



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

DATE OF MEETING: April 29, 2024
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 Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” as shown in Attachment 2 of the staff report dated April 29, 2024, be given Second Reading as amended.
2. That the Gambier Island Local Trust Committee request staff to procure legal review on Proposed Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.
3. That the Gambier Island Local Trust Committee request staff to schedule an in-person Public Hearing, in the summer of 2024, on Keats Island or in Gibsons for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB).

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 review proposed Bylaw No. 154 and endorse the final changes for Second Reading as amended. In addition, staff are recommending that Bylaw No. 154 obtain a legal review and proceed to Public Hearing in the summer of 2024.

BACKGROUND

The purpose of the Keats Island Shoreline Protection Project is to establish a Shoreline Development Permit Area (DPA) to protect the natural environment, its ecosystems and biological diversity, and protect 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 to amend the Keats Island Official Community Plan Bylaw No. 77 (OCP), and Proposed Bylaw No. 154 to 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 both 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

Staff worked with Trustee Bernardo in September 2023 to amend the proposed bylaws according to the community feedback received. Staff presented Proposed Bylaw No. 154, as amended at the October 17, 2023 LTC Meeting. It was determined, at that meeting, that further LTC discussion was required to discuss the proposed changes. A Special Meeting was scheduled for October 31, 2023.

At their regular business meeting held October 17, 2023, the LTC passed the following resolutions:

GM-2023-034

It was MOVED and SECONDED

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.

CARRIED

GM-2023-035

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that staff defer the Public Hearing scheduled for November 21, 2023 to a date in 2024.

CARRIED

At their special meeting held October 31, 2023, the LTC passed the following resolutions:

GM-2023-039

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to: 1) change the definition of maximum residential dock size in P12 to conform with the usage in the CR1, RR, RC, and M2(a) zones that specifies it to mean the size of the dock float; and 2) reduce the maximum residential dock size in P12 zone to the same 47 square metre limit that Bylaw 154 contemplates for the CR1, RR, RC, and M2(a) zones.

CARRIED

GM-2023-040

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to include provisions that will bring the regulations for residential docks in the P12 zone into conformity with the regulations Proposed Bylaw 154 proposes for residential docks in the CR1, RR, RC, and M2(a) zones.

CARRIED

GM-2023-041

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to reduce maximum coverage area for the institutional dock facilities in the M2(b) zone to the same 1500 square metre limit contemplated for the P12 zone.

CARRIED

GM-2023-042

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to enable the pro-rating of the maximum float size for shared docks by an additional 30 square metres per additional participant up to an absolute maximum of 154 square metres.

CARRIED

Staff made the amendments as per October 31, 2023 LTC meeting resolutions above. Trustee Bernardo submitted a number of additional suggested amendments and comments after the October 31, 2023 Special Meeting. Those changes were reviewed by the LTC at their November 21, 2024 LTC meeting. The changes evident in Proposed Bylaw No. 154 (Attachment 2) is a result of the LTC discussion from October 31 and November 21 LTCs meetings.

At their regular business meeting held November 21, 2023, the LTC passed the following resolutions:

GM-2023-048

It was MOVED and SECONDED

that the advancement of the amendment to Bylaw 78 approved on November 21 be designated to the Local Trust Area's top priority for the LTC Projects List.

CARRIED

As a result of the above resolution, the Keats Shoreline Protection Project was put on hold and staff time was dedicated to Bylaw No. 78 amendments as part of the Keats Island Marine General (MG) Zone Amendment project. Bylaw No. 78 amendments have received final adoption by the LTC as such, staff are bringing back the Keats Shoreline Protection Project for consideration by the LTC.

GM-2023-049

It was MOVED and SECONDED

that staff take elements discussed at the November 21 meeting and return with a new draft of the bylaw for further consideration by the Local Trust Committee.

CARRIED

No changes are being proposed to Bylaw No. 153; however, it is attached for information to this report (Attachment 1).

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 Proposed Bylaw No. 154 are a result of community feedback, Trustee discussions during LTC meetings, comments provided by Trustee Bernardo and minor staff edits to clean up grammatical errors, formatting and omissions.

Staff have included “clean “copy of Proposed Bylaw No. 154 (Attachment 2) that reflect all the changes to date.

Staff note, the most recent changes informally endorsed by the LTC at the November 21, 2024 LTC meeting have not been run through a planning analysis nor have they been through a planning legal review. Planning staff analysis provides an opportunity to apply best planning practices, ensure consistency with the Keats Island Official Community Plan, Trust Council Policies and consideration of re-referral to agencies and First Nations.

Outstanding Considerations

It is staff’s understanding that there are a two remaining issues the LTC would like to consider before moving forward with the proposed bylaws. The issues listed below were discussed at previous LTC Meetings.

The issues are as follows:

1. Dock Materials

At the November 21, 2023 Trustees tabled the discussion around dock materials. Trustees determined they would come back to staff with alternate wording defining what constitutes appropriate dock material.

Original Proposed Guideline 9.3.4 (f)

Docks materials should be constructed from:

- i. Biodegradable and stable materials that will not degrade water quality; and
- ii. Creosote-free pilings

Alternative Proposed Guideline 9.3.4 (f)

- a) Docks should be constructed of stable materials that do not have the potential to degrade water quality over time. Specifically, dock floats should not use unenclosed plastic foam and creosote treated pilings should not be used.

Staff would like to get clarity from the LTC at this meeting related to the guideline on appropriate dock materials.

2. Exemption for Additions in DPA

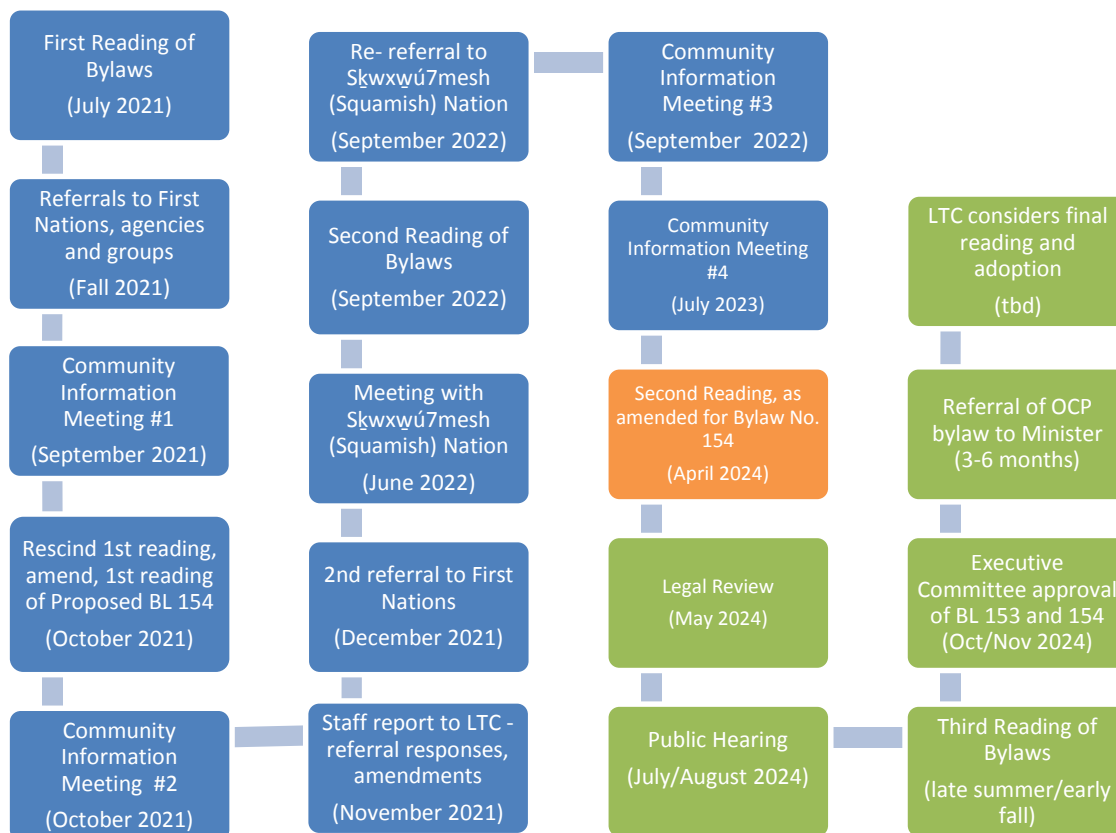
Discussed at the October 31, 2023 LTC Special Meeting and November 21, 2023 LTC Meeting, but not resolved; LTC direction is needed.

As currently proposed, Bylaw No. 154 has an exemption for alterations and repairs provided they are entirely within the footprint of the existing building. Adding an exemption for additions to structures and buildings in the Development Permit Area (DPA) that fall within the 7.5m to 15m area is not recommended by staff.

As currently proposed in Bylaw No. 154, a Development Permit will be legislatively required for any additions or alterations related to the development of a parcel and work outside the existing footprint of the building would be considered new ground disturbance; therefore, requiring a Development Permit. One of the purposes of the proposed Development Permit Area is to protect an ecologically important and sensitive area and is intended to guide development outside of the DPA. If it is not possible to build outside the DPA, there are certain guidelines set out in the Development Permit that must be followed and monitored through the permit process.

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 the timing of and 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 staff recommendations are found on Page 1 of this report.

ALTERNATIVES

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

1. 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.

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are further 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 obtain legal review and subsequently, schedule a schedule a Public Hearing for summer 2024.

Submitted By:	Marlis McCargar, Island Planner	April 12, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	April 16, 2024

ATTACHMENTS

1. Proposed Bylaw No. 153 – for information
2. Proposed Bylaw No. 154, amended version

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 22ND 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 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.”

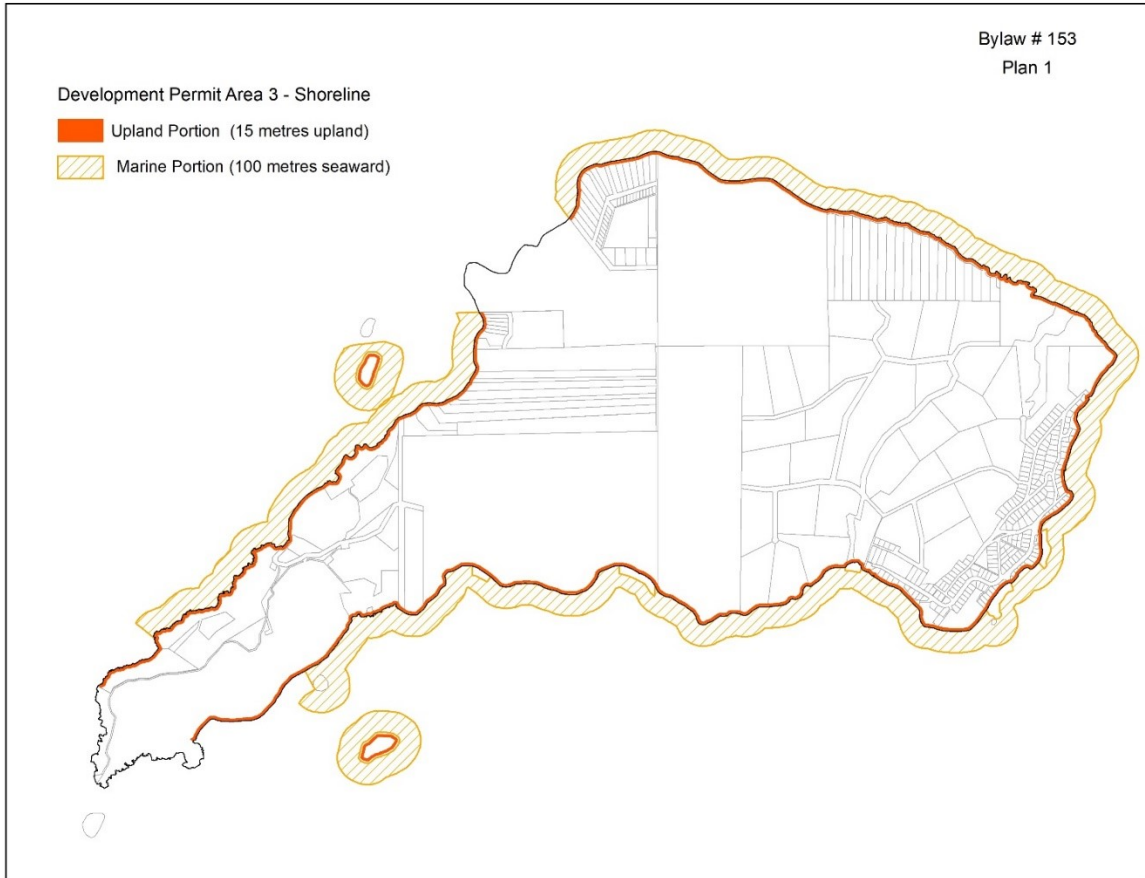
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

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

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 14TH DAY OF OCTOBER , 2021

READ A SECOND TIME THIS 1ST 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

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.”

“**Shoreline Protection Measures** means hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. ‘Hard’ measures refers to the use of materials with impermeable surfaces (e.g., stone, concrete) whereas ‘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"> • Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls 	<p>SOFT</p> <p>HARD</p>
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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 154 square metres (1,130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and granting the occupants of each participating property the right to the use the shared dock freely.
- 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 154 square metres (1130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and

granting the occupants of each participating property the right to the use the shared dock freely.

- 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 “154 square metres (1,130.2 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**, first bullet in Subsection 4.6.5 is amended by removing it in its entirety and replacing it with the following: dock floats, that are accessory to a private institutional use on the adjacent upland lot, is 1,500 square metres (16,145 square feet).
- 1.19 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, second bullet in 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 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by adding a third bullet with the following: Despite Subsection 4.6.5, 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 154 square metres (1,130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and granting the occupants of each participating property the right to the use the shared dock freely.
- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.9 is amended by replacing “30 acres” with “60 acres”.
- 1.22 **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”.
- 1.23 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.

- 1.24 **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)”.
- 1.25 **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 “154 square metres (1,130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1,500 square metres (16,145 square feet)”
- 1.26 **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 whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3.2:

- new construction, addition or alteration of a building, structure, utility, or shoreline protection measure;
- 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) Repair and maintenance of lawful buildings, structures or utilities, including the replacement of building components as may be necessary to implement such repair and maintenance, provided always that any work is conducted entirely within the footprint of the existing building, structure, or utility and does not degrade the ecology of DP-3;
- b) Repair and maintenance of soft shoreline protection measures that were designed and implemented at the direction of a Qualified Professional, provided that any such work is limited to maintaining the original design parameters of the measure;
- c) Repair or replacement of a septic field site in the same location as the existing septic field;
- d) The installation of a mooring buoy;
- e) 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;
- f) Small-scale, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best land management practices;
- g) Construction of a fence provided no native tree species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- h) The construction of a trail provided always the trail is:
 - i. Designed and situated to minimize vegetation disturbance and entirely avoid the removal of native trees and the erosion of soil on sloping terrain;
 - ii. A width of 1 metre or less wide;
 - iii. For personal and non-vehicular use only; and
 - iv. Surfaced with soil, gravel, mulch or other natural materials permeable to water.
- i) Repair and maintenance of existing roads, driveways, paths and trails, provided always there is no expansion of the width or length and no increase in the total area surfaced with concrete, pavers, asphalt or other materials impervious to water;
- j) 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;
- k) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
 - l) 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;
 - m) Works required to prevent, control or reduce risk or loss 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) Consolidation of legal lots by subdivision; and
 - 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 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 The following guidelines apply to applications for development permits:

- a) Development in the shoreline area should minimize negative impacts on the ecological health and disruption to coastal sediment transport processes.
- b) 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.
- c) 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 by a Geotechnical Engineer or Professional Geoscientist.
- d) Sea level rise and storm surges should be addressed.
- e) 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.
- f) 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.

- g) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- h) All development below the natural boundary of the sea should minimize degradation of water quality and disturbance of the substrate.

Guidelines - Construction and Replacement of Docks and Ramps

.4

- a) Docks, floats and ramps should be sited to avoid interference with sensitive ecosystems such as eelgrass beds, forage fish habitat, and natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- b) Docks should be designed to avoid interfering with public movement along the foreshore.
- c) Decking materials should 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.
- d) 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.
- e) Docks should be constructed so that they do not rest on the seabed at low water/low tide levels and to allow the free flow of water beneath dock floats at all times.
- f) Docks materials should be constructed from:
 - i. biodegradable and stable materials that will not degrade water quality; and
 - ii. Creosote-free pilings.
- 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 - Shoreline Modifications

.5

- a) Shoreline protection or stabilization measures should not be undertaken for the sole purpose of changing the measurement of setbacks on a property or to reclaim 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 should be designed by a Qualified Professional, and should:
 - 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. Rely on 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 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
 - iv. Replacement structures should utilize a non-structural approach and should abut the existing shoreline protection structure.
- g) Materials used for shoreline protection should be constructed of stable and uncontaminated materials that do not have the potential to degrade water quality over time.
- h) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume should 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 the natural boundary of the sea should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, as allowed by the relevant provincial and/or federal authorities.
- j) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

- 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 cleared of native vegetation during development, replanting requirements and a security deposit to restore the natural environment or control erosion may be required.
- d) Sparsely vegetated areas may not require planting.
- e) Vegetation species used in replanting should be suitable for 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. The use of suitably adapted non-invasive, non-native vegetation may be permitted in a replanting program when conditions render the use of native species materially less suitable for erosion control and habitat strengthening.
- f) Replanting may 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 plant species, irrigation, and the replacement of unhealthy, dying or dead stock at the owner's expense.