequent guidelines.

- f. In Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, item “q” replace with, “The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.”
3. That the Gambier Island Local Trust Committee request staff to refer Proposed Bylaw No. 154 to the following First Nations:
    - a. Skwxwú7mesh (Squamish) Nation, səliłwətaʔt (Tsleil-waututh) Nation, xʷməθkʷəy̓əm (Musqueam) Indian Band, shíshálh (Sechelt) First Nation, Xeláłtxw (Halalt) First Nation, Spune’luxutth (Penelakut) Tribe, Ts’uubaa-asatx (Lake Cowichan First) Nation, Quw’utsun (Cowichan) Tribes, Stz’uminus First Nation, Lyackson First Nation, Snaw’Naw’As Nation and Te’mexw Treaty Association.

## REPORT SUMMARY

This staff report provides the Gambier Island Local Trust Committee (LTC) with a follow up of bylaw referrals received to date and from the two Community Information Meetings (CIM) held in September and October 2021.

Staff are recommending potential amendments to Proposed Bylaw Nos. 153 and 154 in response to discussions with Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO) staff and from the CIMs. Staff are recommending that referrals be sent to First Nations in response to the amendment made to Proposed Bylaw No. 154 at the October 14, 2021 LTC regular business meeting.

## BACKGROUND

At the July 22, 2021 LTC regular business meeting, the LTC passed the following resolutions:

### **GM-2021-049**

**It was MOVED and SECONDED,**

by the Gambier Island Local Trust Committee that Appendix 1 of Bylaw No. 154, 9.3.2 be amended by adding a new paragraph c that says 'mooring buoys', and the remainder of the exemptions be renumbered.

**CARRIED**

### **GM-2021-050**

**It was MOVED and SECONDED,**

by the Gambier Island Local Trust Committee that Appendix 1 of Bylaw No. 154, 9.3.2 be amended by adding a new sub-paragraph that reads 'Vegetation removal to prevent wildfire or other potential emergencies'.

**CARRIED**

### **GM-2021-051**

**It was MOVED and SECONDED,**

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.

**CARRIED**

### **GM-2021-052**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', is not contrary or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GM-2021-053**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee Bylaw No. 154, as amended, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be read a first time.

**CARRIED**

**GM-2021-054**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 154, as amended, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', is not contrary or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GM-2021-055**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee amend 5a to add the Eastbourne Community Association, the Keats Landing Leaseholders Group, Keats Camp, Barnabas Family Ministries, the Keats Conservation Group, and the Keats Foreshore Working Group.

**CARRIED**

**GM-2021-056**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request staff to refer Bylaw Nos. 153 and 154 to the following agencies and First Nations:

- a. Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Sunshine Coast Regional District, Islands Trust Conservancy, Lasqueti Island Local Trust Committee, Gabriola Island Local Trust Committee and Galiano Island Local Trust Committee.
- b. Squamish Nation, Tsleil-Waututh Nation, Musqueam Nation, Sechelt First Nation, Halalt First Nation, Penelakut Tribe, Lake Cowichan First Nation, Cowichan Tribes, Stz'uminus First Nation, Lyackson First Nation, Snaw'Naw'As Nation and Te'Mexw Treaty Association.
- c. Eastbourne Community Association, Keats Landing Leaseholders Group, Keats Camp, Barnabas Family Ministries, Keats Conservation Group, and the Keats Foreshore Working Group.

**CARRIED**

**GM-2021-057**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee amend the Workplan Overview of the Project Charter v. 1 of the Keats Island Shoreline Protection Project to insert a community information/public input session in the fall of 2021 prior to second reading, and remove the legal review.

**CARRIED**

**GM-2021-058**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee endorse the Revised 'Keats Island Shoreline Protection Phase 3 Project Charter v.1', as amended, dated July 22, 2021.

**CARRIED**

**GM-2021-059**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request staff to organize an electronic Local Trust Committee community information meeting and public input session on the Keats Island Shoreline Protection Project for September 29 in the evening.

**CARRIED**

**GM-2021-060**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request staff to adjust the start time for the September 30 Local Trust Committee meeting to commence at 3:00 pm, and schedule a community information meeting public input session commencing at 6:30 pm, both of which will be in person meetings.

**CARRIED**

To mark the first National Day for Truth and Reconciliation, the September 30, 2021 CIM was rescheduled to October 14, 2021.

At the October 14, 2021 LTC regular business meeting, the LTC passed the following resolutions:

**GM-2021-080**

**It was MOVED and SECONDED,**

that First Reading of the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021' be rescinded.

**CARRIED**

**GM-2021-081**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be amended by removing the current section 1.2 and replacing it with the following:

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

- a) "No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.
- b) Notwithstanding subparagraph a), for properties zoned Rural Comprehensive (Lot 876 and Lot 1829) the setback set out above shall be 15 metres (49.2 feet)."

**CARRIED**

**GM-2021-082**

**It was MOVED and SECONDED,**

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 as amended.

**CARRIED**

Staff reports and associated information for the Keats Island Shoreline Protection project and Proposed Bylaws are available on the Islands Trust website under Gambier Island, [Projects](#).

**ANALYSIS**

Staff have identified the following for LTC consideration:

- Summary of referral responses;
- Community Information Meetings;

- Suggestions for Changes to Proposed Bylaws;
- Re-referral to First Nations.

### **Bylaw Referral Responses**

Generally, referral periods for zoning amendments are 30 to 60 days to provide adequate response time for First Nations and agencies or local governments. At the July 22, 2021 LTC meeting, no specific timeline for referrals was imposed by the LTC; therefore referral responses were requested in time for the November 4, 2021 LTC regular business meeting (rescheduled to November 18, 2021).

Under LTC direction, bylaw referrals were sent to the following First Nations, agencies or local governments, and community groups:

- Sk̓wx̓wú7mesh (Squamish) Nation, sə́ilwətaʔt (Tsleil-waututh) Nation, x̣ʷməθkʷəy̓əm (Musqueam) Indian Band, shíshálh (Sechelt) First Nation, Xeláltxw (Halalt) First Nation, Spune'luxutth (Penelakut) Tribe, Ts'uubaa-asatx (Lake Cowichan First) Nation, Quw'utsun (Cowichan) Tribes, Stz'uminus First Nation, Lyackson First Nation, Snaw'Naw'As Nation and Te'mexw Treaty Association
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO), Sunshine Coast Regional District (SCRD), Islands Trust Conservancy, Lasqueti Island Local Trust Committee, Gabriola Island Local Trust Committee, Galiano Island Local Trust Committee
- Eastbourne Community Association, Keats Landing Leaseholders Association, Keats Camp, Barnabas Family Ministries, Keats Conservation Group, Keats Island Shoreline Protection Working Group members

Referral responses have been posted to the Keats Island Shoreline Protection [project webpage](#) under “Community Consultation”. A summary of the referral responses that have been received are provided in Table 1:

**Table 1. Summary of Referral Responses**

<b>First Nation/ Agency / Group</b>	<b>Summary Response to Bylaw Referral</b>	<b>Staff Comments</b>
Galiano Island Local Trust Committee	Interests Unaffected by Bylaw	None.
Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO)	Interests Unaffected by Bylaw	See discussion under “Suggested Amendments”.
Islands Trust Conservancy (ITC)	Interests Unaffected by Bylaw	ITC staff have indicated the ITC Board is generally supportive of increased protection of shoreline ecosystems.  ITC staff have noted that the ITC Board reviewed the Proposed Bylaws with a view to the effect on the Sandy Beach Nature Reserve which is managed by the ITC and did not have concerns

		regarding the impact of the proposed bylaws on this property.
Keats Conservation Group	<p>Approval Not Recommended Due to Reason Outlined Below</p> <ul style="list-style-type: none"> <li>• Needs public consultation</li> <li>• Setbacks and amendments too extreme, will affect property values and enjoyment</li> <li>• No provision for properties that have been owned by the same families before most rules came into being adopted</li> <li>• Small island with small lots, too many changes will affect quality of life</li> <li>• Focus should be on stronger language of the regulations already in place</li> </ul>	<p>Community consultation remains open and ongoing until the close of public hearing (not yet scheduled).</p> <p>Proposed bylaws are not retroactive; landowners may use existing buildings and structures as permitted under the <i>Local Government Act</i>. If adopted, bylaws would apply to new construction, with some exceptions detailed in the DP-3 Shoreline Exemptions in Appendix 1 of Proposed Bylaw No. 154.</p>
Keats Island Leaseholders Association (KILA)	<p>Approval Not Recommended Due to Reason Outlined Below</p> <ul style="list-style-type: none"> <li>• Strong opposition from KILA members</li> <li>• Much of the cottage lots are small, city-sized lots – accommodating setbacks may be difficult, including proposed setbacks between docks and lot line projections</li> <li>• Regulations used elsewhere (other islands) may not work for Keats</li> </ul>	<p>The proposed setbacks between docks and existing docks, and docks and lot line projections, are informed by the requirements in the Province's <a href="#">Land Use Operational Policy for Private Moorage</a>.</p> <p>Reducing the permitted maximum float area seemingly creates additional space between docks and lot line projections.</p>

Due to the amendment made to Proposed Bylaw No. 154 (LUB) to maintain the 7.5 metre setback for buildings and structures from the natural boundary of the sea, staff are recommending the LTC send a second referral to the listed First Nations.

### **Community Information Meetings**

*September 29, 2021*

A CIM was held online via Zoom on Wednesday, September 29, 2021. A copy of the draft CIM minutes are attached to the November 18, 2021 LTC regular business meeting agenda package for LTC review.

*October 14, 2021*

A second CIM was held in-person on Thursday, October 14, 2021, following the LTC regular business meeting, at the John Braithwaite Community Centre in North Vancouver. A copy of the draft CIM minutes are attached to the November 18, 2021 LTC regular business meeting agenda package for LTC review.

## ***Suggested Amendments***

### ***Proposed Bylaw No. 153 (OCP)***

Staff are recommending two minor amendments to Proposed Bylaw No. 153.

Under the “Justification” heading of Section 1.4 of Schedule 1, reference is made to the number of individual waterfront parcels on Keats Island in 2020 – 90. At the September 29, 2021 CIM, it was noted that the number of waterfront parcels were incorrect, in consideration of the additional 60+ waterfront lots to be created by subdivision GM-SUB-2018.2 of District Lot 696, Group 1, New Westminster District (Keats Camp). Staff note that the phased subdivision is not complete, therefore Islands Trust mapping does not include these lots. In anticipation of future additional waterfront lots on Keats Island as a result of subdivision, staff recommend amending reference to the number of lots as “over 120”.

On Plan No. 1 of Proposed Bylaw No. 153, corrections to the upland portion of the DP-3 Shoreline are required, as three areas were not included in the initial Plan No. 1 (first reading) version. An amended Plan No. 1 will include upland areas of Preston Island and the larger Shelter Island, as well as the upland area of Sandy Beach Nature Reserve (see Attachment 1).

Staff’s recommended motions on page one of this report reflect the recommended amendments to Proposed Bylaw No. 153.

### ***Proposed Bylaw No. 153 (LUB)***

#### **Dock Float Size**

Proposed Bylaw No. 154 currently would permit a maximum float area of 35 m<sup>2</sup> in the CR1, RR, RC and M2(a) zones for single family use. This maximum float area is informed by the BC Stewardship Centre’s Green Shores program<sup>1</sup>, which provides science-based tools and best practices for sustainable shoreline development. The intent of reducing the maximum float area is to reduce the size of overwater structures, which limit light availability to the sea floor, and to increase the space between docks.

A [letter](#) (page 115) dated January 6, 2021, by David McKerrell of Island Marine Construction addressed to the Salt Spring Island Local Trust Committee was referred to the Island Trust Regional Planning Committee with support. The letter requested that the maximum float area permitted in the Salt Spring Island Land Use Bylaw No. 355 be increased from 35 m<sup>2</sup> (377 square feet) to 36 m<sup>2</sup> (387.5 square feet) to follow lumber industry standards and reduce lumber waste during construction of private moorage facilities. According to Mr. McKerrell, the lumber industry operates in feet and inches, and the letter provides an example of standard cuts as follows:

- 12’ x 32’ = 384 sq.ft. (or 35.67 m<sup>2</sup>)
- 10’ x 38’ = 380 sq.ft. (or 35.3 m<sup>2</sup>)
- 8’ x 48’ = 384 sq.ft. (or 35.67 m<sup>2</sup>)

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<sup>1</sup> [http://stewardshipcentrebcc.ca/PDF\\_docs/greenshores/reports/GSPolicyandRegulatoryToolsLocalGovtsReport2016.pdf](http://stewardshipcentrebcc.ca/PDF_docs/greenshores/reports/GSPolicyandRegulatoryToolsLocalGovtsReport2016.pdf)

Should the LTC adopt Proposed Bylaw No. 154 as it is written, this would result in an amount of wood waste to meet the regulation or if dock owners build floats without trimming the wood materials, a Development Variance Permit (DVP) application for a float over the permitted maximum area would be required.

The LTC may direct staff to increase the permitted maximum float area to 36 m<sup>2</sup> to allow dock construction to use standard lumber cuts without going over the permitted maximum float area and provide an additional amount of area (up to 1 m<sup>2</sup>) for dock owners. If the LTC concurs with staff's recommendation, amendments would be made to Sections 1.7, 1.10, 1.14 and 1.21 in Schedule "1" of Proposed Bylaw No. 154. Staff's recommended motions on page one of this report reflect this recommendation.

The LTC may consider a subsequent amendment for maximum float area for shared docks in Sections 1.8, 1.11, 1.15 and 1.21 of Schedule "1" of Proposed Bylaw No. 154. Currently Proposed Bylaw No. 154 permits an increased float area of 25 square metres (269 square feet) per residential dwelling served, to a maximum of 85 square metres (915 square feet). When calculating for a new maximum float area for shared docks, staff used the existing regulations for guidance, as follows:

(copied from Section 4.1.7 of the LUB):

*.7 Despite Subsection 4.1.6, the maximum float area may be increased by 47 square metres (500 square feet) per residential dwelling served up to a maximum float size of 158 square metres (1,700 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.*

- Existing regulations:  $47 \text{ m}^2 / 65 \text{ m}^2 \times 100 = 72.3\%$
- Existing regulations:  $65 \text{ m}^2 + (47 \text{ m}^2 \times 2) = 159 \text{ m}^2$  (\*existing regulation permits up to 158 m<sup>2</sup>)

(copied from Section 4.1.7 of Proposed Bylaw No. 154 [as written]):

*.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.*

- Proposed Bylaw 154:  $25 \text{ m}^2 / 35 \text{ m}^2 \times 100 = 71.4\%$
- Proposed Bylaw 154:  $35 \text{ m}^2 + (25 \text{ m}^2 \times 2) = 85 \text{ m}^2$

Staff note that policies in the Islands Trust Policy Statement and the Keats Island Official Community Plan Bylaw No. 77 encourage communal or shared docks to limit the proliferation of docks along the foreshore; staff advise that the intent of allowing for an increased maximum float area for shared docks is to make this option appealing to property owners. Options for the LTC include:

- No change to the permitted float area in Section 4.1.7 in the Proposed Bylaw No. 154;
- Increasing maximum float areas for shared docks that follow the existing regulation calculations;
- Increasing maximum float areas shared dock based on an alternative calculation.

The LTC may direct staff accordingly.

### DP-3 Exemptions



At both CIMs, staff heard that DP-3 Exemption 9.3.2(j) may be problematic for waterfront property owners as it may impact their ability to maintain views and maintain the general health of trees:

- j) *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;*

Staff note that tree pruning, trimming or limbing requires correct methods to maintain the health of trees, and different tree species may require different pruning methods. If done incorrectly pruning, trimming or limbing can damage a tree's response to cuts and change the growth of the tree, or impact the health of the tree. It is recommended that property owners consult a certified arborist before pruning trees to ensure the correct methods are being used; as well, the ISA releases Best Management Practices for tree care standards that property owners are encouraged to consult. Staff recommend DP-3 Exemption 9.3.2(j) be amended as follows:

*"The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree."*

As follow-up to the bylaw referrals, FLNRO staff informed planning staff that the intent of DP-3 Exemption 9.3.2(r) was unclear:

- (r) *Works conducted and/or authorized by the Province and its Ministries or agencies, and by Fisheries and Oceans Canada (or subsequent federal department).*

With respect to private moorage, the current Exemption 9.3.2(r) as it is written implies that authorized docks by way of a Specific Permission or lease, would be exempt from the requirement for a development permit, which is not the intent of this exemption. For clarity, staff recommend DP-3 Exemption 9.3.2(r) be amended as follows:

*"Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies requires a development permit."*

Staff's recommended motions on page one of this report reflect the recommended amendments to the DP-3 Exemptions in Proposed Bylaw No. 154.

### Guidelines

FLNRO staff have provided additional suggested amendments that may be incorporated into the DP-3 Guidelines in Proposed Bylaw No. 154. The potential amendments are as follows:

- Current Guideline 9.3.3(m): *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.*

*Suggested: Decking materials must allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.*

*Suggested (new guideline): To allow for the maximum amount of light penetration to the water surface, docks should be aligned in a north-south direction to the maximum extent that is possible given the site-specific conditions.*

The minimum number 43% comes from the [Pender Harbour Dock Management Plan](#) (March 2021), which was informed by an environmental study conducted by Biological Consultants M.C. Wright and Associates Ltd. in March 2018. The objectives of the Management Plan is to provide guidance for dock construction “to promote responsible and appropriate dock development”. The LTC may consider a minimum number of 43%, or direct staff to increase or reduce the percentage requirement.

FLNRO staff also highlighted DP-3 Guideline 9.3.3(q), and noted that “piers” were not included. Since piers are part of moorage structures, it is recommended that they be included in the guideline as well.

- Current Guideline 9.3.3(q): *The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.*

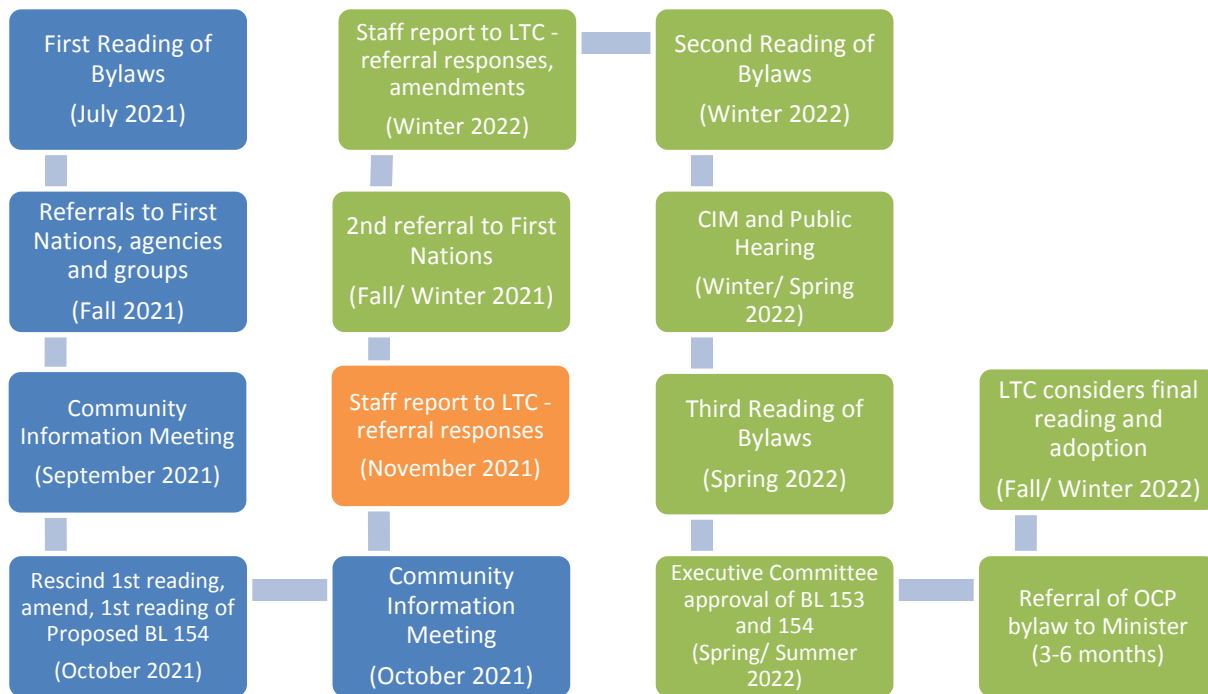
*Suggested: The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.*

Staff’s recommended motions on page one and two of this report reflect recommended amendments to the DP-3 Guidelines in Proposed Bylaw No. 154.

### ***Timeline***

The following timeline outlines the bylaw amendment process milestones to date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment such as this, is processed.

Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing. Under section 465(1) of the *Local Government Act*, a public hearing must be held after first reading and before third reading. No date has been set for a public hearing at this time.



### Rationale for Recommendation

Staff are recommending amendments to Proposed Bylaw Nos. 153 and 154 in response to discussions with FLNRO staff, the CIMs, and to correct the proposed bylaws.

Staff are recommending referrals be sent to First Nations for a second time, to advise of the amendment to maintain the 7.5 metre setback from the natural boundary of the sea in Proposed Bylaw No. 154 at the October 14, 2021 LTC regular business meeting.

The staff recommendations are found on Page 1 and 2 of this report.

### ALTERNATIVES

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

#### 1. Additional amendments (staff to prepare)

The LTC may direct staff to prepare further amendments to the proposed bylaws beyond that recommended by staff. If selecting this alternative, the LTC should provide staff with the additional amendments. Recommended wording for the resolution is as follows:

*That the Gambier Island Local Trust Committee request staff to prepare the following changes to Proposed Bylaw No. 153: {changes to be provided by LTC}*

*That the Gambier Island Local Trust Committee request staff to prepare the following changes to Proposed Bylaw No. 154: {changes to be provided by LTC}*

#### 2. Amend Proposed Bylaw No. 153 and 154, give Second Reading

The LTC may amend the proposed bylaws and give second reading. If selecting this alternative, the LTC should include any additional amendments, and direct staff to schedule a Public Hearing. Recommended wording for the resolution is as follows:

*That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be amended by {to be provided by the LTC}.*

*That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a second time.*

*That the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be amended by {to be provided by the LTC}.*

*That the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be read a second time.*

*That the Gambier Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 153 and 154, on {date to be determined}.*

### 3. Give Second Reading

The LTC may consider no additional amendments to the proposed bylaws are warranted and give second reading to the proposed bylaws. If choosing this option, the LTC should direct staff to schedule a Public Hearing. Recommended wording for the resolution is as follows:

*That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a second time.*

*That the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be read a second time.*

*That the Gambier Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 153 and 154, on {date to be determined}.*

## NEXT STEPS

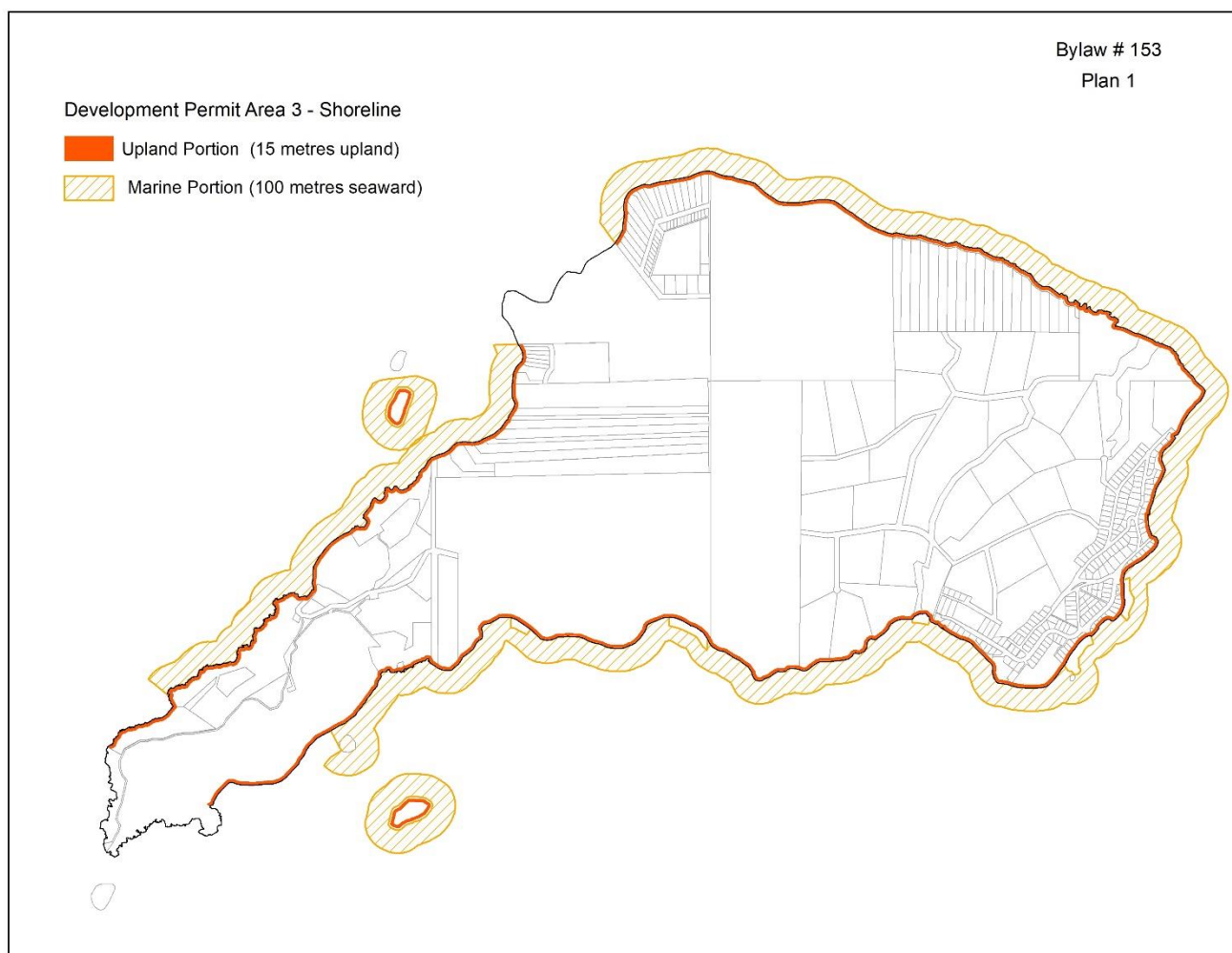
Staff will prepare draft amendments to the Proposed Bylaws to be considered by the LTC at a subsequent LTC meeting.

Submitted By:	Jaime Dubyna Island Planner	November 4, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 8, 2021

## ATTACHMENTS

1. Amended Plan No. 1, Proposed Bylaw No. 153
2. Proposed Bylaw No. 153 (OCP)
3. Proposed Bylaw No. 154 (LUB)
4. Project Charter

## ATTACHMENT 1 – AMENDED PLAN NO. 1 (PROPOSED BYLAW NO. 153)



# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

### A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

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

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

READ A FIRST TIME THIS 22<sup>ND</sup> DAY OF JULY, 2021

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20XX

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20XX

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20XX

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20XX

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

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

**Schedule “1”**

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

**“3. DEVELOPMENT PERMIT AREA 3: SHORELINE**

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

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

**Location**

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

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

**Justification**

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

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, 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 in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified to have been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, 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, 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."

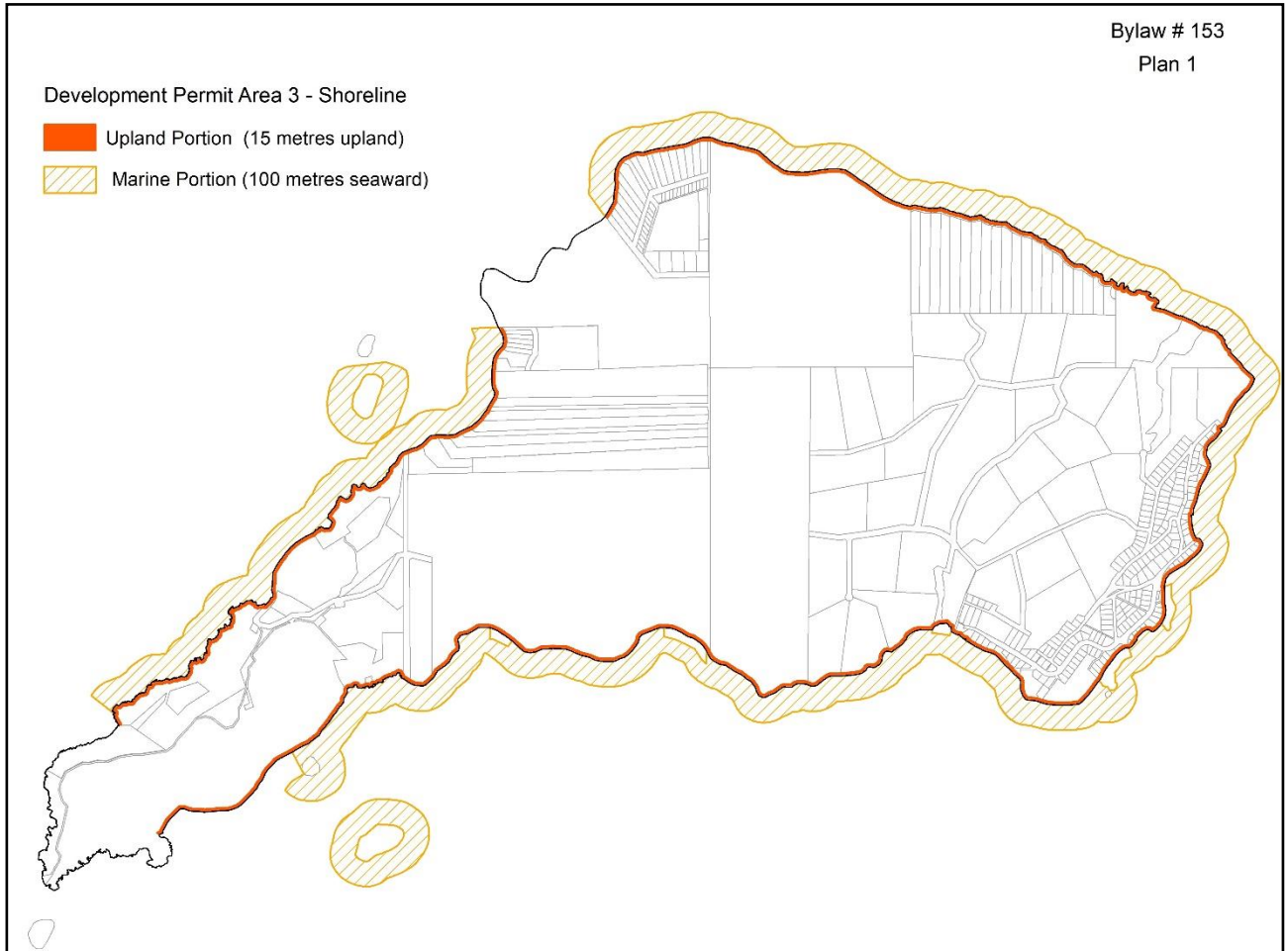
**GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 153**

**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.

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

**Plan No. 1**



# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

### A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

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

READ A FIRST TIME THIS                      14<sup>th</sup>                      DAY OF                      OCTOBER                      , 2021

READ A SECOND TIME THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

PUBLIC HEARING HELD THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

READ A THIRD TIME THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

ADOPTED THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

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

**Schedule “1”**

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:
  - 1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”
  - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:
    - “a) No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.
    - b) Notwithstanding subparagraph a), for properties zoned Rural Comprehensive (Lot 876 and Lot 1829) the setback set out above shall be 15 metres (49.2 feet).”
  - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
  - 1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting 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.”
  - 1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
  - 1.6 **PART 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”.
  - 1.7 **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)”.
  - 1.8 **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)”.

1.9 **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)”.

1.10 **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)”.

1.11 **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)”.

1.12 **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)”.

1.13 **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”.

1.14 **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)”.

1.15 **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)”.

1.16 **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)”.

1.17 **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)”.

1.18 **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”.

1.19 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.

1.20 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.21 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation (a) is amended by replacing

“65 square metres (700 square feet)” with “35 square metres (377 square feet)” and 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)”.

- 1.22 **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. 154**

**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 the requirement to obtain a development permit for DP-3:

- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
- b) Repair and maintenance 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 building or structure 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) Construction, reconstruction or repair of the following structures sited within the setback from the natural boundary of the sea:
  - i. A platform not exceeding 5 square metres in area;
  - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- e) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
- f) 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;
- g) 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;
- h) 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;



- i) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- j) 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;
- k) 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;
- l) Vegetation removal to prevent wildfire or other potential emergencies;
- m) 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.
- n) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- o) 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*;
- p) 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;
- q) Subdivision involving lot consolidation;
- r) 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, or additions to, upland buildings or structures 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 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.
- 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.


***Guidelines for the Construction and Replacement of Docks and Ramps***

- j) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.
- k) 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.
- l) Docks must be designed to ensure that public access along the shore is maintained.
- m) 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.
- n) 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.
- o) All docks shall be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. Dock and float design shall allow the free flow of water beneath it.
- p) 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.
- q) The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
- r) 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***

- s) Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback regulations in the Land Use Bylaw or for reclaiming land lost due to erosion.
- t) 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.
- u) Applications for shoreline protection or stabilization works may be considered to protect existing structures and 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. 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;
  - iii. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
  - iv. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
  - v. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.
- v) 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"> <li>• <b>Vegetation enhancement</b></li> <li>• <b>Upland drainage control</b></li> <li>• <b>Biotechnical measures</b></li> <li>• <b>Beach enhancement</b></li> <li>• <b>Anchor trees</b></li> <li>• <b>Gravel placement</b></li> <li>• <b>Rock (rip rap) revetments</b></li> <li>• <b>Gabions</b></li> <li>• <b>Concrete groins</b></li> <li>• <b>Retaining walls or bulkheads</b></li> <li>• <b>Seawalls</b></li> </ul>	<div style="text-align: center;"> <p><b>SOFT</b></p>  <p><b>HARD</b></p> </div>
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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.

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

- bb) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

#### ***Guidelines for Vegetation Management, Restoration and Enhancement***

- cc) 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.
- dd) 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.
- ee) 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.
- ff) 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.
- gg) 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***

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

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

Gambier Island Local Trust Committee

Date: November 19, 2020

Revised: July 22, 2021

**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	May 2021
LTC consideration of 1 <sup>st</sup> reading, bylaw referrals to First Nations, Agencies and adjacent LTAs	July/August 2021
Community Information Meeting & Town Hall (online & in person)	September/October 2021
LTC consideration of referral responses and 2 <sup>nd</sup> reading	Fall/Winter 2021
Community Information Meeting & Public Hearing	Winter 2022
3 <sup>rd</sup> reading of proposed bylaws, Executive Committee approval	Spring 2022
Ministerial approval, adoption of bylaw amendments, distribution of communication materials	Summer 2022
LTC Adoption of bylaws	Fall 2022

**Project Team**

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

**Budget**

Budget Sources:		
Fiscal	Item	Cost
2020-2021	CIM & Town Hall	\$2000
2020-2021	CIM, Public Hearing notice	\$2000
	Total	\$4000 (*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	May 2021	n/a
LTC regular business meeting	LTC consideration of 1 <sup>st</sup> reading, LTC direct staff to send bylaw referrals to First Nations, Agencies and adjacent LTAs	July/August 2021	n/a
LTC special meeting	CIM & Town Hall (online and in person)	Sept. 29, Oct. 1 2021	Approx. \$2000
LTC regular business meeting	LTC consideration of referral responses and consideration of 2 <sup>nd</sup> Reading	November 2021	n/a
CIM, Public Hearing	Community Information Meeting and Public Hearing*	Winter 2022	Approx. \$2000
LTC regular business meeting	LTC consideration 3 <sup>rd</sup> reading of proposed bylaws	Spring 2022	n/a
Executive Committee meeting	Executive Committee approval	Spring 2022	
n/a	Ministerial approval	Summer 2022	n/a
LTC regular business meeting	LTC adoption of bylaws	Summer/Fall 2022	n/a
<b>TOTAL</b>			<b>\$4000 (pending approval)</b>