



Gambier Island Local Trust Committee

Regular Meeting Agenda

Date: February 4, 2021
Time: 10:30 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:35 AM - 10:55 AM
 - 3.1. **Trustee Reports**
 - 3.2. **Chair's Report**
 - 3.3. **Electoral Area Director's Report**
4. **DELEGATIONS**
5. **TOWN HALL** 10:55 AM - 11:05 AM
6. **MINUTES** 11:05 AM - 11:10 AM
 - 6.1. **Local Trust Committee Meeting dated November 19, 2020 - for adoption** 4 - 14
 - 6.2. **Board of Variance Hearing Minutes dated November 12, 2020 - for receipt** 15 - 19
 - 6.3. **Section 26 Resolutions-Without-Meeting - none**
 - 6.4. **Advisory Planning Commission Minutes - none**
7. **BUSINESS ARISING FROM MINUTES** 11:10 AM - 11:30 AM
 - 7.1. **Follow-up Action List dated January 27, 2021** 20 - 24
 - 7.2. **Letter dated January 25, 2021 to Minister Simons from Chair, Local Trust Committee - attached for information** 25 - 25
 - 7.3. **Letter dated January 25, 2021 to Jordan Sturdy, Member of Legislative Assembly (MLA) from Chair, Local Trust Committee** 26 - 26

8.	COMMUNITY INFORMATION MEETING	11:30 AM - 11:50 AM	
8.1.	Planner Presentation - Bylaw No. 152 (GM-RZ-2019.1)		27 - 27
	(South Keats Investments Ltd. - 255 Esplanade Road, Keats Island)		
9.	PUBLIC HEARING - Bylaw No. 152	11:50 AM	
9.1.	Recess for Public Hearing		
9.2.	Recall to Order		
10.	APPLICATIONS, REFERRALS AND BYLAWS		
10.1.	Bylaw No. 152 - Consideration of Further Readings		
10.2.	GM-RZ-2020.1 - Staff Report - for decision		28 - 46
	(Torgerson -1040 Taki-Te-Si Road, Gambier Island)		
11.	LOCAL TRUST COMMITTEE PROJECTS		
11.1.	Keats Shoreline Protection Project - Staff Report - for decision		47 - 80
11.2.	Gambier Island Official Community Plan (OCP) Project - Staff Report - for decision		81 - 86
	----- BREAK - 30 MINUTES -----		
12.	CORRESPONDENCE		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
13.	NEW BUSINESS		
13.1.	Climate Change Mitigation and Adaptation		
13.2.	Forest Conservation Outreach Briefing - for information		
13.3.	Telus - Communication Installation at Gambier Harbour - for discussion		
13.4.	Ocean Watch Action Committee - for discussion		
14.	REPORTS		
14.1.	Trust Conservancy Report dated November 24, 2020		87 - 89
14.2.	Applications Report dated January 27, 2021		
14.3.	Trustee and Local Expense Report dated December, 2020		90 - 90

14.4.	Adopted Policies and Standing Resolutions	91 - 93
14.5.	First Nations Activities	
14.6.	Local Trust Committee Webpage	
15.	WORK PROGRAM	
15.1.	Top Priorities Report dated January 27, 2021	94 - 94
15.2.	Projects List Report dated January 27, 2021	95 - 97
16.	INFORMATION ITEMS	
16.1.	Trust Council Decision Highlights - December 1-3, 2020	98 - 99
16.2.	Letter dated November 30, 2020 from Chair Luckham to Premier and Ministers regarding Development of BC Coastal Strategy and Law	100 - 101
16.3.	Letter dated November 30, 2020 from Chair Luckham to The Honourable Josie Osborne, Minister of Municipal Affairs regarding request to Enhance Islands Trust's Jurisdiction Over Tree Cutting	102 - 103
17.	UPCOMING MEETINGS	
17.1.	Next Regular Meeting Scheduled for Thursday, April 1, 2021 at 10:30 am at - Location to be determined	
18.	CLOSED MEETING	
18.1.	Motion to Close the Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering: Adoption of In-Camera Meeting Minutes dated July 23, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.</i>	
18.2.	Recall to Order	
18.3.	Rise and Report	
19.	ADJOURNMENT	



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: November 19, 2020

Location: Electronic Meeting

Members Present: Sue Ellen Fast, Chair
Dan Rogers, Local Trustee
Kate-Louise Stamford, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Marnie Eggen, Island Planner (part)
Jaime Dubyna, Planner 2
Courtney Simpson, Consulting Planner (part)
Diane Corbett, Recorder

Also Present: Mark Hiltz, Area F Director, Sunshine Coast Regional District (part)
Andrew Appleton, Riparian Areas Protection Regulation Coordinator (part)
Members of the public – 6 (am); 3 (pm)

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 10:30 am. She acknowledged that the meeting was being held digitally in territory of the Coast Salish First Nations. Chair Fast introduced trustees and staff in attendance.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 12.7 Letter to MLAs

By general consent the agenda was approved as amended.

2.1 Resolution to Continue Holding Electronic Meetings

GM-2020-044

It was MOVED and SECONDED

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Gambier Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported on:

- Work being done with the New Brighton Dock committee that was struck by the Gambier Island Community Association (GICA) to look at ways to move a resolution toward public ownership of the New Brighton dock;
- GICA plans to present a delegation at the Sunshine Coast Regional District (SCRD) Planning and Community Development Committee meeting on December 10;
- Responding to inquiries about development due to a lot of change over of ownership on Gambier Island;
- Attended the Howe Sound/Atl'ka7tsem Community Forum on October 23.

Trustee Rogers reported on:

- Budget coming to Trust Council in December; consultation to commence in early 2021;
- Work on review of Islands Trust Policy Statement;
- Participation on working group on affordable housing, working on directives around affordable housing;
- Efforts to remove dumped vehicles off Keats Island;
- Successes related to subdivision of DL 696 (Keats Camp property):
 - Protection for four to five acres around Sandy Beach area through transfer to Islands Trust Conservancy; now in discussions with Squamish Nation involving them in co-management of the area;
 - Protection for Salmon Rock, where there is a covenant that protects it from development in perpetuity.
- Turnover of ownership on Keats; lots of new people arriving, many wanting to live full-time on the island. Trustee Rogers had been working on a 'Living on Keats' primer for new arrivals.

3.2 Chair's Report

Chair Fast reported on:

- Islands Trust Conservancy met since last meeting. She recognized Trustee Stamford as chair of the Islands Trust Conservancy;
- Trust Council meeting December 1-3; public is invited to attend via Zoom. The first session will be town hall and delegation session in the evening;
- Attended webinar on glass sponge reefs and conservation areas;
- Attended zero waste conference.

3.3 Electoral Area Director's Report – See item 12.4

4. DELEGATIONS – none

5. TOWN HALL

There were no speakers for the Town Hall.

6. MINUTES

6.1 Local Trust Committee Meeting dated October 1, 2020

The following amendments to the minutes of October 1, 2020 were presented for consideration:

- page 3, item 3.1, last bullet: replace “instant” with “incident”.
- page 3, item 5, first sentence of last paragraph: replace “is that false science makes other plans” with “was the quality of the science”;
- 8.1, bullet 1, line 3: replace “is the only person on the island” with “is one of the only people in the area”;

GM-2020-045

It was **MOVED** and **SECONDED**

that the Gambier Island Local Trust Committee adopt the minutes of October 1, 2020, as amended.

CARRIED

6.2 Section 26 Resolutions-Without-Meeting – none

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated November 10, 2020

Received.

8. APPLICATIONS AND REFERRALS

8.1 GM-RZ-2019.1 (South Keats Investments Ltd.)

Consulting Planner Simpson reviewed the staff report on an application to amend the CD1 zone of Keats Island to allow three docks in the marine area. The purpose of the report was to recommend changing the maximum float area in the proposed bylaw *from 100 square metres to 120 square metres* and to give second reading as amended.

Discussion ensued. There was concern that the LTC was in the midst of a Keats foreshore protection review and that this could set up expectation regarding other docks. Had there been consideration by staff as to whether as a standard going forward this is an appropriate size? Staff indicated there would be no formal precedent set.

Dave Mowat from the applicant group thought the staff report was well summarized, and indicated the applicant had nothing to add. The original application had been reconsidered by the group. It was noted the existing docks were in different types of water; some areas are more protected. After some consideration by the group, the amount requested was 120 square metres.

Trustee Rogers thanked the applicants for giving some thought to what would be needed for their various docks, and for doing the environmental study. The dock that serviced the whole area was in need of repair and replacement, and was heavily used.

The other docks were substantially smaller than what is currently allowed under the bylaws for individual property owners.

GM-2020-046

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020” be amended as follows: to Section 2.1 delete “100 square metres (1,076 square feet)” and replace with “120 square metres (1,292 square feet)”.

CARRIED

GM-2020-047

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020” be read a second time, as amended.

CARRIED

9. COMMUNITY INFORMATION MEETING

Bowyer Island (Orchid Creek) Riparian Areas Development Permit Area

9.1 Planner Presentation

Island Planner Eggen gave a PowerPoint presentation that outlined: the project background; Local Trust Committee work to date; *Riparian Areas Protection Regulation* framework; and Orchid Creek’s status as a “stream” under the *Riparian Areas Protection Regulation*.

9.2 Presentation from Ministry of Forests, Lands, Natural Resources and Rural Development

Andrew Appleton, Riparian Areas Protection Regulation (RAPR) Coordinator, Ministry of Forests, Lands, Natural Resources and Rural Development, gave a presentation examining the issue of whether Orchid Creek qualifies as a stream under the *Regulation*. Points included:

- The watercourse need not be inhabited by fish to qualify as a stream under the *Regulation*. It qualifies if it supports fish habitat.
- The default classification for any given stream under the *Regulation* is that it is fish bearing. The recommendation for a Qualified Environmental Professional (QEP) is to assume fish bearing. It needs to be established that a stream is not fish bearing in order not to qualify as a stream under the *Regulation*.
- There needs to be confirmation from a QEP that the barrier to the fish passage on Orchid Creek is due to the natural barrier on the watercourse (a culvert is not qualified as a natural barrier). There also needs to be sampling to an appropriate level of rigor to determine the absence of fish.
- To be classified as non-fish bearing, it must be determined that: there are no fish in the system and there is a natural barrier that impedes access by fish.

Mr. Appleton responded to trustee inquiries.

9.3 Questions and Answers

The public was invited to question RAPR Coordinator Appleton.

Seeing no questioners, Chair Fast thanked Mr. Appleton for sharing his expert opinion and answering questions from trustees.

Mr. Appleton left the meeting at 11:54 am.

Chair Fast closed the Community Information Meeting at 11:55 am.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Gambier Associated Islands (Anvil & Bowyer) Streamside Protection and Riparian Areas Development Permit Areas

Island Planner Eggen reviewed staff recommendations pertaining to the Gambier Associated Islands Streamside Protection and Riparian Areas Development Permit Areas Project (Anvil, Bowyer, and S. Thormanby Islands) and related Proposed Bylaw Nos. 145, 146 and 147.

The Island Planner responded to trustee questions. Discussion ensued.

GM-2020-048

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, as follows:

- a. Deleting item 2.1 that amends PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS which inserts a new definition of “landscaped area”.
- b. Adding a new item 2.1 that amends PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS by deleting the definition of “landscaped area”.
- c. Item 2.2 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES which inserts a new subsection 9.2 DP-2 STREAMSIDE PROTECTION is renumbered to 2.6.
- d. Adding a new item 2.2 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Definitions (1) by replacing reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.
- e. Adding a new item 2.3 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Applicability (2) by replacing the list of activities (a) through (g) with a new list (a) through (f) that align with the language in the *Riparian Areas Protection Regulation*.
- f. Adding a new item 2.4 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Exemptions (3) by replacing the list of exemptions (a) through (o) with a new list (a) through (n) that align with the language in the *Riparian Areas Protection Regulation*, that addresses the Ministry of Forests, Lands, Natural Resource Operations and

Rural Development recent comments, and that incorporates wording from Gambier Island DP3 Riparian Areas.

- g. Adding a new item 2.5 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Guidelines (4) by replacing the list of guidelines (a) through (e) with a new list (a) through (k) that align with the language in the Riparian Areas Protection Regulation, that addresses the Ministry of Forests, Lands, Natural Resource Operations and Rural Development recent comments, and that incorporates wording from Gambier Island DP3 Riparian Areas.

CARRIED**GM-2020-049****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, be read a first time, as amended.

CARRIED**GM-2020-050****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED**GM-2020-051****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff to refer Bylaw Nos. 145, 146, and 147 to the following agencies and First Nations: Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, Sunshine Coast Regional District, Greater Vancouver Regional District (Metro Vancouver), Squamish First Nation, Tsleil Waututh Nation, Musqueam Nation and Sechelt Nation.

CARRIED**GM-2020-052****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request that the First Nations referrals have a minimum of a 60 day referral period.

CARRIED**10.2 Keats Shoreline Project**

Planner Dubyna reviewed recommendations of the staff report on the Keats Island Shoreline Protection Project Charter. Discussion ensued.

GM-2020-053**It was MOVED and SECONDED**

that the Keats Island Shoreline Protection Project Charter Phase 3 be amended to provide for early referral of draft bylaws to relevant First Nations, and to provide for a Community Information Meeting and Public Hearing in July 2021.

CARRIED

Trustees acknowledged the contribution and the work done by the Working Group in helping to move the project forward.

GM-2020-054

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee endorse the “Keats Island Shoreline Protection Project Phase 3” Project Charter v.1, dated November 19, 2020, as amended.

CARRIED

GM-2020-055

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee deem ‘Phase 2’ of the Keats Island Shoreline Protection Project to be complete and amend the Top Priorities item to read, “Keats Islands Shoreline Protection Project Phase 3”.

CARRIED

11. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

Chair Fast recessed meeting at 12:25 pm and recalled the meeting to order at 1:00 pm.

12. NEW BUSINESS

12.1 Climate Change Mitigation and Adaptation

Trustees acknowledged work related to climate change mitigation and adaptation was being done at a Trust wide level in various programs, projects and actions.

Islands Trust has one more climate change webinar coming up.

12.2 2021 Local Trust Committee Meeting Schedule

Trustees considered the proposed meeting schedule for 2021.

GM-2020-056

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee schedule its regular business meetings on the following dates in 2021: February 4, April 1, May 27, July 22, September 30, and November 4.

CARRIED

12.3 Gambier Island Advisory Planning Commission

Planner Dubyna introduced the staff report, deferred at the October 1, 2020 meeting, regarding the Gambier Island Advisory Planning Commission (APC). The planner identified revisions to dates on pages 65 and 66 of the agenda; expressions of interest could be considered at the LTC meeting of February 4, 2021.

Trustee Stamford explained it was her understanding when the staff report was deferred on October 1, 2020 that there was a request to look at options of having a working group as opposed to a formal APC, especially in light of how well the Keats

Working Group operated and seemed to have more flexibility. Formation of APCs in the Gambier area is challenged by regulations that govern APCs; more than 85% of Gambier landowners are not resident landowners. It is a large island with dispersed communities. The trustee perceived that a working group or groups would be a more effective means of getting robust information back from the community.

Discussion ensued on working groups, advisory planning commissions, community consultation and the dispersed nature of Gambier Island communities. Trustees would need to consider terms of reference for a working group, and how much staff resourcing would be requested. The successful use of a working group on Lasqueti Island's OCP review was mentioned (report of the working group available on website).

It was noted that Islands Trust's Regional Planning Team, which would be addressing elements of OCP reviews, would be forming at the end of November. Deferment of this discussion to the February meeting was proposed, when a report on the RPT's work plan could be received.

GM-2020-057

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to write to the current Advisory Planning Commission members thanking them for their service, and indicating the LTC will be looking at different models in the new year in anticipation of an Official Community Plan review.

CARRIED

SCRD Director, Mark Hiltz, was acknowledged as present at 1:38 pm.

12.4 Subdivision Service Delivery – Issues with Long Term Management of Subdivisions on Gambier

Trustee Stamford commented on a trend observed in the case of some water access only communities: a subdivision is created; there are structural issues related to infrastructure that have to be sorted out by the community, but there is no structure by which the community can work out those issues. Amenities may be part of the agreement, but there may be no requirement that those amenities are implemented. Thus, the subdivision finds itself in a difficult position where they cannot maintain the subdivision to a level of expectation. Some communities had been left with financial burdens that they have no way of accommodating. Road maintenance, sewer and water were cited as examples of where issues have arisen.

Regional Planning Manager Kauer reported she would follow up on whether there is a subdivision and servicing bylaw for Gambier.

Director Hiltz reported on the RCMP's efforts to arrange the stationing of a vehicle on Gambier Island.

12.5 Anticoagulant Rodenticides – Notice of Motion

There was discussion of a Notice of Motion from West Vancouver pertaining to the use of anticoagulant rodenticides, and the impact of anticoagulant rodenticides on domestic animals and wildlife.

A resource link was forwarded for information: www.raptorsarethesolution.org, that included suggestions on how to control rats without using dangerous rodenticides and chemicals.

12.6 Ocean Watch Action Committee - Recommendation for Howe Sound Community Forum (HSCF)

Trustee Stamford discussed a recommendation for Howe Sound Community Forum (HSCF) from Ocean Watch Action Committee, dated October 23, 2020, that encouraged local and regional governments to make motions of support for a presence in a new organization called the Ocean Watch Action Committee, and to support a person attending those meetings.

GM-2020-058

It was MOVED and SECONDED

by the Gambier Island Local Trust Committee that the Ocean Wise Ocean Watch 2020 Edition and resulting Action Items be received;

And that participation by Gambier Island Local Trust Committee representative Trustee Kate-Louise Stamford in the Ocean Watch Action Committee be supported in order to continue to advance identified recommended actions in the Ocean Wise Howe Sound Ocean Watch 2020 Edition;

And that the Howe Sound Biosphere Region Initiative Society be recommended as host society for the Ocean Watch Action Committee.

CARRIED

The leadership of Trustee Stamford as Co-Chair and participation of Chair Fast in the Ocean Watch discussions was acknowledged.

12.7 Letter to Members of the Legislative Assembly (MLAs) - Nicholas Simons and Jordan Sturdy

GM-2020-059

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee send letters of congratulations to re-elected Members of the Legislative Assembly, Nicholas Simons and Jordan Sturdy, under the signature of the Chair.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated October 10, 2020

The Trust Conservancy Report dated October 10, 2020 was received.

Trustee Stamford reported that Islands Trust Conservancy (ITC) is looking for a new board member; there is contact information on the website.

There has been internal structural work to accommodate and advance the funding ITC received through the *Species at Risk Act*. ITC is looking at hiring a coordinator for those programs early in the New Year and to have specific programs running soon after that.

The funding has stretched current staff, looking at how to make that work through the ITC mandate.

13.2 Applications Report dated November 10, 2020

Received.

13.3 Trustee and Local Expense Report dated September, 2020

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 First Nations Activities

Trustee Rogers reported that, during an Executive Committee meeting, the Senior Intergovernmental Policy Advisor had informed him that Islands Trust met the previous day with the Squamish Nation regarding working on a co-management agreement for the Sandy Beach Nature Reserve. This would be an opportunity to leverage information education around the indigenous presence in this area, and to begin a dialogue regarding the history and reconciliation for the area.

Trustee Stamford announced she would be bringing this up at the upcoming Islands Trust Conservancy meeting.

GM-2020-060

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that Senior Intergovernmental Policy Advisor Wilcox work with the Local Trust Committee to explore education and reconciliation activities in the Gambier Local Trust Area and in particular around the acquisition and management of the Sandy Beach Nature Reserve by the Conservancy.

CARRIED

13.6 Local Trust Committee Webpage – none

14. WORK PROGRAM

14.1 Top Priorities Report dated November 10, 2020

Received.

14.2 Projects List Report dated November 10, 2020

Received.

15. INFORMATION ITEMS

15.1 Letter dated October 2, 2020 from Islands Trust to The Honourable Claire Trevena and the Honourable Marc Garneau regarding New Brighton Dock, Gambier Island, BC - for information

15.2 Letter dated October 14, 2020 from Kevin Richter, Acting Deputy Minister in response to Letter sent October 2, 2020 from Islands Trust regarding New Brighton Dock - for information

Trustee Stamford explained that these letters were part of an advocacy strategy to bring different levels of government to some kind of solution regarding the New Brighton dock. The trustee received word from the Squamish Nation that they want to dispose of the dock.

Director Hiltz reported SCRD had a preliminary budget session in early November. One proposal was a review of the New Brighton dock on Gambier, scope and funding to be determined. Electoral Areas B, D, E and F are the participating areas. This would go to round two in February.

Trustee Stamford reported Gambier Island Community Association was scheduled to appear as a delegation at the SCRD Planning and Community Development Committee December 10th meeting. The New Brighton dock committee has published a petition to the federal government to support funding a coordinated resolution to the long-term ownership of the dock.

15.3 Coastal Western Hemlock Forests - for information

15.4 Map of Potential Privately Managed Forest Land (PMFL) - for information

Trustee Stamford explained that what the map shows is that the whole of Gambier, except reserves and regional parks, is vulnerable to forestry of different kinds. Much of the island is Crown land.

16. CLOSED MEETING – none

17. UPCOMING MEETINGS

17.1 Next Regular Meeting to be held on February 4, 2021

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:32 pm.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder



Gambier Island Board of Variance Meeting Minutes

Date: November 12, 2020
Location: Electronic Meeting

Members Present: Laurie Jackson, Chair
Sheila Ray, Member
Jack Woodward, Member

Staff Present: Sonja Zupanec, Island Planner
Wil Cottingham, Administrative Assistant
Sarah Shugar, Recorder

Others Present: Klaas Werkema, Applicant
Peter Nielson, Representative of the Applicant
Approximately 6 Members of the Public

Planner Zupanec called the meeting to order at 2:00 p.m. and welcomed everyone to an electronic meeting of the Gambier Island Board of Variance. Planner Zupanec introduced herself, the Board of Variance Members and staff and acknowledged that the Board of Variance is meeting within Coast Salish Territory.

1. APPROVAL OF AGENDA

By general consent, the agenda was approved.

2. PROCEDURAL BUSINESS

2.1 Election of the Chair

Planner Zupanec presented the election procedures.

Planner Zupanec called for nominations for the position of Chair. Member Jackson was nominated and accepted the nomination. Planner Zupanec called three times for further nominations. Hearing none, she declared the nominations closed. Member Jackson was elected Chair by acclamation.

3. HEARING

3.1 GM-BOV-2020.1 – K & C Werkema, 1310 Sea Ranch Shoreline, Gambier Island, BC

3.1.1 Staff Report

Planner Zupanec presented a staff report dated October 14, 2020 regarding a request to the Board of Variance for a reduction in setbacks to authorize the siting of an existing tram structure (hillside elevator) on a Strata Lot on Gambier Island at 1310 Sea Ranch Road.

3.1.2 Report from Owners, Klaas & Christine Werkema

Applicant Klaas Werkema and representative of the applicant, Peter Nielson spoke to the application.

Member Woodward asked how the tram is powered. The applicant advised the tram is powered by an electric generator.

Member Woodward asked how much weight the tram can carry. The applicant advised the tram can carry up to 1000 pounds.

Member Woodward asked the applicant whether he has plans to relocate the tram to a more suitable location. The applicant advised he intends to relocate the tram to a more appropriate location on the property, although the new location is not determined.

Member Woodward asked what is the estimated timeline to finish building the cabin. The applicant advised the cabin construction could be complete within one year although his preference would be to retain the tram for the purposes of handicapped access, emergency access and for maintenance of the property and advised the hillside is an 85-foot vertical climb.

Member Ray asked how building supplies were moved to the property before the tram was constructed. The applicant advised the tram was installed prior to construction of the cabin.

Member Ray asked if the other strata lots are higher in elevation than the subject property. The applicant advised one lot is a higher elevation and one lot is a lower elevation and that the sloping topography makes it very difficult to store building materials on the subject property.

Member Ray asked if there are other trams in the strata development. The applicant advised there are no other trams in the strata development although there are other trams in the area.

Member Ray asked if the only access road is along the shoreline. The applicant advised the shoreline road is the only access to the properties within the strata development. Planner Zupanec advised the area behind the subject property is part of the common property.

Chair Jackson asked what is the noise level of the generator that is used to power the tram. The applicant advised the noise level of the generator is approximately 60 decibels and he is planning to install a permanent generator that would be housed within a structure.

Chair Jackson asked Planner Zupanec if there are other trams in the Islands Trust area. Planner Zupanec reported there is a tram on Gambier Island that was approved by variance permit. Trams are not permitted within the setback of the natural boundary of the sea.

Member Woodward noted there is a tram on Salt Spring Island.

Member Woodward asked if the applicant would consider having the tram permitted for a period of two-years and then it would have to be removed. The applicant advised it is his preference to have the tram for a minimum of two years to complete construction of the cabin.

Member Woodward asked when the tram was installed. The applicant reported the tram was installed in 2017.

Member Ray asked if the Board of Variance could grant permission for a limited time period. Planner Zupanec advised that the variance cannot have a time limit.

Chair Jackson asked if the tram has been shared with the adjacent property owners. The applicant advised the tram has been used by one of the adjacent property owners to move building materials.

Chair Jackson asked why the tram was built across the staircase that is used to access the three strata properties. The applicant advised he is willing to move the tram to a more appropriate location that would not impede the staircase access.

3.1.3 Public Submissions

A member of the public reported she is the property owner of one of the lots that is adjacent to the subject property and expressed several concerns regarding the tram including the location of the tram, the tram being inconsistent with the character of Gambier Island and the tram impacts the stair access that is the only access to her property. The member of the public advised that moving the section of the staircase that is under the tram would impact the septic and other services to her property. She reported the strata council granted approval for construction of the tram subject to meeting local government regulations and the strata council has fined the applicant for non-compliance. She requested the Board of Variance to consider adding a subject that the tram should be available to all strata members to use if a variance is granted. The member of the public advised that it is not a hardship to remove a

structure that has been constructed and noted the variance request is not minor in nature as it significantly impacts the enjoyment of her property.

A member of the public expressed several concerns regarding the tram being in contravention of the strata regulations and noted the tram is not necessary for moving building materials as the adjacent properties were developed prior to construction of the tram.

A member of the public reported he is the property owner of one of the lots that is adjacent to the subject property and expressed concerns regarding the tram including visual impacts. He noted the cottage on the subject property is near completion and noted the tram is unnecessary for moving building materials.

A member of the public expressed concerns regarding the tram being needed to transport building materials as the cottage is near completion.

Chair Jackson asked who is responsible for building the stairs. Planner Zupanec reported the staircase does not contravene the Gambier Island Land Use Bylaw, as it is a permitted structure within the setback from the natural boundary of the sea.

Member Woodward advised the strata council deliberations are not relevant to this application.

Member Ray noted the proposed variance does not appear to be minor in nature and there was general agreement amongst members.

Member Woodward expressed support for permitting the tram for a period of 6-months as it is a hardship to carry building materials such as drywall to the site and a period of 6-months would be sufficient time to complete construction of the cabin.

There was discussion regarding whether the tram and cabin could be considered as one construction project.

There was a question regarding whether the Board of Variance can impose a time limit on a variance. Planner Zupanec presented Section 3 (a) of the *Local Government Act* as follows: *if the order sets a time within the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time*. Planner Zupanec advised that it is staff's understanding that a time limit could be granted if the tram was under construction. A Board of Variance decision could be invalid if a time condition is attached to the motion as the tram structure is already completed.

Member Ray expressed concern that the tram was constructed prior to receiving approvals and there was general agreement amongst members.

GM-BOV-2020-001

It was MOVED and SECONDED,

that the Gambier Island Board of Variance does not approve the request to reduce the setbacks to authorize the siting of an existing tram structure at 1310 Sea Ranch Shoreline (GM-BOV-2020.1).

CARRIED

3. ADJOURNMENT

By general consent the meeting adjourned at 4:03 p.m.

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Follow Up Action Report

Gambier Island

28-Jun-2018

Activity	Responsibility	Dates	Status
1 Gambier Official Community Plan Comprehensive Review Project: -post revised, endorsed project charter to project website with June 2018 staff report -prepare budget work plan for Director's approval -notify LTC of status of budget approval and commence Phase 1 work. -incorporate Howe Sound Sustainable Development Framework (ie goals)			In Progress

13-Dec-2018

Activity	Responsibility	Dates	Status
1 Bring forward a revised project charter for the Gambier OCP review to address LTC request (Dec 2018) to take projects on the projects list related to Gambier and add to OCP review project - including review of shipping container regulations; DAI for Gambier; review of water zones and recreational/institution zones. As these are part of a comprehensive LUB review, the current OCP project charter does not include a LUB review and would need to be expanded.			In Progress

23-Jul-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

23-Jul-2020

Activity	Responsibility	Dates	Status
1 12.4 Staff to provide LTC with an update of any responses received regarding the letters sent in Standing Resolution - GM-2019-061.	Jaime Dubyna		Completed

01-Oct-2020

Activity	Responsibility	Dates	Status
1 8.2 GM-RZ-2019.1 - GM LTC amended draft Bylaw No. 152 by changing item 4.3.6 to 100 m2 and a max. width of 1.8 m; Bylaw No. 152 given first reading as amended; proceed with First Nation and agency referrals as per staff report. Staff to schedule a CIM and Public Hearing.	Becky McErlean		In Progress

Follow Up Action Report

Gambier Island

01-Oct-2020

Activity	Responsibility	Dates	Status
2 9.2 GM LTC request staff to: 1) revise the 'Keats Island Shoreline Protection' project charter to reflect the direction to establish a Shoreline DPA (COMPLETE); 2) prepare draft bylaw language for the purpose of establishing a Shoreline DPA for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions; 3) explore whether a DPA can restrict the proliferation of development in the marine area; 4) develop potential land use bylaw amendments to restrict wharf size, ramp size, type and size of access ramps and stairs, and mooring buoy anchor systems.	Jaime Dubyna		In Progress
3 9.3 GM LTC request staff advise affected South Thormanby Island residents on the re-commencement of the Riparian Area DPA project and proposed bylaws 145 and 147.	Becky McErlean Marnie Eggen		Completed

19-Nov-2020

Activity	Responsibility	Dates	Status
1 8.1 Amend Section 2.1 of proposed Bylaw No. 152 to delete "100 square metres (1075 square feet)" and replace with "120 square metres (1292 square feet)". Proposed Bylaw No. 152 given second reading, as amended.	Becky McErlean		In Progress



Follow Up Action Report

Gambier Island

19-Nov-2020

Activity	Responsibility	Dates	Status
2 10.1 Amendments to proposed Bylaw No. 147 made, as recommended in the staff report dated November 19, 2020. Proposed Bylaw No. 147 given first reading, as amended.	Becky McErlean Marnie Eggen		Completed
3 10.1 LTC request staff to proceed with First Nation and agency referrals as per staff report and including shishalh Nation. First Nation referral period to be a minimum of 60 days.	Becky McErlean Marnie Eggen		Completed
4 10.2 Amend draft project charter for Keats Island Shoreline Protection Project to include early referrals to First Nations, CIM/public hearing in July 2021, and include "Phase 3" in the title of the project. "Phase 2" complete.	Jaime Dubyna		Completed
5 12.2 Gambier Island LTC regular meeting schedule as proposed in the staff report dated November 19, 2020, approved in its entirety.	Heather Kauer Wil Cottingham		Completed
6 12.3 Staff to send letters to Gambier APC informing them of the end of their term and thanking them for their participation; and indicating the LTC will be exploring alternative models of community consultation, in anticipation of the Gambier Island OCP Review project.	Jaime Dubyna Penny Hawley		Completed
7 Senior Intergovernmental Policy Advisor requested to work with LTC to explore education and reconciliation activities in the Gambier LTA, particularly around the acquisition and management of Sandy Beach Nature Reserve.	Lisa Wilcox		In Progress



Print Date: January 27, 2021

Follow Up Action Report



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January 25, 2021

GM-6410-03

Minister Nicholas Simons
BC Minister of Social Development and Poverty Reduction
5-4720 Sunshine Coast Hwy
Sechelt, BC V0N 3A0

Via email: nicholas.simons.mla@leg.bc.ca

Dear Minister Simons

On behalf of the Gambier/Keats Local Trust Committee I would like to (somewhat belatedly) congratulate you on your re-election to represent the riding of Powell River-Sunshine Coast, which encompasses most of the Gambier Island Local Trust Area. In addition I congratulate you in your appointment as the Minister of Social Development and Poverty Reduction.

Our local trust area comprises all the islands in the Howe Sound\Atl'ka7tsem area apart from Bowen Island Municipality, as well as the islands along the Sunshine Coast as far as Pender Harbour. The Gambier/Keats Local Trust Committee is part of the Islands Trust; a federation of locally elected government bodies representing 26,000 residents and approximately 10,000 non-resident property owners in the Salish Sea area. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. Through the provincial Islands Trust Act, we also have zoning authority in the marine area surrounding the islands and are strong advocates of local marine issues.

This term, the Gambier/Keats Local Trust Committee is represented by myself, Sue-Ellen Fast, as Chair from Bowen Island; Kate-Louise Stamford, Trustee from Gambier Island, and Dan Rogers, Trustee from Keats Island

The Gambier/Keats local trustees work with the xʷməθkʷəy̓əm, Skwxwú7mesh, and Tsleil-Waututh nations, as well as the municipal and regional governments in the West Vancouver-Sunshine Coast-Sea to Sky region. We also are active participants with non-governmental groups and initiatives that are supportive of the Trust mandate such as the Howe Sound Biosphere Region Initiative and Ocean Wise.

We have of course met with you many times at community functions and have always appreciated your interest in issues within Howe Sound.

We look forward to working with you in preserving and protecting the ecosystems and communities in the Gambier/Keats Local Trust Area.

Sincerely,

Sue Ellen Fast, Chair
Gambier/Keats Local Trust Area

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January 25, 2021

GM-6410-03

Jordan Sturdy, MLA
6650 Royal Ave
West Vancouver, BC V7W 2B8

Via email: Jordan.Sturdy.MLA@leg.bc.ca

Dear MLA Sturdy,

On behalf of the Gambier/Keats Local Trust Committee I would like to (somewhat belatedly) congratulate you on your re-election to represent the riding of West Vancouver – Sea to Sky, which encompasses part of the Gambier Island Local Trust Area.

Our local trust area comprises all the islands in the Howe Sound\Atl'ka7tsem area apart from Bowen Island Municipality, as well as the islands along the Sunshine Coast as far as Pender Harbour. The Gambier/Keats Local Trust Committee is part of the Islands Trust; a federation of locally elected government bodies representing 26,000 residents and approximately 10,000 non-resident property owners in the Salish Sea area. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. Through the provincial Islands Trust Act, we also have zoning authority in the marine area surrounding the islands and are strong advocates of local marine issues.

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The Gambier/Keats local trustees work with the xʷməθkʷəy̓əm, Skwxwú7mesh, and Tsleil-Waututh nations, as well as the municipal and regional governments in the West Vancouver-Sunshine Coast-Sea to Sky region. We also are active participants with non-governmental groups and initiatives that are supportive of the Trust mandate such as the Howe Sound Biosphere Region Initiative and Ocean Wise.

We have of course met with you many times at community functions and have always appreciated your interest in issues within Howe Sound.

We look forward to working with you in preserving and protecting the ecosystems and communities in the Gambier/Keats Local Trust Area.

Sincerely,

Sue Ellen Fast, Chair
Gambier/Keats Local Trust Area

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 152

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

1. Citation

This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.”

2. Schedule “A” of the Gambier Island Local Trust Committee Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002,” **PART 4 - ZONE REGULATIONS**, Section **4.3 Comprehensive Development (CD1) Zone** is amended as follows:

2.1 Subsection **Marine Based Structures Limitations**, .6, is amended by deleting “65 square metres (700 square feet)” and replacing with “120 square metres (1,292 square feet)”.

2.2 Subsection **Marine Based Structures Limitations**, .8, is amended by deleting “2.4 metres (8 feet)” and replacing with “1.8 metres (5.9 feet)”.

2.3 Subsection **Density**, .11 is deleted in its entirety and replaced with “.11 A maximum of three docks are permitted in the marine-area”.

2.4 Subsection **Marine Based Structures Limitations**, .7 is deleted in its entirety and subsequent subsections renumbered accordingly.

READ A FIRST TIME THIS 1ST DAY OF OCTOBER , 2020

READ A SECOND TIME THIS 19TH DAY OF NOVEMBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202X

READ A THIRD TIME THIS _____ DAY OF _____ , 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

DATE OF MEETING: February 4, 2021

TO: Gambier Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: A bylaw text amendment to allow three dwellings

Applicants: Wade Hawksworth, Carol Torgerson, David Torgerson, Russell Torgerson, Marsha Redmond, Shawn Redmond, Guy Redmond (Agent: Susan Hidlebrand)

Location: 1040 Taki-Te-Si Road, Gambier Island (Legal: Block 4, District Lot 1297, Plan 2848)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request that the applicants prepare and provide to staff:
 - a. A survey certificate prepared by a BC Land Surveyor showing the dimensions and locations on the lot of all existing and proposed buildings and structures in relation to lot boundaries and the natural boundary of the sea;
 - b. A professionally prepared site plan showing floor area of all existing buildings and structures;
 - c. A copy of private moorage application made to FrontCounter BC to authorize dock;
 - d. Documentation that waste disposal system has been installed in compliance with local health authority regulations;
 - e. Documentation that the water supply is able to support the proposed uses and that no sewage and water quality conflict will occur;

REPORT SUMMARY

The purpose of this report is to provide an overview of the application proposing a bylaw text amendment to allow three dwellings on a lot currently zoned Settlement Residential (SR) in the Gambier Island Land Use Bylaw No. 86, 2004 (LUB).

This application is the result of the applicants wanting to replace one of the existing three houses with a larger building. At present, there are three single family dwellings on the lot and, according to the letter prepared by the applicants, there have been three dwellings on the property since around the 1940s. From photographs provided by the applicants, it appears that the buildings have been modified over the years. It is not known if any changes received building permits from the Sunshine Coast Regional District. The subject property is 0.67 hectares and a lot of this size in the SR zone is permitted to have one single family dwelling and one associated secondary dwelling.

The applicants have applied for a zoning bylaw text amendment; however, it has been determined that such a rezoning application will require an official community plan (OCP) amendment application as well. If the Trustees indicate that they are willing to consider allowing three dwellings on the property, the applicant will therefore be asked to submit an OCP amendment application.

There are policies in the OCP stating that the Local Trust Committee (LTC) may consider zoning for comprehensive residential development to allow more than one dwelling and one associated secondary dwelling; however, given the sizes of the main dwellings and zoning in the neighbourhood (SR), it is recommended that the existing dwellings be permitted and the dwelling intended to be replaced be replaced with a building of equal size or smaller.

BACKGROUND

The subject property is 0.67 hectares and is zoned SR (Figures 1 and 2). Based on the SR zoning and the size of the lot, the applicants are permitted one single family dwelling and one associated secondary dwelling. This application is being made to put in place zoning that supports the current and future use of the property for three dwellings, thereby allowing the replacement and expansion of dwellings as necessary. At present, there are three dwellings on the property of varying sizes and ages. The agent states the following (Attachment 1):

“The original cabin at the forefront closest to the shoreline, as shown in the attached pictures was built in 1942. It has been propped up over the years to accommodate a family of 4 during the summer months. The cabin is now deteriorated to the point it is uninhabitable due to the rot and mold. Our application as submitted is to have the old original cabin deconstructed and removed by a Gambier contractor and replaced in the same siting with a new mobile home.”

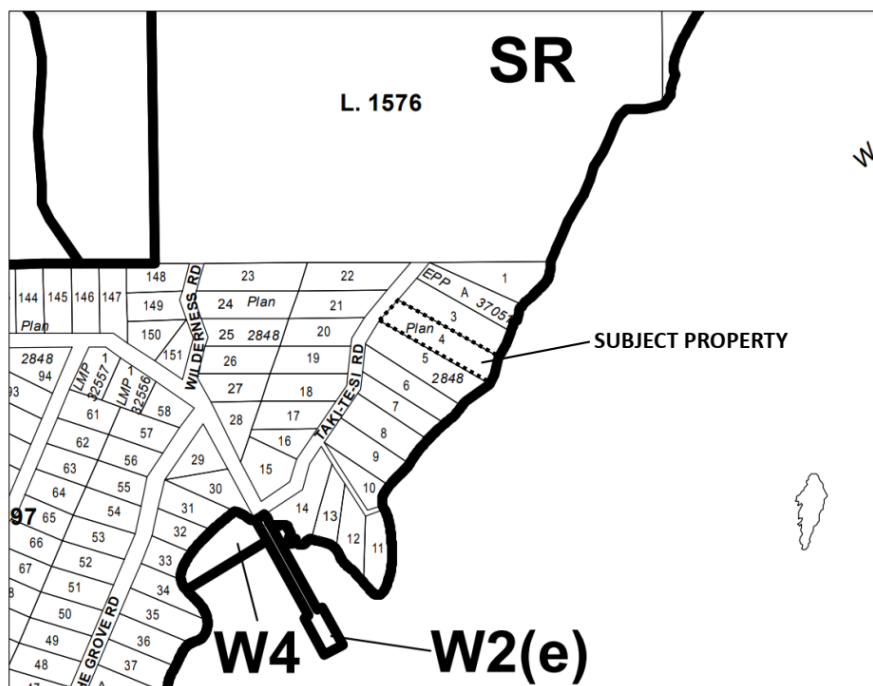


Figure 1: Zoning Map



Figure 2: 2018 SCRD image

It is unclear the ages of the three dwellings. In the statement provided by the agent, the smallest of the three dwellings was built approximately 80 years ago and Figures 3 and 4 state that one dwelling was constructed in 1970. A statement and photo from the family suggests that there were three cabins on the property pre-1958 (Attachments 2 and 3). The proposed development would see the removal of dwelling “A” (50.5m²) and replacing it with a larger dwelling (85.8m²). Based on the drawing provided by the agent, the two-story dwelling “B” is 113m² on the main floor and dwelling “C” is 113.4m² on the main floor.

Islands Trust Policy Statement:

Staff reviewed the Islands Trust Policy Statement and there are several growth and development directive policies that are relevant. Relevant directive policies include:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

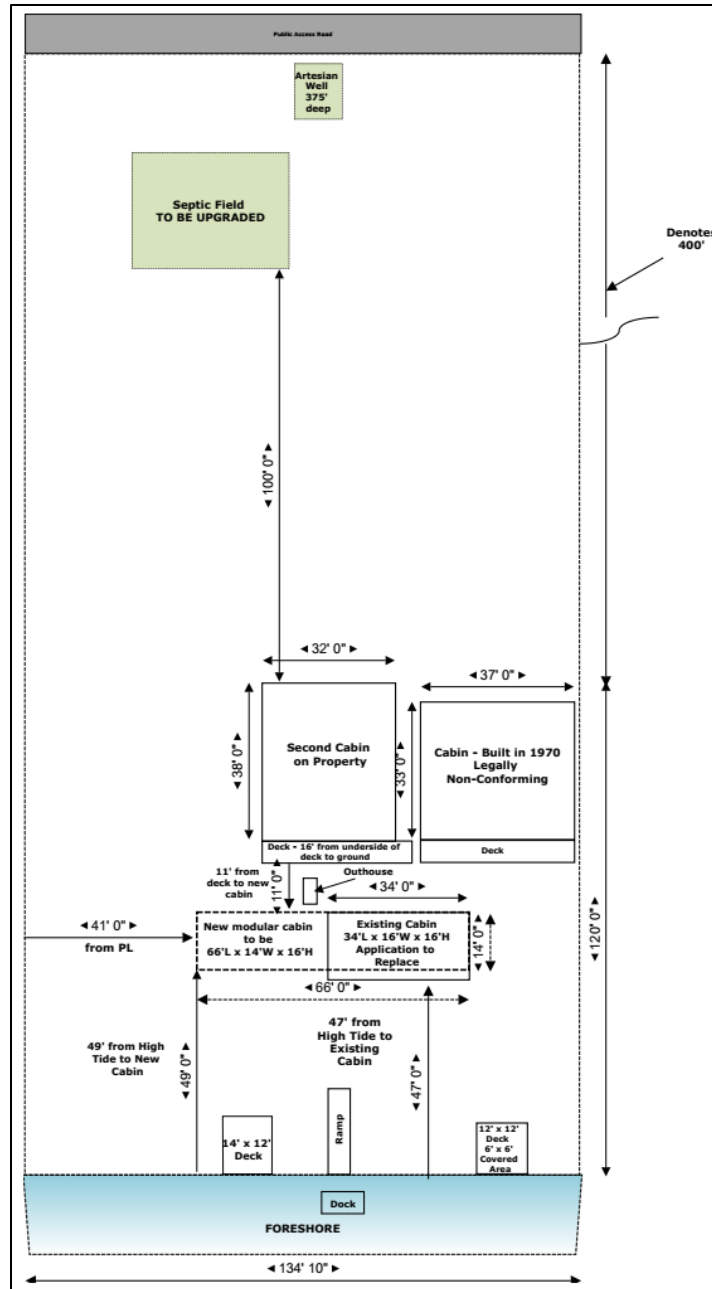


Figure 3: Site Plan

Official Community Plan:

The subject property is designated Settlement Residential in the OCP (Attachment 4). Policy 4.20 of the OCP requires a Local Area Plan be prepared to allow alternative forms of residential development. If three dwellings is considered an alternative form of development, the applicant has the option of submitting an OCP amendment application with a proposed Local Area Plan. Alternatively, the applicant could submit an application to amend the OCP to exempt the property from this requirement or exclude three dwellings from the definition of “alternative” residential development. A local area plan is not believed to be a useful requirement for this type of application and would likely be beyond the scope of rezoning an individual property to allow three dwellings.

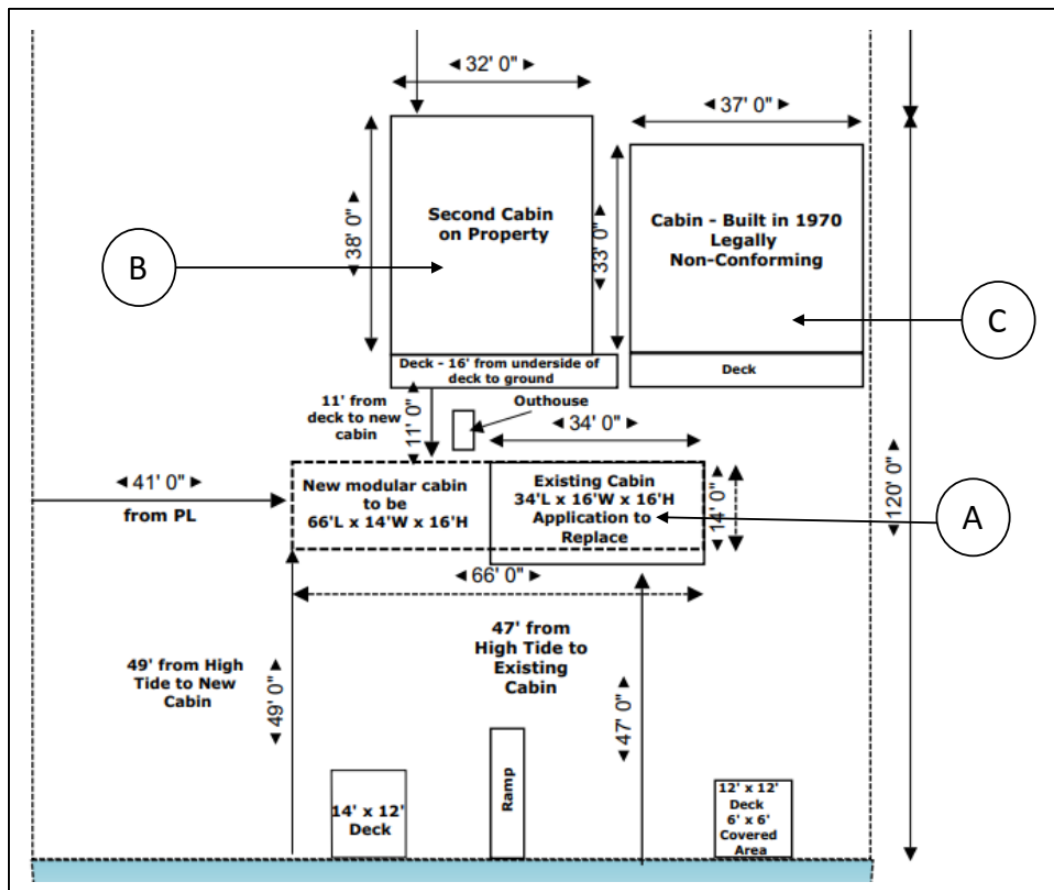


Figure 4: Site Plan of Dwellings

Land Use Bylaw:

The subject property is zoned Settlement Residential (SR) and the current use of the property is residential. There are three single family dwellings, structures (decks) and private moorage associated with the property. With the SR zone, a 0.67 hectare lot is permitted one single family dwelling and one associated secondary dwelling. An associated secondary dwelling is defined as “a single family residential dwelling regulated by floor area and lot area and that is secondary in use and smaller in area than the principal dwelling on the lot”. There is no evidence that any of the three dwellings meet the definition of an associated secondary dwelling. The request to permit three single family dwellings would require a bylaw amendment whereby removing the subject property from the SR zone of the LUB (Attachment 5) and creating a comprehensive development zone as contemplated in Policies 4.9 and 4.10 of the OCP.

Issues and Opportunities

Sections 528 and 529 of the *Local Government Act*

The applicants have stated that the three dwellings have been on the property prior to the Islands Trust land use bylaws. Under Section 528 of the *Local Government Act*, there are specific situations where buildings constructed at the time of land use regulation bylaw adoption may continue as non-conforming uses. At the time of writing this report, staff were not provided with any information on past building permits associated with the dwellings;

however, if the applicants are able to provide evidence that the use was established prior to any land use regulations (or the current use met earlier land use regulations), including those of the Sunshine Coast Regional District, and that necessary permits have been applied for since land use bylaw regulations have been in place, then it is possible that dwelling “A” could be repaired as per Section 532 of the *Local Government Act*. This would need to be confirmed. Further discussions would be necessary with the applicants to determine if these sections of the *Local Government Act* would apply.

Density, Floor Area and Lot Coverage

The request for three dwellings on a 0.67 hectares is beyond the residential unit densities contemplated in any residential zones of the LUB or the residential designation of the OCP. From the photos submitted with the application (Attachment 3) it appears that the dwellings “B” and “C” have been added to over the years. The LUB requires that the associated secondary dwelling be secondary in use and smaller in area than the principal and to a maximum of approximately 68 square metres size. Both dwellings “B” and “C” are considerably larger than 68 square metres; the proposed dwelling A will also be larger than the 68 square metres. Although the applicants have argued that the dwellings have existed since as early as the 1940s, the size of the houses and potential number of residents on the property (e.g. bedrooms and bathrooms) have increased over the years.

The level of development which currently exists may be determined suitable; however, expanding the size of the dwellings is not supported. The bylaw amendments that staff are recommending would limit further development of the property by including a maximum floor area that matches the floor area on the property presently. With such a maximum floor area in place, the applicants would be permitted to replace the dwelling “A” with a building of equal or smaller size. This could also be done using lot coverage to restrict further development. Given that a detailed local area plan (OCP Policy 4.20) has not been requested as part of this application, the neighbourhood consists of other SR zoned properties and given that for many years the current use of the property for the three dwellings has been occurring without any known issues, the size of the buildings should be calculated and future expansion of the dwellings could be restricted based on existing building sizes (floor area) and lot coverage.

Additional Information Requested

The OCP policies that apply can be found in Attachment 4. Although there are policies that attempt to address historic land uses and alternative forms of residential development, further information regarding water quality and quantity and sewage disposal should be request of the applicants to satisfy Policies 4.10(v) and 4.19. In addition, staff are asking that the applicants provide a copy of private moorage application made to FrontCounter BC to authorize dock. At the time of this rezoning application, the dock was not authorized and the applicants have been made aware that all land use issues should be addressed during a rezoning process.

Other considerations

There are structures and buildings, such as existing dwelling “A”, that are located within the 15 metre setback of the natural boundary of the sea. These structures and buildings will either need to be removed or incorporated into a draft bylaw amendment. Further information on the non-conforming siting of these structures and buildings will be provided with draft bylaws.

If staff are directed to draft bylaw amendments, the issue of potential subdivision potential will be reviewed; particularly, the potential for the registering of a strata plan under the Strata Property Act or Land Title Act. Further information on this topic will be provided with draft bylaws.

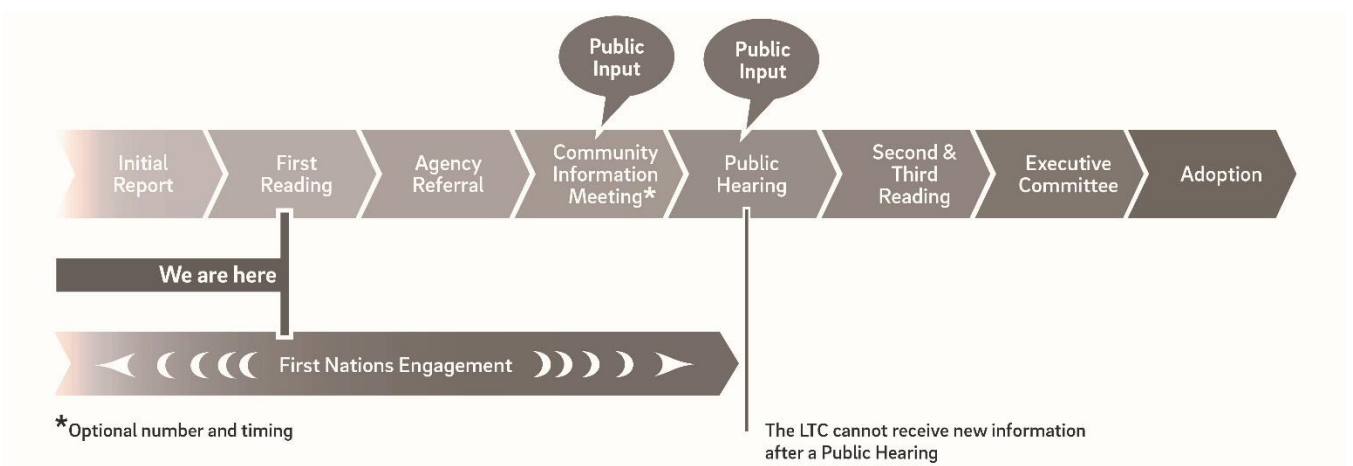
Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold at least one Community Information Meeting (CIM) prior to the public hearing. The public hearing may be scheduled after the CIM and First Reading of the bylaws. The public hearing notice would be posted as per statutory and bylaw requirements. Public input can be provided and considered at any time into the process until the conclusion of the public hearing.

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

Timeline



Agencies

Once the draft bylaw is prepared, it will be referred to relevant agencies.

First Nations

As identified in the provincial Consultative Area Database, the area of proposed rezoning lies within the traditional territories of the following First Nations:

- Musqueam Nation
- Squamish Nation
- Tsleil-Waututh Nation

If the LTC decides to proceed with the application, meaningful engagement between the Islands Trust and these First Nations will be required. The Province will also be required to meet their consultative obligations as a decision to rezone would require an OCP bylaw amendment and ministerial approval.

Rationale for Recommendation

This is an overview of an application to permit three single family dwelling units on a 0.67 hectare lot designated SR in the OCP and located in the SR zone of the LUB. Further information is needed to assess the impacts of the

proposed uses and determine if all OCP policies (excluding 4.20) have been met. A site plan showing floor area and lot coverage of all existing buildings and structures has been recommended as this will allow staff to draft a comprehensive development zone bylaw that will set specific limits on the floor area and lot coverage in the new zone that will match the dimensions of existing dwellings. Upon receipt of additional information, staff can prepare bylaws for LTC consideration.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. 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 applicants for GM-RZ-2020.1 submit to the Islands Trust the following [insert requested information].

2. Deny the application

The LTC may deny the application. Staff advise that the implication of this alternative is that dwelling A would not be permitted to be replaced with a larger dwelling. If a building permit referral is received from the Sunshine Coast Regional District building department, Islands Trust staff will work with applicants to determine if sections of the *Local Government Act* would apply to the existing dwellings.

That the Gambier Island Local Trust Committee proceed no further with application GM-RZ-2020.1 for the follows reasons [insert reasons].

NEXT STEPS

If the LTC accepts the staff recommendations, staff will instruct the agent to provide the information listed in the recommendation, apply for an OCP amendment, and bring an analysis report back to the LTC.

Submitted By:	Bronwyn Sawyer, RPP, MCIP Planner 2	January 25, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 26, 2021

ATTACHMENTS

1. Letter from agent
2. Letter from applicants
3. Photographs
4. Site Context
5. Section 5.1(3) of Gambier Island Land Use Bylaw No. 86, 2004

ATTACHMENT 1 – LETTER FROM AGENT



September 9th, 2020

Islands Trust
Northern Office
700 North Road, Gabriola Island BC

Via email northinfo@islandstrust.bc.ca

Re: 1040 Taki Te Si Road, Gambier Island- Cottage Replacement

Please find enclosed Land Application and Board of Variation application to replace the existing cottage that was built in 1942.

We have included the following documentation:

- Land Use Application
- Schedule F – Board of Variance
- Schedule A – Rezoning
- Building Permit Review Form
- Riparian Declaration
- 11x17 Site Plan and pictures
- Letters from adjoining properties in support of new cottage application
- Title Search
- Site Survey
- Legal Address
- Layout Plan and dimensions for new cottage

The original cabin at the forefront closest to the shoreline, as shown in the attached pictures was built in 1942. It has been propped up over the years to accommodate a family of 4 during the summer months. The cabin is now deteriorated to the point it is uninhabitable due to the rot and mold.

Our application as submitted is to have the old original cabin deconstructed and removed by a Gambier contractor and replaced in the same siting with a new mobile home.

We recognize the fact there is a legally nonconforming seasonal cottage on the property belonging to a member of our family. We also acknowledge this cabin cannot be modified in the future because of the status. As the cottages to the upper left and to the upper right were constructed prior to Islands Trust being established as a governing body, there were no permitting requirements.

Our intention is to locate a mobile home to the property and work within the existing width of the footprint. We will need to extend the length of the existing footprint by 32 feet.

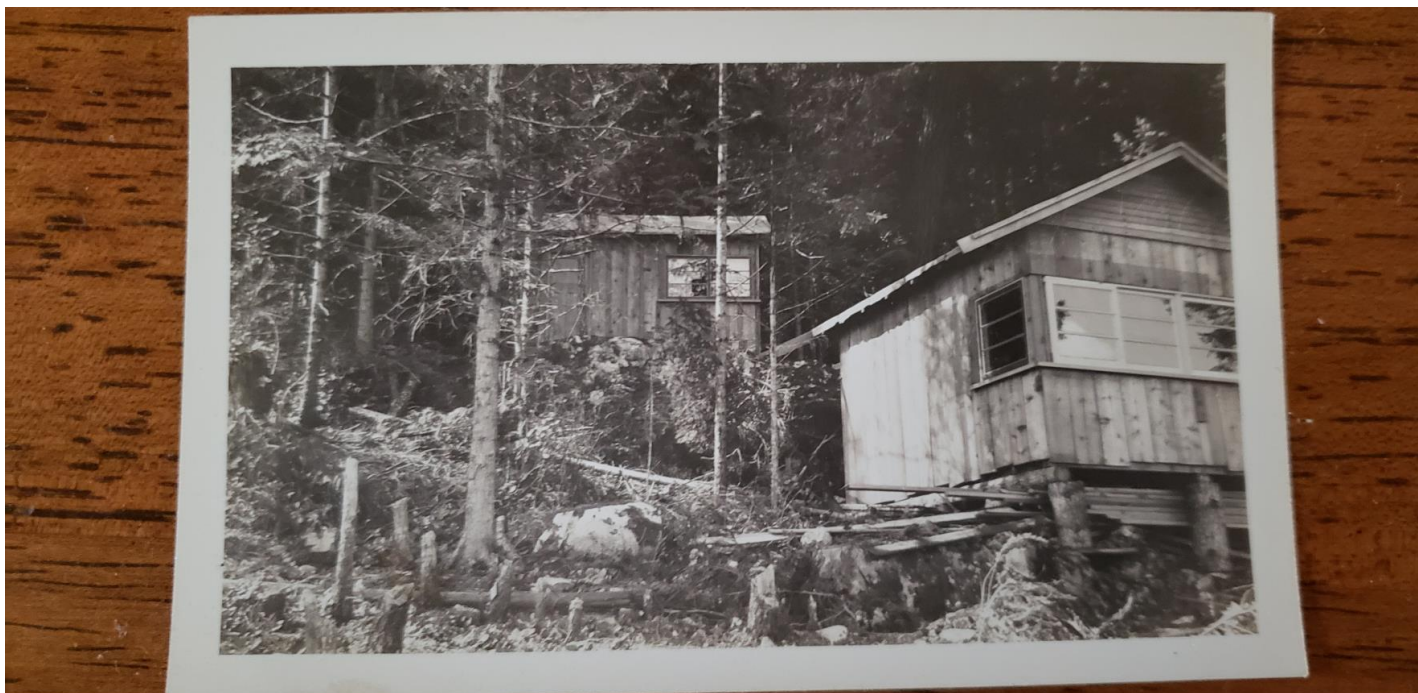
We appreciate your review of the attached and we will follow up by phone to ensure all the documentation satisfies the requirements of the application.

We were unable to determine the fee from the website so please advise so we can submit payment.

Susan Hildebrand – Authorized Owner Representative
(604) 970-2318
susan@constructionspecifix.ca



ATTACHMENT 3 – PHOTOGRAPHS



ATTACHMENT 4 – SITE CONTEXT

LOCATION

Legal Description	BLOCK 4 DISTRICT LOT 1297 PLAN 2848
PID	004-197-402
Civic Address	1040 Taki-Te-Si Road, Gambier Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential (based on zoning – no site visit was conducted)

HISTORICAL ACTIVITY

File No.	Purpose
	n/a

POLICY/REGULATORY

Gambier Island Official Community Plan, No. 73, 2001	The subject property is designated Settlement Residential in the Gambier Island Official Community Plan, No. 73, 2001. The following General Residential objectives may apply: Objective 4.1 to ensure that types of housing options are respectful of the environmental carrying capacity and rural character of the Gambier Island Planning Area Objective 4.2 to promote a form of residential development on Gambier which retains a set of distinct settlement nodes (or neighbourhoods) physically separated from one another by tracts of undeveloped land retained in its natural state and connected by trails and country lanes Objective 4.3 to support agencies responsible to require new development to be supported by adequate potable water supply and sewage disposal Objective 4.4 to ensure that any new residential development accommodated in the Gambier Island Planning Area is undertaken in a manner which is respectful of the privacy of adjoining property owners Objective 4.6 to provide for a broad range of residential housing types and allow for a diverse population and community of lifestyles
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	The following General Residential policies may apply: Policy 4.1 Provision shall be made for two residential designations: Settlement Residential and Rural Residential. Policy 4.2 Additional residential designations may be developed through more detailed local area planning as amendments to this OCP or additional zone designations may be developed in the land use bylaw in conformance with current policies of the OCP to provide for flexibility in residential densities Policy 4.9 The Local Trust Committee may consider zoning for comprehensive residential development: i. as a means of allowing more than one dwelling and one associated secondary dwelling on a parcel in the Settlement Residential or Rural Residential designation; or ii. to address historical patterns of lot development when policies support the continuation of such development; or iii. as a means to apply a higher lot density than generally applicable to District Lots 1258, 1653, 3201 (Gambier Island Sea Ranch) when applicable conditions provided for in the land use regulations are met, such as conditions relating to the conservation or provision of park and trail amenities. Policy 4.10 In evaluating the suitability of a parcel for comprehensive residential zoning to allow for more than one dwelling and one associated secondary dwelling on a parcel, the Local Trust Committee should examine whether: i. the further subdivision of the parcel is impractical for reasons of location, topography or access; ii. parkland or other amenities will be provided equivalent to what would otherwise be provided as part of a subdivision process; iii. the residential density would exceed the number of dwelling units that would be permitted if the parcel had been subdivided; iv. the use of a covenant to limit further subdivision of the parcel is required; and v. adequate water supply and sewage disposal services are available to support the scale of the intended use. Policy 4.11 In evaluating a parcel for comprehensive residential zoning to allow for maintenance of historical patterns of residential lot development the local trust committee may consider smaller lot areas than otherwise would be permitted by other policies of this plan subject to lot density being maintained consistent with those policies.
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	The following Settlement Residential policies may apply: Policy 4.15 The principal use in the Settlement Residential designation should be single family residential. Policy 4.17 An associated secondary dwelling may be a permitted use on existing parcels of 0.4 hectares or greater subject to: i. the use being accessory to the principal dwelling use; ii. the use providing for: - the accommodation of non-paying guests of the principal dwelling residents; - housing for affordable or rental purposes; or - home occupations; iii. the maximum floor area being regulated to insure the associated secondary dwelling is limited in floor area, secondary in use and smaller in floor area than the principal dwelling and proportionate to the lot area; and the Local Trust Committee in the zoning regulations may vary policy provisions regarding associated secondary dwellings to address site specific situations provided by the cumulative impacts of development. Policy 4.19 Where sewage and water quality conflicts occur, habitable buildings should be prohibited and consolidation of the lots should be encouraged. Policy 4.20 The Local Trust Committee may consider zoning to allow for alternative forms of residential development in the Settlement Residential designation subject to a Local Area Plan being prepared identifying: i. areas for and scale of cluster forms of housing; ii. areas for park and green space; and iii. long range servicing requirements; and related considerations.
Gambier Island Land Use Bylaw, No. 86, 2004	The subject property is zoned Settlement Residential in the Gambier Island Land Use Bylaw, No. 86, 2004.

SITE INFLUENCES

Islands Trust Fund	No referral required.
Regional Conservation Strategy	Unknown.
Species at Risk	No species at risk mapped
Sensitive Ecosystems	Rare Ecosystem Coastal Western Hemlock Very Dry Maritime Subzone, Eastern Variant (Gambier Island Sensitive Ecosystem Mapping Airphoto -2006)
Development Permit Area No. 3	Riparian declaration has been submitted stating there are no water features on the subject property.
Hazard Areas	No hazard area mapped

Archaeological Sites	the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No climate change impacts anticipated. The property is susceptible to sea level rise.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Unauthorized dock in foreshore. Decks and ramp are located within setback to natural boundary of the sea.

ATTACHMENT 5 – SECTION 5.1(3) OF GAMBIER ISLAND LAND USE BYLAW NO. 86, 2004

PART 5 ZONE REGULATIONS

5.1 Settlement Residential (SR) Zone

The purpose of the Settlement Residential Zone is to provide regulations for the development of residential neighbourhoods in settlement nodes.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) Single family residential use;
 - (b) Associated secondary dwelling use;
 - (c) Domestic agriculture;
 - (d) Agriculture;
 - (e) Accessory uses including but not limited to home occupations.

Permitted Buildings, Structures and Density

- (2) On a lot less than 0.4 hectares in area, one single family dwelling is permitted, in addition to buildings and structures accessory to residential and domestic agriculture use.
 - (a) Despite 5.1(2), one (1) associated secondary dwelling is permitted subject to regulation 3.14(1)(c).
- (3) On a lot 0.4 hectares or greater in area, one single family dwelling and one associated secondary dwelling are permitted, in addition to buildings and structures accessory to residential and domestic agriculture use.
- (4) Despite regulation 5.1(3), on lots 2.0 hectares or greater in area buildings and structures accessory to agriculture use are also permitted.
- (5) Maximum lot coverage for all buildings and structures:
 - (a) Lots less than 1 hectare in area: 25%;
 - (b) Lots 1 hectare to less than 2 hectare in area: 20%;
 - (c) Lots 2 hectares to less than 3 hectares in area: 18%;
 - (d) Lots 3 hectares to less than 4 hectare in area: 15%;
 - (e) Lots 4 hectares to less than 10 hectares in area: 12%;
 - (f) Lots 10 hectares and greater in area: 10%.
- (6) Despite 5.1(3), on a lot more than 2 hectares and less than 4 hectares in area, one single family dwelling not to exceed 74.3 square metres total floor area is permitted in respect of each owner registered on title prior to 1969 providing that the site density of the parcel does not exceed one dwelling unit per 0.75 hectares, and no associated secondary dwelling use is permitted.
- (7) Despite 5.1(3) and (6), where the title to a lot has a registered restrictive covenant in favour of the Crown or the Gambier Island Local Trust Committee providing for the siting

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

on that lot of not more than one single family dwelling per two hectares, a density equal to one single family dwelling per two hectares shall be permitted without the creation of individual lots, and no associated secondary dwelling use is permitted.

- (8) Despite 5.1(3), (6) and (7) a density equal to one single family dwelling and one associated secondary dwelling per two hectares shall be permitted without the creation of individual lots through the registration of a restrictive covenant providing for the siting on that lot of not more than one single family dwelling and one associated secondary dwelling per two hectares with the provision of the following amenities:
- (a) registration of a covenant providing for the dedication of land up to 5% of the total lot area for purposes of parkland or trail in an amount and location specified in the covenant acceptable to the Local Trust Committee, such dedication to be at the time of subdivision; and
 - (b) registration of a covenant providing for the dedication by road of access for trail purposes at distances not greater than 400 metres on lots fronting a body of water, including watercourses, lakes and the sea at a location specified in the covenant acceptable to the Local Trust Committee, such dedication to be at the time of subdivision.

Siting and Size

- (9) The minimum setback for any building or structure:
- (a) 7.5 metres from any front or rear lot line;
 - (b) 3 metres from any interior side lot line;
 - (c) 4.5 metres from any exterior side lot line.
- (10) The maximum height of an accessory building and structure is 7 metres.

Conditions of Use

- (11) Domestic agriculture use is only permitted in conjunction with single family residential use.
- (12) The keeping of livestock as part of domestic agriculture use is only permitted on lots greater than 0.4 hectare in area.
- (13) Agriculture use is only permitted on lots 2.0 hectare or greater in area.

Subdivision Lot Area Requirements

- (14) The minimum lot area is 0.5 hectares.
- (15) The minimum average lot area is 2 hectares.

*Information Note: Some words and phrases are defined in Part 1.
A chart at the end of the Bylaw provides approximate imperial equivalents.*

ATTACHMENT 2 – LETTER FROM APPLICANTS

November 11, 2020

To: the Board of Island's Trust

Re: Application for a Variance/Rezoning of
1040 TAKI-TE-SI RD
Gambier Island
PID: 004-197-402

I am writing this to give you a glimpse in to our reason, our WHY, for our application for a permit to rebuild our family cabin as noted above. It seems like I have been working on this for years, and really, I have. My mother-in-law Carol Torgerson and my father-in-law Clay Torgerson have been talking about renovating for years, but nothing has been done. They felt overwhelmed by the process. Although many have advised us to “skip the permit; build and deal with the fallout” it has never been on any of our minds to go this route. We are now in a situation where we have to do something. But first, a little back story.

After a few years of camping in the Howe Sound and specifically Gambier, two familial couples (a brother and a sister married a sister and a brother) bought the above lot and spent a couple of summers building two cabins. They were some of the first people to build there – Gambier's pioneers! The first cabin built housed both young couples as they built it up around them while camping. Carol Torgerson (my husband's mom) was a two year old at the time, in 1942 – the eldest of 3 daughters. They then built the second cabin for their parents to be able to enjoy time with them on Gambier; to have their own space. This second cabin was given to Carol before her marriage in 1963. The first cabin built was given to another daughter Marsha Redmond. Finally, a third cabin was built for the second of the 2 young couples, as they started their own family, around 1943. You have dated pictures of the first 2 cabins, as well as how the property looked prior to Island's Trust inception, dated 1958.

My husband Dave and his brother Russ grew up enjoying their summers away from the city, with their cousins. Their grandma and grandad, who started it all, and aunts and uncles were always available to keep an eye on them and keep them out of trouble...mostly 😊 We never tire of hearing these stories when we are all together at Gambier. Our kids have grown up with their cousins (all of our generation's kids) and are now young adults themselves. Four generations of love and the best of memories have been experienced and shared over these past 78 years. The 5th generation will be arriving soon as our kids marry and start their own families.

This second cabin, now in the names of Carol Torgerson and her two sons Dave and Russ, is pretty much at its life end. Every spring we go to open it up for the summer (it is not winterized/insulated) and hope and pray that it has not been ruined by water leaks, excessive mould or rotted floors. We had to tear out the bedroom walls down to the studs because of mould a few years ago and have it poly wrapped and Tuck taped, as we have been planning a complete overhaul. It's just too much to patch and repair. The kitchen is sloping so bad that dropped cans or round fruits and veggies will roll right out the door, if

open. Kind of funny unloading groceries sometimes. Seriously though, we cannot jump or roughhouse anywhere in the cabin for fear of crashing through the floor!

We have applied for a permit to renovate and expand our existing floor plan. Our current **inside** measurements are 14 feet wide by about 33 feet long – 462 sq ft total. We have 3 rooms in this small space - a kitchen, a combined dining/living area that also houses our deepfreeze and one bedroom. **No bathroom, no laundry, no sofa bed** – there's no room to open one up 😞 We are extremely limited in where we can add square footage to our cabin. We cannot go up, as the family cabins up and behind us will have their views impacted. We cannot go out front as we are too close to the ocean. That leaves about 31+ feet past the end of our existing cabin. Our plan remains within the setbacks of the neighboring property lines, and we have letters of support for our project from the owners of each property bordering ours. We have found a mobile home that meets our specific size limitations beautifully, without needing to expand towards the oceanfront. Our main focus for our renovation is to bring our cabin in to the 21st century. We plan to add a small yet functional bathroom with a toilet, shower and sink – something we have never had the pleasure of using in our 78 years there. We currently have a porta-potty in the bedroom for night time or emergency use, otherwise it's the outhouse. We use an outside shower with no roof, or have to ask our families in the other two cabins if we can use theirs. Our 80 year old parents can no longer come to the cabin as it's just too hard for them, on their own, to manage carrying the porta potty up to the outhouse to empty it every other day, let alone no means to clean up/shower in our own home. Sad! And we cannot be with them to help out. We have running water in the kitchen sink for daily use, and a small electric water heater. The gray water exits the cabin via a pipe to the garden out front. Our new cabin will have a proper connection to the new septic system we will have built and it will tie in with the other 2 cabins. We have already had a professional assessment done for this new septic system. An upgrade for all!

We have filed the paperwork for a permit to allow us to expand our footprint enough to add at least one bedroom (preferably two) and the bathroom/laundry room we so desperately need. We have the space. Currently there is only enough cabin space for one family unit to be there at the same time. Our kids used to go there with their grandparents or us, but we've never been together at the same time as there's just not enough room. The kids have always slept on a couch or on the floor. They are adults now (23 and 25) and these last few summers one slept in the living room and the other slept in the kitchen. Funny, not funny. We had to build a platform to set up a tent for when our daughter brought up her boyfriend. We have to take turns with Dave's brother. If he and his wife want to be there, we cannot stay there too. When our parents were there, we weren't able to be there with them to enjoy time together. Now that they are older, and needing a little help, it's impossible. They have not been there for the past two summers. Diverticulosis and cancer mean special needs and my husband and I would love to be able to spend time with them before it's too late, taking care of them for a change, at the place they love so much. We are also looking forward to our retirement and grandkids one day.

We fully understand the responsibility you, as Island's Trust, have to preserve and take care of Howe Sound and the Gulf Islands. I'm not sure if you have ever encountered a family/cabin density situation such as ours. We do have 3 small cabins on our property, and we've been told that would not be allowed in today's building permits. We have what we have, and it's been this way for 78 years - we can't change this. I believe, all cabins combined, we are less than 2500 sq ft. We see the development that has been allowed to happen, the mega houses, two and three stories high, sprawling across the waterfront. Outbuildings and guest cottages tucked in behind. We don't begrudge anyone for these. Lots of wonderful family time will be spent in these awesome homes. We just want the same consideration. To comfortably enjoy our piece of heaven with our family for years to come. We have

been a part of this community for 78 years and consider ourselves stewards of our little piece of paradise. Our families have been raised to take care of our island and the ocean surrounding it and will do what is needed to safely remove and replace our cabin, with little to no impact on the environment. We will be there for decades to come, as we have unique family ownership – no one can sell to non family members, the cabins are willed to the next generation, in perpetuity.

All applications for permits for a variance and/or rezoning (we don't know which permit we require so we have covered both) have been submitted through Susan Hildebrand of ConstructionSpeciFix. She has guided us and asked us for various forms to be filled out, photos to be submitted, site plans and plans of our intended renovation to be sent to her and in turn on to you. We trust you have everything you need to make an informed decision on our application and that you can appreciate our urgent need for expansion. Our future on Gambier lies in your hands, quite literally.

I felt it important to put a "human" side to this very impersonal process. I understand that this application is the first step towards our cabin upgrade, and that there will be other requirements and permits to satisfy the SCRD as well. Please know that we will do whatever is needed to secure a larger footprint, as requested, and we will do this in an efficient and as environmentally friendly way as is humanly possible. We hope to have a new place to enjoy by next summer 2021. Please help us make this dream a reality. And please let us know if you need anything else from us.

Thank you for your consideration.

Respectfully,

Kim Torgerson on behalf of our family:
Carol and Clay Torgerson
My husband Dave Torgerson
Russ and Melinda Torgerson

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

DATE OF MEETING: February 4, 2021
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Keats Island Shoreline Protection Project 'Phase 3' – Draft Bylaw Language

RECOMMENDATION

1. That the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Official Community Plan Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 of the Staff Report dated February 4, 2021.
2. That the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Land Use Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 and Attachment 3 of the Staff Report dated February 4, 2021.
3. That the Gambier Island Local Trust Committee direct staff to proceed with early referrals to First Nations under the advice of the Islands Trust Senior Intergovernmental Policy Advisor.

REPORT SUMMARY

The purpose of this report is to provide the Gambier Island Local Trust Committee (LTC) with draft bylaw language to amend the Keats Island Official Community Plan (OCP) Bylaw No. 77 and Keats Island Land Use Bylaw No. 78 (LUB), as part of the Keats Island Shoreline Protection Project 'Phase 3'. The draft bylaw language includes draft Development Permit Area (DPA) provisions for marine shoreline protection and protection of development from hazardous conditions, and potential amendments to marine structure regulations.

The LTC is asked to consider the draft bylaw language and options presented, and provide staff with direction to move toward draft bylaw preparation.

Staff are recommending that draft bylaws be prepared to amend the Keats OCP and LUB, consistent with the draft bylaw language presented in Attachment 2 and 3 of this report.

BACKGROUND

The draft bylaw language the LTC is asked to consider, is a direct response to the following LTC resolutions passed at the October 1, 2020 LTC regular business meeting:

GM-2020-031

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff revise the 'Keats Island Shoreline Protection' Project Charter to reflect our direction to establish a Shoreline Development Permit Area.

CARRIED

GM-2020-032

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff prepare draft bylaw language for the purpose of establishing a Shoreline Development Permit Area or the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous condition.

CARRIED

GM-2020-033

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff explore whether a Development Permit Area can restrict the proliferation of development in the marine area.

CARRIED

GM-2020-034

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff develop potential Land Use Bylaw amendments to restrict wharf size, ramp size, type and size of access ramps and stairs, and mooring buoy anchor systems.

CARRIED

At the November 19, 2020 LTC regular business meeting, the LTC passed the following resolutions:

GM-2020-054

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee endorse the 'Keats Island Shoreline Protection Project Phase 3' Project Charter v.1, dated November 19, 2020, as amended.

CARRIED

GM-2020-055

that the Keats Island Shoreline Protection Project Charter Phase 3 be amended to provide for early referral of draft bylaws to relevant First Nations, and to provide for a Community Information Meeting and Public Hearing in July 2021.

CARRIED

A copy of the project charter is found in Attachment 1.

ANALYSIS**Policy/Regulatory**

The establishment of a Shoreline DPA aligns with Islands Trust Policy Statement (ITPS) direction to protect sensitive coastal areas and coastal processes; and Keats Island OCP policies that support environmental and rural conservation. A summary of relevant policies and regulations that are applicable to this project are found in the [Discussion Paper](#), dated May 28, 2020 (revised June 2020).

Islands Trust Conservancy:

Trust Council Policy 3.1.II requires referral to the Islands Trust Conservancy Board (ITCB) for any OCP and LUB amendments that “directly affects ITC owned property or conservation covenant”. With the recent transfer of ownership of Sandy Beach Nature Reserve to the Islands Trust Conservancy, referral to the ITCB would be required.

Issues and Opportunities

Development Permit Area – Basic Structure

While local governments are not required to establish development permit areas (DPAs), there are mandatory requirements to implement them. Sections 488 through 491 of the *Local Government Act* (LGA) pertain to DPAs, and include general and specific authority that local governments have when designating a DPA.

In accordance with the LGA, and to be consistent with the existing Keats Island DPAs, staff are recommending the Shoreline DPA be structured as follows:

1. Purpose of the DPA

The purpose of the Shoreline DPA should be clearly stated in the OCP and is necessary for drafting and interpretation of restrictions on property owners, and in stating the justification, DPA guidelines, and requirements or conditions to be imposed within the Shoreline DPA.

Section 488 (1) of the LGA gives the authority to a local government to designate a DPA within its OCP for specified purposes. The LTC has directed staff to draft bylaw language for a Shoreline DPA for the following purposes, in accordance with Section 488 (1) of the LGA:

- (a) protection of the natural environment, its ecosystems and biological diversity;*
- (b) protection of development from hazardous conditions;*

2. Location

The area designated within the Shoreline DPA should be identified within the OCP. A property owner should be able to read the OCP and conclusively determine (by text or reference to maps) that their lot is within the Shoreline DPA or not. Currently Schedule E in the Keats Island OCP designates the areas on Keats Island that are within DP-1 (Riparian Areas) and DP-2 (Streamside Protection). Part C, Section 1 and 2 of the OCP also describe the location of existing DPAs by text.

3. Justification and Objectives

Section 488 (2) (a) of the LGA requires that an OCP describe the “special conditions or objectives that justify the designation”. Staff have include both justification and objectives for the Shoreline DPA. The draft language “Justification” provided in Attachment 2 refers generally to the “preserve and protect” object of the Islands Trust, relevant Islands Trust Policy Statement directives, and to Keats Island specifically; while the objectives lay out what the Shoreline DPA aims to achieve. Both the justification and objectives are intended to inform the DPA guidelines.

4. Applicability

Section 489 of the LGA requires that a property owner obtain a development permit for the following activities, unless otherwise exempted:

- (a) land within the area must not be subdivided;*
- (b) construction of, addition to or alteration of a building or other structure must not be started;*
- (c) land within an area designated under section 488 (1) (a) or (b) [natural environment, hazardous conditions] must not be altered;*

The development activities where a development permit is required may be listed in either the OCP or the LUB. To be consistent with the existing DPAs on Keats Island, staff would recommend including the “Applicability” section for the new Shoreline DPA in the LUB.

5. Exemptions

The LTC may include development activities that are exempted from the requirement of a development permit. Staff have included a comprehensive list of potential exemptions for the Shoreline DPA that range from general to specific. To be consistent with the existing DPAs on Keats Island, staff would recommend including the “Exemptions” in the LUB.

6. Guidelines

Section 488 (2) (b) of the LGA grants local governments the authority to “specify guidelines respecting the manner by which the special conditions or objectives will be addressed”. Alternatively, DPA guidelines may also be included in a zoning (or land use) bylaw, in accordance with Section 488 (3) of the LGA. Staff would recommend the “Guidelines” for the Shoreline DPA be included in the LUB, to be consistent with the existing DPAs.

Guidelines are intended to direct development, and issuance of a development permit must be done in accordance with applicable DPA guidelines. Staff have included general guidelines that would be applicable to a broad range of applications in the Shoreline DPA. As well, given the range of potential activities that may occur in the Shoreline DPA, staff have included specific guidelines for the following:

- Construction and replacement of docks and ramps;
- Shoreline modifications;
- Vegetation management, restoration and enhancement; and
- Subdivision.

By grouping guidelines for certain development activities, this may provide some clarity to current or future LTCs, property owners and planning staff, of which guidelines are applicable or not for proposed development activities. For example, where a property owner is proposing to construct an upland structure within the Shoreline DPA, the guidelines for docks and ramps would likely not be applicable.

Options for Location (area of application)

The upland and marine areas to be designated within the Shoreline DPA have yet to be established. The LTC are asked to consider the following options for the upland areas:

- 1) 7.5 metres measured upland of the present natural boundary of the sea (NBS)
- 2) 15 metres measured upland of the present NBS
- 3) 30 metres measured upland of the present NBS
- 4) All waterfront lots

It is noted that the existing setback from the natural boundary of the sea for buildings or structures in Section 2.7.3 of the LUB, is 7.5 metres (24.6 feet), except for exempted structures. A straightforward approach would be to apply the Shoreline DPA in a 7.5 metre buffer of the NBS, to align with Section 2.7.3. This would mean that all proposed development activities conducted within 7.5 metres of the NBS would be required to apply for a development permit, aside from exempted activities. This option would address shoreline modifications (shore protection or stabilization works) and dock construction, which are ongoing concerns on Keats Island.

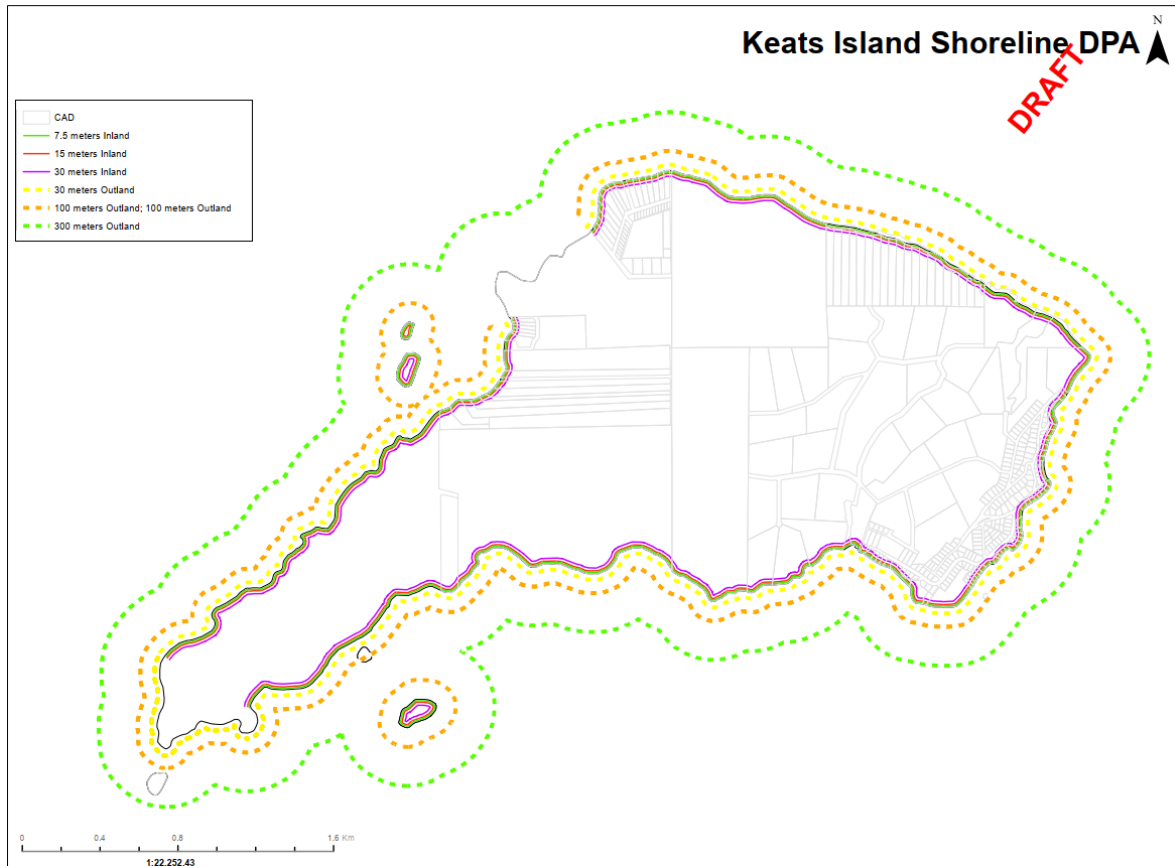


Figure 1. DPA options (7.5 m, 15 m, 30 m upland; 30 m, 100 m, 300 m marine area)

Generally, a larger buffer upland would provide additional protection as the DPA would be applicable to a larger area and would address activities occurring further upland that may impact the shoreline and marine environment. However, it is noted that applying a 30 metre upland buffer would in some cases encompass entire lots, as shown in Figure 2. Should the LTC impose a DPA that extends further upland than the setback in the LUB, the LTC should demonstrate why the DPA should impose a more onerous condition.



Figure 2. Examples of DPA applicability on waterfront and upland lots.

Options for the extent of the Shoreline DPA into marine areas include:

- 1) 30 metres seaward of NBS
- 2) 100 metres seaward of NBS
- 3) 300 metres seaward of NBS
- 4) 1000 metres seaward of natural boundary (area of application for Keats OCP and LUB)

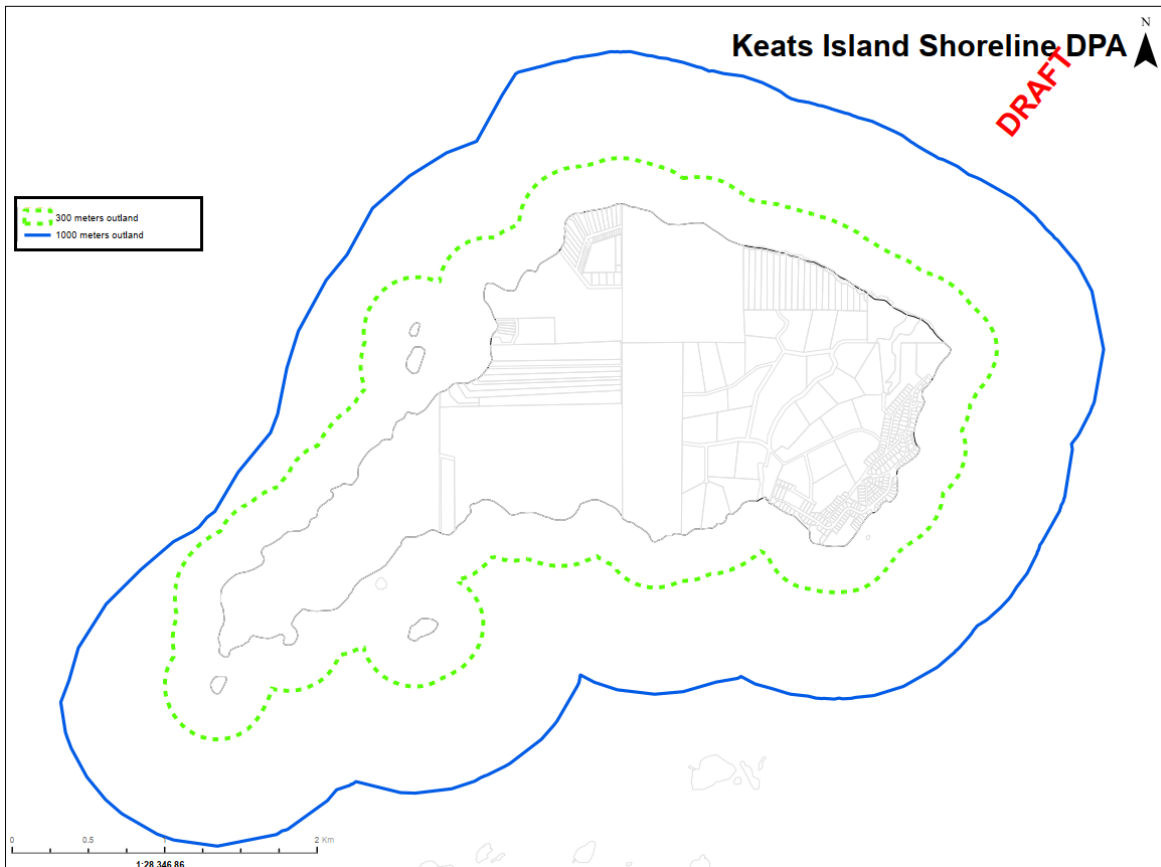


Figure 3. DPA options (300 m, 1000 m marine areas)

For the most part applicable development activities are likely to occur within 30 metres of the NBS. However, in cases where a marine structure extends beyond 30 metres, this would not provide adequate protection. Staff have recommended a minimum of 100 metre seaward buffer in the Shoreline DPA for this reason. However, it is noted that the area of application for the OCP and LUB includes Keats Island, Home Island, Preston Island, the larger of the two Shelter Islets and the area 1,000 metres seaward of the Keats Island shoreline. Encompassing the whole of the area of bylaw application (1,000 metres seaward of the NBS) may be the simplest option.

As an example, the Salt Spring Island Shoreline DPA extends seaward 300 metres of the NBS, while the Galiano Island Shoreline and Marine DPA extends seaward to the boundary of the area of bylaw application (the Galiano Island Local Trust Area).

As shown on Figure 1, staff recommend excluding the upland portion of Sandy Beach Nature Reserve and the upland and marine portion of Plumper Cove Provincial Park from the Shoreline DPA.

Figures 1 and 3 provide visual examples of where the Shoreline DPA may be applied. Attachment 4 provides an overview of what each option would achieve and not achieve.

Although not included in the draft bylaw language or the example Shoreline DPA maps, there may be certain locations valued for their ecological importance, aesthetics or recreational use, or areas that are particularly sensitive that require additional protection. Examples may be coastal bluffs, eelgrass meadows or areas of high erosion. While the draft bylaw language does not distinguish such areas, the LTC may direct staff to draft regulations specifically for these areas or ecosystems.

Development in the Marine Area

In resolution GM-2020-033, the LTC had requested that staff explore whether a DPA can restrict the proliferation of development in the marine area. Staff note that a DPA designation restricts what a property owner may do with that portion of their lot or area that is within the DPA, and provides guidance on how development may occur in that area. A DPA is not used as a tool for regulating density, as Section 490 (3) of the LGA provides,

(3) A development permit must not

(a) vary the use or density of the land from that permitted in the bylaw except as authorized by section 1 (3) [variation in relation to health, safety or protection of property],

The variation in 490 (3) (a) is in relation to hazardous conditions.

Pursuant to Section 479 (1) of the LGA, a local government may regulate the use of the density of land in a zoning bylaw:

(1) A local government may, by bylaw, do one or more of the following:

(c) regulate the following within a zone:

(i) the use of land, buildings and other structures;

(ii) the density of the use of land, buildings and other structures;

There are existing Keats LUB regulations such as Section 4.1.10, which regulate the density of use in the marine area of the Community Residential 1 (CR1) zone:

.10 A maximum of one dock is permitted in the marine-area abutting each water front lot.

The proliferation of mooring buoys in the marine area around Keats Island has been a topic of concern during this project. While the LUB does regulate mooring buoys by prohibiting their use for commercial or industrial purposes, Transport Canada has jurisdiction over private buoys under the *Private Buoy Regulations* (under the *Canada Shipping Act*) and the *Navigable Waters Protection Act*. It is likely outside of the LTC's jurisdiction to limit the number of mooring buoys in an area or to regulate the type of mooring buoy used; however, staff advise that the LTC may want to have staff look into this further.

Regarding the type of mooring buoy used, staff have included in the draft bylaw language a guideline that encourages the use of "seagrass-friendly" buoys to reduce scouring of the sea floor. There may be an education opportunity for the Keats Island community through Sea Change Marine Conservation Society's "Operation Save the Eelgrass Initiative", which encourages the use of seagrass-friendly moorings.

Options for Marine Structure Regulations

In addition to the Shoreline DPA, 'Phase 3' of the project proposes to update marine structure regulations. It has been noted that the existing LUB regulations for marine structures are generous when compared to other Local Trust Areas, and in relation to provincial best practices. Staff have included in Attachment 3 draft bylaw language for potential amendments to the LUB.

The potential amendments to marine structure regulations include:

- Increasing the setback from lot line projections for private floats and docks;
- Increasing the distance between new and existing docks and structures;
- Regulating the projection seaward of a private float and dock from the NBS;
- Reducing the maximum float area of private docks, and shared docks;
- Reducing the width of ramps associated with a dock.

The LTC is asked to consider the draft bylaw language and direct staff accordingly.

Structures within 7.5 Metres of the Natural Boundary

Existing regulations in the LUB do not permit the construction of buildings and structures within 7.5 metres of the NBS, aside from the following in Subsection 2.7.3:

- .3** *No building or structure except platforms not exceeding a combined floor area of 10 square metres, a permitted boathouse, pump/utility house, or stairs, or walkways required to access the foreshore or a permitted float, dock, wharf, or other permitted marine related structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.*

In addition, Subsection 2.7.2 does not permit the following:

- .2** *The following features may project into a required setback area:*
- *steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;*
 - *balconies, decks and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;*
 - *retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.*

Staff note that any proposed building or structure within the DPA, aside from those *specifically* exempted within the DPA regulations, would require a development permit (DP) application. Staff have not included the structures identified in Subsection 2.7.3 within the exempted activities, and would recommend the LTC require a DP application for those structures.

While the draft bylaw language for the Shoreline DPA include guidelines that suggest shoreline protection or stabilization works may be constructed within the setback from the NBS, staff note that a development variance permit (DVP) application would also be required alongside a DP application for such proposed works. Staff note that while a DP application is considered on the basis of meeting DPA guidelines, LTC decision making is discretionary for DVP applications and may take into consideration other information, such as the impact on archaeological resources or neighbour/community concerns.

Marine 4 – Private Log Dump (M4) Zone

At the October 1, 2020 LTC regular business meeting, the LTC discussed the possibility of eliminating the Marine 4 – Private Log Dump (M4) zone. Staff note there is currently one location zoned M4 at the north end of Keats Island, directly offshore of the Barnabas Family Ministries property, shown in Figure 4.



Figure 4. M4-zoned location on Keats Island

According to the province’s mapping resource iMapBC, this location is currently under an industrial tenure for log handling/storage. The tenure is set to expire in January 2024.

Without further information to provide the LTC, staff are hesitant to recommend rezoning this location. The LTC may direct staff accordingly.

Development Approval Information (DAI)

Sections 484 and 485 of the LGA enable a local government to establish a Development Approval Information (DAI) bylaw in order to obtain information regarding the anticipated impact of a proposed activity or development. A benefit of a DAI bylaw is that it establishes the authority of the local government to request information from a property owner, and provides greater procedural clarity for an applicant, the LTC and planning staff by establishing the content and nature of the professional reports needed to support a development application.

To adopt a DAI bylaw, one key aspect is that the LTC must designate areas within its OCP that the DAI bylaw applies to, and describe the specific conditions or objectives that justify the designation of those areas.

Currently Section 4.7 of the Keats Island OCP provides the following regarding DAI:

- 4.7** *Development approval information may be required to ensure that development may be accommodated in a manner that sustains natural resources, environmentally sensitive areas and the rural character of the Keats Planning Area. Development approval information may be required to help the Local Trust Committee determine appropriate uses, density and siting of future development.*

Both existing DPAs on Keats Island note that DAI may be required; however there is currently no DAI bylaw in effect for Keats Island and the Gambier Island Local Trust Area. The LTC may consider adopting a DAI bylaw alongside this project, or as a separate project.

Since a DAI bylaw is an administrative bylaw, there is no requirement for a public hearing or formal notification or consultation.

Consultation

As the project would involve an OCP amendment, the LTC is required by the LGA to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The project charter in Attachment 1 details the intended consultation schedule.

Next steps for this project are to send out early referrals to First Nations. Staff will work with the Islands Trust Intergovernmental Policy Advisor to send early referrals as directed by the LTC.

Staff will present a list of agencies that the LTC may send referrals to, when a draft bylaw is presented to the LTC.

Rationale for Recommendation

Staff have presented draft bylaw language that would establish a Shoreline DPA for Keats Island for the purpose of protecting the natural environment, ecosystems and biodiversity and protecting development from hazardous conditions in the adjacent upland, foreshore and marine areas; as well as amend regulations for marine structures in the Land Use Bylaw.

Staff are recommending that the LTC direct staff to proceed with preparing a draft bylaw that would amend the OCP and the LUB as presented in Attachments 2 and 3. Refer to the formal recommendation, included on Page 1 of the report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are budget, time and staff resources. 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 [insert requested information here].

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will prepare draft bylaw amendments for LTC consideration during the next scheduled regular business meeting. The LTC may consider first reading, referral to the Keats Island Shoreline Protection Working Group or community consultation at that time.

Submitted By:	Jaime Dubyna Planner 2	January 21, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 22, 2021

ATTACHMENTS

1. Project Charter
2. Draft Bylaw Language (Shoreline DPA)
3. Draft Bylaw Language (Land Use Bylaw)
4. Development Permit Area Options Table

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

Gambier Island Local Trust Committee

Date: November 19, 2020

Purpose: The Gambier Island Local Trust Committee (LTC) seeks to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions; and to develop potential land use bylaw amendments to restrict the size and type of identified marine structures.

Background: 'Phase 1' of this project involved community consultation to solicit input on policy, regulation and voluntary stewardship options to address shoreline protection on Keats. 'Phase 2' established a community Working Group to discuss the project and provide recommendations to the LTC, which included establishment of a Shoreline DPA. A Shoreline DPA aligns with Islands Trust Policy Statement (ITPS) direction to protect sensitive coastal areas and coastal processes, and identify areas hazardous to development; and Keats Island Official Community Plan (OCP) policies that support environmental and rural conservation on Keats.

Objectives

- Improve the protection of Keats Islands' shoreline and foreshore areas, including sensitive ecosystems and species at risk;
- Increase protection of development from sea level rise and flood hazards;
- Update marine structure regulations.

In Scope

- Amend the Keats Island OCP by designating a Shoreline Development Permit Area and guidelines for the marine and near shore areas of Keats Island;
- Amend the Keats Island Land use Bylaw for marine zones to restrict marine structure size and type (wharves, ramps, mooring buoys), in accordance with best practices for marine structures.

Out of Scope

- Amendments to the setback from the natural boundary of the sea.
- Proposed new OCP designations or LUB zones.
- Proposed heritage conservation areas.
- Flood Protection Bylaw.

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of Project Charter	November 19, 2020
Staff prepare draft bylaw language, LTC consideration of draft bylaw language	February 2021
Early referrals to First Nations	March 2021
LTC consideration of 1 st reading, bylaw referrals to First Nations, Agencies and adjacent LTAs	April 2021
<i>Legal Review (discretionary)</i>	<i>May/June 2021</i>
LTC consideration of referral responses, legal review and 2 nd Reading	July 2021
Community Information Meeting & Public Hearing	July 2021
3 rd reading of proposed bylaws, Executive Committee approval	September/October 2021
Ministerial approval, adoption of bylaw amendments, distribution of communication materials	January/February 2022
LTC Adoption of bylaws	Spring 2022

Project Team

Planner 2	Project Manager
Regional Planning Manager	Project Sponsor
Legislative Clerk	Administrative Support
GIS Department	Mapping Support
RPM Approval: Date: Nov. 19/20	LTC Endorsement: Resolution #: 2020-054 Date: Nov. 19/20

Budget

Budget Sources:

Fiscal	Item	Cost
2020-2021	Legal Review (<i>discretionary</i>)	\$3000
2020-2021	CIM, Public Hearing notice	\$2000
	Total	\$5000 (*pending approval)

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
LTC regular business meeting	Revised project charter to LTC for consideration	November 19, 2020	n/a
LTC regular business meeting	Staff present draft bylaw language to LTC for consideration	February 2021	n/a
n/a	Early referrals to First Nations	March 2021	n/a
LTC regular business meeting	LTC consideration of 1 st reading, LTC direct staff to send bylaw referrals to First Nations, Agencies and adjacent LTAs	April 2021	n/a
n/a	<i>Legal review of draft bylaws (discretionary)</i>	<i>May / June 2021</i>	<i>Approx. \$3000 (pending approval)</i>
LTC regular business meeting	LTC consideration of referral responses and consideration of 2 nd Reading	July 2021	n/a
CIM, Public Hearing	Community Information Meeting and Public Hearing*	July 2021	Approx. \$2000 (pending approval)
LTC regular business meeting	LTC consideration 3 rd reading of proposed bylaws	September 2021	n/a
Executive Committee meeting	Executive Committee approval	September/October 2021	
n/a	Ministerial approval	January/February 2022	n/a
LTC regular business meeting	LTC adoption of bylaws	Spring 2022	n/a
TOTAL			\$5000 (pending approval)

ATTACHMENT 2 – DRAFT BYLAW LANGUAGE FOR SHORELINE DPA

Shoreline Development Permit Area Additions to Official Community Plan			
#	OCP Section	Proposed Text	Staff Comments
-	PART C – DEVELOPMENT PERMIT AREAS	BACKGROUND Pursuant to Section 488(1) of the <i>Local Government Act</i> ...	Update to <i>Local Government Act</i> (LGA) section citation. Staff recommend updating any additional outdated LGA sections that are cited in the OCP.
3.	NEW SECTION 3. Development Permit Area 3: Shoreline	Purpose The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the <i>Local Government Act</i> for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the <i>Local Government Act</i> 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 <i>Local Government Act</i> .	Standard background in an OCP for a new Development Permit Area citing LGA authority.
3.	NEW SECTION Development Permit Area 3: Shoreline	Location The Shoreline Development Permit Area (DP-3) includes all land designated on Schedule E – Development Permit Areas of this plan. The Shoreline Development Permit Area applies to all land measured 7.5 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.	OCP must clearly state the DP area that is to be designated and reference the map schedule. Staff are suggesting that all surrounding islets also be included in the DP area. See Attachment 4 for DP area options.
3.	NEW SECTION Development Permit Area 3: Shoreline	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	Standard reference to the Islands Trust Objective.

		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 and aesthetic values. The shoreline has environmental significance for forage fish, eelgrass, shorebirds and shellfish, marine mammals such as seals and many other marine organisms, as well as resources that define the character of the Keats Island community. The shoreline also includes areas that may be susceptible to erosion or flooding. Development activities on the uplands such as land clearing and increasing impermeable surfaces can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas and shading of intertidal areas critical for fish habitat. Since the adoption of the OCP, there has	Standard reference to the Islands Trust Council policy that supports the establishment of the Development Permit Area. Reference Keats Island specific justification for the DP area.
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		been an increase in residential development on Keats Island along the shoreline. As of 2020, there were 90 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function. In 2013, approx. 9% of the Keats shoreline was identified as having been structurally altered by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alter the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation. Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.	
3.	NEW SECTION Development Permit Area 3: Shoreline	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;	OCP must clearly describe the objectives of the DPA.

		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.	
3.	NEW SECTION Development Permit Area 3: Shoreline	Development Approval Information Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 484 of the <i>Local Government Act</i>. 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.	OCP currently states this requirement for existing DP-1 and DP-2. Currently no DAI Bylaw in effect for Gambier Island Local Trust Area.
3.	NEW SECTION Development Permit Area 3: Shoreline	Information Note: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw.	Standard information note in the OCP for existing DP-1 and DP-2.
Shoreline Development Permit Area Additions to Land Use Bylaw			
#	LUB Section	Proposed Text	Staff Comments
-	PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES		NEW section required to enact the DPA which is designated by the OCP.
9.3.1	NEW SECTION 9.3 DP-3 SHORELINE	.1 Applicability 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; except where such activities are specifically exempted.	LUB must clarify under what circumstances a development permit (DP) is triggered.

9.3.2	NEW SECTION 9.3 DP-3 SHORELINE	.2 Exemptions The following activities are exempt from any requirement for a DP-3 development permit: • Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor. • Repair, maintenance or alteration of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of ‘structure’ in the Keats Island Land Use Bylaw. • The installation of a mooring buoy. • Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices. • 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. • The construction of a trail if all of the following apply: • Trail design and location must minimize vegetation disturbance; • No native trees are removed; • The trail is 1 metre wide or less; • The trail is for personal, non-vehicular use only; • The trail is constructed of soil, gravel, mulch or other pervious surface; • The trail is designed to prevent soil erosion where slopes occur. • Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing. • Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing,	LUB must clearly state under what circumstances a DP is <u>NOT</u> triggered.
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		weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land. • Pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture (ISA), which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone. • 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. • Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including: • Forest fire, flood and erosion protection works; • Protection, repair or replacement of public facilities; • Clearing of an obstruction from a bridge, culvert, dock wharf or stream; • Bridge repairs. • A farm operation as defined in the <i>Farm Practices Protection (Right to Farm) Act</i>. • Forest management activities, as defined in the <i>Private Management Forest Land Regulation</i>, on land classified as managed forest land under the <i>Private Managed Forest Land Act</i>. • 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. • Subdivision involving lot consolidation. • Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department).	
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		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. Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.	habitat and applies to the actual area of the parcel that could be potentially disturbed. Applicable senior environmental agencies include the Ministry of Environment and Climate Change Strategy, Fisheries and Oceans Canada (DFO) and Environment Canada. Best practices identify June 1 to February 15 as being appropriate for marine and foreshore construction; however, this varies from species to species.
9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<i>Guidelines for the Construction and Replacement of Docks and Ramps</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. - Construction details such as design, materials, methods, timing of construction and access should be provided at the time of permit application. - Docks should be located and designed to avoid the need for shore defence works or breakwaters. - Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This may require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question. - Docks must be designed to ensure that public access along the shore is maintained. - Dock and float design should allow natural light penetration to the submerged land underneath. Natural light penetration can be facilitated by spacing the decking surface of	These guidelines would only apply for construction of a new or replacement dock, ramp or float. Ensure DP application requires this level of detail for all applications. Breakwaters are not permitted by zoning in residential zones.

		the dock, incorporating grating and minimizing the width of the structure. Where possible, docks should be aligned in a north-south direction to allow for the maximum extent of light. • 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. • Dock and float design should allow the free flow of water beneath it. • All docks should be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. • 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. • Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area, unless two or more parcels have legal access to the dock, in which case permitted total surface area may be increased in accordance with the regulations in the Land Use Bylaw. • The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres. • 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.	Best practices recommend a minimum of 1.5 metres above the seabed during the lowest water level or tide. Consider specifying a number in this guideline. Current Land Use Bylaw regulations permit a float area of 65 m², which can be increased to a maximum of 158 m² for shared docks. Staff recommend the maximum float area be reduced to 35 m², with additional float area permitted for shared docks. Current Land Use Bylaw regulations permit a ramp width of 2.4 metres. Staff recommend reducing this regulation to 1.5 metres in the Land Use Bylaw. It is noted that best practices recommend a max. width of 1.2 metres.
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9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<i>Guidelines for Shoreline Modifications</i> • Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback pursuant to Section 2.7.3 of the Land Use Bylaw or for reclaiming land lost due to erosion. • 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. • Applications for shoreline protection or stabilization works shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows: i. The need for the proposed modification to protect existing structures; ii. Where the modification is proposed to protect new structures, the locations on the property where those structures could be built and not require shoreline modification; iii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations; iv. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed; v. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification; vi. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area. • Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with	Shoreline modifications refer to the construction of physical structures to support shoreline use or protect a use from erosion; as well as modifications that restore natural shoreline functions. The construction of a structure within the DPA may require an accompanying development variance permit (DVP) application. Guidelines in this section set out a criteria for allowing shoreline modifications, including constructing shoreline protection or stabilization measures or placing fill.
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		experience in coastal and/or geotechnical engineering, and: - Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland; - Apply the 'softest' possible shoreline protection measure that will still provide satisfactory protection; - Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land; - 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 SOFT  HARD In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions. - All structural shoreline protection or stabilization measures must be installed within	
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		the property line or upland of the natural boundary of the sea, whichever is further inland. 'Soft' shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining the necessary approval from the provincial and federal governments. • 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. The 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 or 'soft' 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. • 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;	
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		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. • 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. • 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. • 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	The following 3 guidelines would apply where fill placement or beach nourishment is proposed within the DPA.
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		by the appropriate provincial and/or federal authorities. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.	
9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<i>Guidelines for Vegetation Management, Restoration and Enhancement</i> - 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. - 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. - 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. - 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. - 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	These guidelines would apply to a broad range of applications where any shoreline or marine vegetation alteration would be proposed to occur.

		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.	
9.3.3	NEW SECTION 9.3 DP-3 SHORELINE	<i>Guidelines for Subdivision</i> • 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. • New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.	This guideline aims to reduce future applications for variances and reduce the need for future shoreline protection works. Encourages thoughtful subdivision layout with consideration of the location of any new roads, driveways and septic systems.

ATTACHMENT 3 – DRAFT BYLAW LANGUAGE FOR LAND USE BYLAW

Proposed Amendments to Land Use Bylaw			
#	LUB Section	Proposed Text	Staff Comments
1	LUB Section 1.5 Definitions	See staff comments.	Consider reviewing and updating all marine and foreshore related definitions incorporating best practices.
2	LUB Section 2.7 Measurement of Setbacks	Subsection 2.7.2 See staff comments.	Consider including additional ‘hard’ shoreline protection structures in the last point starting with “retaining walls”, for clarity. This could include: rock (rip rap) revetments, bulkheads and seawalls.
3	LUB Section 2.7 Measurement of Setbacks	Buildings and Structures .5 Private floats and docks shall be located within the seaward boundary of the upland property served and shall be setback 5.0 metres from the projection of those lot lines. This setback regulation does not apply to a shared lot boundary between residential lots served by the same private float and dock.	Consider amending in accordance with provincial requirements and best management practices.
4	LUB Section 2.7 Measurement of Setbacks	Buildings and Structures (new subsection) .6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.	Consider adding new regulation in accordance with provincial requirements and best management practices.

5	LUB Section 2.7 Measurement of Setbacks	Buildings and Structures (new subsection) .7 Private floats and docks shall not be sited or extended towards the sea beyond 30 metres from the present natural boundary of the upland parcel.	Consider adding new regulation in accordance with provincial requirements and best management practices. Ensuring this distance will minimize environmental and visual impacts.
6	LUB Section 4.1 Community Residential 1 (CR1) Zone	Permitted Buildings and Structures .4 The following structures are permitted in the marine-based area: - mooring buoys, floats, docks, dock ramps, stairs and piers providing marine access to a lot abutting the water area in which the structure is located; including dolphins and pilings necessary for the establishment or operation of a use permitted in this zone; - marine navigational aids; and - signs, subject to Section 5.	For consistency. Currently the term “dock ramps” is missing in this regulation, while similar regulations in other zones include the term.
7	LUB Section 4.1 Community Residential 1 (CR1) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
8	LUB Section 4.1 Community Residential 1 (CR1) Zone	Marine-Based Structures Limitations .7 Despite Subsection 4.1.6, the maximum float area may be increased by 25 square metres (269 square feet) per residential dwelling served up to a maximum float size of 85 square metres (915 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.	Consider reducing in accordance with best practices.
9	LUB Section 4.1 Community Residential 1 (CR1) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
10	LUB Section 4.2 Community Residential 2 (CR2) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
11	LUB Section 4.2 Community Residential 2 (CR2) Zone	Marine-Based Structures Limitations .7 Despite Subsection 4.2.6, the maximum float area may be increased by 25 square metres (269 square feet) per residential dwelling	Consider reducing in accordance with best practices.

		served up to a maximum float size of 85 square metres (915 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.	
12	LUB Section 4.2 Community Residential 2 (CR2) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
-	LUB Section 4.3 Comprehensive Development 1 (CD1) Zone	<i>Proposed amendments to subsections 4.3.6 and 4.3.8, and the removal of subsection 4.3.7, are included as part of proposed Bylaw No. 152.</i>	
13	LUB Section 4.4 Rural Residential (RR) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
14	LUB Section 4.4 Rural Residential (RR) Zone	Marine-Based Structures Limitations .7 Despite Subsection 4.4.6, the maximum float area may be increased by 25 square metres (269 square feet) per residential lot served up to a maximum float size of 85 square metres (915 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.	Consider reducing in accordance with best practices.
15	LUB Section 4.4 Rural Residential (RR) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
16	LUB Section 4.5 Rural Comprehensive (RC) Zone	Marine-Based Structures Limitations .6 The maximum area that may be covered by dock floats in the marine-area is 35 square metres (377 square feet).	Consider reducing in accordance with best practices.
17	LUB Section 4.5 Rural Comprehensive (RC) Zone	Despite Subsection 4.5.6 of this subsection, the maximum float area may be increased by 25 square metres (269 square feet) per residential lot served up to a maximum float size of 85 square metres (915 square feet).	Amend to be consistent with LUB elsewhere. Consider reducing in accordance with best practices.
18	LUB Section 4.5 Rural Comprehensive (RC) Zone	Marine-Based Structures Limitations .8 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
19	LUB Section 4.12 Provincial Marine Park (P2) Zone	Marine-Based Structures Limitations .7 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.

20	LUB Section 4.14 Marine 2 – Communal Moorage (M2) Zone	Marine-Based Structures Limitations .5 The maximum width of a ramp associated with a dock is 1.5 metres (4.9 feet).	Consider reducing in accordance with best practices.
21	LUB Section 4.16 Marine 4 – Private Log Dump (M4) Zone	Consider removing this section in its entirety.	Consider rezoning current M4 zoned marine area. Staff note that there is an existing tenure (industrial) for log handling/storage at this location.

ATTACHMENT 4 – SHORELINE DPA OPTIONS

Development Permit Areas Options			
Options	DPA Applicability	What the DPA Achieves	What the DPA does NOT Achieve
UPLAND (incl. private and public property)			
1	7.5 metre buffer upland	☒ Requires protection of sensitive ecosystems and critical habitats from development and fragmentation within a 7.5 m buffer of the NBS. ☒ Applies to all development activities, including subdivision, within 7.5 metres of the NBS (unless exempt). ☒ Aligns with existing Land Use Bylaw setback from the NBS.	☒ Protection of sensitive ecosystems, critical habitats from development in the upland outside 7.5 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc). ☒ Inform conservation subdivision layout
2	15 metre buffer upland	☒ Requires protection of sensitive ecosystems and critical habitats from development and fragmentation within a 15 m buffer of the NBS. ☒ Applies to all development activities, including subdivision, within 15 metres of the NBS (unless exempt). ☒ Aligns with provincial “Flood Hazard Area Land Use Management Guidelines” that require building setbacks to be 15 metres or greater (from the future estimated NBS at year 2100).	☒ Protection of sensitive ecosystems, critical habitats from development in the upland outside 15 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc). ☒ Inform conservation subdivision layout.
3	30 metre buffer upland	☒ Requires protection of sensitive ecosystems and critical habitats from development and fragmentation within a 30 m buffer of the natural boundary of the sea (NBS). ☒ Applies to all development activities, including subdivision, within 30 metres of the NBS (unless exempt). ☒ Aligns with or exceeds provincial “Flood Hazard Area Land Use Management Guidelines” that require building setbacks to be 15 metres or greater (from the	☒ Protection of sensitive ecosystems and critical habitats from development in the upland outside 30 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc). ☒ Inform conservation subdivision layout.

		future estimated NBS at year 2100).	
4	Whole Waterfront Parcel	☒ Requires protection of sensitive ecosystems, critical habitats from development and fragmentation on entire parcel regardless of size. ☒ Applies to all activities within waterfront parcels (unless exempt). ☒ Aligns with or exceeds provincial "Flood Hazard Area Land Use Management Guidelines" that require building setbacks to be 15 metres or greater (from the future estimated NBS at year 2100).	☒ Protection of sensitive ecosystems and critical habitats from development in the upland outside of the waterfront parcel. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
MARINE			
5	Seaward 30 metres	☒ Applies to new or replacement marine structures such as docks, piers, ramps and floats.	☒ Protection of sensitive ecosystems and critical habitats from development in the marine area outside 30 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
6	Seaward 100 metres	☒ Applies to new or replacement marine structures such as docks, piers, ramps and floats.	☒ Protection of sensitive ecosystems and critical habitats from development in the marine area outside 100 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
7	Seaward 300 metres	☒ Applies to new or replacement marine structures such as docks, piers, ramps and floats.	☒ Protection of sensitive ecosystems and critical habitats from development in the marine area outside 300 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).
8	Seaward 1000 metres (boundary of area of bylaw application)	☒ Applies to new or replacement marine structures such as docks, piers, ramps and floats.	☒ Protection of sensitive ecosystems and critical habitats from development in the marine area outside 1000 m buffer. ☒ Address cumulative impacts of upland development on the foreshore (triggered by soil removal, fill etc).

File No.: GM-6500-20 (Gambier Island
OCP Review)

DATE OF MEETING: February 4, 2021
TO: Gambier Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Gambier Island Official Community Plan Review

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to amend the Gambier Official Community Plan Review Project Charter, to reflect [insert project type] and that includes [insert desired categories/topics] in scope.

REPORT SUMMARY

The purpose of this report is to identify preliminary objectives and scoping options for the Gambier Island Official Community Plan Review Project as the project recommences and to request direction from the Gambier Island Local Trust Committee (LTC) on a preferred approach.

BACKGROUND

The Gambier Island Official Community Plan Review was identified as a Top Priority Project in 2015. The following is a summary of the OCP review activities to date:

- Preliminary consultation with First Nations took place in 2016 and early 2017;
- A community survey on targeted OCP review topics was conducted in 2016;
- The LTC collaborated with the Coastal Douglas Fir Conservation Partnership to produce mapping of priority conservation areas in 2017;
- Representatives of the Skwxwú7mesh Úxwumixw (Squamish Nation) met with Gambier Island community members to discuss key OCP topics and respective interests at a Special LTC meeting held February 2017;
- The Advisory Planning Commission (APC) commented in 2017 on two referrals regarding the OCP project; and
- Staff conducted an internal technical review of the existing OCP, which identified opportunities for additions, revisions, and restructuring in June 2018.

Following the technical review, the LTC passed the following related resolutions at their December 13, 2018 business meeting:

GM-2018-082

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend the Revised Project Charter endorsed June 2018 for the Gambier OCP Comprehensive Review to include the Coastal Douglas-fir and Associated Ecosystems Toolkit.

CARRIED

GM-2018-083

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend the project Gambier LUB Review by adding review of shipping container regulations.

CARRIED

GM-2018-084

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee move the items from the Gambier LUB Review under Projects and embed them into the Gambier OCP Comprehensive Review under Top Priorities.

CARRIED

GM-2018-085

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee move from Projects: Development Approval Information Bylaw, Gambier Site-specific Water Zones, and Recreational Camp and Private Institutional Regulation Review, to Top Priorities number 2, Gambier OCP Comprehensive Review.

CARRIED

Since then and up until now, the OCP Review Project was placed on hold due to limited staffing resources.

Summary of Current Objectives, Scope, Timeline and Budget of the OCP Review Project

According to the latest Project Charter, dated December 2018, the current objectives and scope of the OCP Review are the following:

Objectives

- To review and update goals, objectives, and policies to guide development on Gambier.
- To engage and collaborate with First Nations.
- Ensure the OCP addresses the *Islands Trust Policy Statement* and *Local Government Act* requirements.

Topics in Scope

- Technical amendments to streamline the OCP goals, objectives and policies.
- Review options to enhance shoreline protection and marine designations.
- Implement coastal Douglas-fir and associated ecosystems toolkit.
- Review of forest conservation related policies.
- Review options to protect archaeological and cultural sites.
- Review of policies regarding: economic development; livability and services for island residents; private institutional policies; parks and trails.
- Updating Schedule B to ensure designations reflect intended uses.

Staff note that at the December 13, 2018 business meeting, that resolutions requested that the following be added to the OCP Review:

- Items from the Gambier LUB Review under the Projects List.
- Development Approval Information (DAI) Bylaw, Gambier Site-specific Water Zones, and Recreational Camp and Private Institutional Regulation Review.

Timeline

Before the project was put on hold, the Project Charter indicated that the project was in the early stages of Phase One of the two phased workplan approach with the following anticipated actions and timelines.

Phase 1 (June 2018 – March 2019)	Phase 2 (April 2019 – March 2020)
Anticipated actions: • OCP technical review (completed) • Ongoing First Nation engagement • Analysis of environmental & archaeological protection topics • Development Approval Information bylaw drafting • Development of consultation/communication plan • 2 Community Information Meetings & 2nd Community Survey	Anticipated actions: • Consultation on “livability” topics, private institutional policies, interagency topics such as parks. • Policy drafting and Schedule B updates • Bylaw drafting and legislative review process (readings, public hearing, EC and Ministry approval)

Budget

The Project Charter indicates a \$4500.00 budget for Phase 1 and the budget for Phase 2 is yet to be determined. Currently, the Expense Report (included in this agenda package) indicates a budget of \$4000.00 for the Gambier OCP project for this fiscal year.

ANALYSIS

Issues and Opportunities

As this project recommences and in preparation for updating the Project Charter, staff are revisiting the project objectives and scope to confirm the LTC’s desired direction going forward. Staff reviewed all of the work done to date, budget allocations, and time remaining in the term, and has developed the following table with three general scoping options for advancing the project along with timelines, budget and staff comments.

Table 1: Project Options

<i>Type of Project</i>	Option 1: Continue with Comprehensive Review (currently proposed)	Option 2: Category Review	Option 3: Topic Focus	Staff Comments
Objectives	As listed in Project Charter (Dec. 2018) - Review & update goals, objectives, policies to guide development. - Engage and collaborate with First Nations. - Address Islands Trust Policy Statement and <i>Local Government Act</i> requirements.	As determined based on desired category.	As determined based on desired topic.	Objectives should include: - First Nation engagement & collaboration/strengthening relations; - Utilizing the Coastal Douglas-fir Conservation toolkit and Regional Conservation Plan (if within scope); - Consistency with the Islands Trust Object, Policy Statement, and Strategic Plan; - Addressing applicable <i>Local Government Act</i> requirements.
Scope	As listed in Project Charter (Dec. 2018): - Forest conservation /Protection of Coastal Douglas-fir Zones and Associated Ecosystems. - Protection of Archaeological & cultural sites. - Shoreline protection & marine designations. - Economic development. - Parks and trails. - Livability & services for island residents. - Private institutional policies.	1-2 categories. E.g.: Any 1-2 of the categories listed in the Project Charter or others.	1 topic. E.g.: - Public docks - Forest conservation on public lands	The scope should include: - Technical review; - First Nations acknowledgement and history. Integration with Regional Planning Team efforts towards standardizing OCP documents and OCP review process when possible, e.g. standardized OCP structure and style.
Approximate Timeline	4 – 6 years (2 – 3 years completed; 2-3 more years of work to complete) - Would span into next political term.	2 – 4 years - Would span into next political term.	1 – 2 years - With a smaller scope, could aim for Public Hearing by March 2022.	- Timeline dependent on scope and desired extent of consultation. - Outcome of Islands Trust Policy Statement Review 2050 not available until 2022.
Budget	\$5000.00+ (\$\$\$\$)	(\$\$)	(\$\$)	

Rationale for Recommendation

Staff have provided an analysis of project scoping options for LTC consideration in preparation for updating the Project Charter. Staff request direction on the type of project and scope of the project before proceeding with Project Charter amendments. The staff recommendation is found on Page 1 of the report.

ALTERNATIVES

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

1. Request updates to the Project Charter with no change to the objectives or scope.

The LTC may request no changes to the objectives or scope of the Project Charter, dated December 13, 2018, but request changes to the workplan. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request staff to amend the Gambier Official Community Plan Project Charter, dated December 13, 2018 with no changes to the objectives and scope, but by developing a proposed workplan and budget to achieve the previously identified objectives and scope.

2. Request further information.

The LTC may request further information before making a decision. Staff advise that the implications of this alternative are that it may delay the preparation of the Project Charter. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request that staff provide [insert requested information].

NEXT STEPS

Should the LTC concur with the staff recommendation, or alternative, staff will prepare amendments to the Project Charter for LTC consideration at the next LTC meeting.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	1/25/2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 26, 2021

ATTACHMENT

1. Project Charter, dated December 13, 2018

Gambier OCP Review Project Charter

Gambier Island Local Trust Committee

Date: June 28, 2018
Revised December 13, 2018

Purpose To conduct a comprehensive review of the Gambier Island Official Community Plan in a two-phase project.

Background The LTC identified this project as a Top Priority in February 2015.

Objectives

- To review and update goals, objectives, and policies to guide development on Gambier
- To engage and collaborate with First Nations
- Ensure the OCP addresses the Islands Trust Policy Statement and Local Government Act requirements

In Scope

- Technical amendments to streamline the OCP goals, objectives and policies.
- Review options to enhance shoreline protection and marine designations.
- Implement coastal Douglas-fir and associated ecosystems toolkit.
- Review of forest conservation related policies.
- Review options to protect archaeological and cultural sites.
- Review of policies regarding: economic development; livability and services for island residents; private institutional policies; parks and trails
- Updating Schedule B to ensure designations reflect intended uses.

Out of Scope

- Review of Density/Build-Out
- Affordable Housing Strategy

Workplan Overview

Deliverable/Milestone	Date
First Nations engagement	
LTC consideration of OCP technical review	
Phase One (development of consultation/communication plan; analysis of environmental & archaeological protection topics; DAI bylaw drafting; policy drafting)	
Phase one: Development of consultation/ communication plan	
Phase one: Community information meeting	
Phase one: Community survey	
Phase one: Draft Development Approval Information bylaw	
Phase one: Community information meeting	
Phase Two (consultation and analysis regarding “livability” topics, private institutional policies, and interagency topics such as parks; policy drafting and Schedule B updates)	
Bylaw drafting and Legislative Review Process (readings, public hearing, EC and MMAH approval)	

Project Team		Budget		
Island Planner	Project Manager	Budget Source: Gambier OCP Project		
Planner 2	Project Sponsor	Fiscal	Item	Cost
Regional Planning Manager	Project Sponsor	2018-19	Two CIMs @ \$1000 each	\$2000
Planning Clerk	Admin Support	2018-19	Community Survey	\$1000
GIS Analyst	Mapping Support	2018-19	First Nations engagement	\$1500
Communications Coordinator	Communications Support	2019-20	Phase 2 and Leg Review (CIM & Public Hearing)	TBD
			Total	\$4500

RPM Approval: Ann Kjerulf

Date: Dec. 13, 2018

LTC Endorsement Date: GM-2018-082 (December 13, 2018)



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 24, 2020

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board resolved to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings will be live streamed, and the public can participate by connecting to the link or the phone number provided in the meeting notice. The Board also directed staff to investigate the use of electronic meetings as a primary meeting format. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

A Board meeting schedule for 2021 was approved and will be posted to www.islandstrustconservancy.ca/about-us/meetings/.

ITC reviewed options for sustainable investing as guided by policies and guidelines in its 5-year plan. ITC staff will work with administrative staff to move investments into funds that are in alignment with the [United Nations Sustainable Development Goals](#).

The 2021/22 budget was reduced by \$3,600 to reflect anticipated cost savings in areas of Board training, staff training, and associated training travel. ITC travel budgets were not greatly reduced as they are required for property management and are not meeting related.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

ITC has signed a Contribution Agreement with Environment and Climate Change Canada for a new, three-year Species at Risk Program. Staff are working to launch the program and plan to develop a project charter for Board consideration.

Goal 2 – Strong relationships with First Nations

In October, ITC Board directed staff to create an ITC Reconciliation Action Plan that reflects prior directions in Goal 2 of the Regional Conservation Plan. Staff continue to work towards this plan and are also currently incorporating information from indigenous knowledge holders into land securement (acquisitions and covenants) and land management.

Goal 3 – Protection of core conservation areas

Two Natural Area Protection Tax Exemption Program (NAPTEP) proposals on Salt Spring Island were approved (See details below).

The ITC Board concluded its 2020 property monitoring program and reviewed and approved the 2020 Nature Reserve Monitoring Report and the 2020 NAPTEP Covenant Monitoring Report. Staff were directed to undertake actions identified in the reports.

The Covenant Management and Outreach Specialist outlined plans for outreach with NAPTEP landowners in 2021.

Goal 4 – A strong voice for nature conservation

The [Opportunity Fund](#), which is a funding program for island-based land conservation, has been very popular this year and is down to \$10,000. Through small grants (~\$5,000), the Fund supports hard to fundraise costs for island-based land conservation. ITC has done an appeal for fund donations through the Heron Newsletter mail-out, and via E-news. A Holiday Appeal letter from Chair Stamford will follow in December. Donations are tax receiptable and are greatly appreciated.

Visit www.islandstrustconservancy.ca/donate/ to donate.

The Board reviewed annual training opportunities and indicated a preference for training on the following topics:

- Fund Development and Speaking with Donors
- Cultural Sites and Property Management
- Species at Risk in the ITC Area

The Board received a briefing on completion of the 2020 forest outreach campaign, where over 400 letters and NAPTEP brochures were mailed to landowners to encourage conservation. Staff are following up with several landowners who have expressed an interest in formal land conservation. Conservation proposals have been received from landowners included in the outreach.

The recently released [Fall Heron Newsletter](#) reflects changes for greater readability and a more donor-centric approach.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Activities by Local Trust Area/Island Municipality

Bowen – Staff are working with the Bowen Island Conservancy on an invasive species management strategy for a conservation covenant, and monitoring of three ITC nature reserves and to complete the Opportunity Fund grant for the Bowen Island Conservancy.

Gabriola – Invasive species management and ecological restoration work has been completed for the year in one conservation covenant, and in Elder Cedar Nature Reserve. Staff are working on new signage for the Elder Cedar Nature Reserve.

Galiano – Forest restoration activities with Habitat Acquisition Trust at Trincomali Nature Sanctuary including removing invasive species and monitoring areas of past plantings, including maintaining fencing. Cormorant nest monitoring and reporting also took place.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, is pending.

Lasqueti – Staff reported that Visual Quality Objectives (VQO) for Lasqueti Island were being revised by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and the area adjacent to the ITC Mount Trematon Nature Reserve was proposed for removal from the VQO. Staff responded requesting that the area remain as part of the VQO.

Restoration activities were conducted at the pond in Salish View Nature Reserve to improve habitat for Species at Risk. With funding from Environment and Climate Change Canada, restoration activities included fence installation and planting of 841 native species. Work was completed with assistance of volunteers on Lasqueti and conservation covenant partners Lasqueti Island Nature Conservancy and Nanaimo & Area Land Trust. Provincial CoViD-19 safety guidelines were followed.

North Pender/Sidney Island – Staff are participating in the Steering Committee and working groups of a Parks Canada-led initiative to restore forest ecosystems on Sidney Island, where ITC holds eight conservation covenants. Staff have encouraged covenant landholders on North and South Pender to participate in The Pender Islands Big Tree Registry initiative.

Salt Spring – The ITC Board approved negotiation of two NAPTEP covenants: 45 ha near Burgoyne Bay Provincial Park and 5 ha of forest, bluff and wetland near Stowel Lake.

Invasive species management and ecological restoration has been completed for the year in two nature reserves and is under way in two NAPTEP covenants.

Planning has begun for species-at-risk habitat conservation and enhancement projects across a network of conservation covenants and nature reserves.

Staff participated in the annual meeting of the Special Management Area Resource Team for Mount Tuam Special Management Area, which includes an ITC conservation covenant and nature reserve.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending December 2020

630 Gambier	Invoices posted to Month ending December 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	500.00	122.35	377.65
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,815.00	786.50	3,028.50
65210-630	LTC - Local Exp - APC Meeting Expenses	255.00	0.00	255.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,614.00</u>	<u>786.50</u>	<u>3,827.50</u>
Projects				
73001-630-2016	Gambier OCP/LUB	4,000.00	0.00	4,000.00
73001-630-3003	Gambier RAR	3,500.00	0.00	3,500.00
73001-630-4094	Gambier Keats Island Shoreline Protection Review	3,500.00	0.00	3,500.00
TOTAL Project Expenses		<u>11,000.00</u>	<u>0.00</u>	<u>11,000.00</u>

Gambier Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	It was MOVED and SECONDED that the Gambier Island Local Trust Committee endorses the following guidelines for the appointment of members to the advisory planning commission and requests that such guidelines be posted on the Islands Trust website and are used in any posting to solicit expressions of interest from candidates for advisory planning commission membership: “The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are: - Representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area; - Representative of a range of backgrounds and expertise that is supportive to each other in the consideration of matters referred to the advisory planning commission; - Where feasible and practical of a balanced representation of gender and age groups. Consideration shall be given to the following criteria in any appointment: • Previous experience as a member of a Board of Variance; • Experience on a local government council, board, local trust committee, commission or other body; • Experience with other volunteer boards, commissions or committees; • Experience and credential in a planning, design or related profession; • Experience and credentials in a building or design trade; • Educational background; • Length of residency in the local trust area; • Availability, and willingness to travel between local trust areas.
2.	March 26, 2015	GM-2015-018	Amend APC appointment guidelines	It was MOVED and SECONDED, that the Gambier Island Local Trust Committee amend the APC appointment guidelines to allow for representation of members to be weighted to a geographic area subject to a current top priority project.

No	Meeting Date	Resolution No.	Issue	Policy
3.	October 26, 2017	GM-2017-065	Development Permit Area (DPA) No. 3: Riparian Areas administration	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt a Standing Resolution which directs staff to administer Development Permit Area (DPA) No. 3: Riparian Areas in the interim before formal amendments are made to the DPA, as follows: a. The “Designated Area” provisions of Section 12.3.1 of Gambier Island Official Community Plan No. 73 should be used to determine whether or not a proposed development is subject to DPA No. 3: Riparian Areas; b. When development is proposed within the “Designated Area”, applicants shall be required to have a Qualified Environmental Professional assess the water feature to determine whether or not it is subject to the Riparian Areas Regulation; c. When development is proposed within the “Designated Area” of a water feature which is determined to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall be required; d. When development is proposed within the “Designated Area” of a water feature which is determined not to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall not be required.
4.	December 11, 2017	GM-2017-078	Adding item to agenda	It was MOVED and SECONDED that the Gambier Island Local Trust Committee request staff to add to each agenda “First Nations Activities” under the Reports section.
5.	January 25, 2018	GM-2018-009	First Nations Words, Phrases and Place Names	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution: a) That staff incorporate First Nations’ words, phrases, and place names in Local Trust Committee communications, as appropriate.

No	Meeting Date	Resolution No.	Issue	Policy
6.	November 21, 2019	GM-2019-061	First Nations Reconciliation engagement	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavors to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
7.	July 23, 2020	GM-IC-2020-001	Bylaw Enforcement investigation	It was MOVED and SECONDED that the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a principal use and both parcels are held under common ownership.



Top Priorities Report

Gambier Island

1. *Riparian Areas Regulation*

Implement RAR and protect all watercourses across the Gambier Island Local Trust Area

Responsible

Marnie Eggen

Dates

Rec'd: 26-Oct-2011

2. *Gambier OCP Comprehensive Review*

Revised Project Charter scope Dec. 2018

Responsible

Dates

Rec'd: 12-Feb-2015

3. *Keats Island Shoreline Protection Project - Phase 3*

Review of OCP and LUB to implement shoreline protection measures. Establish Shoreline DPA and updates marine structure regulations.

Responsible

Jaime Dubyna
Sonja Zupanec

Dates

Rec'd: 31-Jan-2019

4. *OCP Advocacy Policies - Implementation & Support*

Supporting the advocacy policies of the Gambier, Keats, and Associated Islands OCPs, and Islands Trust Strategic Plan (e.g. woodlots, industrial facilities, Howe Sound)

Responsible

Dan Rogers
Kate-Louise
Stamford

Dates

Rec'd: 24-Oct-2013

Projects Report

Gambier Island

1. *Development Approval Information Bylaw*

Responsible

Date Received

Develop and adopt a D.A.I bylaw for the Gambier Trust Area.

2. *Squamish First Nation Consultation*

Responsible

Date Received

Scope interim strategies pending completion of a possible protocol agreement to address protection of archaeological and heritage resources.

31-Jan-2012

3. *Gambier LUB Review*

Responsible

Date Received

Review Gambier LUB to address:

22-May-2014

- May 2020: clarification around water storage tanks as structures, requirements for screening, and the need for setback placement as part of their use as community amenities in fire protection.
- definition of breakwater
- trams (currently silent)
- advocacy policies around pump out stations
- review of title Wilderness Conservation
- 2013: REVIEW KEATS AND GAMBIER LUBS FOR ACCOMMODATION of OCEAN LOOP GEO-EXCHANGE SYSTEMS
- 2010: GHG Emissions (a more proactive approaches to plan for GHG reductions especially in relation to Policies 6.1 and 6.2 in consultation with SCRD.) Initiative arises from recommendation of SCRD in comments about bylaws 111 & 112.



Projects Report

Gambier Island

4. *Gambier site-specific Water Zones*

Responsible

Date Received

Staff to research the history of Site-Specific water zones on Gambier.

26-Sep-2013

5. *Recreational Camp and Private Institutional Regulation Review*

Responsible

Date Received

Review Recreational Camp and Private Institutional regulations in all Local Trust Area land use bylaws.

28-Jul-2016

Review to ensure that regulations properly balance ecological protection with current realities re: rentals as income source for rec camps.

6. *Keats Island LUB review*

Responsible

Date Received

-review definition of 'structure' to ensure adequate regulation of the siting of underground sewage disposal systems with setbacks to lot lines and the natural boundary of the sea

11-Dec-2017

-review regulations for accessory uses, buildings and structures occurring on parcels where no principal use exists (April 2018 LTC resolution).

7. *Thormanby Islands Foreshore Protection Pilot Project*

Responsible

Date Received

Review of setback regulations and designation of a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions.

26-Jul-2018

Projects Report

Gambier Island

8. *Definition of "dwelling" in Keats Island LUB*

Responsible

Date Received

Review the definition of "dwelling" in the Keats Island Land Use Bylaw No. 78.

28-May-2020



Islands Trust Council Highlights December 1-3, 2020

The following is a list of highlights of Trust Council's activities and decisions during its December 1-3, 2020 meeting held electronically. These highlights are not the official minutes of the Trust Council meeting; Trust Council will adopt those at its March 2021 electronic meeting.

Governance and Management Review

Trust Council approved an external review of the Islands Trust's governance, management and operations.

Policy Statement Amendment Project (PSAP)

A full day of discussion around the PSAP project has been allocated to the March 2021 Trust Council.

A motion to define the words "unique amenities" was postponed for consideration to the March Trust Council meeting.

Trust Council requested Trust Programs Committee (TPC) prepare questions for trustees regarding themes that have been emerging during discussion of the PSAP, and the responses be provided to TPC by the end of January 2021.

The Community Benefit Land Trust briefing was referred to TPC for consideration in the context of the Trust Policy Statement Project.

Natural Area Property Tax Exemption Program (NAPTEP) Certificates Issued

Two NAPTEP certificates were issued for Salt Spring Island protecting 48.5 ha of island ecosystems through the tax exemption program.

Strategic Plan Amended

Trust Council approved the development of heritage preservation overlay mapping for the Trust Area and the development of model heritage regulatory bylaws for protection of potential heritage and cultural sites.

Active Transportation Planning Grant

Trust Council supported the Gabriola Island Local Trust Committee's application for a Transportation Planning Grant.

Accelerating Planner Staffing Shifts to Support Strategic Plan Goals

It was requested that an analysis of this request will be brought back to the March Trust Council for consideration.

Freighter Anchorages Advocacy

Trust Council reaffirmed its position to further advocate for the removal of 33 freighter anchorages in the Salish Sea.

Staff will obtain a legal opinion on the ability of Islands Trust to prohibit or regulate non-emergency anchoring of vessels in the waters of the Trust Area and consider drafting model bylaws for this purpose.

Federal Aquaculture Act Consultation

Trust Council will prepare a submission to the consultation regarding development of Canada's first-ever Aquaculture Act.

New Staffing Considerations

Trust Council approved a business case be forwarded to the March budget session to consider funding a Communications Specialist position for bylaw infraction prevention.

Trust Council 2021 Meeting Schedule

Trust Council adopted the following meeting dates and locations for 2021: March 9-11/electronic, June 8-10/electronic, September 21-23/in-person Nanaimo and November 30 to December 2/in-person Victoria.

Annual Staff Awards

- *The Innovation Award* to Mark van Bakel and David Beeston for outstanding and ongoing efforts to pivot Islands Trust to a remote workforce.
- *The Champion Award* to William Shulba for upholding the Islands Trusts' mandate and policy in action and through projects.
- *The Legacy Award* to Sonja Zupanec to celebrate and acknowledge the creation of lasting change within the Islands Trust that improves and enriches who we are, how we work, and what we represent.



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Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 30, 2020

File No.: 5020-30

Via Email: Premier@gov.bc.ca
FLNR.minister@gov.bc.ca
ENV.minister@gov.bc.ca
Minister.Transportation@gov.bc.ca
MAH.minister@gov.bc.ca

The Honourable
John Horgan
Premier of British
Columbia
PO BOX 9041,
STN PROV GOVT
Victoria BC
V8W9E1

The Honourable
Katrine Conroy
Minister of Forests,
Lands, Natural
Resource Operations
and Rural
Development
PO BOX 9049
STN PROV GOVT
Victoria BC
V8W9E2

The Honourable
George Heyman
Minister of
Environment and
Climate Change
Strategy
PO BOX 9047,
STN PROV GOVT
V8W9E2

The Honourable
Rob Fleming
Minister of
Transportation and
Infrastructure
PO BOX 9055,
STN PROV GOVT
Victoria BC
V8W9E2

The Honourable
Josie Osborne
Minister of
Municipal Affairs
PO BOX 9056,
STN PROV GOVT
Victoria BC
V8W9E2

Dear Premier and Ministers:

Re: Development of BC Coastal Strategy and Law

Congratulations on your recent election success and the appointment of the Executive Council. The Islands Trust Council is looking forward to working with you over the next four years to advance protection of the Islands Trust Area. I am writing to advise you that during its September 15-16, 2020 meeting, following a joint presentation by Canadian Parks and Wilderness Society and West Coast Environmental Law, the Islands Trust Council passed the following motion:

THAT Trust Council direct the Chair to write to the Premier and all relevant Ministers of the BC government on behalf of Trust Council to request that the BC Government develop and enact a Coastal Strategy and law to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups to preserve coastal and ocean health, halt coastal habitat loss, accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy, set marine environmental quality objectives from upland activities, and help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea level rise, climate change, and ocean acidification.

As we make efforts to mitigate and adapt to the current climate emergency, this form of coordinated and strategic approach will be critical to the preservation of lands and waters in the region and to our long-term climate resilience.

.../2

Thank you for considering this request.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc:

Parliamentary Secretary for Environment	S̱ÁUTW (Tsawout) First Nation
The Minister of State for Lands, Natural	Stz'uminus First Nation
Resource Operations	SXIMEŁŁ (Esquimalt) Nation
BOŲECEN (Pauquachin) First Nation	Tla'amin (Sliammon) Nation
Cowichan Tribes	Tsawwassen First Nation
Halalt First Nation	Tsleil-Waututh Nation
Homalco First Nation	T'Sou-ke Nation
Klahoose First Nation	Wei Wai Kum (Campbell River) First Nation
K'ómoks First Nation	We Wai Kai (Cape Mudge) First Nation
Lake Cowichan First Nation	WJOŁŁP (Tsartlip) First Nation
Lekwungen (Songhees) Nation	W̱SIŲEM (Tseycum) First Nation
Lyackson First Nation	x̱m̱əθḵəŲəm Musqueam
MÁLEXEŁ (Malahat) Nation	First Nations Leadership Council
Penelakut Tribe	Hul'qumi'num Treaty Group
Qualicum First Nation	Laich-kwil-tach Treaty Society
Scia'new (Beecher Bay) First Nation	Nanwakolas Council
SEMYOME (Semiahmoo) First Nation	Naut'sa mawt Tribal Council
shíshálh First Nation	Te'mexw Treaty Association
Snuneymuxw First Nation	Bowen Island Municipal Council
S̱wxw̱ 7mesh (Squamish) Nation	Islands Trust Council
Snaw-naw-as (Nanoose) First Nation	Islands Trust website



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November 30, 2020

File No.: 11-4960-30

Via email: MAH.minister@gov.bc.ca

The Honourable Josie Osborne
Minister of Municipal Affairs
PO BOX 9056, STN PROV GOVT
Victoria BC V8W9E2

Dear Minister:

RE: Enhance Islands Trust's Jurisdiction Over Tree Cutting

Congratulations on your recent election success and appointment as Minister of Municipal Affairs. The Islands Trust Council is looking forward to working with you over the next four years to advance protection of the Islands Trust Area. I am writing to advise you that during its September 15-16, 2020 meeting, the Islands Trust Council passed the following motion:

That Islands Trust request the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter.

The protection of sensitive forest ecosystems is a top priority for Islands Trust and a cornerstone of our 2018-2022 Strategic Plan. In addition to this request for additional local trust committee powers, we want you to know that we are still requesting that the Province change legislation so that local trust committees could regulate, but not prohibit, forest activities on Private Managed Forest Lands within the Islands Trust Area.

In March 2019, Islands Trust Council joined First Nations and governments around the world in declaring a Climate Emergency, calling for an urgent response to the threats and costs posed by climate change. Proper management and protection of forest ecosystems and green carbon sinks in the Trust Area will be critical to the Trust's climate mitigation and adaptation efforts.

Thank you for considering this request.

Sincerely,

Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

.../2

cc:

BOKÉĆEN (Pauquachin) First Nation	SṪÁUTW (Tsawout) First Nation
Cowichan Tribes	Stz'uminus First Nation
Halalt First Nation	SXIMEŁŁ (Esquimalt) Nation
Homalco First Nation	Tla'amin (Sliammon) Nation
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