

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

DATE OF MEETING: October 17, 2023  
TO: Gambier Island Local Trust Committee  
FROM: Marlis McCargar, Island Planner  
Northern Team  
SUBJECT: Keats Shoreline Protection Project – Proposed Bylaws Nos. 153/154

## RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to schedule an electronic Special Meeting to discuss and give direction for additional amendments to Proposed Bylaw No. 154.
2. That the Gambier Island Local Trust Committee request that staff defer the Public Hearing scheduled for November 21, 2023 to a date in 2024.

## REPORT SUMMARY

This staff report provides the Gambier Island Local Trust Committee (LTC) with an update on the Keats Shoreline Protection Project. Staff are recommending the LTC schedule a Special Meeting to further discuss the issues and additional amendments related to Proposed Bylaw No. 154. A Special Meeting will give the LTC time to deliberate and give direction to staff on additional amendments related to shared dock sizes, shoreline modification exemptions and other possible issues, to be determined. The Special Meeting will give the LTC an update on discussions to date between Trustee and staff and will identify the key issues requiring direction from the whole LTC. Staff have proposed some amendments, in response to community feedback as well as to amend grammatical and formatting changes noted by staff, but understand that there may be more amendments requested by the LTC.

The Gambier Island LTC passed a resolution at the August 29, 2023 LTC regular business meeting that requested staff amend Proposed Bylaw No. 154. Staff has worked with a Trustee to amend the proposed bylaws according to the community feedback received. No changes are being proposed to Bylaw No. 153; however, it is attached for information to this report (Attachment 1).

## BACKGROUND

The purpose of the Keats Island Shoreline Protection Project is 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. Work was initiated with Phase 1 of the Keats Shoreline Protection Project in 2018 which involved the Keats Island Shoreline Protection Working Group. At that time, staff drafted a Discussion Paper as a means for providing baseline information to the LTC and the Keats Island Shoreline Protection Working Group with respect to options for shoreline protection regulations and policies on Keats Island. At that time, the LTC and Working Group decided to move forward with a Development Permit Area.

The project is currently in Phase 3 which has involved bylaw amendments, community, stakeholder and First Nations engagement, bylaw review with a Qualified Environmental Professional (QEP) specializing in Aquatic Biology and further staff review resulting in an annotated version of the proposed bylaws Nos 153/154. At their regular business meeting on June 20, 2023, the LTC reviewed a Staff Memo which included the requested annotated proposed bylaws Nos. 153 and 154 as well as, a letter from Madrone Environmental Services discussing the Biological Benefits of Marine Foreshore Areas.

Four Community Information Meetings (CIMs) were held September 29, 2021 (online), October 14, 2021 (in person), on September 15, 2022 (online) and July 21, 2023 (in-person).

Proposed Bylaw No. 153, that would amend the Keats Island Official Community Plan Bylaw No. 77 (OCP), and Proposed Bylaw No. 154, that would amend the Keats Island Land Use Bylaw No. 78 (LUB), were given first reading at the July 22, 2021 LTC meeting. First reading of Proposed Bylaw No. 154 was rescinded at the October 14, 2021 LTC meeting, amended by the LTC, and then given first reading at that same meeting. Proposed Bylaw Nos. 153 and 154 were given second reading at the September 1, 2022 LTC meeting.

At their regular business meeting held August 29, 2023, the LTC passed the following resolutions:

**GM-2023-029**

**It was MOVED and SECONDED**

that Trustee Bernardo work with Island Planner McCargar to review the information obtained from the public information meeting, as itemized on page 2 of the staff report, and propose such amendments to the draft bylaws as may be required, and to bring that revised draft of the bylaws to the Local Trust Committee for consideration at the October 17, 2023 meeting.

**CARRIED**

**GM-2023-030**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB) for the November Local Trust Committee meeting.

**CARRIED**

Reports and associated information for the Keats Island Shoreline Protection project are available on the Islands Trust website, under [Gambier Projects](#). Additional information about the project is also available on a project [webpage](#).

## **ANALYSIS**

### **Issues and Opportunities**

#### ***Amendments to Proposed Bylaw No. 154***

The proposed amendments to bylaw No. 154 are a result of community feedback, Trustee discussions and minor staff edits to clean up grammatical errors, formatting and omissions.

At the Community Information Meeting held on July 21, 2023, the LTC heard feedback and concerns from the community. The main topics included:

- Considerations for additional DPA exemptions for sewerage systems, eco-friendly dock materials and greenshores approaches;
- Clarification around what is considered repair and maintenance for works that qualify for an exemption;
- Concerns around the impracticality of the proposed dock regulations for the small lots on Keats Island;
  - In particular, dock sizes, distances between docks and the measurement of setbacks for docks; and
- Clarification on legal non-conforming status and seasonal use of docks and dwellings.

The amended copy of Proposed Bylaw No. 154 is found in Attachment 2, and the LTC is asked to consider second reading of the bylaw, as amended.

Staff have included a “track changes” copy of the proposed bylaw in Attachment 3. The “track changes” copy provide a reference of the proposed bylaws at second reading and highlight the latest amendments in red.

### Dock Sizes

There are no provincial guidelines regulating dock float sizes. However, the provincial government requires that several conditions are met to enable a dock to qualify under “[General Permission](#).” As long the dock is constructed in accordance with the terms and conditions contained in the General Permission it will be deemed authorized. Docks that do not meet General Permission requirements may be permitted under “Specific Permission”, which requires a much lengthier and onerous application process. The dock size related aspects of the General Permission requirements are:

- Dock must be located 30m from navigation channels
- Dock must be 5m from side property lines (6m if adjacent to a dedicated public beach access or park)
- Dock must be no more than 60m from the present natural boundary of the sea, 14m for the length of the float, 3.7m for the width of the float and 1.8m for the walkway

The maximum float area sizes, as currently in Proposed Bylaw No. 154, are based in part on the General Permissions outlined by the provincial government as well as 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 BC Stewardship Centre’s Green Shores program recommends 35 square metres as a maximum float area for individual residential docks. Proposed Bylaw No. 154 currently proposes a maximum float area of 47 square metres.

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. 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. Dock sizes have been increased by the LTC throughout this process at the November 18, 2021 LTC Meeting and again, at the September 1, 2022 LTC Meeting.

Section 14(b) of the *Canadian Navigable Waters Act* states that docks must be “situated more than 10 m from any work that is situated in, on, over, through or across the navigable water and is not owned by the owner of the dock or boathouse”. This federal legislation does create a barrier for waterfront properties with small lots; it may be

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

impossible for each property to have its own private dock. The intent of the Land Use Bylaw is to incentivize shared and communal docks by allowing an increased float size.

Staff are recommending that the maximum float area for docks that are accessory to a residential dwelling unit in the Private Institutional (PI2) zone be decreased from 150 square metres to 47 square metres to keep in line with residential dock float area sizes in the other zones.

Staff are also recommending that the maximum float area for the site specific zone (M2b) in the Communal Moorage (M2) zone be decreased from 3000 square metres to 1500 square metres. This decrease ensures that the maximum float area is kept consistent for communal moorage. Staff believe this was not reduced during previous amendments as an oversight.

### Exemptions

Exemption 9.3.2(a) regarding what would be considered “repair and maintenance” was discussed at the CIM. Repair and maintenance is generally considered to be minor works for preventative and routine upkeep, and/or preservation of an existing building or structure. The exemption is clear that it only applies to a pre-existing lawful building and must not involve any alteration or disturbance of land or vegetation. In addition, it may not expand or alter the building footprint. As always, it is suggested that property owners contact Island Trust staff before doing any work in a Development Permit Area to determine if their proposal would fall under an exemption. The LTC has the option to get more prescriptive in what would be considered repair and maintenance; however, there are many unique scenarios and it may be difficult to include them all. Staff have amended the exemption for clarity as follows:

- a) Minor repair and maintenance of lawful buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation and are entirely within the footprint of the existing building or structure;*

At the CIM, staff heard that requiring a Development Permit for the replacement or upgrade of a septic system is an extra hurdle for property owners seeking to improve their system. Staff recommend DP-3 Exemption 9.3.2 be amended by adding the following exemption:

- b) Repair or replacement of a septic field site in the same location as the existing septic field;*

### Grammatical, Formatting and Clarification Changes

Without changing the intent of Proposed Bylaw No. 154, staff have proposed a variety of minor grammatical and formatting changes. These changes are to aid in clarity and interpretation of the proposed bylaw.

### **Other Considerations**

#### Shoreline Modifications

Proposed Bylaw No. 154 stipulates that shoreline protection measures must be designed by a Qualified Professional; this includes non-structural or ‘soft’ shoreline protection measures. Given the sensitive shoreline ecosystem, it is important that the development permit guidelines require that trained, experienced Qualified Professionals assist with the design of any shoreline project. Depending on the site, it may need a coastal/shoreline engineer or geologist, biologist, geotechnical expert whether using a structural or non-structural approach. The guidelines state that when feasible, a non-structural shoreline protection measure is preferred; however, at this

time, no exemptions for the use of non-structural shoreline modifications are being proposed. The LTC may want to consider discussing this further.

### Legal Non-Conforming

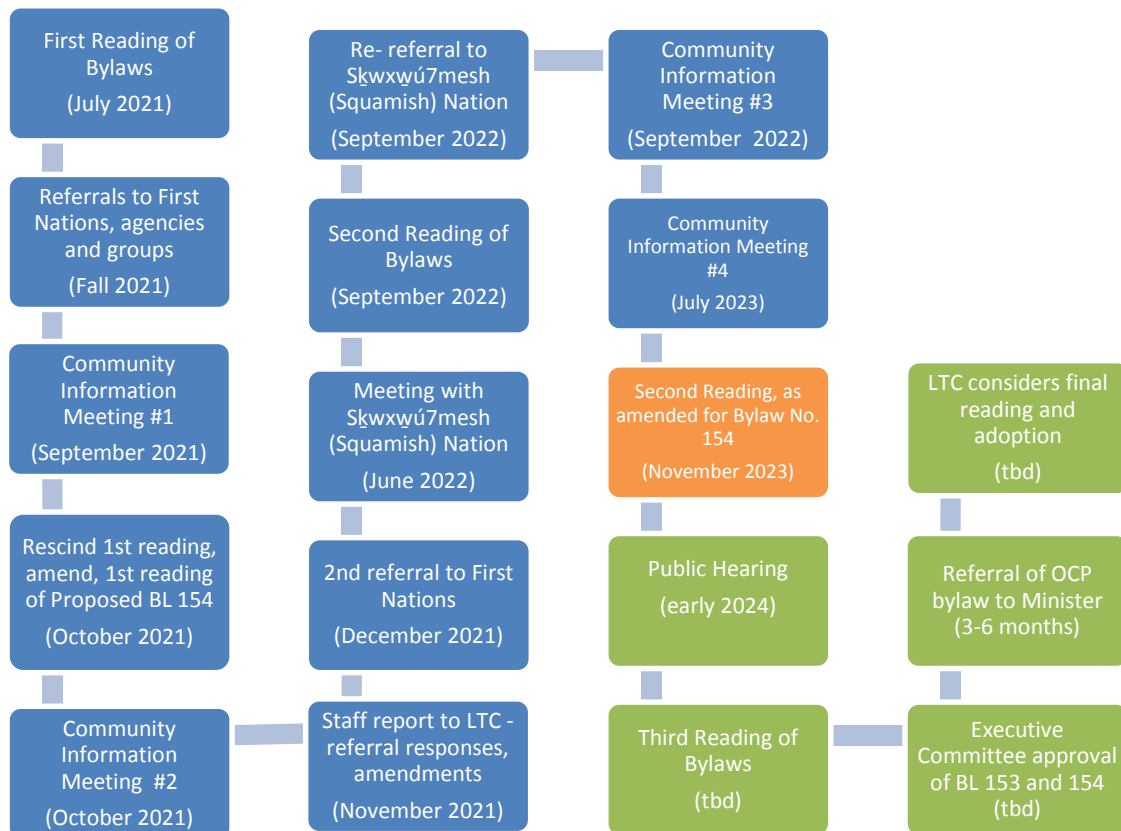
At the CIM, staff heard some confusion around Legal Non-Conforming Status as it relates to seasonal use. At the time a new land use bylaw is adopted, if an existing use of land or a building is lawful but does not conform to the new bylaw, then it may continue as a legal non-conforming use under the *Local Government Act*. Legal non-conforming buildings, structures or spaces may be maintained, extended or altered only if this does not result in further contravention of the land use bylaw. In the case of the cabins, that means they can be repaired or altered as long as the existing footprint and gross floor area stays the same. Generally, a building or structure can lose legal non-conforming status if:

- The use is discontinued for a period of six months (subject to normal seasonal and agricultural practices)
- More than 75% of the value of the building or structure above its foundation is damaged or destroyed.

One suggestion for LTC consideration is to create an educational brochure that outlines the *Local Government Act* legal non-conforming status and how that applies to docks and buildings once the new bylaw is adopted. Staff will not be able to get into all the nuances of each unique situation, but can explain legal non-conforming status in general terms.

### **Timeline**

Preliminary research, scoping and drafting was initiated with Phase 1 of the project in 2018. 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. The blue steps identify completed milestones, the orange identifies the current stage, and the green identifies potential next steps or milestones in the process.



## Rationale for Recommendation

The amendments made to Proposed Bylaw No.154 were recommended by staff in response to discussions at the Community Information Meeting on July 21, 2023, a local Trustee as well as staff edits to clean up grammatical and formatting errors and minor omissions. However, at this time, staff are recommending that more time be given to the LTC to carefully consider the proposed amendments as well as to address additional issues that have been left unresolved. A Special Meeting will give the LTC time to deliberate and give direction to staff.

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

## ALTERNATIVES

Offer feasible alternatives to the staff recommendation, noting any significant implications and recommended resolution wording. [For example] The LTC may consider the following alternatives to the staff recommendation:

### 1. Proceed with amendments as proposed

The LTC may amend the proposed bylaw as is detailed in this report and give second reading. Recommended wording for the resolution is as follows:

*That the Gambier Island Local Trust Committee Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” as shown in Attachment 1 of the staff report dated October 17, 2023, be read a second time as amended.*

### 2. Further Amend Proposed Bylaw 154, give Second Reading

The LTC may further amend the proposed bylaw beyond what is detailed in this report and give second reading. If selecting this alternative, the LTC should include specific wording in the resolution wording based on the recommendations on page 1 of this report.

### **3. Proceed without amendments**

The LTC may consider no additional amendments to the proposed bylaw is warranted. If choosing this option, the proposed bylaw would not be amended and no further resolution is needed.

### **4. Request further information**

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC's work plan timeline in the Project Charter. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the Gambier Island Local Trust Committee request the following information [list].*

## **NEXT STEPS**

Should the LTC concur with the staff recommendations, staff will proceed to schedule a Special Meeting and defer the Public Hearing.

Submitted By:	Marlis McCargar, Island Planner	October 10, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	October 11, 2023

## **ATTACHMENTS**

1. Proposed Bylaw No. 153 – for information
2. Proposed Bylaw No. 154, amended (clean copy) – for consideration of 2<sup>nd</sup> reading
3. Proposed Bylaw No. 154, amended (track changes)

# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

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

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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                      1<sup>ST</sup>                      DAY OF                      SEPTEMBER                      , 2022

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

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Chair

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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 over 120 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified 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."

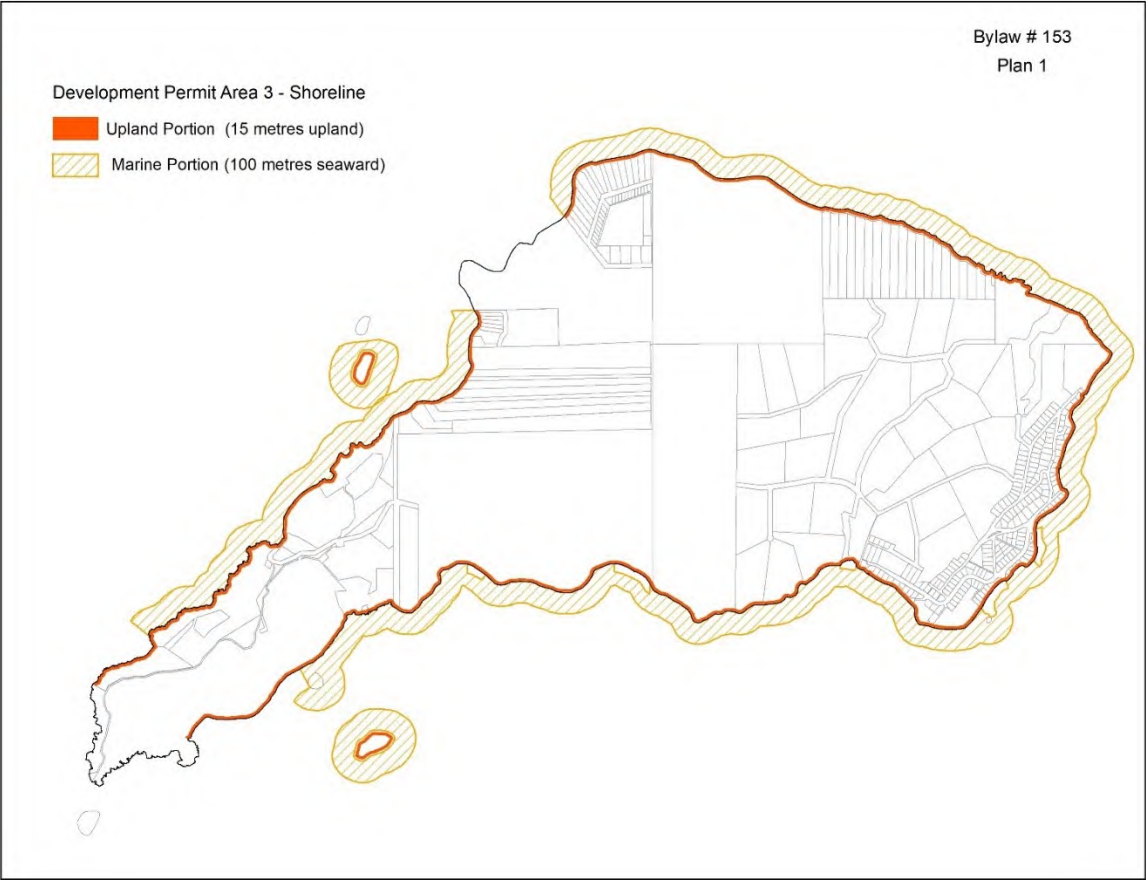
**GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 153**

**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

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

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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                      1<sup>ST</sup>                      DAY OF                      SEPTEMBER                      , 2022

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

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Chair

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Secretary

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

**Schedule “1”**


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

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

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

**“Shoreline Protection Measure** means development comprised of hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. Structural protection measures referred to as ‘hard’ include solid, hard surfaces, such as concrete bulkheads, and ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.”

Range of measures varying from soft to hard include:

<ul style="list-style-type: none"><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>	 <p style="text-align:center"><b>SOFT</b></p> <p style="text-align:center"><b>HARD</b></p>
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- 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

- “a) No building or structure may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure.
- b) Notwithstanding subsection 1.2a), for properties zoned Rural Comprehensive the setback above shall be 15 metres (49.2 feet).”

- 1.3 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
- 1.4 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting 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 2 – GENERAL LAND USE REGULATIONS, Section 2.9 SITING COMPLIANCE**, Subsection .1 is amended by inserting the words “and development permit” after “development variance permit”.
- 1.7 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks”.
- 1.8 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.9 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following: “Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks.”
- 1.10 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.11 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.12 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following: “Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks. “
- 1.13 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.



- 1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.
- 1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”.
- 1.17 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 square metres (16,145 square feet)”.
- 1.19 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “150 square metres” with “47 square metres (500 square feet)”.
- 1.20 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.22 **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)”.
- 1.23 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) a) is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 square metres (16,145 square feet)”.
- 1.24 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** attached to and forming part of this bylaw.

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

**9.3 DP-3 SHORELINE**

**Applicability**

**.1** The following activities shall require a development permit for Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- new construction, addition or alteration of a building or structure;
- repair, maintenance or alteration of shoreline protection measures;
- 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) Minor repair and maintenance of lawful buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation and are entirely within the footprint of the existing building or structure;
- b) Repair or replacement of a septic field site in the same location as the existing septic field;
- c) The installation of a mooring buoy;
- d) Construction or repair of the following structures sited within the setback from the natural boundary of the sea:
  - i. A platform not exceeding 5 square metres in area;
  - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- e) Small-scale, non-mechanical, removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices for removal;
- f) Construction of a fence so long as no trees or 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 subject to satisfying the following:
  - i. trail design and location must minimize vegetation disturbance;
  - ii. shall not remove native trees;
  - iii. the trail is less than 1 metre wide;
  - iv. the trail is for personal, non-vehicular use only;
  - v. the trail is constructed of soil, gravel, mulch or other pervious surface; and
  - 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 and no creation of additional impervious surfacing, including pavement, asphalt 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) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;

- k) The removal of trees that pose an immediate threat to life or property, as determined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing;
- l) 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.
- m) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- n) 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*;
- o) The subdivision of parcels that hold a conservation covenant on title and registered in favour of the Islands Trust for the maintenance of natural drainage and protection of environmentally sensitive areas;
- p) Consolidation of legal lots by subdivision;
- q) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

### **General Guidelines**

- .3** Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
- a) Development in the shoreline area should minimize negative impacts on the ecological health and disruption to coastal sediment transport processes.
  - b) Shall not impede public access to the shoreline.
  - c) New construction and, additions to: upland buildings or structures should be located and designed to avoid the need for shoreline protection measures throughout the life of the structure.
  - d) New development on steep slopes or bluffs shall be set back sufficiently from the top of the slope or bluff to prevent erosion to the shoreline and to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis by a Geotechnical Engineer or Professional Geoscientist.
  - e) Sea level rise and storm surges should be addressed.
  - f) Development design shall prevent the release of sediment to the shore and to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan that includes actions to be taken prior to land clearing and site preparation may be required.
  - g) Areas that include critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a rare species has been identified by Islands Trust mapping, should be left undisturbed. If disturbance cannot be avoided, then development and mitigation measures shall be undertaken under the supervision of a Registered Professional Biologist with advice from applicable government 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 below the natural boundary of the sea should minimize degradation of water quality and disturbance of the substrate.

#### **Construction and Replacement of Docks and Ramps**

**.4**

- a) Docks, floats and ramps should avoid sensitive ecosystems such as eelgrass beds, forage fish habitat to avoid interference with natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- b) 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.
- c) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to greater distance between pilings over increasing the number of pilings.
- d) Docks 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.
- e) Docks materials should be constructed from:
  - i. biodegradable and stable materials that will not degrade water quality; and
  - ii. Creosote-free pilings.
- f) 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.

#### **Shoreline Modifications**

**.5**

- a) 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.
- b) 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.
- c) Shoreline protection measures may be considered to protect existing structures as provided by a report, prepared by a Qualified Professional(s), which describes the following:
  - i. need for the proposed modification to protect existing structures;
  - ii. any natural hazards, erosion, or interruption of geohydraulic processes that may arise from the proposed modification, including at sites on other properties or foreshore locations;
  - iii. cumulative effect of shoreline protection along the drift sector where the works are proposed; and
  - iv. whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification.
- d) Shoreline protection measures shall be designed by a Qualified Professional and shall:
  - i. limit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;

- ii. use non-structural shoreline protection measures when feasible;
  - iii. be designed to avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
  - iv. address compatibility with adjacent shoreline protection works.
- e) Structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered when a geotechnical and biophysical analysis provided by a Qualified Professional demonstrates the following:
  - i. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves;
  - ii. erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
  - iii. all possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
  - iv. non-structural shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
  - v. the shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
  - vi. all shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced provided that:
  - i. the replacement structure is of the same size and footprint as the existing structure;
  - ii. the replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures;
  - 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; and
  - iv. replacement structures should utilize a non-structural approach and should abut the existing shoreline protection structure.
- g) Materials used for shoreline protection measures should consist of the following:
  - i. inert materials; and
  - ii. non-contaminated materials.
- h) 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. Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- i) 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, as allowed by the appropriate provincial and/or federal authorities.
- j) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

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

.6

- a) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.

- b) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- c) In areas previously cleared of native vegetation, or during development, replanting requirements and a security deposit to restore or enhance the natural environment or control erosion, may be required.
- d) Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas may not require planting.
- e) Vegetation species used in replanting, restoration or enhancement should be suitable to the soil, light and groundwater conditions of the site, native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed.

Where a security deposit is taken, the amount of security shall be 100% of the cost estimate provided by a Qualified Professional and 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, in the next regular planting season.

# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

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

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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                      1<sup>ST</sup>                      DAY OF                      SEPTEMBER                      , 2022

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

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**Chair**

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**Secretary**

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

**Schedule “1”**


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

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

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

“**Shoreline Protection Measures** means development comprised of hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. Structural protection measures referred to as ‘hard’ include solid, hard surfaces, such as concrete bulkheads, and ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.”

-Range of measures varying from soft to hard include:

<ul style="list-style-type: none"><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>	<p style="text-align: center;"><b>SOFT</b></p>  <p style="text-align: center;"><b>HARD</b></p>
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- 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

- “a) No building or structure may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, ~~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 subsection 1.2a~~, 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 2 – GENERAL LAND USE REGULATIONS, Section 2.9 SITING COMPLIANCE, Subsection .1** is amended by inserting the words "and development permit" after "development variance permit".

1.6.1.7 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words ", dock ramps" after "docks" and before "and stairs".

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

1.8.1.9 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following: Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks.

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

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

1.11.1.12 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following: Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject

to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks.

1.121.13 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE,** Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.131.14 **PART 4 – ZONE REGULATIONS, Section 4.5 RURAL COMPREHENSIVE (RC) ZONE,** Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.

1.141.15 **PART 4 – ZONE REGULATIONS, Section 4.5 RURAL COMPREHENSIVE (RC) ZONE,** Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.

1.151.16 **PART 4 – ZONE REGULATIONS, Section 4.5 RURAL COMPREHENSIVE (RC) ZONE,** Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”.

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

1.18 **PART 4 – ZONE REGULATIONS, Section 4.6 PRIVATE INSTITUTIONAL 2 (PI2) ZONE,** Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 square metres (16,145 square feet)”.

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

1.20 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE,** Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.

~~**PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE,** Subsection 4.10.6 is a8~~

~~1.17  
ended by replacing “dock floats” with “a wharf float”.~~

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

1.191.22 **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)”.

1.201.23 **PART 4 – ZONE REGULATIONS, Section 4.12 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE,** Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) a is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square

feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 square metres (16,145 square feet)”

1.211.24 **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~~ for Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- new, construction, ~~of~~, addition ~~to~~ or alteration of a building or structure;
- repair, maintenance or alteration of shoreline protection measures;
- 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;~~
- ~~a) Minor r~~Repair and maintenance of ~~pre-existing~~ lawful buildings, structures or ~~utilities, except for shoreline protection structures, provided~~ utilities provided there is no alteration of undisturbed land or vegetation and ~~that they are~~ entirely within the footprint of 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;~~
- b) Repair or replacement of a septic field site in the same location as the existing septic field;
- c) The installation of a mooring buoy;
- d) ~~Construction, reconstruction or~~ Construction or repair of the following structures sited within the setback from the natural boundary of the sea:
  - i. A platform not exceeding 5 square metres in area;
  - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- e) Small-scale, non-mechanical, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices for removal;
- f) Construction of a fence so long as no trees ~~or~~ 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 subject to satisfying the following: if all of the following apply:
  - i. ~~t~~Trail design and location must minimize vegetation disturbance;
  - ii. ~~No native trees are removed shall not remove native trees;~~
  - iii. ~~t~~The trail is less than 1 metre wide ~~or less;~~
  - iv. ~~t~~The trail is for personal, non-vehicular use only;
  - v. ~~t~~The trail is constructed of soil, gravel, mulch or other pervious surface; and
  - vi. ~~t~~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 ~~pavingpavement,~~ asphalt~~ing~~ 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) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
- k) The removal of trees ~~that pose an immediate threat to life or property, as determined 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)l)~~ 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)m)~~ A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- ~~o)n)~~ 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)o)~~ The subdivision of ~~land~~ parcels ~~that hold a where a~~ conservation covenant ~~on title and registered satisfactory to and~~ in favour of the ~~Gambier Island Local Trust Committee or the Islands Trust Conservancy Board~~ Islands Trust ~~has already been registered~~ for the maintenance of natural drainage and protection of environmentally sensitive areas;
- ~~q)p)~~ ~~Subdivision involving lot consolidation~~ Consolidation of legal lots by subdivision;
- ~~r)q)~~ Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

### **General Guidelines**

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

#### **General Guidelines:**

- ~~a) In general, d) Development of the in the shoreline area should be limited, should area should minimize negative impacts on the ecological health of the immediate area, should not and disruption to coastal sediment transport processes, and should not impede public access.~~
- ~~a)b) Shall not impede public access to the shoreline.~~
- ~~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 ~~construction and, or~~ additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection ~~works-measures~~ throughout the life of the structure.
- d) New development on steep slopes or bluffs ~~should-shall~~ be set back sufficiently from the top of the slope or bluff ~~to prevent erosion to the shoreline and~~ 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 ~~and~~, storm surges ~~and other anticipated effects of climate change~~ should be addressed ~~in all development permit applications~~.
- f) ~~All development design within this Development Permit Area is to be undertaken and completed in such a manner as to shall~~ prevent the release of sediment to the shore ~~or and~~ to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan ~~that includes actions to be taken prior to land clearing and site preparation, may be required, 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 Areas that~~ 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, ~~then~~ development and mitigation ~~and/or compensation~~ measures shall be undertaken ~~only~~ under the supervision of a Registered Professional Biologist with advice from applicable ~~governmentsenior 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***

##### ***.4***

- ~~a) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.~~
- ~~b)a)~~ 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 will require an environmental assessment by a Qualified Environmental Professional ~~Biologist to identify such features and processes on the site in question.~~
- ~~c) Docks must be designed to ensure that public access along the shore is maintained.~~
- ~~d)b)~~ 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) To allow for the maximum amount of light penetration to the water surface.~~
- ~~f)c)~~ Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to ~~large spansgreater distance between pilings~~ over ~~more increasing the number increasing the number of pilingsof pilings.~~

- ~~g)d)~~ 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.
- e) Docks ~~materials should be constructed from:~~  
~~i. biodegradable and stable materials that will not degrade water quality; and~~  
~~—should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time~~  
~~i.ii. —Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated~~ Creosote-free pilings ~~is not permitted.~~
- ~~h)f)~~ The access ramps, piers, walkways and stairs for docks ~~should not exceed a maximum width of 1.5 metres.~~
- ~~i)g)~~ 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**

#### **.5**

- a) 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.
- b) 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.
- c) ~~Applications for s~~Shoreline protection ~~or stabilization works measures~~ may be considered to protect existing structures ~~and shall include as provided by~~ a report, prepared by a Qualified Professional ~~(s) Engineer with experience in coastal and/or geotechnical engineering~~, which describes the following: 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 that 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; and;
  - iv. ~~w~~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.~~
- d) ~~Where s~~Shoreline protection ~~or stabilization~~ measures ~~are proposed, they~~ shall be designed by a ~~Professional Engineer with experience in coastal and/or geotechnical engineering~~ Qualified Professional, and shall:
- i. ~~L~~imit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
  - ii. ~~Apply the ‘softest’ possible~~ use non-structural shoreline protection measures that will still provide satisfactory protection ~~when feasible;~~
  - iii. ~~Not be expected to be designed to cause erosion~~ avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
  - iv. ~~A~~address compatibility with adjacent shoreline protection works.



- e) ~~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 provided by a Qualified Professional demonstrates ~~that the following:~~
- i. ~~An~~ 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. ii. ~~The~~ erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
  - iv. iii. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
  - v. iv. Non-structural ~~or 'soft'~~ shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
  - vi. v. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
  - vii. vi. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced ~~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; and in such cases, the
  - iii. iv. replacement structures should utilize a non-the 'softest' approach structural 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.~~
- g) Materials used for shoreline protection or stabilization should measures should consist of the following:
- i. inert materials; and M
  - iv. ii. ~~aterials should not consist of debris or non-~~ contaminated materials ~~that could result in pollution of tidal waters.~~
- g) h) 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. 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.~~
- h) i) 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, as allowed by the appropriate, 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.



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

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

.6

- a) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- b) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- ~~c) In areas~~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 and a security deposit to restore or enhance the natural environment or control erosion, may be required.
- ~~d)~~ Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas ~~should not~~may not require planting.
- ~~c) 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.~~
- ~~d)e)~~ Vegetation species used in replanting, restoration or enhancement should be ~~selected to suitsuitable to~~ 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.~~
- ~~e) All~~Where a security deposit is taken, the amount of security shall be 100% of the cost estimate provided by a Qualified Professional and 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**

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