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."

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

"a) No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.

b) Notwithstanding subparagraph a), for properties zoned Rural Comprehensive (Lot 876 and Lot 1829) the setback set out above shall be 15 metres (49.2 feet)."

1.3 **PART 2 – GENERAL LAND USE REGULATIONS,** Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures,** Subsection 2.7.5 is amended by replacing "3.0 metres" with "5.0 metres".

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

"**2.7.6** Private floats and docks shall be sited at least 10 metres from any existing dock or structure."

1.5 **PART 2 – GENERAL LAND USE REGULATIONS,** Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures,** is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.

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

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

1.8 **PART 4 – ZONE REGULATIONS,** Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE,** Subsection 4.1.7 is amended by replacing "47 square metres (500 square feet)" with "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)".

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

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

1.11 **PART 4 – ZONE REGULATIONS,** Section 4.4 **RURAL RESIDENTIAL (RR) ZONE,** Subsection 4.4.7 is amended by replacing "47 square metres (500 square feet)" with "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)".

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

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

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

1.15 **PART 4 – ZONE REGULATIONS,** Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE,** Subsection 4.5.7 is amended by replacing "47 square metres (500 square feet)" with "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)".

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

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

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

1.19 ended by replacing "dock floats" with "a wharf float".

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

1.21 **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)".

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

1.23 **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
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Appendix 1

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

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

Exemptions

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

a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
b) Repair and maintenance of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing building or structure footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of 'structure' in the Keats Island Land Use Bylaw;
c) The installation of a mooring buoy;
d) Construction, reconstruction or repair of the following structures sited within the setback from the natural boundary of the sea:
    i. A platform not exceeding 5 square metres in area;
    ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
e) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
f) Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
g) The construction of a trail if all of the following apply:
    i. Trail design and location must minimize vegetation disturbance;
    ii. No native trees are removed;
    iii. The trail is 1 metre wide or less;
    iv. The trail is for personal, non-vehicular use only;
    v. The trail is constructed of soil, gravel, mulch or other pervious surface;
    vi. The trail is designed to prevent soil erosion where slopes occur;
h) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphalting 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 have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property;
l) Vegetation removal to prevent wildfire or other potential emergencies;
m) Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including:
    i. Forest fire, flood and erosion protection works;
    ii. Protection, repair or replacement of public facilities;
    iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
    iv. Bridge repairs.
n) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
o) Forest management activities, as defined in the *Private Management Forest Land* Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act;*
p) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
q) Subdivision involving lot consolidation;
r) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), 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.

Guidelines

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

General Guidelines:

a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
c) New, or additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.
d) New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.

e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
g) Where this Development Permit Area includes critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.
h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
i) All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.

Guidelines for the Construction and Replacement of Docks and Ramps

j) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.
k) Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question.
l) Docks must be designed to ensure that public access along the shore is maintained.
m) 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.
n) To allow for the maximum amount of light penetration to the water surface.
o) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
p) 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.
q) Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted.
r) The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
s) 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

t) 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.

u) 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.

v) Applications for shoreline protection or stabilization works may be considered to protect existing structures and shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows:
   i. The need for the proposed modification to protect existing structures;
   ii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations;
   iii. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
   iv. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
   v. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.

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

Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' or 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

• **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**	

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

x) Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
    i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
    ii. It is not feasible to instead construct a retaining wall that meets the land use bylaw setback;
    iii. The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
    iv. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
    v. Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
    vi. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
    vii. All shoreline protection structures are installed upland of the present natural boundary of the sea.
y) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:
    i. The replacement structure is of the same size and footprint as the existing structure;
    ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
    iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure;
    iv. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.
z) Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters.
aa) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering.
bb) Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals

below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.

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

Guidelines for Vegetation Management, Restoration and Enhancement

dd) 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.

ee) 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.

ff) If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

gg) Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable.

hh) All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

Guidelines for Subdivision

ii) 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.

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