Islands Trust

A NOTICE OF A BUSINESS MEETING OF **THE GAMBIER ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 am on Thursday, July 11, 2013
at Keats Camp – Pilot House, Keats Island, BC

AGENDA

		Page No.	****Approx. Time****
1.	**CALL TO ORDER**		10:30 am
2.	**APPROVAL OF AGENDA**		
3.	**MINUTES**		
3.1	Local Trust Committee Special Meeting Minutes of Community Information Meeting dated April 10, 2013 – *for adoption*	1-4	
3.2	Local Trust Committee Public Hearing Record dated April 10, 2013 – *for information*	5-6	
3.3	Local Trust Committee Meeting Minutes dated May 23, 2013 – *for adoption*	7-16	
3.4	Section 26 Resolutions Without Meeting Log dated July 2, 2013 - *attached*	17	
3.5	Gambier Island Advisory Planning Commission Minutes - *none*		
4.	**BUSINESS ARISING FROM MINUTES**		
4.1	Follow-up Action List dated July 2, 2013 - *attached*	18-19	10:40 am
5.	**CHAIR'S REPORT**		
6.	**TRUSTEES' REPORT**		
7.	**DELEGATIONS**		
8.	**TOWN HALL SESSION**		
9.	**CORRESPONDENCE** *Correspondence specific to an active development application and/or project will be received by the Gambier Island Local Trust Committee when that application and/or project is on the agenda for consideration.*		
			11:15 am
10.	**LOCAL TRUST COMMITTEE PROJECTS**		
10.1	GM-LUB-2011.2 Associated Islands Land Use Bylaw – *for discussion* Staff Report dated June 28, 2013 - *attached*	20-85	
11.	**APPLICATIONS AND PERMITS**		11:25 am
11.1	GM-RZ-2012.1 (Reel 17 Investments Ltd. – Gambier Island) Staff Report dated June 26, 2013 - *attached*	86-96	
11.2	GM-RZ-2013.1 (Burrard Yacht Club – Gambier Island) Preliminary Report dated June 19, 2013 - *attached*	97-116	
	BREAK		12:00 pm

12.	**BYLAWS**		12:15 pm
12.1	(GM-LUB-2011.2 Associated Islands Land Use Bylaw) Proposed Bylaw No. 120 cited as "Gambier Associated Islands Land Use Bylaw, 2013". – *for consideration of third reading and submission to Executive Committee for approval*		
13.	**REPORTS**		
13.1	**Work Program Reports**		
	13.1.1 Top Priorities Report and Projects List dated July 2, 2013 - *attached*	117-119	
13.2	**Applications Log**		
	13.2.1 Report dated July 3, 2013 - *attached*	120-124	
13.3	**Trustee and Local Expenses**		
	13.3.1 Expenses posted to May 31, 2013 – *attached*	125	
	13.3.2 Expenses posted to June 30, 2013 - *attached*	126	
14.	**NEW BUSINESS**		12:30 pm
14.1	Proactive Bylaw Enforcement of Illegal Structures on the Foreshore Memorandum dated June 18, 2013 - *attached*	127-133	
14.2	Woodlot Licenses on Gambier Island – *for discussion*		
14.3	Confirmation of Upcoming Local Trust Committee Meeting Dates – *for discussion and decision*		
14.4	Clarification of Trustee Roles when Participating in Other Community Groups Islands Trust Briefing dated May 28, 2013 - *attached*	134-136	
15.	**ISLANDS TRUST WEBSITE**		
15.1	Gambier pages – *for discussion*		
16.	**CLOSED MEETING**: The Gambier Island Local Trust Committee closes the next part of the July 11, 2013 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) of the *Community Charter and* that Staff be invited to attend this meeting.		
17	**RECALL TO ORDER** Rise and Report from Closed Meeting		
18.	**NEXT MEETING** September 26, 2013 at 10:30 am at Gambier Island Community Centre, Andy's Bay Road, Gambier Island, BC		
19.	**ADJOURNMENT**		2:00 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

MINUTES OF THE GAMBIER ISLAND LOCAL TRUST COMMITTEE SPECIAL BUSINESS MEETING TO HOLD A COMMUNITY INFORMATION MEETING HELD ON WEDNESDAY, APRIL 10, 2013 AT 6:45 PM AT WEST VANCOUVER SENIORS CENTRE, 695-21ST STREET WEST VANCOUVER, BC

Members Present:

David Graham	Chair
Jan Hagedorn	Local Trustee
Kate-Louise Stamford	Local Trustee

Staff Present:

Sonja Zupanec	Island Planner
Lisa Webster-Gordon	Legislative Planning Clerk
Diane Corbett	Recorder

Others Present:

Approximately (14) members of the public

1. CALL TO ORDER

Chair Graham called the meeting to order at 6:45 pm. and introduced trustees and staff in attendance.

2. OPENING REMARKS FROM THE CHAIR AND TRUSTEES

Chair Graham explained that the Community Information Meeting was scheduled until 7:30 pm. and would be an opportunity for dialogue and clarification of what the proposed bylaw is about. Following this, a Public Hearing would be conducted when the public could provide feedback on the proposed bylaw.

Chair Graham invited trustees to comment.

Trustee Stamford remarked that she had observed the process related to the Associated Islands Official Community Plan and the Land Use Bylaw over a number of years. She appreciated the participation of landowners and the care they had taken in ensuring the bylaw works for them, and hoped that it would enhance livability on the islands.

Trustee Hagedorn thanked people who had taken time to read the bylaw, and to those who had hosted visits to the islands. The trustee acknowledged the work of Planner Zupanec and the detail of staff reports and charts, and her support in bringing trustees along in this process. The staff reports could be referenced to see changes in the draft bylaw over time. Trustee Hagedorn hoped the proposed bylaw would be supportive to owners and their islands.

3. PROPOSED BYLAW NO. 120 – ASSOCIATED ISLANDS LAND USE BYLAW

Planner Zupanec described historic land use planning activity in the area of the Associated Islands. Staff then provided an overview of the proposed land use bylaw and the process to date, and reviewed the legislative process pertaining to the proposed bylaw. Anticipated revisions to the draft bylaw, which received first reading in December 2012, were outlined.

Planner Zupanec noted that the public was invited to review the contents of the public hearing binder and ask planning staff questions about the proposed bylaw before the public hearing, and to ensure the Local Trust Committee received input in writing or verbally prior to the close of the public hearing.

4. PUBLIC COMMENTS AND QUESTIONS

Chair Graham invited the public to comment or ask questions of staff or trustees.

Dan Walsh of Thormanby Island and Merry Island noted he was pleased to see some comments he submitted on the first draft now included in the second version of the proposed bylaw. One item not included, related to Merry Island, concerned where owners were looking at dedication of about two-thirds of the island for twelve one-acre lots and at the possibility of putting in a breakwater. Mr. Walsh requested that the entire Merry Island be an M2 zone. He emphasized the necessity to have a breakwater because of the inaccessibility and extreme exposure of the island, irrespective of whether the island remained a single lot or was subdivided.

Planner Zupanec explained that the Local Trust Committee had looked at this and was not permitting extra uses that had not been demonstrated by either a rezoning or subdivision application. Staff noted that if a landowner wanted to install a breakwater, it would have to be a specific area and be studied closely, and that specific area could be rezoned. The time to discuss the possibility of installing a breakwater would be at the time of a rezoning application.

Lynne Leboe, of East Trail Island, noted that her island also had the same issue, although it was already subdivided, and that owners wanted the flexibility to have the possibility for a breakwater included in the bylaw. Ms. Leboe discussed her concerns about emergency services access to the island, and the lack of a road on the Ministry of Transportation and Infrastructure right of way adjacent to the currently designated M2 zone.

Planner Zupanec noted that East Trail Island has private property all along the foreshore. A unanimous application from owners to have an M2 zone around the island had not been received. In the area of the existing dock, the owner had not expressed interest in putting in a breakwater. Public access would be required in the area of a breakwater. The Ministry of Transportation and Infrastructure right of way location potentially could be a safe access point.

Planner Zupanec explained that additional consultation and a breakwater study for East Trail Island were beyond the resources for the current project, and that it might be possible to find funding for a breakwater study through other avenues. There was a possibility that an application that met the objectives of Islands Trust could be sponsored if there was a site-specific application to Islands Trust that was for community benefit. There would be a lot of work and a coordinated effort required.

In regard to Merry Island**, Dan Walsh** indicated that consideration had been given to allocating three quarters of the island as a conservation area in exchange for subdivision of the remainder into twelve lots. Mr. Walsh discussed density transfer mentioned in the Official Community Plan and noted that the Land Use Bylaw does not allow for lots smaller than 10-acres. He thought there should be a few more categories in the RR1 designation, which he thought was currently overly simplistic and excessively restrictive.

Planner Zupanec explained that Islands Trust could not anticipate the proposals that people might come up with and create zones for ideas that are contemplated. These would require a site-specific rezoning application. The Land Use Bylaw review in regard to Merry Island was basically addressing seasonal residential use. Because there is already an M2 zone covering the entire southern portion of the island, it may be a possible site for a breakwater and community access location.

Mr. Walsh commented that a marine study had been done to look at an optimum breakwater location for the island that was least detrimental to marine life, and that he would forward this to Islands Trust.

Eva Kleinman of Tiki Island discussed her concern, which also applied to Echo and Jack Tolmie Islands, that the wording related to allowing water utility lines from these islands to connect to the mainland had been omitted in the latest draft.

Planner Zupanec acknowledged that this item had been flagged for the Local Trust Committee to consider for inclusion in the draft bylaw.

A property owner from Jack Tolmie Island noted that his ability to have a second dwelling had been removed and inquired if the language had been re-inserted, to which Planner Zupanec replied in the affirmative.

Larry Straith and **Frank Ingham** of North Thormanby Island referred to the public dock at Vaucroft and wondered what the long-term view on that was and whether the Sunshine Coast Regional District wanted the dock disposed of.

Trustee Stamford, a member of the Sunshine Coast Regional District Public Wharves Advisory Committee, explained that there was no indication of that dock being divested and that there was a commitment from the Sunshine Coast Regional District not to look at divesting community docks within the next nine years.

Planner Zupanec pointed out that the Local Trust Committee has the zoning jurisdiction but does not have authority over the management of the dock facility. The M5 zone protects that area for that type of use.

Trustee Hagedorn commented on how some of the Sunshine Coast Regional District docks were heritage sites, and often had become like a recreation centre.

Frank Gingham inquired if the Sunshine Coast Regional District would continue with building permits.

Planner Zupanec replied in the affirmative.

Trustee Hagedorn explained that the Sunshine Coast Regional District sends building permits to the Island Trust office, where the bylaw is checked.

Mr. Gingham inquired if there was some provision in the bylaw with regard to rentals.

Planner Zupanec explained that the Home Occupation regulations in section 3 of the proposed bylaw allow for visitor accommodation in residential zones, and rentals of dwellings for thirty or more continuous days.

Ms. Leboe commented on section 3.1(1) that excluded playgrounds and playing fields from being permitted in all zones.

Planner Zupanec explained that playgrounds were not prohibited; there would be a specific zone where those would be accommodated, like Parks. The regulation was not intended to discourage people from putting up a play structure. The park on East Trail Island is zoned as Park, not Conservation Area.

Ms. Leboe commented that this should be included in the definitions section.

Chair Graham acknowledged Ms. Leboe's perspective and suggested the Local Trust Committee might discuss a new definition.

There were no further comments or questions from those in attendance.

5. ADJOURNMENT

Chair Graham adjourned the Gambier Island Local Trust Committee meeting at 7:41 pm.

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Recorder Chair

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE
PUBLIC HEARING RECORD
REGARDING

PROPOSED BYLAW NO. 120 CITED AS
"ASSOCIATED ISLANDS LAND USE BYLAW, 2013"

HELD ON WEDNESDAY, APRIL 10, 2013 AT 7:50 PM AT
WEST VANCOUVER SENIORS CENTRE, 695-21ST STREET
WEST VANCOUVER, BC

Members Present:

David Graham	Chair
Jan Hagedorn	Local Trustee
Kate-Louise Stamford	Local Trustee

Staff Present:

Sonja Zupanec	Island Planner
Lisa Webster-Gibson	Legislative Planning Clerk
Diane Corbett	Recorder

Others Present:

Approximately eleven (11) members of the public

1. CALL TO ORDER

Chair Graham called the public hearing to order at 7:50 p.m.

2. OPENING REMARKS FROM THE CHAIR AND TRUSTEES

Chair Graham read aloud an opening statement regarding the process for the public hearing on the proposed bylaw.

Planning Clerk Webster-Gibson read out the Public Hearing Notice for the proposed new Land Use Bylaw for the Gambier Associated Islands that would regulate the use, siting and size of buildings and structures, landscaping and screening and the subdivision of land including all islets, reefs, rocks and surface waters, and would replace Sunshine Coast Regional District Zoning Bylaw No. 96. No written or oral representations would be received by the Gambier Island Local Trust Committee after the conclusion of the public hearing.

3. PROPOSED BYLAW NO. 120 – ASSOCIATED ISLANDS LAND USE BYLAW

Planner Zupanec gave a presentation that summarized agency referrals and responses to the proposed bylaw, and invited the public to view the public hearing binders available. It was clarified that staff could receive new information after the public hearing, but the Local Trust Committee would not be able to receive new information after the close of the public hearing.

Chair Graham announced that it now was the public's opportunity to speak, and inquired if there were any submissions regarding the proposed bylaw.

4. PUBLIC COMMENTS AND QUESTIONS

Dan Walsh of Merry Island wondered if his comments made at the Community Information Meeting were duly recorded.

Chair Graham confirmed that Mr. Walsh's previous comments were on record and heard by the Local Trust Committee.

Lynne Leboe of East Trail Island stated her concern about the inflexibility of the M2 zoning for East Trail Island. The benefit to flexibility for all British Columbians is there is no safe harbor between Pender Harbour and Gibsons. With the closure of the Coast Guard, and in light of other cutbacks, it is often up to islanders to rescue other boaters in Georgia Strait. Flexibility in providing a safe harbor not only benefits residents but also provides safe access benefits to the rest of British Columbians, pleasure boaters, fishing craft and so on, year round. Ms. Leboe requested consideration beyond what had been considered to date. There had been a tremendous amount of correspondence to Islands Trust from a number of East Trail islanders. Most said they would like more flexibility for the island.

Chair Graham inquired a second time if there was anyone who wanted to speak to proposed Bylaw No. 120.

Rob Harrington, Tiki Island, commented that he really appreciated what had been done and the time that had been invested in this process. He thought the bylaw was long overdue, and noted he had waited sixteen or seventeen years for this. Mr. Harrington thought it would be helpful on his island, and hoped the bylaw would be passed.

Chair Graham called a third time for submissions regarding proposed Bylaw No. 120.

5. ADJOURNMENT

Hearing no further submissions, Chair Graham declared the public hearing closed at 8:03 pm. and thanked those present for attending.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

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Recorder Date

MINUTES of the GAMBIER ISLAND LOCAL TRUST COMMITTEE
REGULAR BUSINESS MEETING
Thursday, May 23, 2013 - 10:30 AM
The Manil Room, Gibsons and District Public Library,
470 South Fletcher Avenue, Gibsons, BC

Members Present:

David Graham	Chair
Jan Hagedorn	Local Trustee
Kate-Louise Stamford	Local Trustee

Staff Present:

Courtney Simpson	Regional Planning Manager (Northern Office)
Diane Corbett	Recorder

Also Present:

4 members of the public (a.m.)

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:30 a.m. Trustees and staff were introduced. Chair Graham thanked the members of the public for attending and acknowledged that the meeting was taking place in the traditional territory of the Coast Salish people.

2. APPROVAL OF AGENDA

The Agenda was adopted by consensus as amended:

- Add item 14.4 Supervision of children on ferries

3. MINUTES

3.1 Gambier Island Local Trust Committee Meeting Minutes dated April 11, 2013

The minutes of the Gambier Island Local Trust Committee meeting dated April 11, 2013 were adopted by consensus as amended:

- Page 1: replace the line under “Also Present” with “1 member of the public – a.m.”
- Item 4.1, line 8: after “Bylaw No. 124” insert “regarding Gambier Island Sea Ranch”
- Item 4.2, paragraph 4: delete all words after “of the webinar”
- Item 6: replace first paragraph with “Trustee Stamford encouraged the public to review highlights from her written report.”

- Item 6, paragraph 4, line 2, mid-sentence should read “the park” not “a park”
- Page 5, Resolution GM-025-2013: end of sentence should read “the decision” instead of “our decision”
- Item 11.1, paragraph 2: delete first sentence; in remaining sentence replace “The trustee” with “Trustee Stamford”

3.2 Section 26 Resolutions Without Meeting

The *Resolutions Without Meeting* Log dated May 15, 2013 was received for information.

3.4 Gambier Island Advisory Planning Commission Minutes

None.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated May 15, 2013

Regional Planning Manager Simpson and Trustees discussed and updated the Follow-Up Action List dated May 15, 2013.

Trustees discussed their interest in moving forward on two brochures; an environmentally friendly building and renovating guide for the northern islands, and a guide to the *Riparian Areas Regulation* for the Gambier Trust Area.

Staff was requested to add to the Follow-up Action List:

- Detailed outline of trustee expenses.

Trustee Stamford and Trustee Hagedorn updated staff on a recent discussion by telephone with Nancy Roggers, Islands Trust Finance Officer, and Cindy Shelest, Director, Administrative Services, regarding trustee expenses. Trustees commented on concerns that some trustee expenses were two and one-half times what was budgeted, specifically relative to travel-related expenses. Trustees were confident they were keeping expenses down, and discussed the need for a re-evaluation and increased clarity regarding advocacy within their role.

Finance Officer Roggers had advised the Trustees that the Finance Department would review how the Gambier Island Local Trust Committee budget allocations were being addressed.

It was noted that the Gambier Island Local Trust Committee is unique amongst Local Trust Committees in its widespread geography of the constituent islands. A significant percentage of the meetings occur outside of the Trust Area, in Gibsons and West Vancouver. Over the past term there had been numerous community information meetings, and other meetings relating to the land use bylaw process. Sometimes transportation also required overnight accommodation and ferry expenses. It appeared to trustees that the Finance Department might not be aware of how the Gambier Trust Area was structured.

Trustee Stamford indicated she would obtain the account numbers for the budget allocations from Finance Officer Roggers to enhance trustee understanding of the financial statements.

Chair Graham reported he would add a discussion of the advocacy policy to the agenda of the Financial Planning Committee meeting the following week.

4.2 Email regarding BURNCO Draft Application Information Requirements

The email dated May 3, 2013 from Courtney Simpson, Regional Planning Manager – Northern Office, to Gerry Hambin, Project Assessment Manager of the Environmental Assessment Office regarding BURNCO Draft Application Information Requirements (AIR) was received for information.

Staff explained that the draft AIR was not part of the required formal public consultation process and that the email was submitted as a referral agency comment on the application at this stage of the process.

Trustee Stamford commented on her opposition to overland gravel transport alternatives, mentioned in the email, in light of greenhouse gas issues, while Trustee Hagedorn thought it was a creative idea and worth exploring further.

4.3 Referral to Advisory Planning Commission – Greening Our Shores Workshop – Webinar

4.3.1 Advisory Planning Commission (APC) – Member Comments

The staff email dated April 12, 2013 with attached feedback on the webinar from APC members was received for information.

Trustee Hagedorn mentioned that the webinar was still on the Gambier Island Local Trust Committee web page.

5. <u>CHAIR'S REPORT</u>

Shortly after the last meeting, Chair Graham attended the annual general meeting of the Association of Vancouver Island and Coastal Communities. A number of resolutions were voted on that would be forwarded to the Union of British Columbia Municipalities meeting in September. The resolution that Chair Graham felt most passionate about was asking Vancouver Island and associated coastal communities to be genetically engineered food free.

Chair Graham chaired a recent meeting on Gabriola, and attended the Trust Fund Board meeting and Trust Council's Local Planning Committee meeting. Chair Graham announced plans to attend an upcoming Financial Planning Committee meeting, as well as an Executive Committee meeting that would look at the agenda for the next quarterly Trust Council meeting in June on Mayne Island.

6. TRUSTEES' REPORT

Trustee Stamford outlined several recent meetings she attended:

- Met informally on April 23 with various interested parties from the Future of Howe Sound Society Forum to examine furthering the concept of a Howe Sound conservation area which could encompass parts of Gambier, Keats and Bowen Islands as well as portions of the fjord shoreline.
- Gambier Island Community Association (GICA) meeting April 24: trails sub-committee presented an outline of what trails are available, primarily in the New Brighton peninsula and initial ideas of what could be valuable access areas. It was suggested that a map be created and trails be brought up for public discussion at GICA's Annual General Meeting (AGM) on July 20th at the community centre. The long-term goal of this process is to provide appropriate information and direction to the Sunshine Coast Regional District (SCRD) parks staff in their allocation of parks funding on the island.
- SCRD Transportation Advisory Committee meeting was held on April 29: BC Ferries presented concept plans for renovating the Langdale ferry terminal, a long-term plan that would add an overhead walkway access to the ferries and a new floating berth facility.
- Attended part of the Gambier Conservancy AGM on May 4. A significant topic was the upcoming advertisement for sale of two woodlots on Gambier Island for logging. The proposed lots cover the northeastern portion of the island (Etkins Point/Brigade Bay area) and more than 50% of the wilderness conservation zone on the island including Gambier Lake. If logged to its full potential, this would significantly impact the trail system on the island as well as any long-term plans for Gambier to be part of a regional conservation/park area.
- Participated on May 13 in the Trust Programs Committee via telephone. One of the responsibilities of the Programs Committee is to review the annual Community Stewardship Award nominees and recommend winners to Trust Council. For details about the nominees see the Trust website. Winners will be announced in mid-June.
- Attended the May 17telephone meeting with SCRD Environment staff, Area F Director and Alternate Director regarding summer Island Clean-up.

Trustee Hagedorn commented on her participation in the following:

- Attended the Howe Sound Community Forum in West Vancouver, with over 100 people representing groups from around Howe Sound, an opportunity to find common ground between all levels of government, non-profits, First Nations, industry and business towards building a vision for Howe Sound. It was a chance to engage in dialogue about the values in the Howe Sound Region and to discuss a way towards development of a comprehensive management plan. A summary report on the meeting would be available from Trustee Hagedorn by email upon request.
- Met with interested parties from the Howe Sound Area, including fellow Trustee, on April 23 to informally discuss the future of Howe Sound as a conservation area.
- Attended a Trust Planning Committee online from Hawaii during a holiday there. Staff was directed to draft a report on Protection of Species and Ecosystems and bring back to next Trust Planning Meeting. Other items discussed included:
    - Brian Emmett gave a follow-up to the Green Shores Workshops given in the Trust Area. (The webinar is posted at: http://www.islandstrust.bc.ca/islands/local-trust-areas/gambier.aspx
    - Protection of the foreshore and proactive bylaw enforcement of illegal structures on foreshore
    - A tool kit for water quality and quantity
- Attended telephone meeting on May 7 with Area F Director, Lee Turnbull, SCRD environmental staff Beth Brooks, Kate Stamford and Area F alternate, Joyce Clegg, regarding 2013 Clean Up for the Islands in the SCRD area.
- Attended Gambier and Keats Town Halls on May 18, where Area F Director, Lee Turnbull and SCRD Board Chair, Garry Nohr, listened to the issues on the Islands. Thanks to the SCRD Directors and to all those that attended, with over 30 people at each location on Gambier and Keats. Discussion included: SCRD Budget, Docks, Bollards at Keats Landing, Septic Issues, Animal Control, Parks, Bike Paths, Invasive Species. SCRD Emergency Program Coordinator, Bill Elsner gave a presentation on services provided for the islands in case of emergency. Bill can be contacted at the SCRD office at: (604) 885-6887.
- Supported a family on Keats to rescue a pair of two-week-old owls. The Orphaned Wildlife Society (O.W.L.) sent a volunteer pilot and helicopter to Keats to transport the owls to the O.W.L. organization in Ladner, where surrogate mother owls will take on the role of parenting. Ultimately the owls will be returned to Keats Island when they have matured. Progress of the owls can be followed on the O.W.L. website.

7. DELEGATIONS

None.

8. TOWN HALL SESSION

Joshua Kline of **South Thormanby** commented that a way to reduce costs for the Local Trust Committee would be to meet electronically.

Chair Graham responded that Trust Council had decided that electronic meetings were something to look at to save money and that Gambier Island Local Trust Committee was the Local Trust Committee that could save the most.

Phyllis Konrad and **Joshua Kline** of **South Thormanby Island,** commented on concerns regarding an amendment to proposed Bylaw No. 120, 2013, listed as point 5 on page 1 of the staff report on the bylaw, item 10.1 on the agenda. The speakers wondered why eight sites were designated in the draft bylaw section 5.2(11) RR1(c) zone, now being changed to ten sites and potentially subject to a public hearing. In the 1960s, the government approved a covenant on the property indicating that there were ten shares.

Follow-up correspondence had been sent from the corporation to Island Planner Zupanec noting the misinformation.

Chair Graham explained that, during the information gathering process for the bylaw, the Island Planner had received information from a member of the South Thormanby group that was incorrect. The information in the proposed bylaw on the number of dwelling sites in section 5.2(11) RR1(c) zone now was being corrected by amending the text from eight to ten sites. Chair Graham apologized to the corporate shareholders for the inconvenience, and explained that the bylaw process is an iterative process and that ultimately the document has been amended to address their concerns.

9. CORRESPONDENCE

Correspondence specific to an active development application and/or project will be received by the Gambier Island Local Trust Committee when that application and/or project is on the agenda for consideration.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 GM-LUB-2011.2 Associated Islands Land Use Bylaw

Regional Planning Manager Simpson reviewed the Staff Report dated May 14, 2013. Corrections were noted in the Staff Report: change 5.5 to

5.2 for items 5 and 6 on page 1 (page 16 of the agenda).

Trustee Hagedorn commented that there seemed to be a lot of consensus on the bylaw.

11. APPLICATIONS AND PERMITS

None.

12. BYLAWS

12.1 Proposed Bylaw No. 124, cited as "Gambier Island Trust Committee Development Procedure Bylaw No. 50, 1992 Amendment Bylaw No. 1, 2013

GM-027-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee adopt Bylaw No. 124, cited as "Gambier Island Trust Committee Development Procedure Bylaw No. 50, 1992 Amendment Bylaw No. 1, 2013" on May 23, 2013.

CARRIED

12.2 Proposed Bylaw No. 120, cited for all purposes as the "Gambier Associated Islands Land Use Bylaw, 2013"

GM-028-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee: give second reading as amended to Proposed Bylaw No. 120, cited as "Gambier Associated Islands Land Use Bylaw, 2013"; and request staff to give notice that, pursuant to section 890(4) of the *Local Government Act,* a second public hearing for Proposed Bylaw No. 120 is being waived.

CARRIED

Chair Graham called a recess at 11:57 a.m.

Chair Graham reconvened the meeting at 12:08 p.m.

13. REPORTS

13.1 Work Program Reports

The Top Priorities Report and Projects List dated May 15, 2013 was received for information.

Staff noted that a report on the *Riparian Areas Regulation* with a plan and options for the fiscal year would be submitted within a few months.

Regarding production of the guide to environmentally friendly building and renovating, and based on costs for the southern islands guide, staff had spoken to the grants administrator and learned this was possible.

Trustee Hagedorn noted her interest in receiving direction as to next steps in implementing a Development Approval Information Bylaw.

GM-029-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee remove top priority number one and replace it with the "Sustainability Guide".

CARRIED

13.2 Applications Log

The Regional Planning Manager reviewed the Applications Log Report dated May 15, 2013.

13.3 Trustee and Local Expenses

The expenses report for Fiscal Yearend posted to March 31, 2013 was received for information.

14. NEW BUSINESS

14.1 Electronic Meetings

GM-030-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee put "Electronic Meetings" on the Projects List.

CARRIED

14.2 Procedure Checklist for Community Dock for East Trail Island

Trustee Stamford commented, based on conversations with constituents on East Trail Island, that there seemed to be a concern about how to develop a community dock and that she had indicated to residents that she would inquire further for information on how to go about achieving this.

Regional Planning Manager Simpson indicated that this topic was being looked at for Thetis Island Local Trust Committee this summer, and that a copy of the report on this could be sent to the Gambier Island Local Trust Committee for information.

14.3 Sale of Woodlot on Gambier Island

Trustee Stamford expressed concern about two woodlots on Gambier Island, currently zoned WC (Conservation), coming up for sale in June and about potential impacts of logging the island's Crown land.

Regional Planning Manager Simpson explained that this is a provincial forestry resource, and that zoning could not prohibit forestry. Staff has learned that the Province planned to sell to small local companies. The Local Trust Committee would receive a referral from the Province of a woodlot license plan, at which time an opportunity would arise to identify important features that have not been protected.

Trustee Stamford advised that she would be meeting with the Gambier Conservancy and would describe to the group, the Local Trust Committee role in this. She also would be interacting with members of the Future of Howe Sound group to whom she would provide this information.

14.4 Supervision of School Children on Ferries

Trustee Stamford described actions she had taken as a parent regarding advocacy to the Province in support of supervision of school children on ferries.

Trustee Hagedorn expressed her support based on her experience, for Trustee Stamford's suggestion that Trust Council write a letter to the Ministry of Transportation and Infrastructure urging support on Route 13 for free travel for a parent with a child/children up to a certain age.

Trustee Stamford stated her concern about bringing this issue forward in that she potentially would receive a financial benefit.

It was agreed that there would be discussion on a resolution on this topic at the next meeting.

15. ISLANDS TRUST WEBSITE

15.1 Gambier Page

Staff announced that the new Islands Trust website would officially launch on June 5th.

16. CLOSED MEETING

GM-031-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee close the next part of the May 23, 2013 business meeting to discuss matters pursuant to Section 90(1)(i) of the *Community Charter* for the receipt of advice that is subject to solicitor-client privilege and that Staff be invited to attend this meeting including the recorder.

CARRIED

Chair Graham closed the meeting at 12:57 p.m.

Chair Graham reconvened the meeting at 1:36 p.m.

17. RECALL TO ORDER

Rise from Closed Meeting

18. NEXT MEETING

18.1 Next Local Trust Committee Regular Business Meeting

The next Gambier Island Local Trust Committee regular business meeting is scheduled for Thursday, July 11, 2013 at 10:30 am at Keats Camp – Pilot House, Keats Island, BC.

19. ADJOURNMENT

The Gambier Island Local Trust Committee meeting was adjourned by consensus at 1:37 pm.

______________________________	______________________________
Recorder	Chair

Islands Trust

RWM From: May 16, 2013 To: July 02, 2013

Gambier Island

Resolution #	Action	Resolution Description	Resolution Date
2013-02	In Favour	“That Trustee Stamford is authorised to represent the Gambier Island Local Trust Committee at a meeting with the Gambier Island Conservancy and Brian Kukulies, Land and Resource Planning Officer, Ministry of Forests, Lands and Natural Resource Operations on July 4, 2013, or as scheduled, to advance the Gambier Island Official Community Plan advocacy policies regarding woodlots.”	Jun 24, 2013

Islands Trust

Follow Up Action Report w/ Target Date

Gambier Island
May-12-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to prepare a report to GMLTC and Application Fee Committee of TC on the options available to recover costs associated with staff time processing requests for planning work outside the scope of applications (SRW request as example).	Aleksandra Brzozowski	May-27-2011	On Going

Mar-21-2013

No.	Activity	Responsibility	Target Date	Status
1	LTC resolution requesting staff to report back to the LTC identifying possible next steps and opportunities to use and advance the shoreline mapping information in the Gambier Trust Area.	Aleksandra Brzozowski	Apr-30-2013	On Going
1	LTC request staff/RPM to update the LTC on next steps relating to the RAR implementation for Gambier and possible timeline this fiscal.	Rob Milne	Apr-30-2013	On Going

Apr-11-2013

No.	Activity	Responsibility	Target Date	Status
1	GMLTC Chair to write a letter to Minister Terry Lake requesting the unanswered questions in last correspondence be addressed.	David Graham	Apr-19-2013	On Going
1	GM-RZ-2012.1 (Reel 17 Investments, Cotton Bay Gambier) - First reading given to Proposed Bylaw No. 123. Proceed with agency referrals; signing of cost recovery agreement and review of DVP application.	Aleksandra Brzozowski	Apr-19-2013	Done
1	Update RAR brochure and have draft available for next LTC meeting.	Aleksandra Brzozowski	Apr-19-2013	On Going

May-23-2013

No.	Activity	Responsibility	Target Date	Status
1	Chair Graham to add to next Financial Planning Committee agenda Gambier trustee expense issues related to being over budget due to high travel needs in this local trust area, and that some expenses are for advocacy.	David Graham	May-27-2013	On Going
1	Ensure that former APC member, Roger Sweeny, is not contacted by the Islands Trust anymore.	Becky McErlean Lisa Webster-Gibson	Jul-11-2013	Done
1	Second reading given for bylaw 120	Lisa Webster-Gibson	Jul-11-2013	Done
1	Give notice that pursuant to s. 890(4) of the Local Government Act, a second public hearing for bylaw 120 is waived.	Lisa Webster-Gibson	Jul-11-2013	Done
1	Bylaw no. 124, cited as, Amendment of Development Procedures Bylaw, 1992, is adopted.	Lisa Webster-Gibson	Jul-11-2013	Done
1	Remove top priority number 1 and replace it with "Sustainability Guide".	Courtney Simpson	Jul-11-2013	Done
1	Add electronic meetings to the projects list	Courtney Simpson	Jul-11-2013	Done
1	Trustees to review detailed budget reports that are received monthly by email.	Jan Hagedorn Kate-Louise Stamford	Jul-11-2013	On Going
1	Provide information to the LTC on how a community dock could be established (East Trail Island enquiry). This could be simply a copy to the LTC of an upcoming report to the Thetis LTC on this same topic.	Aleksandra Brzozowski Jason Youmans	Sep-26-2013	On Going

Islands Trust

STAFF REPORT

Date: June 28, 2013

File No.: GM-LUB-2011.2 (Gambier Associated Islands)

To: Gambier Island Local Trust Committee
For meeting of July 11, 2013

From: Aleksandra Brzozowski, Island Planner

Re: **Proposed Bylaw No. 120, 2013 - Gambier Associated Islands Land Use Bylaw**

PURPOSE:

The purpose of this staff report is to recommend third reading as amended of Proposed Bylaw No. 120, and referral to the Islands Trust Executive Committee.

WAIVER OF SECOND PUBLIC HEARING:

The LTC reviewed public and agency submissions prior to the close of the public hearing and endorsed a number of revisions to proposed Bylaw No. 120. The LTC gave second reading to the proposed bylaw as amended on May 23, 2013.

Two revisions constituted a change in density, which would typically require a second public hearing. However, s. 890(4) of the *Local Government Act* allows the LTC to waive a public hearing if an Official Community Plan is in place for the area and the proposed bylaw is consistent with the Plan. As both of these conditions were met, a second public hearing was waived at the May 23, 2013 LTC meeting.

Notice of a waiver of a public hearing was published in the Coast Reporter on June 21, 2013 and June 28, 2013. Copies of the proposed bylaw were made available for inspection at the Gibsons & District Public Library, the West Vancouver Memorial Library, the Islands Trust Northern Office on Gabriola Island, as well as the Gambier Island webpage on the Islands Trust website. These opportunities for inspection were noted in the waiver notice.

STAFF COMMENTS:

The LTC passed a resolution on May 23, 2013 to waive a second public hearing for Proposed Bylaw 120. Notification of this waiver was properly published. As of July 11, 2013, the required process for waiver of a second public hearing is complete and the LTC can move ahead to third reading.

RECOMMENDATIONS:

THAT the Gambier Island Local Trust Committee:

1) Give third reading as amended to Proposed Bylaw No. 120, cited as Gambier Associated Islands Land Use Bylaw, 2013; and,

2) Forward Proposed Bylaw No. 120, cited as Gambier Associated Islands Land Use Bylaw, 2013, to the Islands Trust Executive Committee.

Aleksandra Brzozowski	June 28, 2013
Aleksandra Brzozowski Island Planner	Date

Concurred in by:

Courtney Simpson	July 2, 2013
Courtney Simpson, RPP Regional Planning Manager	Date

Attachments:
1. Waiver of Public Hearing, Proposed Bylaw No. 120
2. Proposed Bylaw No. 120

Islands Trust

GAMBIER ISLAND LOCAL TRUST COMMITTEE
NOTICE OF WAIVER OF PUBLIC HEARING

NOTICE is hereby given that the Gambier Island Local Trust Committee is waiving a public hearing for proposed Bylaw No. 120, cited as “Gambier Associated Islands Land Use Bylaw, 2013”. The public hearing is being waived under the authority granted in Section 890(4) of the *Local Government Act* that states that a local government may waive the holding of a public hearing on a proposed bylaw if an Official Community Plan is in effect for the area that is subject to a proposed zoning bylaw, and the proposed bylaw is consistent with the plan. Proposed Bylaw No. 120 is consistent with the Official Community Plan for Gambier Island.

A public hearing on the proposed bylaw was previously held for the purpose of allowing the public to make representations to the Local Trust Committee respecting matters contained in the proposed bylaw at 7:30 pm on April 10, 2013 at the West Vancouver Seniors' Centre, 695-21st Street West Vancouver, BC.

At the Local Trust Committee regular business meeting on May 23, 2013 the Gambier Island Local Trust Committee amended the proposed bylaw and gave second reading in order to reformat the bylaw to address the following changes:

- Section 1.0 – addition of a definition of a “community water system”;
- Section 3.1(1) – addition of the word “public” before “playground”;
- Section 3.2(1) – revision to reference of sewage regulation;
- Section 3.2(8) - addition of an exemption of water/utility line exemptions for those islands in Secret Cove;
- Section 5.2(11) RR1(c) zone – increase in residential density from 8 to 10 dwelling units;
- Section 5.2(11) RR1(h) zone – new site specific zone for South Trail Island recognizing an increase in density from 2 to 3 dwellings; decrease in lot coverage from 25% to 20%; floor area limitation for one dwelling to a maximum of 1850 ft2; and a decrease if the number of accessory buildings from 3 to 2 per dwelling;
- Section 5.12 and 5.13 (M1 and M2 zones) – adding “marine navigational aids” as a permitted use;
- Section 8.11 – expansion of the information note to reference community water systems;
- Schedule B – Zoning Map D – addition of a M2 zone on south Popham Island.

Proposed Bylaw 120, in general terms, creates a new Land Use Bylaw for the islands within the Gambier Island Local Trust Area known as the “Gambier Associated Islands”, to regulate the use, siting and size of buildings and structures, landscaping and screening and the subdivision of lands including all islets, reefs, rocks, and also all surface waters. The new land use bylaw would replace Sunshine Coast Regional District Zoning Bylaw No. 96.

A copy of the proposed bylaw may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am and 4:00 pm, Monday to Friday, excluding statutory holidays, commencing June 28, 2013, up to and including July 10, 2013.

For the convenience of the public only, and not to satisfy Section 893(2)(c) of the *Local Government Act*, a copy of the proposed bylaw can be inspected at the Gibsons & District Public Library located at 470 Fletcher Rd. S, Gibsons, BC, and at the West Vancouver Memorial Library, 1950 Marine Drive, West Vancouver, BC beginning June 28, 2013. The proposed bylaw may be viewed on the Islands Trust website via the following link: http://www.islandstrust.bc.ca/media/214170/Proposed%20Bylaw%20No%20120%202013.pdf.

Enquiries regarding the proposed bylaw may be directed to the Regional Planning Manager by email at csimpson@islandstrust.bc.ca, by phone at 250-247-2209 or by fax at 250-247-7514; for toll-free access, request a transfer to the above telephone number via Service BC: in Vancouver at 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Lisa Webster-Gibson
Deputy Secretary

Islands Trust

GAMBIER ASSOCIATED ISLANDS
LAND USE BYLAW No.120, 2013

Consolidation as of: ____, 20__

Preserving **Island** communities, culture and environment

[Back of front cover]

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 120

A BYLAW TO ADOPT A LAND USE BYLAW FOR THE GAMBIER ASSOCIATED ISLANDS PORTION OF THE GAMBIER ISLAND LOCAL TRUST AREA

WHEREAS Section 29 of the *Islands Trust Act* gives the Gambier Island Local Trust Committee the same power and authority of a Regional District under Part 26 except sections 932 to 937 and 939 of the *Local Government Act*;

AND WHEREAS the Gambier Island Trust Committee wishes to adopt a Land Use Bylaw;

AND WHEREAS the Gambier Island Trust Committee has held a Public Hearing;

NOW THEREFORE the Gambier Island Trust Committee enacts as follows:

1. TITLE

   Bylaw No, 120 may be cited for all purposes as the “Gambier Associated Islands Land Use Bylaw, 2013”.

2. APPLICATION

   The Plan applies to the land, the water on the land and the surface of the sea adjacent to the land as shown on Schedule “C” of this Bylaw.

3. SCHEDULES

   The following schedules attached to and forming part of this Bylaw, are adopted as “Gambier Associated Islands Land Use Bylaw, 2013”:

   SCHEDULE “A” – Land Use Bylaw Regulations
   SCHEDULE “A-1” – Site Plan for Buccaneer Bay
   SCHEDULE “B” – Zoning Maps A through F
   SCHEDULE “C” – Bylaw Area of Application Map

READ A FIRST TIME this	31st	day of	January	, 2013
PUBLIC HEARING HELD this	10th	day of	April	, 2013
READ A SECOND TIME this	23rd	day of	May	, 2013
READ A THIRD TIME this		day of		, 201
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this		day of		, 201
ADOPTED this		day of		, 201

SECRETARY **CHAIRPERSON**

Bylaw Number	Amendment Number	Adoption Date

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PART 1 INTERPRETATION

1.1 Definitions

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot and within the same zone, or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

“agriculture” means the use of land for the growing, rearing, harvesting, or production of agricultural plants, crops, livestock and other farm animals .

"Approving Officer" means the Approving Officer for the Gambier Associated Islands Area appointed pursuant to the *Land Title Act*.

“boathouse” means a building or structure that is located on a waterfront residential lot, and that is used to house a small boat and equipment or items associated with sports, moorage and boating activities.

“breakwater” means a protective structure, bottom-founded or floating, and extending below the foreshore, designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water or deposition of materials.

“building" means a roofed structure, used or intended to be used for supporting or sheltering any use or occupancy.

“commercial” means occupied with or engaged in an activity or enterprise for the purposes of generating personal, professional, or business income for an individual, proprietorship, partnership, or corporation, and does not include public services or activities and enterprises engaged in by non-profit organizations, government agencies, or public service utilities.

“commercial visitor accommodation” means a home occupation comprising the provision of temporary overnight sleeping accommodation and meals to paying guests for a period not exceeding seven days.

“community dock” means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or a strata corporation, for the provision of boat moorage spaces to residents of the areas to which this Bylaw applies, lot owners, and invitees, and for which user fees may be charged.

“community water system” means a drinking water system that services more than one single family dwelling.

“dock” means a marine-based structure, or set of structures, generally consisting of a pier or wharf, that may include a ramp, float, and supporting structures, and that is used for the non-commercial mooring of vessels in association with the permitted use of the adjacent upland.

“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas plus a single set of facilities for food preparation and eating, and does not include a mobile home or recreational vehicle.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and may include a gate, screen or freestanding wall.

“float” means a non-roofed structure that is used as a landing or moorage place for marine transport and that is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor.

“floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.2 metres (4 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch or similar projection is not fully enclosed then the floor area of such projections is excluded from any calculation of floor area.

“floor area ratio” means the ratio of the floor area of a dwelling to the area of the lot on which is located.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

“guest house” means a building containing sleeping and cooking facilities, which may or may not contain a toilet, sink, bathtub or shower, that is used or intended for use exclusively for the accommodation of persons who are non-paying guests of the owner of the principal residence or dwelling with which the guest house is associated .

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water body and the watermark of any floating building or structure.

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home occupation" means a commercial use that is accessory to a permitted principal residential use on the same lot.

“horticulture” means the use of land for the purpose of growing fruits, vegetables, plants or flowers.

“island” means land surrounded by water, and includes islets and rocks exposed above the natural boundary of the sea.

“landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

“local trust committee” means the Gambier Island Local Trust Committee.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

"lot coverage" means the total horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of the buildings or structures, divided by the area of the lot, and expressed as a percentage.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or the boundary of a lot as otherwise described under the *Land Title Act*; and

> "exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan.
>
> "front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line.
>
> "interior side lot line" means a lot line that is not a front, rear or exterior side lot line.
>
> "rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line.

“mobile home” means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried.

“moorage” means the tying or securing of a vessel to a fixed structure, float, dock or mooring buoy.

"natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

“natural watercourse” means a naturally formed place that perennially or periodically contains surface water, including a lake, river, creek, spring, ravine, wetland, salt water marsh, and bog, but does not include a constructed ditch, or surface drain, or the sea.

"panhandle lot" means a lot that fronts on a highway, or where there is no highway that gains access at the natural boundary of the sea, by means of a strip of land, known as the access strip, that is narrower than the main portion of the lot.

“park” means any land dedicated as park under the *Park Act,* the *Land Title Act* or the *Local Government Act*, which is open to the general public and reserved for outdoor recreational, scenic, or nature conservation purposes, and may include undesignated Crown islets within the planning area covered by this Bylaw.

"personal watercraft" means a vessel less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

“pier” means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

“private institutional camp” means a use conducted by a non-profit society or other non-commercial organization which provides for public or private assembly and overnight accommodation of persons for recreational, educational and religious purposes.

"accessory recreational uses" means private leisure activities such as camping, picnicking and the playing of outdoor games, carried out on individual RR zoned lots or collectively by the owners or occupiers of neighbouring lots.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle, containing one or all of the following: sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

“residential” means used for the domicile and home life of a person or persons, and for this purpose, does not include the rental of a dwelling unit for a period of less than one month.

“setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

"sign" means any device or medium, including its supporting structure, visible from the sea, any highway or lot other than the one on which it is located and which is used to attract attention for advertising, information or identification purposes.

“sleeping cabin” means an accessory building, which is not a dwelling unit, does not contain facilities for food preparation or eating, and is used for the temporary sleeping accommodation of non-paying guests of the occupants of a dwelling on the same lot.

“wind turbine” means a wind energy conversion system consisting of a turbine, a turbine tower, and associated equipment, machinery, structures and buildings, which has a nameplate rated capacity of not more than 50kW, and which provides power for use on-site only (grid connected or off-grid).

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, absorption fields and related appurtenances below ground and concrete and asphalt paving or similar surfacing of the land.

“swimfloat” means a floating non-roofed structure that is used as a platform for diving or respite from swimming and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor and is not to be used as a landing or moorage place for marine transport.

“temporary” means, in relation to a period of occupancy or use by any particular individual: not exceeding 45 days in a calendar year, not more than 30 of which are continuous.

“third party sign” means a sign that advertises or directs attention to a product, location, or other matter at a location other than that at which the sign is erected or displayed.

“upland lot” means any parcel, block or other land area adjacent to or inland of the natural boundary of the sea.

“use” means the purpose or activity for which land, buildings or structures are designed, arranged or intended, or for which land, buildings or structures are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities (excluding private radio or television towers) and includes navigation aids.

"utility shed" means an accessory building with a floor area of 10 square metres (108 sq.ft.) or less containing only equipment for pumping, processing, or storing of water or sewage, electrical generating equipment, or communication service equipment.

“watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres or more.

"stream" means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and

(a) has a continuous channel bed that is 100 m or more in length, or

(b) flows directly into

(i) a fish stream or a fish-bearing lake or wetland, or

(ii) a licensed waterworks intake.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a stream.

“wharf” means a structure, usually consisting of a pier, ramp, or float, which is connected to an upland lot by a ramp or walkway.

"zone" means a zone established by Part 5 of this Bylaw.

1.2 Referencing

(1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part:	1
Section:	1.1
Subsection:	1.1(1)
Article:	1.1(1)(a)
Clause:	1.1(1)(a)(i)

1.3 Units of Measure

(1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses are approximate, are provided for convenience only, and do not form part of this Bylaw.

1.4 Information Notes

(1) Where a paragraph or sentence or column in a table in this Bylaw is preceded or labelled by the words “Information Note”, the contents of the paragraph or sentence or column are provided only to assist in understanding of the bylaw and do not form a part of it.

Information Note:
The Interpretation Act, being a Provincial Statute defines a number of commonly used terms and is applicable in the interpretation of this bylaw.

PART 2 ADMINISTRATION

2.1 Application

(1) This Bylaw shall apply to that part of the Gambier Island Local Trust Area as shown on Schedule C referred to as the Associated Islands Area. Encompassed in this area of application are the land area of all islands, islets, reefs, rocks, and the seabed, and specified surface waters.

2.2 Conformity

(1) No person may use or occupy any land, water surface, building or structure or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.

(2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.

(3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.

(4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.

(5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

(1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

2.4 Violation

(1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

2.5 Penalty

(1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, not exceeding $2,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

(1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all existing financial charges, delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.7 Owner's Cost

(1) If any provision of this Bylaw requires a report, study, covenant, plan or similar document to be prepared, unless otherwise stated, the owner of the land to which the document pertains shall pay all costs.

2.8 Siting Compliance

(1) Every applicant for a rezoning, temporary use permit or development variance permit must provide a current plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings and structures in relation to lot and zone boundaries, watercourses, and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings and structures comply with the siting requirements of this or any other Bylaw.

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone, except where noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this Bylaw:

(1) Conservation areas, including ecological reserves and other habitat reserves, and parks, but excluding public playgrounds and playing fields.

(2) Water supply facilities, for an individual dwelling or as a community service, in any land zoned for the purposes of supplying potable or grey water on an individual island, including reservoirs, pipes and valves, treatment facilities, catchment and storage facilities and pumping and intake structures.

(3) Buried or submerged electricity and telecommunication lines for the distribution of service within the Associated Islands Area and above-ground lines in any land zone.

(4) Electrical or telecommunications facilities for the purposes of supplying service on the same island.

(5) Solar collectors, micro hydro generating stations and wind turbines in any land zone for the purposes of supplying power to the lot on which the structure is located.

(6) Geothermal exchange equipment for the purposes of supplying energy to the lot on which the structure is located or to a lot adjacent to the foreshore in the case of equipment located on the foreshore.

(7) Air and marine navigational aids.

(8) Fences in any land zone.

(9) Hiking and bicycle trails.

(10) Signs, subject to regulations established in Part 6.

(11) Utility sheds.

(12) Sewage disposal facilities for which all required filings have been made with the health authority having jurisdiction under the *Public Health Act*.

(13) Horticulture.

3.2 Prohibited in All Zones

For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 5:

(1) The disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to the Sewage System Regulation of the *Public Health Act*.

(2) The disposal or storage of hazardous or toxic waste.

(3) The rental or sale of personal watercraft.

(4) The use of a mobile home or recreational vehicle as a residence.

(5) The use of a vessel anchored, moored, or secured as a permanent residence.

(6) Finfish aquaculture in any water zone.

(7) Bridges, causeways or tunnels connecting any island to the mainland.

(8) Water and utility lines connecting any island to another island or the mainland (except for those lines connecting Turnagain, Tiki, Jack Tolmie and Echo Island to the mainland along established easements).

(9) Wind turbines in any water zone, and wind turbines intended to provide power to an island other than the island on which the structures are located.

(10) Dog breeding and boarding kennels.

3.3 Siting and Setback Regulations

(1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.

(2) No building or structure greater than 1 metre (3.28 ft.) in height , except a fence, utility line, utility pole, navigational aid, at-grade steps, driveway or path, or utility shed, may be constructed, reconstructed, moved, extended or located within the minimum setback areas established in the regulations in Part 5.

(3) No building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea except:

(a) one permitted boathouse not exceeding 18.5 m^2 (200 ft^2);
(b) propane tanks;
(c) utility lines;
(d) lifting devices associated with permitted marine uses, including cranes and hoists;
(e) stairs, ramps or walkways not exceeding a width of 2.5 metres (8.2 feet),

required to access the foreshore or a permitted dock; and

(f) decks or platforms which do not exceed a height of 1.2 metres (4 feet) above natural grade, exclusive of railings, and which do not exceed an area of 10 m^2 (108 ft^2) per lot within the setback area.

(4) No building or structure, except a fence or utility shed, may be constructed, reconstructed, moved, extended or located within 30 metres (100 feet) of the natural boundary of any watercourse or wetland. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

(5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades and similar features may project into a required setback area, except a setback from the natural boundary of the sea, a watercourse or a wetland, provided they do not project more than 0.6 metres (2 feet) into the required setback area.

(6) Private floats and docks shall be located within the seaward projection of the boundaries of the upland property served and shall be set back 3.0 metres (9.8 feet) from the projection of those boundaries. This setback regulation does not apply to a shared lot boundary between residential lots served by the same private float or dock.

3.4 Height Regulations

(1) The height regulations for buildings and structures specified in Part 5 do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, solar collectors and water catchment and water storage facilities.

(2) Despite any height regulation in Part 5, wind turbines may have a height of up to 15 metres (50 feet).

3.5 Accessory Uses, Buildings and Structures

(1) A building or structure accessory to a dwelling may not be used as a residence but may be used as a sleeping cabin.

(2) Accessory recreational uses are permitted on RR-zoned lot whether or not a principal residential use is occurring on the lot.

(3) The following accessory buildings or structures may be constructed and placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot:

(a) a permitted boathouse;

(b) picnic shelters and benches and washroom facilities required for accessory recreational use of an RR-zoned lot;

(c) a utility shed;

(d) one accessory building used for storage of building materials and personal effects; and

(e) steps and structures accessory to and supporting a dock.

(4) Any accessory building or structure, other than those specified in subsection 3.5(2), may be constructed or placed on a lot prior to the construction of a principal building, or the commencement of a principal use, on the same lot only if a building permit has been issued for a principal building on the same lot and the building permit has not expired.

(5) Unless a building or structure is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

3.6 Home Occupation Regulations

(1) Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following:

(a) home craft;

(b) repairing of goods;

(c) professional practice;

(d) service to a client;

(e) creation of a product; and

(f) Commercial visitor accommodation, subject to the following additional regulations:

(i) not more than 4 guests may be accommodated at any one time;

(ii) not more than 2 bedrooms may be used to accommodate guests; and

(iii) a commercial visitor accommodation use must be conducted solely within a principal dwelling.

(2) For certainty home occupations do not include any of the following uses:

(a) commercial campgrounds;

(b) rentals, except rental of a dwelling for thirty (30) or more continuous days, and

(c) food service or the sale of goods or products unless the goods or products are produced, processed or repaired as part of the home occupation.

(3) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot on which a permitted principal residential use is occurring.

(4) The combined floor area used in all home occupations on a lot must not exceed 47 m^2 (500 ft^2).

(5) The owner or at least one employee of a home occupation must reside on the property.

(6) Not more than one person per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.

(7) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.

(8) No home occupation may cause any sound that is audible at a lot line of the lot on which the home occupation is conducted, including the natural boundary of the sea.

3.7 Fences

(1) The height of fences shall not exceed 2 metres (6.6 feet) within any required setback, subject to regulations in Part 5.

(2) The provision of protective netting, fencing or wire to control animal nuisances, or a landscape screen, is exempt from Subsection 3.7(1).

3.8 Landscape Screening

(1) Where landscape screening is required by this Bylaw, it is to be provided in the form of:

(a) existing vegetation that is retained and is of a sufficient height to provide a complete and year-round visual screen between the uses being separated; or

(b) where existing vegetation is not of a sufficient height to provide a visual screen, planted and maintained indigenous, drought-tolerant evergreen vegetation that will attain a height sufficient to provide a complete and year-round visual screen between the uses being separated; or

(c) a wooden fence or lattice which is continuous, except for points of vehicular or pedestrian access/egress.

3.9 Use of Recreational Vehicles

(1) Where recreational vehicle may not be placed on a lot, or used as a residence.

3.10 Storage of Junk and Derelict Vehicles

(1) Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles, campers, trailers, vessels, or parts, which are not completely enclosed in a permitted permanent building.

3.11 Lots Divided by a Zone Boundary

(1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and dwellings may only be constructed on any portion of the lot if, and to the extent that, the density regulations for that portion are complied with.

3.12 Use of Common Property

Land comprising the common property in a strata plan is not a lot for the purposes of the provisions of this Bylaw permitting dwellings in respect of lots but, where the strata lots and common property are in the same zone, the common property may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

(1) The area to which this Bylaw applies is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Maps designated as Schedule B that form part of this Bylaw and the regulations for which are set out in Part 5.

Zone Name	Zone Abbreviation
Small Lot Rural Residential One	SRR
Rural Residential One	RR1
Rural Residential Two	RR2
Rural Residential Three	RR3
Rural Residential Four	RR4
Rural Residential Five	RR5
Park	P
Private Conservation	PC
Community Service	CS
Forestry	F
Private Institutional One	PI1
Marine Foreshore 1	M1
Marine Foreshore 2	M2
Marine Protection	M3
Marine Industrial	M4
Public Wharf	M5

4.2 Zone Boundaries

(1) Where zone boundaries on Schedule B maps coincide with lot lines, the zone boundaries are the lot lines.

(2) Where a zone boundary is shown on Schedule B maps as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.

(3) Where land based and water based zone boundaries shown on Schedule B coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.

(4) Where a zone boundary shown on Schedule B does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule B and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

PART 5 ZONES

5.1 Small Lot Rural Residential – (SRR)

Information Note: The purpose of the Small Lot Rural Residential One Zone is to provide for the regulation of the development of small lot residential areas on North Thormanby Island.

Permitted Uses

(1) The following uses are permitted in the SRR zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Residential use of a dwelling; and
- (b) Accessory uses, buildings and structures, including but not limited to home occupations and accessory recreational uses.

Density

(2) The maximum density in the SRR zone is one (1) dwelling per lot.

(3) The maximum lot coverage in the SRR zone is 25 percent.

(4) The maximum floor area ratio of any dwelling in the SRR zone is 0.20.

(5) The maximum number of accessory buildings permitted in the SRR zone is two (2) per lot.

Siting and Size

(6) The minimum setback for any building or structure in the SRR zone is:

- (a) Residential 6.0 metres (19.6 feet) from any lot line abutting a highway or private road;
- (b) 1.5 metres (5 feet) from any interior or exterior side lot line; and
- (a) 7.5 metres (24.6 feet) from any rear lot line.

(7) The maximum height for any dwelling in the SRR zone is 9 m (29.5 feet).

(8) The maximum height for any accessory building or structure in the SRR zone is one storey to a maximum of 5.2 metres (17 feet).

Conditions of Use

(9) Above grade septic storage tanks in the SRR zone must be screened from view of an abutting residential lot by a fence or a landscape screen complying with the provisions of Section 3.8.

Subdivision Lot Area Requirements

(10) Land in the SRR zone may not be subdivided.

Site–Specific Regulations

(11) The following table 5.1 indicates locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location for reference, with zone boundaries defined on Schedule B, where the regulations specified in the third column apply:

	Table 5.1	
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
SRR(a)	LOTS 1 THROUGH 9 OF DISTRICT LOT 1017, PLAN 5972	1. Despite 5.1(6)(a) the minimum setback for buildings or structures is 4.0 metres from any lot line abutting a highway or private road. 2. Despite 5.1(6)(c) the minimum setback for buildings or structures is 1.0 metres from any rear lot line.

5.2 Rural Residential One – (RR1)

Information Note: The purpose of the Rural Residential One Zone is to provide for the regulation of the development of specific residential areas on Anvil Island, North and South Thormanby Islands, Turnagain Island, Jack Tolmie Island, Echo Island, Tiki Island, Grant Island, North, East, South and West Trail Islands, Surrey Islets, Bertha Islet, Merry Island, Franklin Island, Woolridge Island, Popham Islands, Mickey Island, Ragged Island, New (Silver) Island and Hermit Island.

Permitted Uses

(1) The following uses are permitted in the RR1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential use of a dwelling;

(b) Accessory uses, buildings and structures, including but not limited to home occupations and accessory recreational uses;

(c) Agriculture.

Density

(2) The maximum number of dwellings is 1 (one) dwelling for lots less than 4.0 hectares (10 acres) and 2 (two) dwellings for lots larger than 4.0 hectares (10 acres).

(3) The maximum lot coverage in the RR1 zone is 25 percent.

(4) The maximum number of accessory buildings permitted in the RR1 zone is three (3) per dwelling (exclusive of utility sheds and woodsheds).

Siting and Size

(5) The minimum setback for any building or structure in the RR1 zone is 7.5 metres (24.6 feet) from any lot line.

(6) Despite 5.2(5), for all lots on East Trail Island the minimum setback for any building or structure is 3.0 metres (10 feet) from any interior or exterior side lot line and 7.5 metres (24.6 feet) from any front or rear lot line.

(7) The maximum height for any dwelling in the RR1 zone is 11 metres (36 feet).

(8) The maximum height for any accessory building or structure in the RR1 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

(9) The minimum average lot size for subdivision in the RR1 zone is 4.0 hectares (10 acres).

(10) The minimum lot size for subdivision in the RR1 zone is 1 hectare (2.4 acres).

Site–Specific Regulations

(11) The following table 5.2 indicates locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location for reference, with zone boundaries defined on Schedule B, where the regulations specified in the third column apply:

	Table 5.2	
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
RR1(a)	PARCEL 12 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT, Tiki Island	1. Despite 5.2(2) the maximum number of dwellings is three (3). 2. Despite 5.2(3) the maximum lot coverage for each dwelling and associated accessory buildings is 6.3%. 3. Dwellings must be separated by a minimum of 20 metres (65.6 feet) from any other dwelling on the lot.
RR1(b)	DISTRICT LOT 4553 GROUP 1 NEW WESTMINSTER DISTRICT, Echo Island AND LOT 11 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT, Jack Tolmie Island	Despite 5.2(2) the maximum number of dwellings is one (1) unless water and sewer infrastructure connections from the island to the mainland along established easements or rights-of-way are in place at the time of issuance of a building permit(s) in which case the maximum number of dwellings is two (2).

RR1(c)	DISTRICT LOT 2081, South Thormanby Island, NEW WESTMINSTER DISTRICT	Despite 5.2(2) the maximum number of dwellings is ten (10).
RR1(d)	BLOCK B (REFERENCE PLAN 2132) DISTRICT LOT 845 GROUP 1 NEW WESTMINSTER DISTRICT Anvil Island	Despite 5.2(2) the maximum number of dwellings is two (2).
RR1(e)	DISTRICT LOT 845, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PORTIONS IN REFERENCE PLANS 622 AND 2698 Anvil Island	Despite 5.2(2) the maximum number of dwellings is eleven (11).
RR1(f)	LOT 17 DISTRICT LOT 1388 PLAN 13161 East Trail Island	Despite 5.2(2) the maximum number of dwellings permitted is two (2).
RR1(g)	LOT A DISTRICT LOT 2019 KNOWN AS SAND ISLAND GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP24738 South Thormanby Island	Despite 5.2(2) the maximum number of dwellings permitted is two (2).
RR1(h)	DISTRICT LOT 1389 GROUP 1 NEW WESTMINSTER DISTRICT South Trail Island	1. Despite 5.2(2) the maximum number of dwellings is three (3). 2. The maximum floor area of one dwelling on the lot is not to exceed 172 m^2 (1850 ft^2). 3. Despite 5.2(3) the maximum lot coverage is 20%. 4. Despite 5.2(4) the maximum number of accessory buildings is two (2) per dwelling (exclusive of utility sheds and woodsheds).

5.3 Rural Residential Two – (RR2)

Information Note: The purposes of the Rural Residential Two Zone are to incorporate the provisions of the Land Use Contract authorized by Gambier Island Local Trust Committee Land Use Contract Authorization Bylaw No. 6, 1978 in relation to DISTRICT LOT 1539 and LOT 1 OF DISTRICT LOTS 1018 AND 1019 South Thormanby Island, and to provide regulations in respect of matters not addressed in the Land Use Contract.

Permitted Uses

(1) The following uses are permitted in the RR2 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential use of a Dwelling;

(b) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation;

Density

(2) The maximum number of dwellings for Lot 1 District Lot 1539, Block 1 District Lots1018 and 1019 Plan 11122 is sixty-three (63).

Siting and Size

(3) Dwellings must be sited as shown on Schedule A-1.

(4) Floor area in the RR2 zone means any enclosed floor area of the main floor of the dwelling or structure but also including any floor area (exceeding 6 m^2) of the second floor of any dwelling, which has an average ceiling height in excess of 1.8 metres (6.1 feet) measured from the inside walls.

(5) The maximum floor area of a dwelling is 74.3 m^2 (800 ft^2).

(6) Despite section 5.3(5), for dwelling sites numbered 1A, 22 and 56 on Schedule A, the maximum floor area of a dwelling is 120.7 m^2 (1300 ft^2).

(7) Despite section 5.3(5) for dwelling sites numbered 3, 5, 8,10, 15, 21, 31, 37, 39, 45 through 47, 50, 52, 62 and 68 on Schedule A the maximum floor area of a dwelling is 102.2 m^2 (1100 ft^2).

(8) The maximum height for any dwelling in the RR2 zone is 9.1 metres (30 feet).

(9) The maximum height for any accessory building or structure in the RR2 zone is one storey to a maximum of 4.5 metres (15 feet).

(10) The maximum number of accessory buildings in the RR2 zone is three (3) per dwelling, exclusive of woodsheds, with a total combined floor area per dwelling not exceeding 27.8 m^2 (350 ft^2).

(11) Despite subsection 5.3(10), the accessory buildings identified in Schedule A-2 may exceed the maximum permitted floor area and maximum number of accessory buildings to the extent specified on Schedule A-2.

(12) A combined accessory building floor area of 501.6 m2 (5,400 ft2) is permitted in the RR2 zone in addition to those referenced in subsections 5.3(10) and 5.3(11), for the storage of motor vehicles.

(13) The maximum number of boat houses on Lot 1 District Lot 1539, Block 1 District Lots1018 and 1019 is five (5) with a maximum floor area for each boathouse of 16.2 m^2 (175 ft^2).

Subdivision Lot Area Requirements

(14) Land in the RR2 zone may not be subdivided.

5.4 Rural Residential Three– (RR3)

Information Note: The purpose of the Rural Residential Three Zone is to provide for the regulation of the development of LOT 2 DISTRICT LOT 845 PLAN 10910 on Anvil Island.

Permitted Uses

(1) The following uses are permitted in the RR3 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential use of a dwelling; and

(b) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation.

Density

(2) The maximum number of dwellings permitted in the RR3 zone is eight (8).

(3) The maximum lot coverage in the RR3 zone is 2 percent.

Siting and Size

(4) The maximum number of accessory buildings in the RR3 zone is two (2) per dwelling (exclusive of utility and wood sheds).

(5) The minimum setback for any building or structure in the RR3 zone is 7.5 metres (24.6 feet) from any lot line.

(6) The maximum height for any dwelling in the RR3 is 11 metres (36 feet).

(7) The maximum height for any accessory building or structure in the RR3 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

(8) The minimum average lot size for subdivision in the RR3 zone is 4 hectares (10 acres).

(9) The minimum lot size for subdivision in the RR3 zone is 1 hectare (2.4 acres).

5.5 Rural Residential Four– (RR4)

Information Note: The purpose of the Rural Residential Four Zone is to provide for the regulation of the development of District Lot 697, Pasley Island.

Permitted Uses

(1) The following uses are permitted in the RR4 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential use of a dwelling;

(b) Guest houses;

(c) Caretaker Residence; and

(d) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation.

Density

(2) The maximum number of dwellings, in the RR4 zone is one per 3.33 hectares to a maximum of thirty (30).

(3) The maximum number of guest houses in the RR4 zone is one per dwelling to a maximum of thirty (30).

(4) One caretaker residence in the RR4 zone is permitted in addition to the dwellings permitted by subsections 5.5(2) and 5.5(3).

Siting and Size

(5) The maximum combined floor area of a dwelling, and its associated guest house and accessory buildings in the RR4 zone is 334.5 m^2 (3600 ft^2) with no single building or structure exceeding 223 m^2 (2400 ft^2).

(6) The minimum setback for any building or structure in the RR4 zone is 7.5 metres (24.6 feet) from any lot line.

(7) The maximum height for any dwelling in the RR4 zone is 11 metres (36 feet).

(8) The maximum height for any accessory building or structure in the RR4 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

(9) Land in the RR4 zone may not be subdivided.

5.6 Rural Residential Five– (RR5)

Information Note: The purposes of the Rural Residential Five Zone are to incorporate the provisions of the Land Use Contract authorized by Gambier Island Trust Committee Land Use Contract Authorization Bylaw No. 5, 1978 in relation to District Lot 840, Worlcombe Island, and to provide regulations in respect of matters not addressed in the Land Use Contract.

Permitted Uses

(1) The following uses are permitted in the RR5 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential use of a Dwelling; and

(b) Accessory uses, buildings and structures, including home occupations and accessory recreational uses, but excluding commercial visitor accommodation.

Density

(2) The maximum number of dwellings in the RR5 zone is seven (7), one of which may be used as a lodge and for assembly purposes.

(3) A maximum of three (3) accessory buildings is permitted for each dwelling (exclusive of utility sheds and woodsheds).

Siting and Size

(4) The maximum floor area of a dwelling in the RR5 zone is 186 m^2 (2000 ft^2).

(5) The total accessory building floor area per dwelling in the RR5 zone shall not exceed 37 m^2 (400 ft^2).

(6) The minimum setback for any building or structure in the RR5 zone is 7.5 metres (24.6 feet) from any lot line.

(7) The maximum height for any dwelling in the RR5 zone is 11 metres (36 feet).

(8) The maximum height for any accessory building or structure in the RR5 zone is one storey to a maximum of 5.2 metres (17 feet).

Subdivision Lot Area Requirements

(9) Land in the RR5 zone may not be subdivided.

5.7 Private Institutional– (PI1)

Information Note: The purpose of the Private Institutional One Zone is to provide for the regulation of the development of the camp on DISTRICT LOT D DISTRICT LOT 845 PLAN 10910, Anvil Island (Daybreak Point Bible Camp).

Permitted Uses

(1) The following uses are permitted in the PI1 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Private institutional camp use of land, dormitories and cabins;

(b) caretaker dwelling accessory to the permitted private institutional camp use; and

(c) permanent and seasonal employee accommodation.

Density

(2) The maximum number of caretaker dwellings in the PI1 zone is four (4).

Siting and Size

(3) The maximum floor area of all dwellings, dormitories, cabins and accommodation units in the PI1 zone is 2050 m^2 (20,066 ft^2).

(4) The total accessory building floor area per dwelling in the PI1 zone shall not exceed 4530 m^2 (48,760 ft^2).

(5) The minimum setback for any building or structure in the PI1 zone is 7.5 metres (24.6 feet) from any lot line.

(6) Despite 5.7(5) the minimum setback for any building or structure in the PI1 zone is 30 metres (98.4 feet) from any lot line abutting a residential zone.

(7) The maximum height for any building or structure in the PI1 zone is 11 metres (36 feet).

Subdivision Lot Area Requirements

(8) The minimum lot size for subdivision in the PI1 zone is 4 hectares (10 acres).

5.8 Park (P)

Information Note: The purpose of the Park Zone is to provide for the regulation of the development of regional district or provincially owned park lands.

Permitted Uses

(1) The following uses are permitted in the P zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Protection and maintenance of natural features and habitat;
(b) Nature interpretation; and
(c) Natural area parks and conservation.

Permitted Structures

(2) The following structures are permitted in the P zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:

(a) Pedestrian trails;
(b) Fences;
(c) Stairs, boardwalks; outhouses; camping platforms;
(d) Buildings and structures accessory to a permitted natural area protection, conservation or interpretation use; and
(e) Informational signs, subject to Part 6.

Siting and Size

(3) The maximum combined floor area of all buildings on any lot in the P zone is 46 m^2 (500 ft^2).

(4) The minimum setback for any building or structure in the P zone is 7.6 metres (25 feet) from any lot line.

(5) The maximum height for any accessory building or structure in the P zone is 3.0 metres (9.8 feet).

5.9 Private Conservation (PC)

Information Note: The purpose of the Private Conservation Zone is to provide for the regulation of lands reserved for privately managed conservation of local flora and fauna.

Permitted Uses

(1) The following uses are permitted in the PC zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Protection and maintenance of natural features and habitat; and
(b) Conservation.

Permitted Structures

(2) The following structures are permitted in the PC zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:

(a) pedestrian trails;
(b) fences;
(c) stairs, boardwalks; and
(d) signs, subject to Part 6.

Siting and Size

(3) The minimum setback for any structure in the PC zone shall be 7.5 metres (24.6 feet) from any lot line.

5.10 Forest (F)

Information Note: The purpose of the Forest Zone is to provide for the regulation of the development of large parcels of land.

Permitted Uses

(1) The following uses are permitted in the F zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Silviculture;
(b) Trails, stairs and walkways;
(c) Informational signs and interpretive structures; and
(d) Accessory uses, buildings and structures.

(2) For certainty accessory uses, buildings and structures may include *wells, pumphouses, water storage tanks and utility sheds.*

Density

(3) The maximum lot coverage in the F zone is 2 percent.

Siting and Size

(4) The maximum combined floor area of all buildings on any lot in the F zone is 46 m^2 (500 ft^2).

(5) The minimum setback for any building or structure in the F zone is 7.6 metres (25 feet) from any lot line.

(6) The maximum height for any accessory building or structure in the F zone is one storey to a maximum of 5.2 metres (17 feet).

5.11 Community Service (CS)

Information Note: The purpose of the CS Zone is to provide for the regulation of the development of the Merry Island Lighthouse Station.

Permitted Uses

(1) The following uses are permitted in the CS zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Lighthouse and caretaker dwellings,

(b) Helicopter landing pad,

(c) Trails, stairs and walkways,

(d) Informational signs and interpretive structures; and

(e) Accessory uses buildings and structures.

(2) For certainty accessory uses, buildings and structures may include *wells, pumphouses, boathouse, boat ramp, water storage tanks and utility sheds.*

Density

(3) Two (2) caretaker's dwellings are permitted per lot in the CS zone.

Siting and Size

(4) The minimum setback for any building or structure in the CS zone is 7.6 metres (25 feet) from any lot line.

5.12 Marine Foreshore 1 (M1)

Information Note: The purpose of the Marine Foreshore 1 Zone is to provide for the regulation of development in marine areas adjacent to residential islands. The M1 zone, and the other water-based zones, includes the surface of the water, up the natural boundary of the sea.

Permitted Uses

(1) The following uses and structures are permitted in the M1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- (a) Marine navigational aids;
- (b) Mooring buoys, for the purpose of mooring a private vessel accessory to the residential use of an upland lot; and
- (c) Docks accessory to the residential use of an adjacent upland lot.

Density

(2) The maximum number of docks that may be constructed in the M1 zone adjacent and accessory to any upland lot in the M1 zone shall be one.

Siting and Size

(3) The maximum area of any accessory dock in the M1 zone, excluding ramps and walkways, is 40 m^2 (430 ft^2**).**

Conditions of Use

(4) The use permitted in 5.12(1)(b) does not include any dock constructed with foamed polystyrene flotation components that are not completely encapsulated to prevent such components from escaping into the marine environment.

(5) No building, including a boathouse may be constructed or erected on any dock in the M1 zone.

Site–Specific Regulations

(6) The following table 5.3 indicates locations for reference, with zone boundaries defined on Schedule B, where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on Schedule B. The second column is an information note and the third column specifies the regulations that apply:

		Table 5.3
Site-Specific Zone	**Information Note: General Location**	**Site Specific Regulations**
M1(a)	DISTRICT LOT 697 GROUP 1 NEW WESTMINSTER DISTRICT Pasley Island	Despite subsection 5.12(2), a maximum of thirty (30) docks may be constructed adjacent to this lot.
M1(b)	PARCEL 12 (EXPLANATORY PLAN 7978) DISTRICT LOT 2309 GROUP 1 NEW WESTMINSTER DISTRICT Tiki island	Despite subsection 5.12(2), a maximum of three (3) docks may be constructed adjacent to this lot.
M1 (c)	DISTRICT LOT 4553 GROUP 1 NEW WESTMINSTER DISTRICT Echo Island	Despite subsection 5.12(2), a maximum of two (2) docks may be constructed adjacent to this lot.

5.13 Marine Foreshore 2 (M2)

Information Note: The purpose of the Marine Service Zone is to provide for the regulation of development, including common dock facilities, in marine areas adjacent to residential islands.

Permitted Uses

(1) The following uses are permitted in the M2 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Mooring buoys, for the purpose of mooring a private vessel accessory to the residential use of an upland lot;

(c) Community docks and wharves;

(d) Barge ramps; and

(e) Breakwaters.

Density

(2) One community dock or wharf may be constructed or installed at each M2 zoned location.

Conditions of Use

(3) The use permitted in 5.13(1)(b) does not include any dock constructed with foamed polystyrene flotation components that are not completely encapsulated to prevent such components from escaping into the marine environment.

(4) No building, other than one storage building not exceeding 10 m^2 or 4 metres in height, may be constructed or erected on any dock in the M2 zone.

(5) The following table 5.4 indicates locations for reference, with zone boundaries defined on Schedule B, where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on Schedule B. The second column provides an information note and the third column specifies the regulations that apply:

		Table 5.4
Site-Specific Zone	**Information Note: General Location**	**Site Specific Regulations**
M2(a)	LOT 2 DISTRICT LOT 845 PLAN 10910	Despite subsection 5.13 (2) one additional dock with a maximum area of 18 m^2 (194 ft^2) is permitted below the natural boundary of the sea.

	Anvil Island	
M2(b)	South Thormanby Island	Despite subsection 5.13 (2) a maximum of two docks with a combined maximum area of 725 m² (7800 ft²) are permitted below the natural boundary of the sea.
M2(c)	DISTRICT LOT D DL 845 PLAN 10910 Anvil Island	Despite subsection 5.13 (2) a combined maximum dock area of 604 m² (6,500 ft²) are permitted below the natural boundary of the sea.

5.14 Marine Protection (M3)

Information Note: The purpose of the Marine Protection Zone is to provide for the regulation of development in marine areas outside of areas zoned for docks.

Permitted Uses

(1) The following uses are permitted in the M3 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- (a) Marine navigational aids;
- (b) Mooring buoys for the purpose of mooring a private vessel accessory to the residential use of an upland lot;
- (c) Signs subject to Section 6;
- (d) Ecological reserves; and
- (e) Research and educational activities related to the marine environment, including nature interpretation.

Permitted Structures

(2) No permanent building or structure of any kind, other than a navigational aid or mooring buoy, may be erected, constructed or placed.

5.15 Marine Industrial (M4)

Information Note: The purpose of the Marine Industrial Zone is to provide for the regulation of development in marine areas outside of areas zoned for docks and moorage.

Permitted Uses

(1) The following uses are permitted in the M4 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) log handling, sorting and storage.

Permitted Structures

(2) The following structures are permitted in the M4 zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:

(a) Buoys, floats, dolphins and pilings necessary for the establishment or operation of a log handling, sorting or storage use;
(b) Marine navigational aids; and
(c) Signs, subject to Part 6.

5.16 Public Wharf (M5)

Information Note: The purpose of the Public Wharf Zone is to provide for the regulation of development of the public wharf on North Thormanby Island.

Permitted Uses

(1) The following uses are permitted in the M5 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Public service utility uses;

(b) Loading, unloading and temporary storage of freight;

(c) Temporary docking and mooring facilities for passenger ferries, charter vessels, water taxis, pleasure craft, fishing boats and sea planes; and

(d) Non-commercial boat moorage.

Permitted Structures

(2) The following structures are permitted in the M5 zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:

(a) Public wharf or barge;

(b) Buoys, floats, wharves, wharf ramps, walkways, piers, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a use permitted in this zone;

(c) Marine navigational aids; and

(d) Signs, subject to Part 6.

Height

(3) The maximum height of buildings and structures located on a public wharf is 5.0 metres (16.5 feet) measured from the surface of the wharf.

Floor Area

(4) The maximum combined floor area for buildings and structures is 14.0 m^2 (150 ft^2).

PART 6 SIGN REGULATIONS

6.1 Permitted Sign Types

(1) All types of signs, except those prohibited in Section 6.2, are permitted.

6.2 Prohibited Signs

(1) The following sign types are prohibited:

(a) Blinking, backlit or neon signs;

(b) Signs with moving parts;

(c) Signs that make noise to attract attention to the sign;

(d) Signs illuminated by a floodlight or spotlight such that the light from the floodlight or spotlight shines directly into the path of on-coming motor vehicle, marine or aviation traffic;

(e) Signs that project over a highway or other public property;

(f) Third party signs;

(g) Signs painted on a natural rock face; and

(h) Any sign hung from, or in any way affixed to, any other sign.

6.3 Exempt Signs

(1) The following signs are exempt from the regulations in this Part:

(a) Directional, traffic control, safety, interpretive, address and navigational signs;

(b) Signs of duly nominated candidates for public office, provided they are removed within 14 days of the date of election;

(c) Signs pertaining to the lease, sale, or name of owner or property, or the use or status of a lot or building, provided that no sign exceeds a dimension of 0.75 metres by 0.75 metres (2.5 feet by 2.5 feet); and

(d) Signs erected and maintained by a public agency.

6.4 Siting and Height

(1) The maximum height for any sign is 6 metres (20 feet).

6.5 Obsolete Signs

(1) Any sign which has become obsolete because of the discontinuance of the business, service or activity to which it pertains must be removed from the premises within thirty days after the sign becomes obsolete.

6.6 Sign Number and Area

Table 6.1: Sign Number and Area		
Zone/Use	**Number of Signs Permitted for each Lot, Premises or Use**	**Maximum Total Sign Dimension Permitted for Each Lot, Premises or Use**
All zones	1 per lot	0.75 metres by 0.75 metres (2.5 feet by 2.5 feet)

PART 7 PARKING REGULATIONS

7.1 Application

(1) Parking requirements shall not apply to any island unless there is a highway right of way on the island and one or more motor vehicles, as defined by the *Motor Vehicle Act* are located on that island.

(2) There shall be one off-street parking space available for each motor vehicle on an island, of at least 2.75 metres (9 feet) in width and 6.25 metres (21 feet) in length, exclusive of manoeuvring aisles or driveways, and having unobstructed vertical clearance of at least 2 metres (6.6 feet).

(3) Each parking space shall be accessible to a highway via a driveway or manoeuvring aisle not less than 6 metres (20 feet) in width at the junction with the highway.

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

(1) Subdivisions shall comply with the minimum and minimum average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.

(2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 5, be included in the total area of lots being created.

8.2 Exemptions from Average and Minimum Lot Area Requirements

The average and minimum lot areas specified in Part 5 do not apply to:

(1) A lot being created to be used solely for the unattended equipment necessary for the operation of any of the following services, provided that the owner grants a covenant restricting the use of the lot to that use:

(a) Electrical and telecommunication utilities;
(b) Community sewer or water system facilities;
(c) Telephone receiving antenna;
(d) Radio or television broadcasting antenna;
(e) Telecommunication relay;
(f) Automatic telephone exchange;
(g) Firefighting services;
(h) Air or marine navigation aid; and
(i) Electrical substation.

(2) A lot being created to be used solely for park use or natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose.

(3) A lot created by the consolidation of two or more lots.

(4) The adjustment of boundaries between lots provided that the area of any lot would not be increased to an extent that the land that comprised the parent lots could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment, and the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

8.3 Covenants Prohibiting Further Subdivision and Development

(1) Where a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the owner must grant a restrictive covenant in respect of every such lot prohibiting further subdivision of the lot and prohibiting construction,

erection, or occupancy on the lot of more than the applicable zone's permitted number or size of dwellings, guest houses and accessory buildings.

(2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum average lot sizes specified by this bylaw, and:

(a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot size; and

(b) one or more of the lots being created has an area less than the applicable minimum average lot size the applicant shall grant a restrictive covenant in respect of every lot prohibiting:

(i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and minimum average lot sizes specified by this Bylaw; and

(ii) the construction, erection, or occupancy on the lot of dwellings, guest houses and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw without subdivision.

(3) If the approval of a bare land strata plan would create common property, the applicant must grant a restrictive covenant in respect of the common property prohibiting the further subdivision of the common property and the disposition of the common property separately from the strata lots.

8.4 Boundary Adjustment Subdivisions

(1) A boundary adjustment subdivision is prohibited if it would result in the increase of the area of any lot to the point where the new lots created could together be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment.

(2) A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited, except where all of the lots being subdivided are located in two or more zones.

8.5 Section 946 Subdivisions (Residence for a Relative)

(1) No lot having an area less than 8 hectares (20 acres) may be subdivided pursuant to the *Local Government Act* to provide a residence for a relative of the owner.

8.6 Lot Frontage and Lot Shape

(1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the *Local Government Act*.

(2) No lot in a proposed subdivision may have a lot depth greater than three times its lot width excluding the width of any panhandle access strip.

(3) If a panhandle lot proposed to be created has sufficient area to be further subdivided under this Bylaw, the minimum width of the access strip shall be 20 metres.

(4) If a panhandle lot proposed to be created has insufficient area to be further subdivided, the minimum width of the access strip shall be 10 metres.

8.7 Split Zoned Lots

(1) The creation of an additional lot lying within two or more zones is prohibited unless the subdivision consolidates lots or adjusts property lines.

(2) Where a lot lying within two or more zones is subdivided, each proposed lot must comply with the largest minimum lot area specified in Part 5 for any zone in which the proposed lot lies, and with the largest of any minimum average lot areas specified for each such zone.

8.8 Split or Hooked Lots

(1) No lot which is divided into two or more portions by a highway or other lot may be created by subdivision, except where required to provide highway access within a water access subdivision.

(2) Where a part of a lot is separated from the main portion of the lot by a road, watercourse, marine water or topographical feature, it may be consolidated with an adjacent lot to which it may be more properly related without meeting other provisions of this Part, as long as the main portion of the parent lot conforms to the provisions of this Part.

8.9 Water Access Subdivisions

(1) Subdivisions that propose access by water only shall be provided with access by highway dedication to a location suitable for the establishment of a neighbourhood dock for use by the owners and occupiers of the subdivision.

8.10 Highway Standards

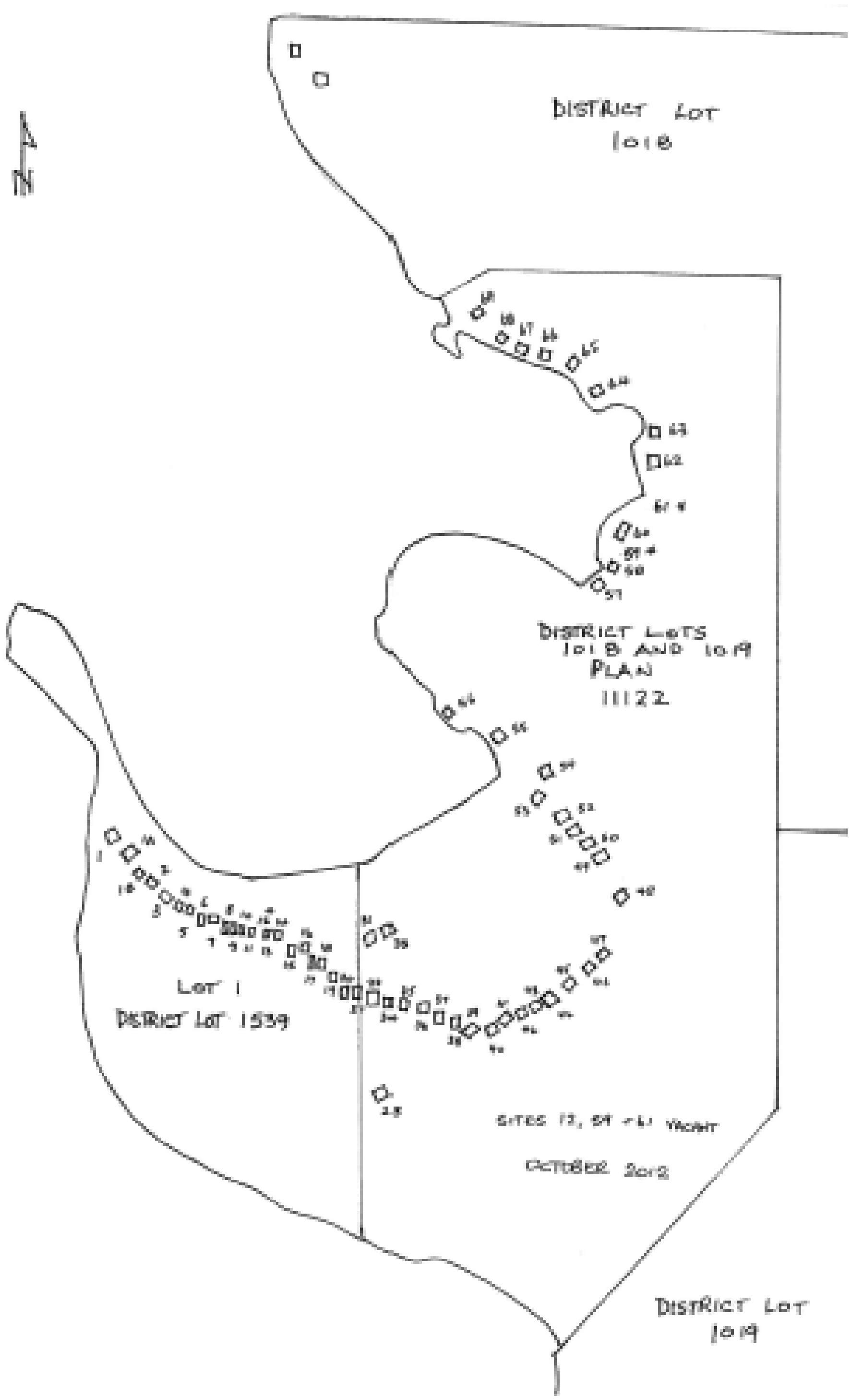
Information Note: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways (now called Ministry of Transportation and Infrastructure), dated October 20, 1992 and amended July 18, 1996.

8.11 Water Supply

Information Note: For information on water quantity (volume) and quality (potability) requirements for proposed lots served by individual wells, contact the Provincial Approving Officer, Ministry of Transportation and Infrastructure, and for proposed lots served by a community water system contact the Vancouver Coastal Health Authority. Drinking water *systems that service more than one single family dwelling must comply with the Drinking Water Protection Act and Drinking Water Protection Regulation.*

Schedule A-1

Site Plan for District Lot 1539, Lot 1 of District Lot 1018 and 1019, South Thormanby Island



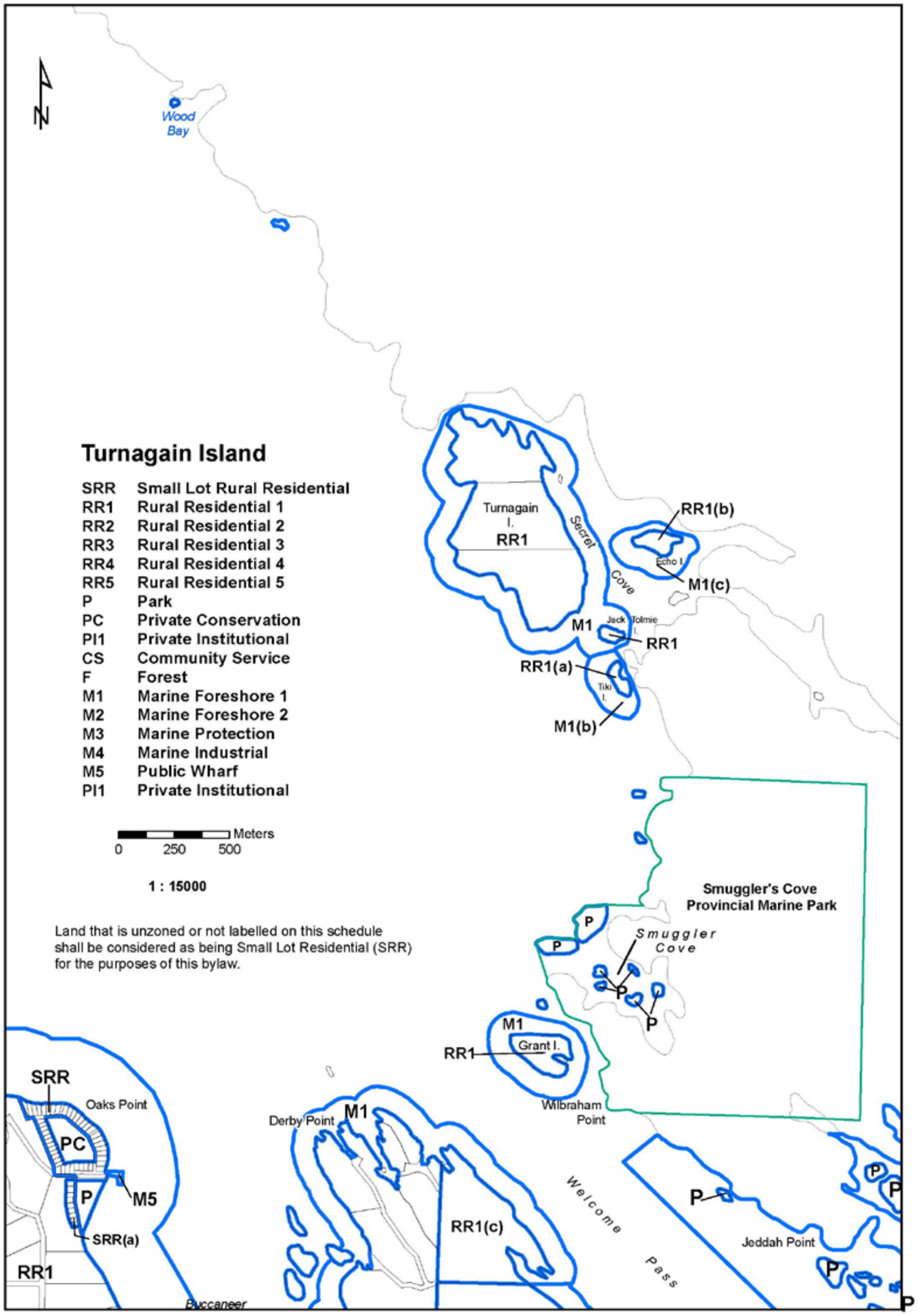
Schedule A-2 -Accessory Buildings in Buccaneer Bay

District Lot 1539, Lot 1 of District Lot 1018 and 1019, South Thormanby Island

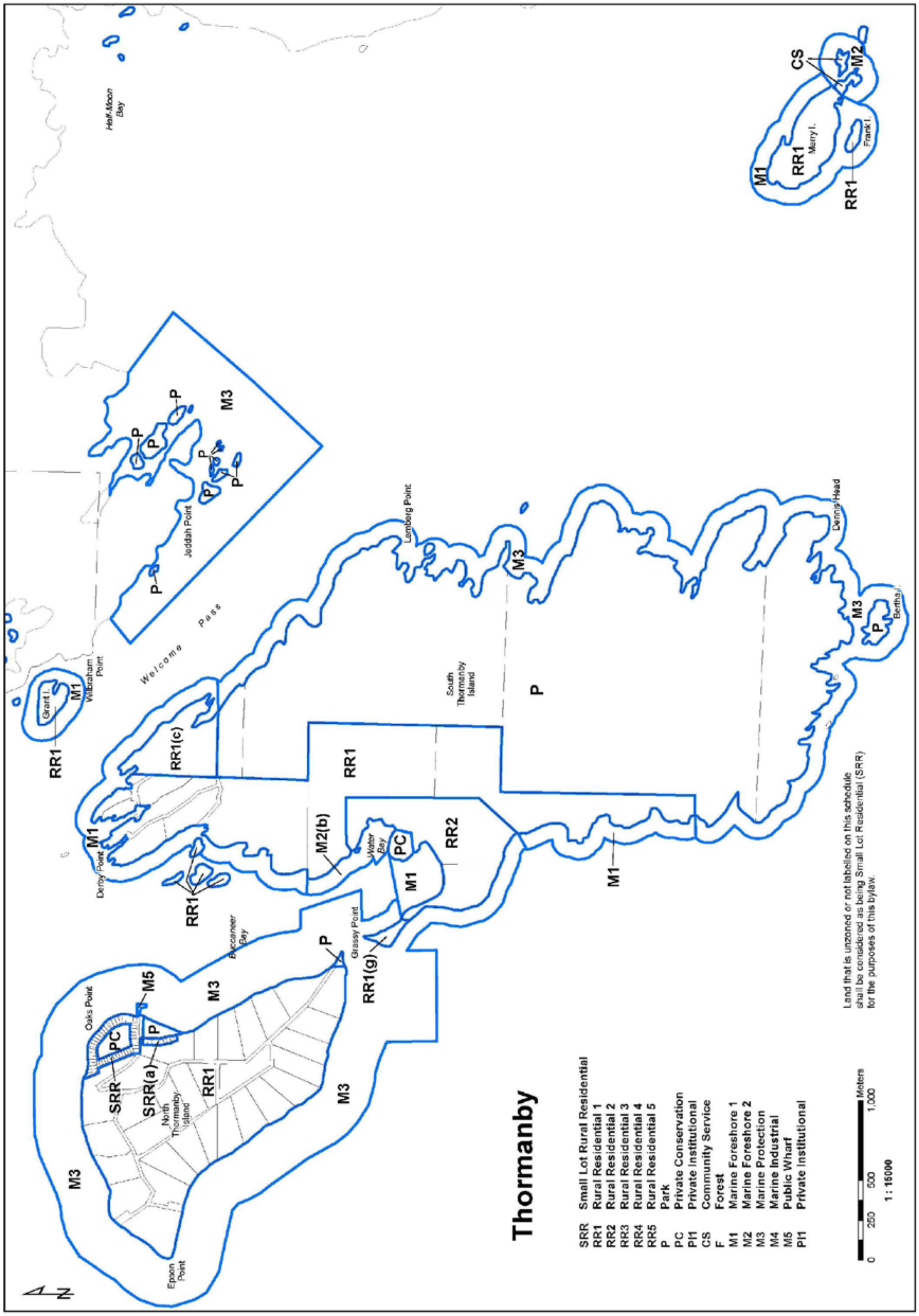
Principal dwellings with accessory buildings in the RR2 zone numbering more than three (3) and/or whose total square footage is more than 32.5 m² (350 ft²).

Table A.2: Accessory Building Build Out – Buccaneer Bay		
Site No.	Number of Buildings	Total Floor Area
3	3	61.3 m² (660 ft²)
5	4	43.2 m² (465 ft²)
8	3	62.4 m² (672 ft²)
14	3	46.7 m² (503 ft²)
16	3	38.2 m² (411 ft²)
19	3	37.2 m² (400 ft²)
22	2	60.2 m² (648 ft²)
23	1	34.4 m² (370 ft²)
45	3	40.5 m² (436 ft²)
54	3	41.7 m² (449 ft²)
62	5	86.8 m² (934 ft²)
63	4	33.4 m² (360 ft²)
64	2	83 m² (893 ft²)

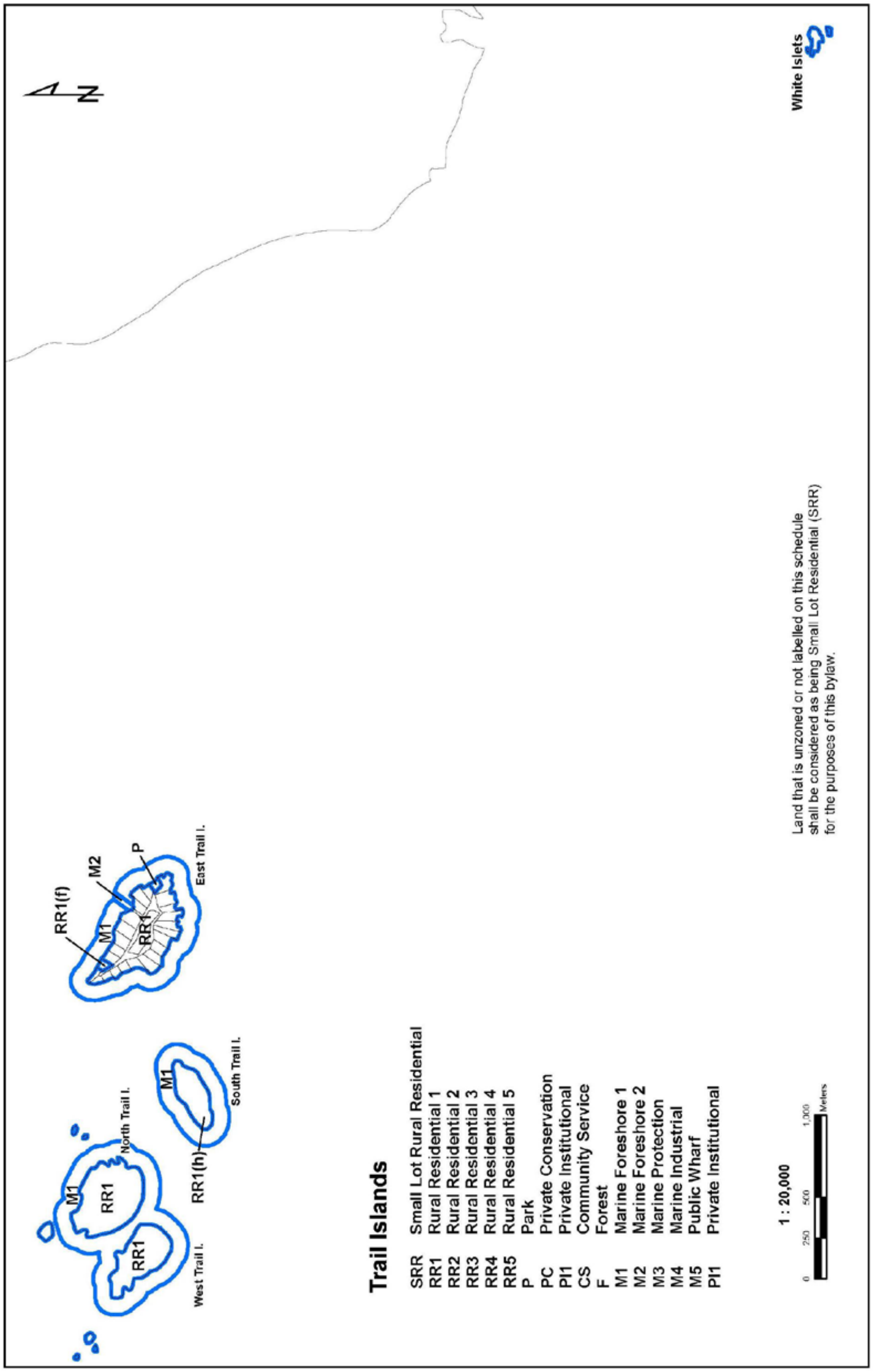
Schedule B - Zoning Map A



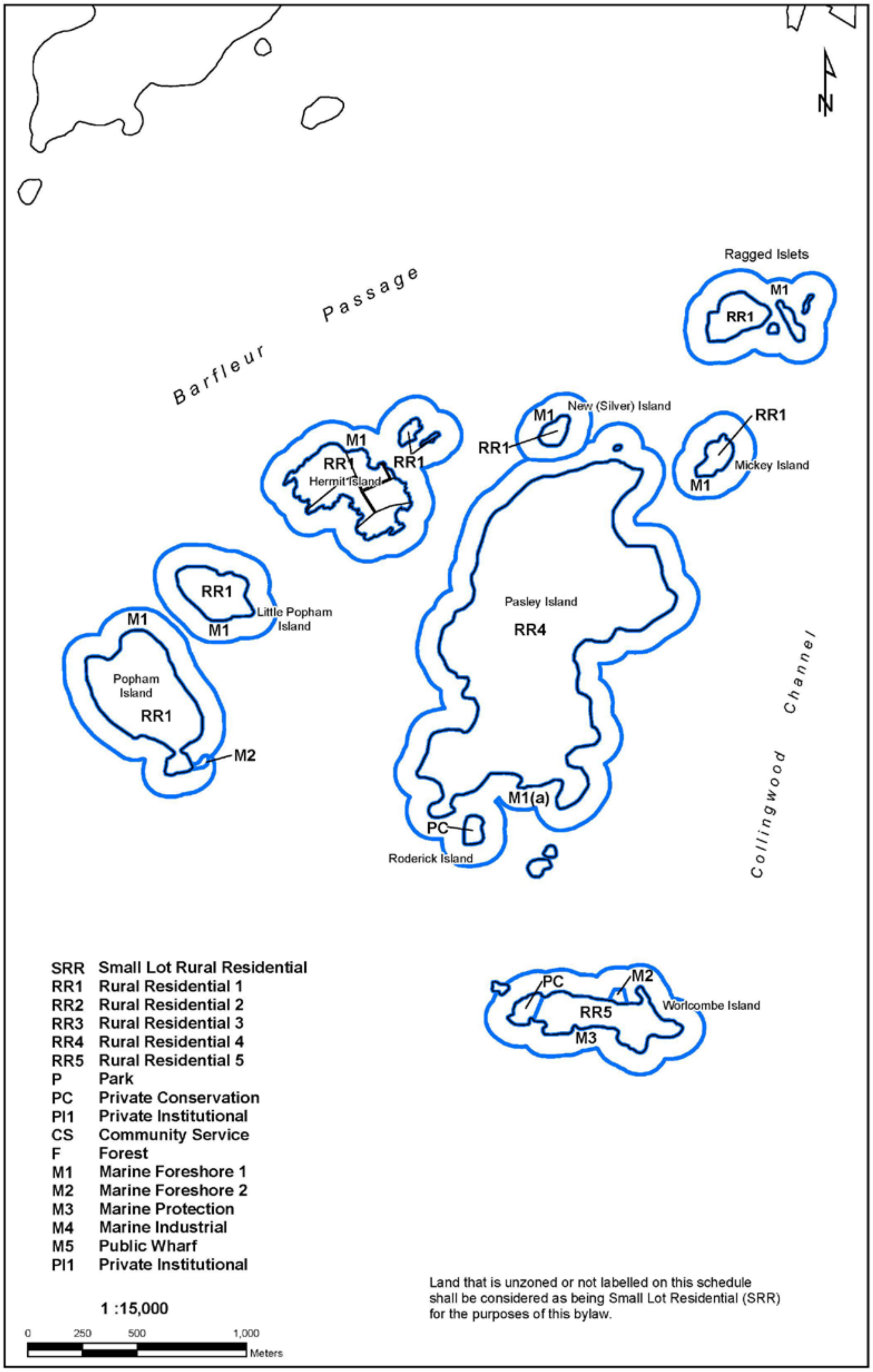
Schedule B - Zoning Map B



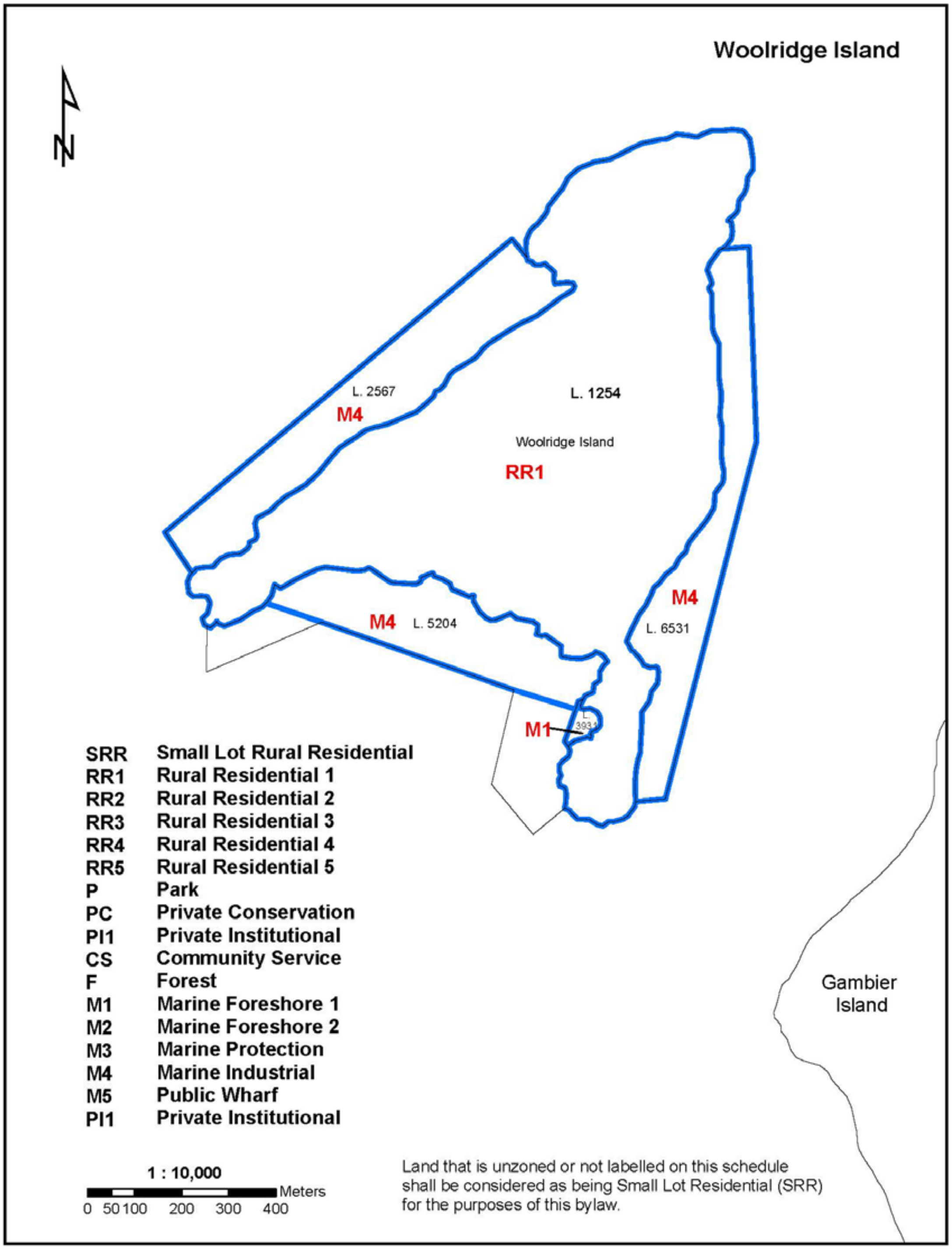
Schedule B - Zoning Map C



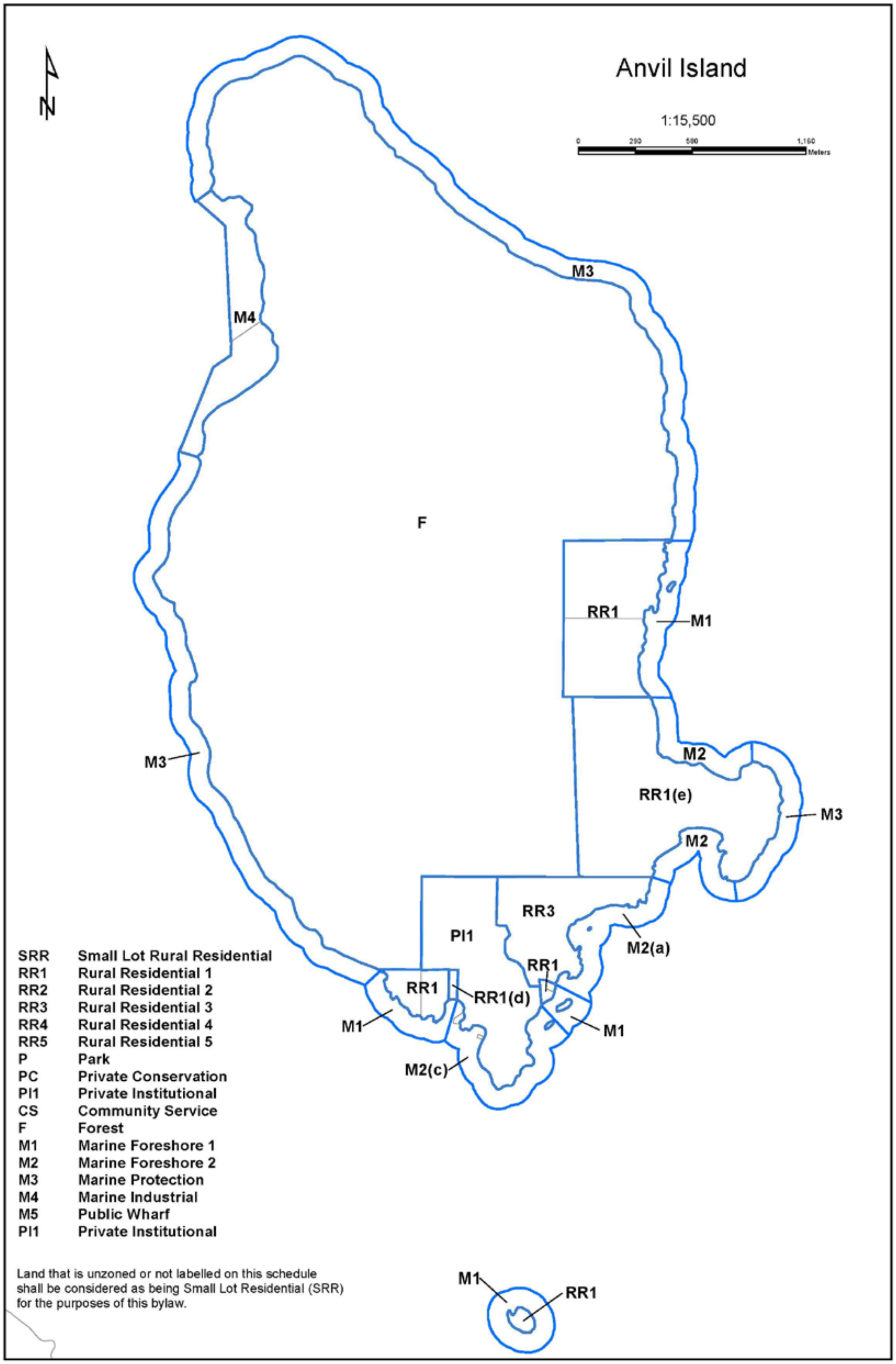
Schedule B - Zoning Map D



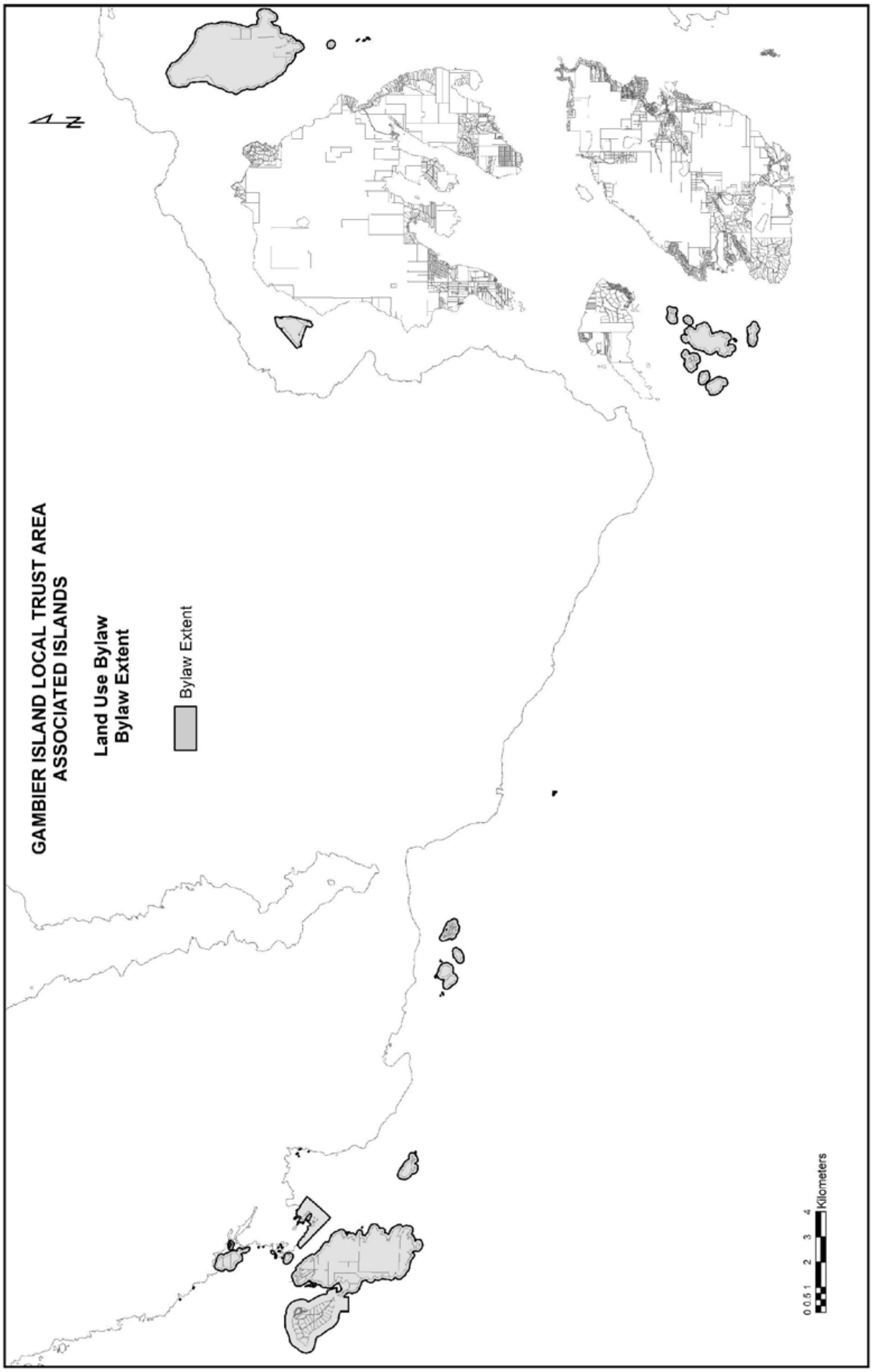
Schedule B - Zoning Map E



Schedule B - Zoning Map F



Schedule C – Bylaw Area of Application Map



STAFF REPORT

Date: June 26, 2013
For meeting of July 11, 2013

Application No.: GM-RZ-2012.1 (Reel 17 Investments, Gambier Island)

To: Gambier Island Local Trust Committee

From: Aleksandra Brzozowski, Island Planner

Re: **Rezoning application for Lot 1, District Lot 477, Group 1, NWD Plan BCP41717**

Owner: Reel 17 Investments
Applicant: Jim Green
Location: Cotton Bay, Gambier Island

PURPOSE:

The purpose of this staff report is to present referral responses to Proposed Bylaw No. 123, as well as the first draft of the restrictive covenant required for this proposed rezoning.

BACKGROUND:

On April 11, 2013 the Gambier Island Local Trust Committee (LTC) gave First Reading to draft Bylaw No. 123 cited as "Gambier Island Trust Committee Land Use Bylaw No. 86, 2004, Amendment No. 1, 2013". The proposed bylaw would amend Schedule 'B' - Zoning Map of the Gambier Island Land Use Bylaw as shown on the subject area map below (Figure 1), which is based on the site plan provided by the applicant.

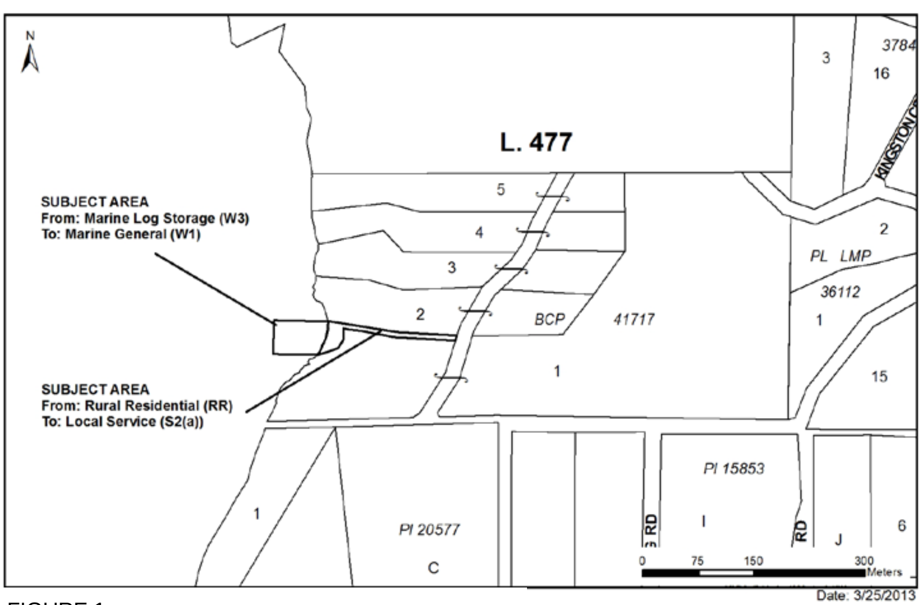


FIGURE 1.
Subject Area Map for Proposed Bylaw No. 123

No amendments to the text of Land Use Bylaw No. 86 are required for the Marine General (W1) zone. A site specific Local Service (S2) zone is proposed in order to permit only neighbourhood dock access and a fire fighting storage facility. A text amendment would be made to Table 5.8 of the Land Use Bylaw to specify the regulations of this proposed site-specific zone.

RESTRICTIVE COVENANT:

The LTC passed a resolution at the January 31, 2013 meeting advising the applicant to enter into a cost recovery agreement with the Islands Trust to draft a restrictive covenant for the parcels in the Cotton Bay area that would benefit from access to the community dock, ensuring they would not additionally build private docks on their individual properties. Attached to this staff report is the draft covenant for review.

REFERRAL OF PROPOSED BYLAW 123:

At their April 11, 2013 meeting, the LTC requested that responses to the bylaw referral be presented to the LTC prior to the consideration of scheduling a community information meeting and public hearing. Proposed Bylaw No. 123 was referred to the agencies and First Nations noted in the April 11, 2013 staff report, and these agencies and First Nations were given sixty days to comment on the proposed bylaw. Noted below are the comments made by agencies that responded to the referral on Proposed Bylaw No. 123; any referral agencies not noted below were sent the referral but did not reply.

Ministry of Forests, Lands and Natural Resource Operations

Comments from Crown Lands and Resources:
"Crown Lands and Resources has no concerns regarding the proposed regulations and recommends approval based on our review. Authorization under the Land Act was granted in September 2012 (Lands file no. 2410749, Permission no. 242067)"

Comments from M. Henigman, Ecosystems Biologist, West Coast Region:
"Consistent with Develop with Care 2012, FLNRO hopes that the proponent would conduct a bio-inventory to identify areas of sensitivity that could be threatened by the rezoning, the proposed neighborhood dock and upland development. Any streams should be carefully checked for the presence of fish and suitable protection for the riparian zone applied. Prior to any land clearing activities, any standing trees should also be checked for the presence of nesting birds, in particular the presence of birds specifically protected under Section 34 of the Wildlife Act (eagles, heron, gyrfalcon, peregrine etc)."

Seabird Island Band

Comments: Referral forwarded to Jay Hope.

Sto:lo Tribal Council

Comments: Deferred to Musqueam and Tsleil Watuth through the People of the River Referrals Office (PRRO) - StoloConnect.com.

Sto:lo Nation

Comments: Deferred to Musqueam and Tsleil Watuth through the People of the River Referrals Office (PRRO) - StoloConnect.com.

Bowen Island Municipality

Comments: BIM's interests are unaffected by Bylaw No. 123.

Sliammon First Nation

Comments: The Sliammon First Nation hereby defers the responsibility of responding to, identifying and resolving issues (including archaeological) related to the referral noted above, to the Vancouver Island Bands.

DEVELOPMENT VARIANCE PERMIT APPLICATION REQUIREMENT:

At their January 31, 2013 meeting, the LTC requested that, prior to their final consideration of any amending bylaws related to the subject property, the applicant apply for a Development Variance Permit requesting authorizations for the siting of the rock retaining wall and the width of the walkway pier as constructed on the subject property. The applicant has applied for this DVP and the application is currently in process.

STAFF COMMENTS:

In regards to the referral response submitted by the Ministry of Forests, Lands and Natural Resource Operations, it is the opinion of staff that these comments can be passed on to the applicant for consideration, but that a bio-inventory is not necessary for this rezoning application. Please note that the referral response was a general comment and there are no streams in the proposed rezoning area.

RECOMMENDATIONS:

THAT the Gambier Island Local Trust Committee:

1) Endorse the Section 219 Restrictive Covenant and appoint a trustee as signatory;
2) Direct staff to schedule a community information meeting and public hearing for Proposed Bylaw No. 123.

Prepared and Submitted by:

Aleksandra Brzozowski

June 28, 2013

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Courtney Simpson

July 2, 2013

Courtney Simpson, RPP
Regional Planning Manager

Date

Attachments:

1. Draft Section 219 Restrictive Covenant
2. Proposed Bylaw No. 123

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT – NO BUILD

THIS COVENANT dated for reference the 1st day of June, 2013 is

BETWEEN:

REEL 17 INVESTMENTS LTD. (Inc. No. 0672904), 2500 – 700 West Georgia Street, Vancouver, B.C. V7Y 1B3

(the "Owner")

AND:

GAMBIER ISLAND LOCAL TRUST COMMITTEE, Suite 200, 1627 Fort Street, Victoria, B.C. V8R 1H8

(the "Trust Committee")

WHEREAS:

A. The Owner is the registered owner in fee simple of those lands (the "Lands") legally described in Item 2 of the *Land Title Act* Form C which is attached to and forms part of this Covenant;

B. The Owner intends to construct a neighbourhood dock that will be attached to that parcel legally described as NO PID, Lot ___, District Lot 477, Group 1 New Westminster District Plan ________, which neighbourhood dock will provide marine access to the Lands pursuant to Gambier Island Land Use Bylaw No. 86, 2004 (the "Land Use Bylaw"), and the Owner has offered to grant a covenant under Section 219 of the *Land Title Act* to prohibit the construction of a private dock on the Lands;

C. Section 219 of the *Land Title Act* of British Columbia permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;

D. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Lands restricting the use of the Lands in the manner herein provided;

THIS AGREEMENT is evidence that in consideration of payment of $2.00 by the Trust Committee to the Owner and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by the Owner), the Owner covenants and agrees with the Trust Committee in accordance with Section 219 of the *Land Title Act* as follows:

1. **Definitions** – In this Covenant, the terms "dock" and "neighbourhood dock" have the meaning given to them in the Land Use Bylaw.

2. **Section 219 Covenant** – The Owner shall not construct, install, place, or attach any dock on or to the Lands, and the Owner shall not apply for any building permit for such construction, and the Owner agrees that the Trust Committee may refuse to issue a building permit or any other authorization for any such construction, installation, placement or attachment of a dock on or to the Lands. For clarity, the prohibition contained herein includes all footings, foundations, and other structures associated with the construction, installation, placement or attachment of a dock on or to the Lands.

3. **Bylaw to the Contrary** – This Covenant shall restrict use and building on the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the Trust Committee, including the Land Use Bylaw.

4. **Costs** – The Owner will reimburse the Trust Committee for the legal fees incurred by the Trust Committee in relation to the drafting and preparation of this Covenant.

5. **Runs with Lands** – Every obligation and covenant of the Owner in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands. This Covenant burdens and runs with, and binds the successors in title to, the Lands and each and every part into which the Lands may be subdivided or consolidated by any means.

6. **No Public Law Duty** – Where the Trust Committee is required or permitted by this Covenant to form an opinion, exercise its discretion, express satisfaction, make a determination or give its consent, the Trust Committee is under no public law duty of fairness or natural justice in that regard and the Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

7. **No Obligation to Enforce** – The rights given to the Trust Committee by this Covenant are permissive only and nothing in this Covenant imposes any legal duty of any kind on the Trust Committee to anyone, or obliges the Trust Committee to enforce this Covenant, to perform any act or to incur any expense in respect of this Covenant.

8. **Waiver** – An alleged waiver of any breach of this Covenant is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Covenant does not operate as a waiver of any other breach or continuing breach of this Covenant.

9. **No Effect on Powers** – This Covenant does not:

   (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment;

(b) affect or limit any enactment applying to the Lands; or

(c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

10. **Severance** – If any part of this Covenant is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Covenant and the decision that it is invalid does not affect the validity of the remainder of this Covenant.

11. **Priority** – The Owner will, at the Owner's expense, do or cause to be done all acts reasonably necessary to register this Covenant against title to the Lands with priority over all financial charges, liens and encumbrances registered, or pending registration, at the time of application for registration of this Covenant against the title to the Lands.

12. **Interpretation** – In this Covenant:

(a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;

(b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Covenant;

(c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Covenant;

(d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

(e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;

(f) reference to a particular numbered section or article, or to a particular numbered schedule, is a reference to the correspondingly numbered or lettered article, section or schedule of this and any schedules to this Covenant form part of this Covenant; and

(g) where the word "including" is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word "including".

13. **Further Assurances** – The Owner must do and cause to be done all things and execute all documents and cause to be done all things necessary to give effect to the intention of this Covenant.

14. **Governing Law** – This Covenant shall be governed by and construed in accordance with the laws of the Province of British Columbia which shall be deemed to be the proper law thereof.

15. **Enurement** – This Covenant and each and every provision hereof shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, as the case may be.

16. **Entire Agreement** – This Covenant is the entire agreement between the parties regarding its subject.

17. **Contract and Deed** – By executing and delivering this Covenant, each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties have executed this Covenant on Forms C and D to which this Covenant is attached and which form part of this Covenant.

END OF DOCUMENT

PROPOSED

Gambier Island Trust Committee

Bylaw No. 123

****

A BYLAW TO AMEND THE GAMBIER ISLAND LAND USE BYLAW NO. 86, 2004

****

WHEREAS the Gambier Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Gambier Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Gambier Island Local Trust Committee the same power and authority of a Regional District under Part 26 except Sections 932 to 937 and 939 of the *Local Government Act*;

AND WHEREAS the Gambier Island Local Trust Committee wishes to amend Land Use Bylaw 86, 2004;

AND WHEREAS the Gambier Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Gambier Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited as "Gambier Island Local Trust Committee Land Use Bylaw No. 86, 2004, Amendment Bylaw No.1, 2013.

2. Gambier Island Land Use Bylaw No. 86, 2004 is amended as follows:

(1) Schedule "A" (Land Use Bylaw Text) is amended by inserting the following text and table after subsection 5.8(10):

"Site-Specific Regulations

(11) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

PROPOSED

	Table 5.8	
Site-Specific Zone	**General Location**	**Site Specific Regulations**
S2(a)	Cotton Bay - DL 477, Group 1, NWD Plan BCP 41717	Despite 5.8(1) the only permitted uses in the S2(a) zone are: (a) Fire Protection Facilities; and (b) Ramp access to neighbourhood dock.”

(2) Schedule "B" (Zoning Map) is amended by changing the zoning of the water area indicated on Plan No. 1, attached to and forming part of this Bylaw, from Marine Log Storage (W3) zone to Marine General (W1) zone; and

(3) Schedule “B” (Zoning Map) is amended by changing the zoning of the upland area indicated on Plan No. 1, attached to and forming part of this Bylaw, from Rural Residential (RR) zone to site specific Local Service (S2(a)) zone.

READ A FIRST TIME this 11th day of April ,2013

READ A SECOND TIME this day of ,201x

READ A THIRD TIME this day of ,201x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this day of ,201x

ADOPTED this day of , 201x

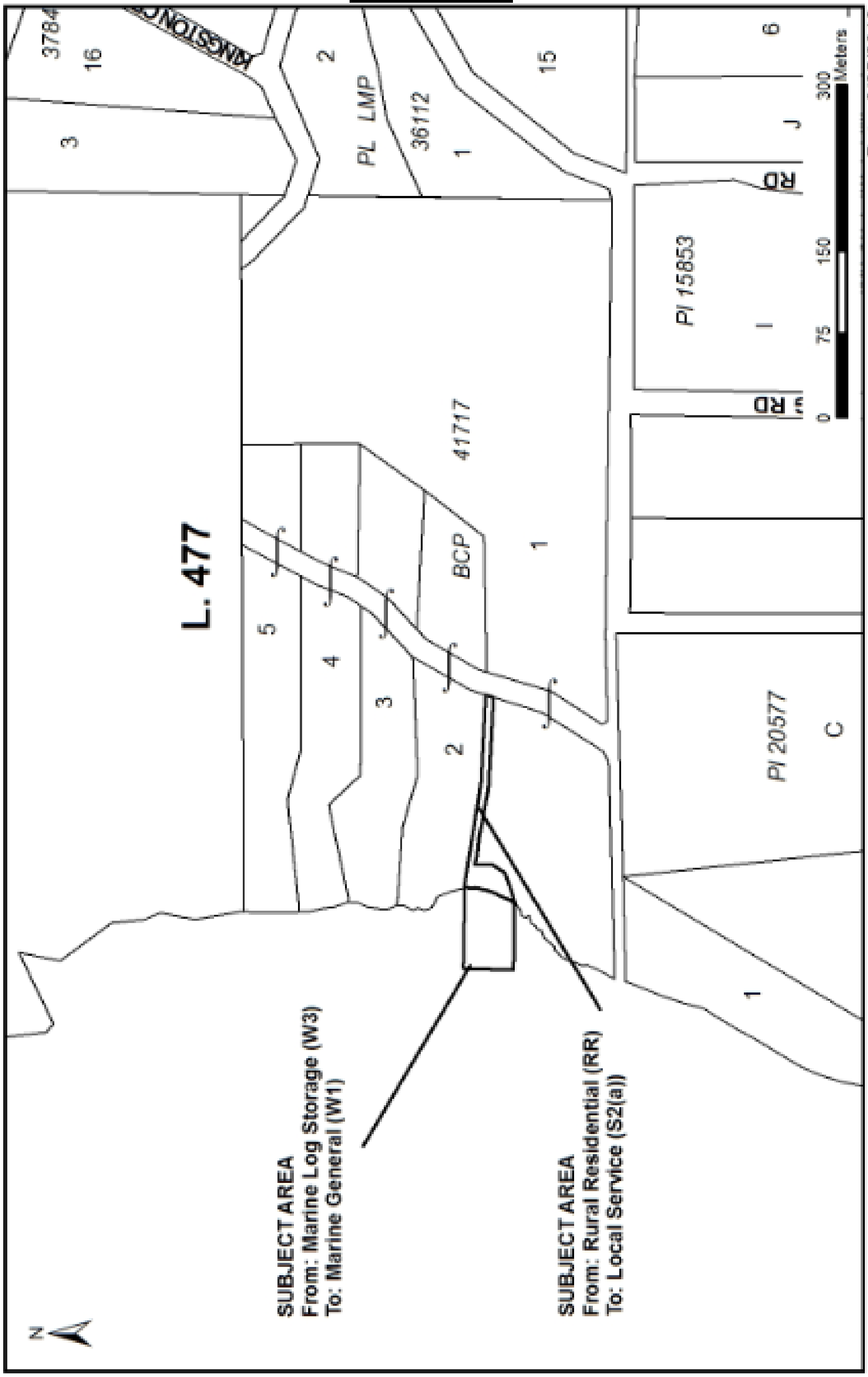
Secretary

Chairperson

PROPOSED
GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 123

PLAN NO. 1



STAFF REPORT

Date: June 19, 2013

File No.: GM-RZ-2013.1 (Trident Foreshore Lands Ltd.)

To: Gambier Island Local Trust Committee
For meeting of July 11, 2013

From: Marnie Eggen
A/ Planner 2

Re: **Rezoning application for the marine waters adjacent to the Burrard Yacht Club, Gambier Island**

Owner: Trident Foreshore Lands Ltd. (Burrard Yacht Club)
Applicant: Rob Langford
Location: Foreshore of Lot 3, District Lot 2809, Plan 19245, Gambier Island, PID 007-041-616

Preliminary Report

THE PROPOSAL:

The purpose of the application is to rezone approximately 4017 m^2 (0.9 acres) of marine waters adjacent to the upland subject property from 'Marine Park and Recreation (P3) Zone' to a Yacht Club Outstation (YCO) zoning to allow for the placement of two floating breakwaters to protect the existing Burrard Yacht Club facilities from storm damage. An Official Community Plan (OCP) amendment is not required.

Currently the Burrard Yacht Club has one approved Crown land licence of occupation over the foreshore for use of yacht club members approximately 6700 m^2 (1.6 acres) in size. This use is reflected in the YCO(a) Zone of the Gambier Island Land Use Bylaw, No. 86. They also have one approved Crown licence of occupation over the land for the walkway that is ancillary to the foreshore lease in order to have access across the 20 m strip of Crown land reserve along the shoreline.

The applicant has made application concurrently to Front Counter BC to expand their existing crown land licence of occupation over the foreshore to accommodate the proposed floating breakwaters. A referral from Front Counter BC for this crown land licence of occupation application was received by the Northern Office. Staff advised Front Counter BC that preliminary comments will be forthcoming subsequent to consideration of this staff report by the LTC with a view that consideration of final approval of the rezoning application will be in coming months.

The two breakwaters are wooden pontoons, each measuring 12.5 m (41 ft) in width, 33.5 m (110 ft) in length, and have a height from the water of 0.7 m (28 inches). These breakwaters are being relocated from the yacht club's North Vancouver facility. They will be secured with three 10 ton concrete anchors at depths of 15 m (50 ft) to 51 m (170 ft) (see below for existing foreshore tenure, and proposed plans of expansion and photos provided in application). The applicant indicates that the sea bottom is rock with no kelp or eelgrass.

Figure 1: Plan of Existing Crown Land Licence of Occupation over the Foreshore as Issued by Province (bolded line)

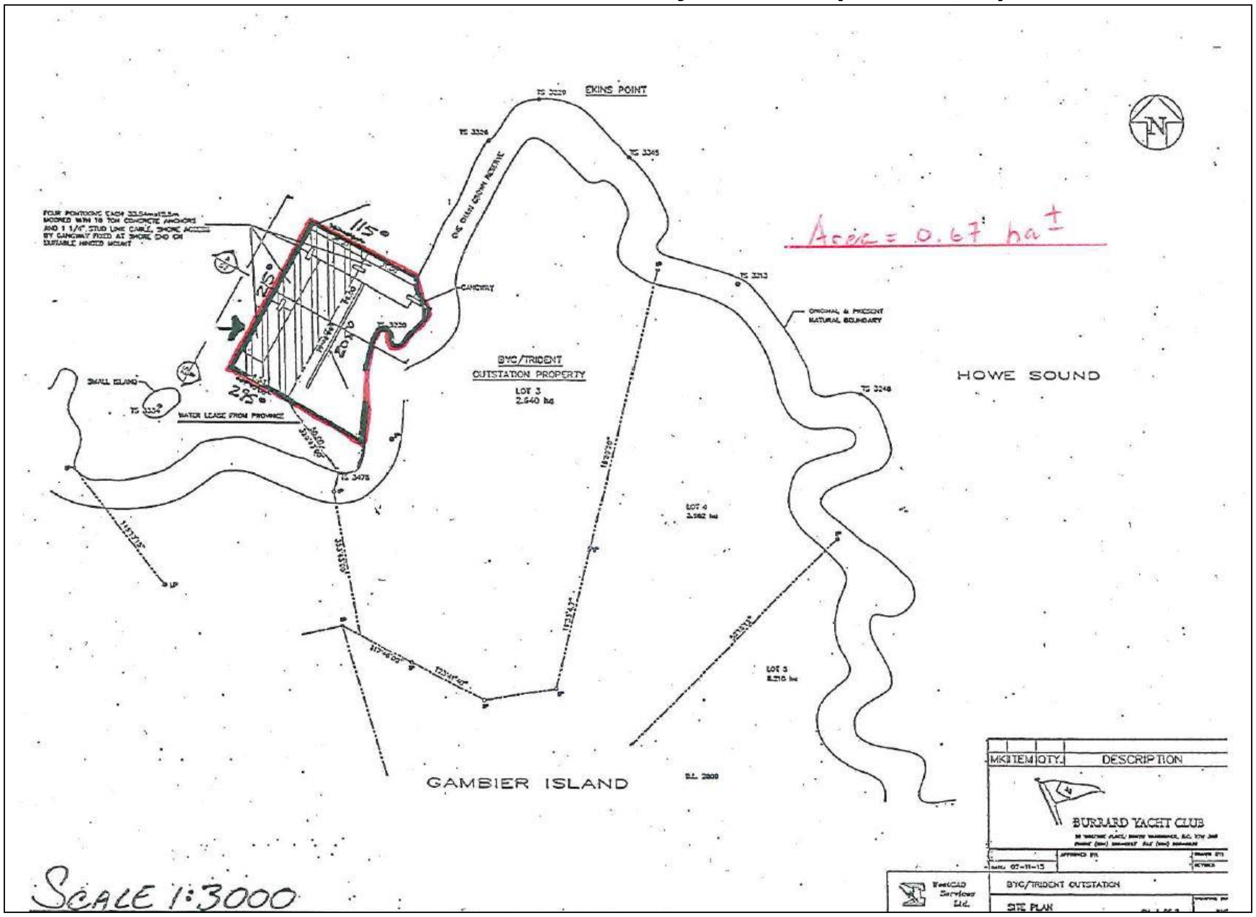


Figure 2: Proposed Expansion of Current Licence of Occupation (Plan 1 of 3)

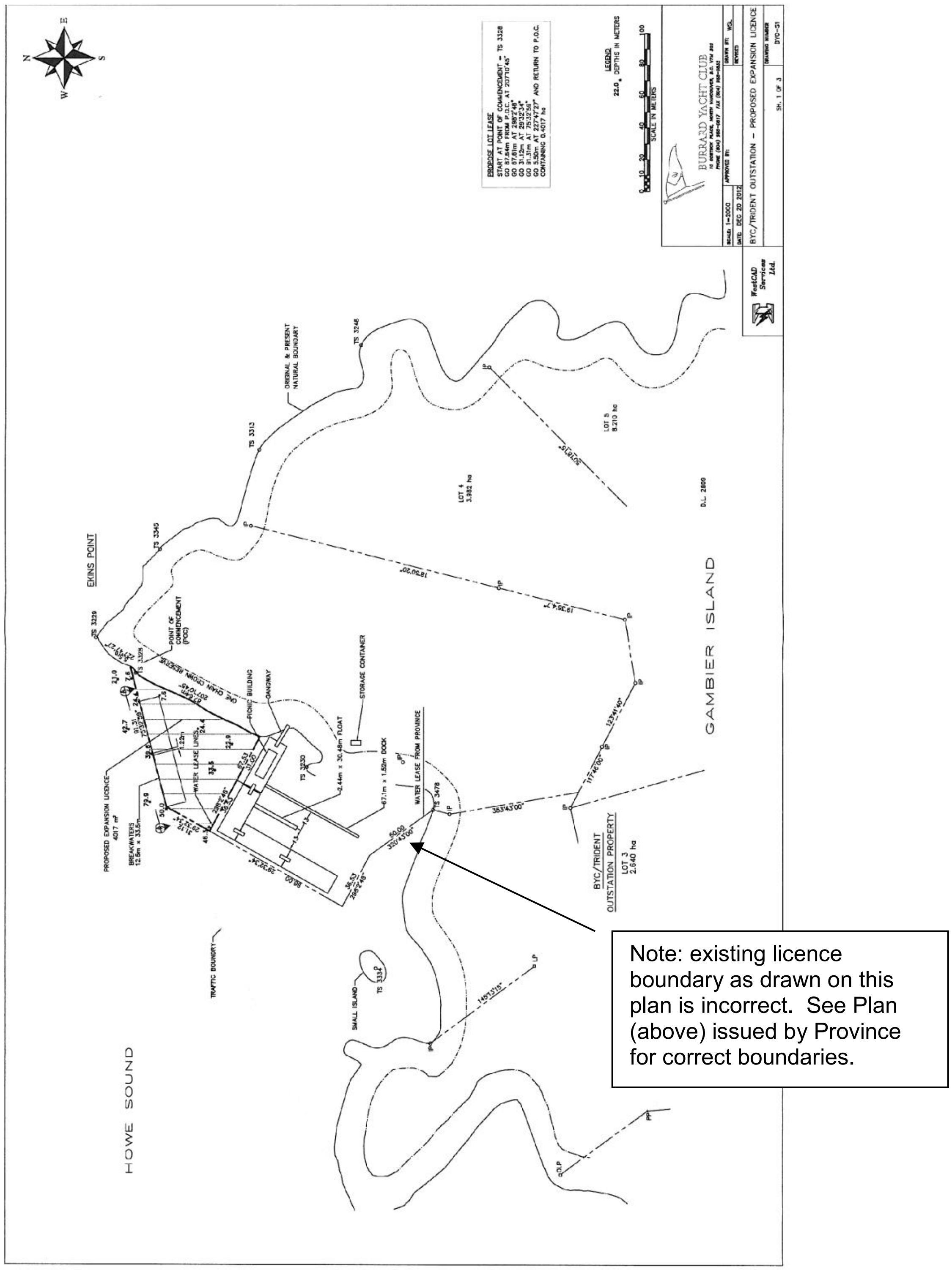


Figure 3: Proposed Expansion of Current Licence of Occupation (Plan 2 of 3)

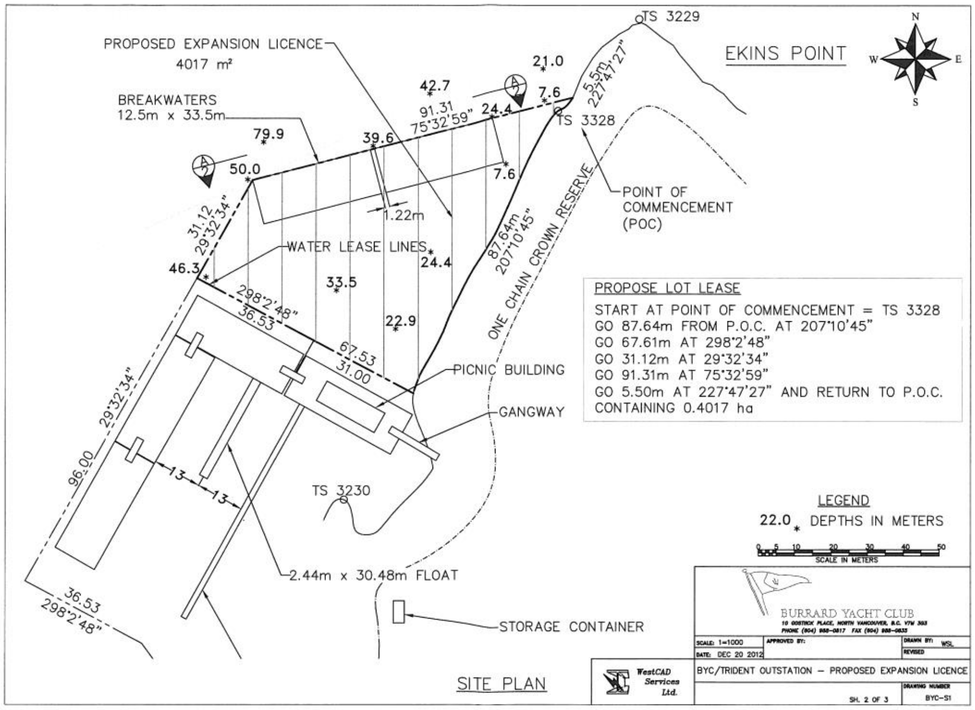


Figure 4: Proposed Expansion of Current Licence of Occupation (Plan 3 of 3)

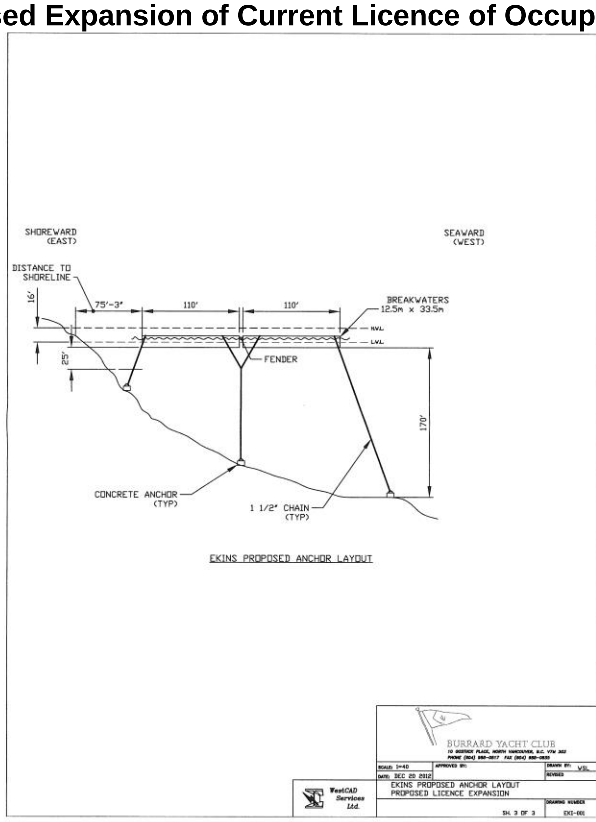


Photo 1: Existing yacht club facilities

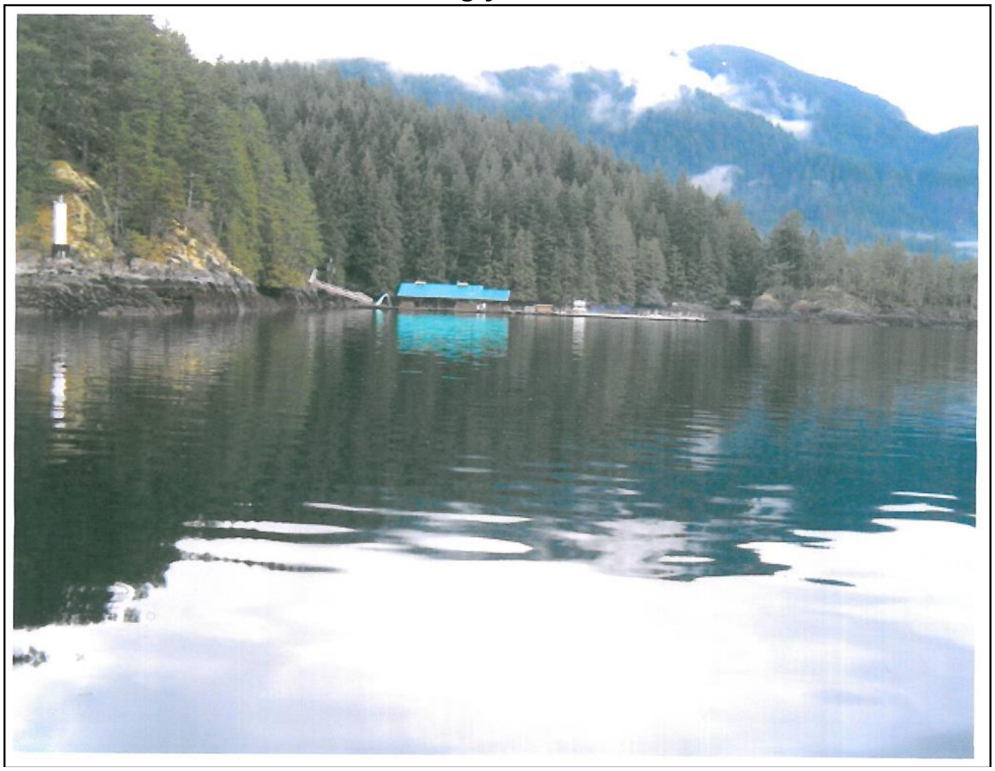


Photo 2: Proposed area of expansion adjacent to existing facilities

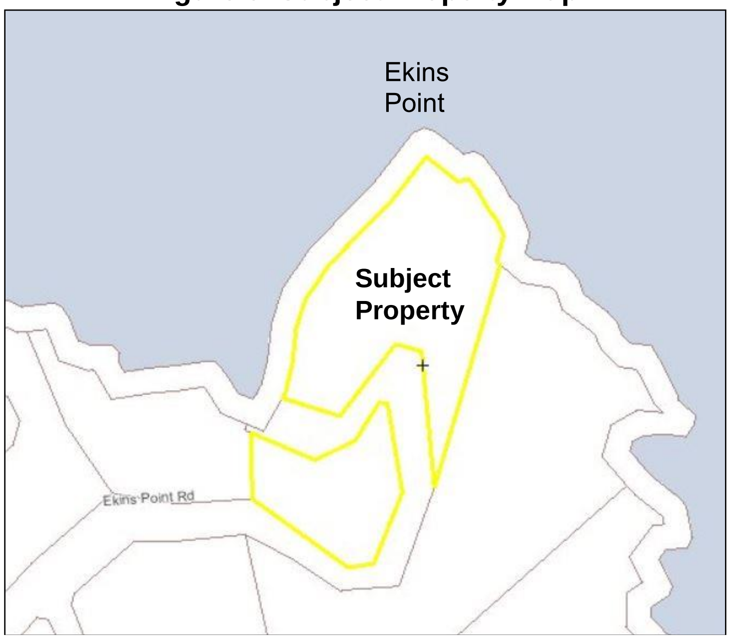
Photo 3: The breakwater to be relocated

The purpose of this report is to: 1) provide the Local Trust Committee (LTC) with a preliminary overview of the proposal; 2) identify any land use planning issues associated with the application and 3) seek direction from the LTC on whether or not to proceed with the application.

Subject Property

The subject property is located on the northern tip of Gambier Island, just west of Ekins Point.

Figure 5. Subject Property Map



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement
The proposed rezoning is consistent with the Islands Trust Policy Statement (checklist attached).

Gambier Island Official Community Plan (Bylaw No. 73, 2001)
The purpose of the Gambier Island Official Community Plan (OCP) is to acknowledge the community's shared goals, objectives and policies for the future and provide direction for decisions regarding management of the Gambier Island Planning Area.

The following objectives and policies in the OCP provide direction, which is relevant to this application:

Objective 6.21 *To support the retention of the existing yachting outstations as outdoor recreation sites.*

Policy 6.28 *minor expansions and adjustment of zone boundaries for yachting outstations beyond the areas designated "Y" on Schedule B may be considered without further amendment* *to this Plan to address requirements for dock reconfiguration and relocation and servicing requirements, provided that the areas designated "Y" on Schedule B remain as the principal areas of yachting outstation use.*

Policy 7.35 *The area of marine waters used by the existing yachting outstations in the Gambier Island Planning Area should be zoned for yachting outstation purposes.*

Policy 7.41 *Natural coastal processes should be left undisturbed to the maximum extent possible.*

Policy 8.4 *The impacts of any development proposed in a rezoning application on environmentally sensitive areas should be considered. Any rezoning that would reduce the significance or value of that area below the threshold level for Qualitative Criteria for Environmentally Sensitive Areas as outlined in Schedule G should not be approved.*

Policy 8.11 *At the time of application for rezoning, development permit or for amendment to this official community plan the impact of the proposed development on the natural environment and hazard lands should be considered. As a precautionary principle, these applications should not be approved until such information is obtained.*

Bylaw No. 73, 2001 Schedule B Land Use Designation
The foreshore area of the subject property is designated 'Marine and Foreshore (M)'. No change to the land use designation is required.

Bylaw No. 73, 2001 Schedule C Environmentally Sensitive Areas
Schedule C of the OCP identifies the Ekins Point area including the subject area as having 'environmental values.'

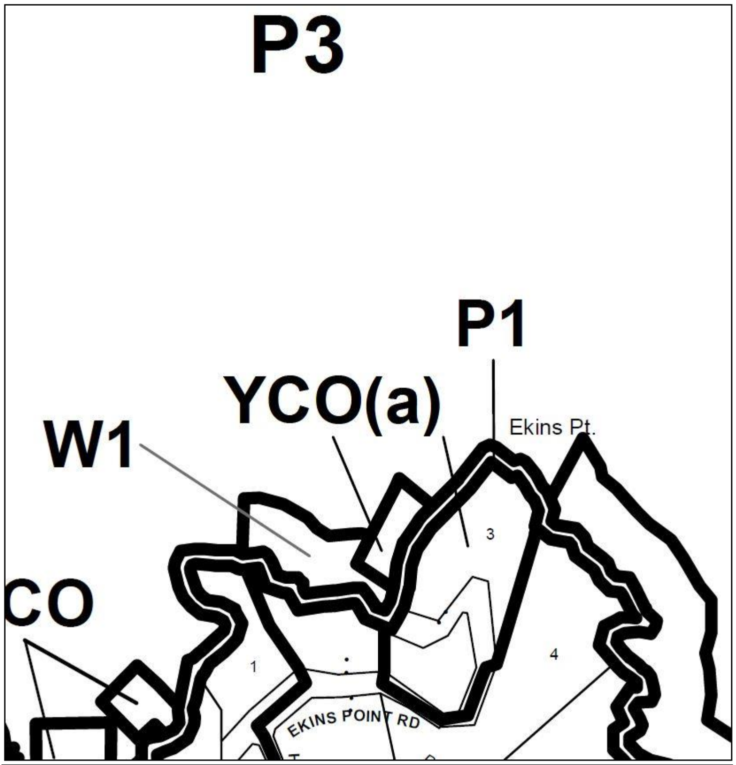
Bylaw No. 73, 2001 Schedule D Roads, Trails, Parks, and Areas of Crown Land
Schedule D of the OCP identifies the Ekins Point area as a potential area for a 'recreation park.'

Gambier Island Land Use Bylaw No. 86, 2004

The existing licence of occupation is zoned 'Yacht Club Outstation YCO(a) Zone' (see below). The proposal is to rezone approximately 0.4017 m^2 that is adjacent to the YCO(a) zone from 'Marine Park and Recreation (P3) Zone' to a Yacht Club Outstation (YCO) zoning in order to allow for the placement of two floating breakwaters to protect the existing Burrard Yacht Club facilities from storm damage. 'Yacht Club Outstation YCO(a) Zone' is a site specific zone for the Burrard Yacht Club, in which it is subject to all provisions pertaining to the YCO zone, and specifically limited to a maximum length of dock float of 67 m. The YCO zone itself permits "Yacht Club Outstation use" and "Accessory Use." Yacht Club Outstation" is defined in the Gambier Island Land Use Bylaw No. 86 as follows:

> "Yacht Club Outstation means the use of land or adjacent marine area or both for the temporary moorage or temporary communal moorage of yacht club member vessels or guest vessels or both and for the private recreational use of marine and shore-based facilities by club members and guests."

Figure 6: Gambier Island Zoning



COMMUNITY INFORMATION MEETING(S):

The applicant did not host an independent open house regarding their proposed application; however, the applicant has contacted three adjacent property owners requesting input on the proposed rezoning application. The applicant received support for the proposal from two neighbouring property owners. The two letters of support are attached, as well as the letter written by the applicant to the neighbour that did not respond.

Should the application proceed to draft bylaw amendment stage, the Gambier Island Local Trust Committee should hold one community information meeting (CIM) prior to a public hearing. If an additional CIM is required, the LTC can ask the applicant to cover the costs of advertising and room rental.

REGIONAL CONSERVATION PLAN:

The interests of the regional conservation plan are not affected by the rezoning application.

STAFF COMMENTS:

The proposal is consistent with the Gambier Island OCP in the following ways:

- Proposal is considered a minor expansion in that the expansion is solely for the purposes of a breakwater, and the principal areas of the yachting outstation remain the same.
- The OCP recognizes and supports the retention of existing yachting outstations as outdoor recreation sites, and identifies the Ekins Point area as a potential ‘recreation park,’ while recognizing it has some environmental attributes.

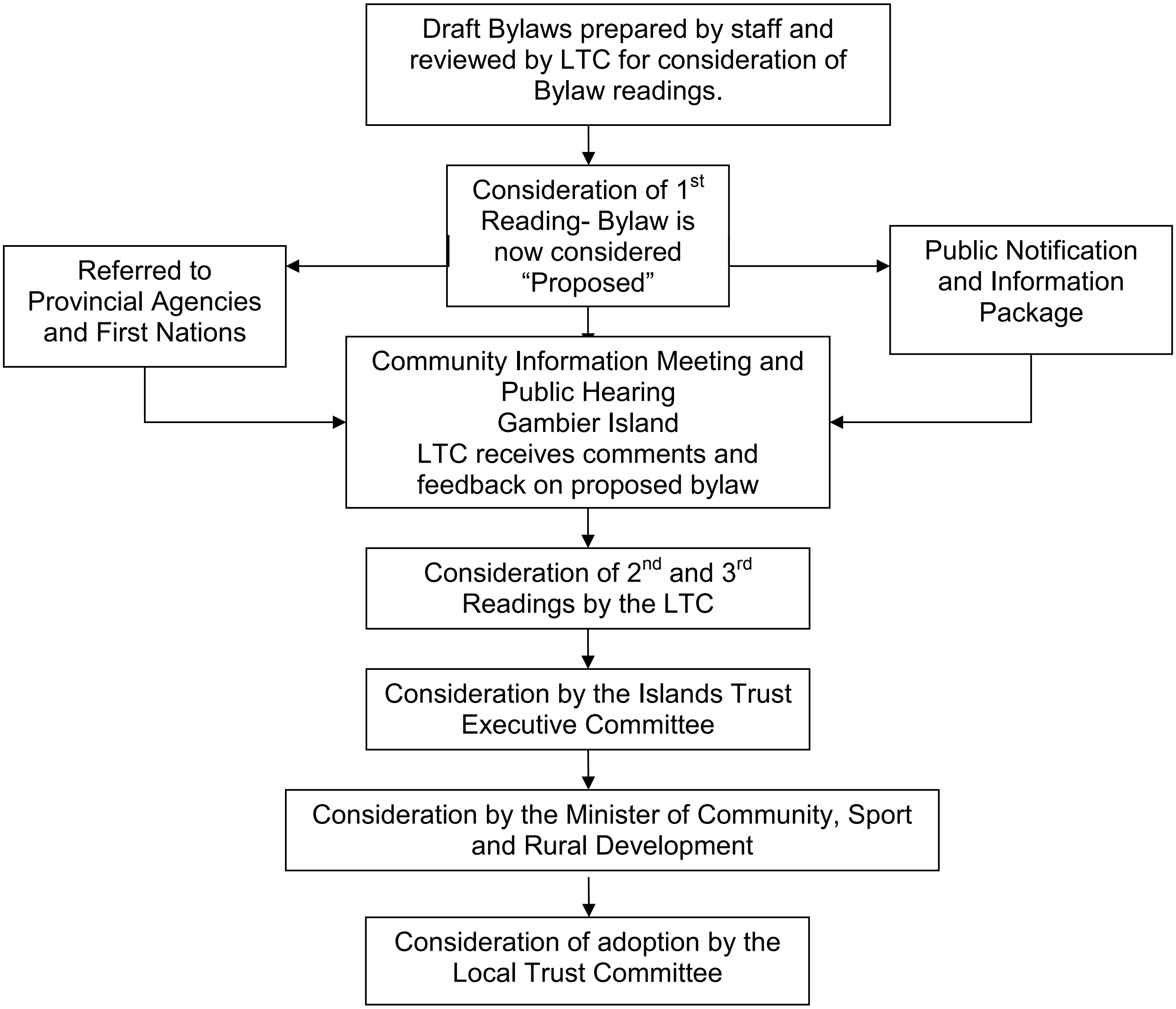
- In comparison to other marine structures such as revetments, groynes, piers, and wharves, a floating breakwater, such as the one proposed, typically has the least impact on near shore and foreshore environments. It is not expected to significantly reduce the environmental value of the area.

Since the applicant is not requesting a rezoning to expand the existing yacht club moorage area, but simply to rezone to allow solely for floating breakwaters, staff suggests that subject area be rezoned to a site-specific zone that restricts the use of the subject area to allow only for floating breakwaters of an appropriate size in consideration of the proposal, possible future alterations to the structures, and environmental factors.

SUMMARY:

The intent of the application is to rezone 4017 m^2 (0.9 acres) of marine waters adjacent to the upland subject property from 'Marine Park and Recreation (P3) Zone' to a Yacht Club Outstation (YCO) Site Specific Zoning to allow the placement of two floating breakwaters to protect the existing Burrard Yacht club marine facilities. The application is consistent with the Trust Policy Statement and the Gambier Island OCP. Staff recommends proceeding to the bylaw drafting stage in order for the LTC to review the draft amending bylaw.

The following is a breakdown of possible next steps and the required legislated process should the rezoning/OCP amendment application proceed:



RECOMMENDATIONS:

THAT the Gambier Island Local Trust Committee request staff to:

1. *prepare a draft amending bylaw to rezone the foreshore area of Lot 3, District Lot 2809, Plan 19245, Gambier Island, PID 007-041-616 as shown on "SH. 1 of 3 BYC/Trident Outstation – Proposed Expansion Licence" from 'P3 Zone' to a Yacht Club Outstation (YCO) site specific zoning in the Gambier Island Land Use Bylaw to allow for the sole use of floating breakwaters; and*

2. *post the preliminary staff report for GM-RZ-2013.1 (Trident Foreshore Lands Ltd.) to the Gambier website.*

Respectfully Prepared and Submitted by:	Concurred in by:
Marnie Eggen, MSc	Courtney Simpson, MCIP, RPP
A/ Planner 2	Regional Planning Manager
June 28, 2013	July 2, 2013

Attachments:

1. Trust Policy Statement Checklist
2. Letters from Neighbours (2) to Applicant
3. Letter to Neighbour from Applicant

Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: GM-RZ-2013.1 (Burrard Yacht Club/Trident Foreshore Lands Ltd., GAMBIER ISLAND)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is **consistent** with the policy from the Policy Statement, or

✘ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or

N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
N/A	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
N/A	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
✓	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
✓	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
✓	**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.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	**Recreation**
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	**COMPLIANCE WITH TRUST POLICY**
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Thunderbird Yacht Club

P.O. Box 91036
West Vancouver BC
V7V 3N3

To Whom it May Concern

March 1st, 2013

Dear Sirs/Mesdames

Re : Burrard Yacht Club Trident Outstation
Proposed Expansion Licence

Thunderbird Yacht Club (TYC) is in receipt of Burrard Yacht Club's (BYC) plans for an extension to their existing water lease. TYC is a neighbour to the south of BYC's Trident outstation.
We fully support BYC's application in this matter.

Yours Truly,
Les Morton, Commodore, Retired
Thunderbird Yacht Club.

March 3, 2013

To Whom It May Concern,

We have been consulted by the Burrard Yacht Club on their proposed installation of breakwater pontoons to the northwest off Ekins Point (TS3229).

We are the owners of Lot 4 at 1257 Ekins Point ~~Rad~~ Road, Gambier Island (the property to the south of Burrard Yacht Club's outstation) and we do not have any objections to the proposed breakwater application.

If you have any further questions please feel free to contact us by email at peter@islandcabin.com or by phone (604) 218 8484.

Yours truly,

Peter and Cari Snell

Telephone: (604) 988-0817 Fax: (604) 988-0835
Email: info@burrardyachtclub.com
Internet: www.burrardyachtclub.com

February 21, 13

David George Cleve
3561 Mayfair Avenue
Vancouver BC
V6N 2Z2

Dear Mr. Cleve,

I am writing on behalf of Burrard Yacht Club to request your support for a rezoning application we are submitting East of our existing waterlot at Ekins Point.

As you may know our existing facilities at Ekins get pounded in the winter by the outflow Squamish winds and we would like to anchor two (2) low profile sections of breakwater to the northwest of Ekins Point to provide protection. These breakwater sections are currently part of the south facing breakwater at our North Vancouver facilities (which we are currently upgrading) and would be positioned between our existing docks and the Ekins Point light. These offshore breakwater sections will then give us protection and allow for additional protected vessel moorage along the northeast side of our existing floats. They would mitigate wind/wave damage on your foreshore as well.

For your reference I have attached a plan of our existing dock facilities that shows the proposed expansion and a pre-formatted letter of support.

Can you please consider this matter at your earliest opportunity and if you have any questions or concerns please contact me.

Yours truly,

Rob Langford
(604) 250-8800
Burrard Yacht Club

Islands Trust

Top Priorities

Gambier Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Sustainability Guide	Customize the southern islands' "Guide to Environmentally Friendly Building and Renovating" for the northern trust area.	May-23-2013	Aleksandra Brzozowski	Jul-11-2013	On Going
2	Riparian Areas Regulation Implementation Project for Gambier Island Local Trust Area.		Oct-26-2011	Aleksandra Brzozowski Rob Milne	Dec-31-2012	On Going
3	Foreshore protection/stewardship and clarity; implementation of Development Approval Information Bylaw (DAI) or Development Permit Areas (DPA's).	Investigate and recommend options for protection/stewardship within the local trust area through the use of existing land use planning tools.	Jan-31-2012	Aleksandra Brzozowski		On Going

Islands Trust

Projects

Gambier Island

No.	Description	Activity	Received/Initiated	Status
1	Keats Island OCP Map Amendment - add trail map used during public process developing OCP.		Mar-08-2007	On Going
1	Staff to prepare an issues outline with respect to Gambier Island Comprehensive Land Use Planning Project. (Address community planning and environmental protection issues) Gambier dp and comprehensive planning - subject to alternate funding and resources. To include: 1. Road issues - road network, and parking issues 2. Gambier forest tenure and reallocation - Gambier Island Crown lands. Gambier LUB follow-up: Definition of recreation in Area 3, CD1 Zone. Subdivision and use of common property in a bare land strata plan. Legal non-conforming - information note. ssociated secondary dwelling - definition and use. Potable water requirements.		Jun-23-2010	On Going
1	Consider a mechanism to recognize authorizations of additional dwellings as permitted by s. 4.4.10 of Keats LUB		Aug-04-2010	On Going
1	GHG Emissions - examine as part of next OCP reviews 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.		Oct-06-2010	On Going
1	Food Security: Based on the November 2010 'Exploring Food Security in the Islands Trust Area' - explore opportunities to implement policies and regulations to address food security in the Gambier Trust Area.			On Going

1	Development Approval Information Bylaw	Develop and adopt a D.A.I bylaw for the Gambier Trust Area.		On Going
1	Consultation with Squamish First Nation	Scope interim strategies pending completion of a possible protocol agreement to address protection of archaeological and heritage resources.	Jan-31-2012	On Going
1	Strategic Planning Review for Howe Sound		Jan-31-2012	On Going
1	REVIEWING KEATS AND GAMBIER LUBS FOR ACCOMMODATION of OCEAN LOOP GEO-EXCHANGE SYSTEMS		Apr-11-2013	On Going
1	Allow electronic meetings of the Gambier LTC	Amend the meeting procedures bylaw	May-23-2013	On Going

Applications w/ Status - Gambier Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2002.1	Land Plan Group Inc. **Planner:** Sonja Zupanec	Jan-24-2002	PID: 014-385-694 Keats Island - Keats Camp cottage lots - siting variances DL 696

Planning Status

Status Date: Apr-10-2008

still on hold pending rezoning

Status Date: Aug-13-2007

on hold pending rezoning application

Status Date: May-16-2006

Met with applicant. Outstanding items forwarded for attention. May be add'l fees.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2011.2	Elena and France Corin and Larouche **Planner:** Marnie Eggen	Mar-22-2011	PID: 024-212-041 1250 Taki-Te-Si Road, Gambier Island vary the setback to the natural boundary of the sea for retaining wall

Planning Status

Status Date: Oct-19-2012

New owners working with planning staff to provide further information

Status Date: Jan-06-2012

No change.

Status Date: May-04-2011

Awaiting further info from applicant.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2013.1	Singleton Urquhart LLP	Mar-14-2013	366 Mary Road (007-295-928 - Crompton) Variance to setback of the cottage from the east side lot line. Variance to setback of the deck Variance to setback of the cottage annex from south natural boudary of the sea

Planner: Marnie Eggen

Planning Status

Status Date: Jul-02-2013

Application removed from July 11th agenda

Status Date: Jun-20-2013

Legal Notice and Permit mailed

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2013.2	Jim Green	Apr-08-2013	027-998-967 Jim Green (Reel 17 Investments) Gambier Island A variance to site a rock retaining wall and to authorize additional width for a walkway pier

Planner: Aleksandra Brzozowski

Planning Status

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2013.3	Jeff Wubs	Jun-07-2013	PID 009-414-673 (480 Vaucroft Rd, North Thormanby Is) request for 0 setback from road allowance

Planner: Linda Prowse

Planning Status

Rezoning

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2004.1	LandPlan Group Inc.	Jun-16-2004	PID: 014-385-694 Keats Island - Keats Camp rezoning application DL 696

Planner: Sonja Zupanec

Planning Status

Status Date: Apr-12-2013

Glen Donaldson contacted planning staff to update file contact. New information on the status of the file is expected to be submitted. Cost recovery agreement still in effect for application processing.

Status Date: Oct-23-2009

Representative provided verbal update at LTC meeting

Status Date: Sep-18-2009

Email to applicant and owner sent re: request for status update in time for Oct. 23,2009 GMLTC meeting.

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2012.1	Jim Green	Jun-27-2012	Rezoning a portion of Lot 1 from Restidential to S2 zone and rezoning a portion of the marine area from W3 to W1

Planner: Aleksandra Brzozowski

Planning Status

Status Date: May-10-2013

Draft covenant being prepared by legal counsel

Status Date: May-09-2013

Referrals sent out by Planning Clerk

Status Date: Apr-11-2013

First Reading of Proposed Bylaw No. 123. Applicant to enter into a CRA.

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2013.1	Rob Langford	Mar-20-2013	007-041-616 Trident Foreshore Lands (Burrard Yacht Club) to rezone from P3 to YCO to allw the placement of two floating breakwaters to protect our existing facilities at Ekins Point from strom damage

Planner: Marnie Eggen

Planning Status

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2000.1	LANDPLAN GROUP INC.	May-04-2000	PID: 014-385-694 Keats Island - 111 bare land strata subdivision, 2 camp lots, and remainder(Keats Camp); nature reserve, park dedication, parking lot. DL 696

Planner: Sonja Zupanec

Planning Status

Status Date: Jun-06-2007

On hold pending rezoning application.

Status Date: May-16-2006

Met with applicant - revised plan to come based on LUC. May be add'l fees.

Status Date: Dec-21-2005

MOT issues Prelim Layout NOT APPROVED with conditions.

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2009.1	Don Smith	Aug-10-2009	2 lot subdivision. District Lot 847, Gambier Island.

Planner: Linda Prowse

Planning Status

Status Date: Feb-01-2013

Received RAR report today. Sent Ministry and applicant a copy of the Islands Trust Subdivision Report, the proposed subdivision plan, and the RAR report. E-mail to Ministry of Transportation noted that if the subdivision is the same as the plan initially sent to the Islands Trust, then our bylaw requirments have been met.

Status Date: Dec-20-2012

This subdivision is still on hold as the applicant has not provided a RAR report to comply with legislative requirements. As well, Ministry of Tranportation and Infrastructure requies a number of conditions in their Preliminary Layout approval of to be met prior to their approval of the subdivision.

Status Date: May-01-2012

Applicant is disputing the requirement for a RAR report or a 30 metre covenant. e-mails being sent between applicant and staff planner, with cc's to Island Planner and LTC.

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2010.1	Venture Management Ltd	May-25-2010	PID: 015-980-324 7 residental lots

Planner: Sonja Zupanec

Planning Status

Status Date: Jan-06-2012

No further action until applicant finalizes final plan of subdivision.

Status Date: Mar-16-2011

Comments sent to MoTI. Depth to width information was received.

Status Date: Feb-23-2011

Waiting for applicant to confirm that lots comply with depth to width ratio. Revised comments to be sent to MoTI.

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2011.2	EDWARD TRAFF	Jul-21-2011	014-111-888 and 014-111-896 Lot Line adjustment on Gambier Island

Planner: Marnie Eggen

Planning Status

Status Date: Oct-12-2012

Requires DVP to permit lot size; awaiting further info from MOTI and Health Authority

Status Date: Oct-31-2011

Referral Report to MOTI

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2012.2	Reel 17 Investments Ltd. **Planner:** Sonja Zupanec	Jun-29-2012	4 lot subdivision

Planning Status

Status Date: Oct-03-2012

Referral response sent to MOTI and applicant

From: Nicole Ranger
Sent: June-07-13 4:40 PM
To: Courtney Simpson; David Graham; Jan Hagedorn; Kate-Louise Stamford; Becky McErlean
Cc: Nancy Roggers
Subject: Gambier LTC expense report to May 31. 2013

Gambier LTC expense report to May 31. 2013

630 Gambier	Invoices posted to May 31, 2013	Budget	Spent	Balance
65000 630	LTC "Trustee Expenses"	1,200.00	171.25	1,028.75
				-
65200 630	LTC Local Exp LTC Meeting Expenses	3,000.00	507.82	2,492.18
65210 630	LTC Local Exp APC Meeting Expenses	1,000.00	-	1,000.00
65220 630	LTC Local Exp Communications	500.00	-	500.00
65230 630	LTC Local Exp Special Projects	2,000.00	2.00	1,998.00
65240 630	LTC Local Exp Miscellaneous	250.00	-	250.00
TOTAL LTC Local Expense		6,750.00	509.82	6,240.18

Thanks!

Nancy Roggers
Finance Officer

Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Phone: (250) 405-5154
Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

From: Nicole Ranger
Sent: June-26-13 12:05 PM
To: Courtney Simpson; David Graham; Jan Hagedorn; Kate-Louise Stamford; Becky McErlean
Cc: Nancy Roggers
Subject: Gambier LTC Expenses - June 30/13

Islands Trust

LTC EXP SUMMARY REPORT F2014

Invoices posted to June 30, 2013

630 Gambier		Invoices posted to June 30, 2013	Budget	Spent	Balance
	65000 630	LTC "Trustee Expenses"	1,200.00	171.25	1,028.75
	65200 630	LTC Local Exp LTC Meeting Expenses	3,000.00	1,013.09	1,986.91
	65210 630	LTC Local Exp APC Meeting Expenses	1,000.00	-	1,000.00
	65220 630	LTC Local Exp Communications	500.00	-	500.00
	65230 630	LTC Local Exp Special Projects	2,000.00	2.00	1,998.00
	65240 630	LTC Local Exp Miscellaneous	250.00	-	250.00
	TOTAL LTC Local Expense		6,750.00	1,015.09	5,734.91
	73001 630 2003	Gambier Associated OCP/LUB	-	478.62	(478.62)

Nicole Ranger
Finance Clerk
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155

Preserving Island communities, culture and environment

Memorandum

Date	June 18, 2013	File Number	4020-20 Foreshore Structures
To	Local Trust Committee		
From	Local Planning Committee		
Re	**PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE**		

At the May 9th, 2013 Local Planning Committee (LPC) meeting the following resolution was passed:

> ***It was MOVED and SECONDED***
> *That the Local Planning Committee direct staff to ask the Local Trust Committees if they are willing to pilot a project on proactively enforcing illegal structures on the foreshore.*
>
> ***CARRIED***

As a result, this memo is to ask whether there is willingness to participate in a pilot project regarding proactively enforcing illegal structures on the foreshore. Attached is a copy of the staff briefing report considered at the LPC meeting.

The purpose of this project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulation. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about, and enforcement of, regulations pertaining to structures built near the sea.

At this stage, it is just to gather the interest of the LTCs and then a decision will be made on which LTC and what sort of pilot project it will be given the resources (staff and funding) available.

Please indicate your interest by e-mail to Kris Nichols, Island Planner at knichols@islandstrust.bc.ca . The LPC will take the LTCs interests and comments into consideration at the August LPC Meeting.

Attachment: Staff Briefing Report

Pc David Marlor, Director

BRIEFING

To: Local Planning Committee

For the Meeting of: May 9, 2013

From: Kris Nichols, Island Planner

Date Prepared: April 30, 2013

pc: David Marlor, Director

File No: 4020-20 Foreshore Structures

SUBJECT: PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE

DESCRIPTION OF ISSUE:

Local Planning Committee (LPC) has as its number one priority on its Work Program, "Develop Mechanism for Proactive Bylaw Enforcement of Illegal Structures on the Foreshore". The purpose of this work program priority/project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulations.

Initially, this priority was to be addressed in the form of a project charter. It was decided by staff in consultation with the LPC Chair and the Director of Local Planning Services that a project charter would not be the best approach to take at this time given the uncertainty of some of the issues around doing proactive enforcement, participation by the Local Trust Committees and resources (staff, time and money) required to carry out the project given the current budget of $2000.00. Staff determined that a report would be the best approach in order to provide information to understand the issues around proactive bylaw enforcement of illegal structures on the foreshore and to present options for consideration of moving forward.

The intent of this report is to outline the issues and the possible scope of enforcement that could occur and present options for LPC discussion and direction for moving forward.

BACKGROUND:

This project has been initiated by the Local Planning Committee (LPC). This topic is in the Strategic Plan as item 2.2. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about and enforcement of regulations pertaining to structures built near the sea.

Residents that have built within the setback to the sea have done so either through not being aware of current bylaw regulations or thinking that a replacement structure is permitted without adhering to the bylaws. Some may also believe that if a building permit is not required (e.g. seawall construction) there is no issue with other local bylaw requirements such as setbacks from the sea or development permits. As well, those that do build ignoring the regulations recognize that currently there is little risk. The structures are also generally not that visible except from the seaward side of the property that bylaw officers cannot easily access, making proactive enforcement difficult when you don't know where the structures are. The best option for viewing these foreshore structures is by boat, plane or helicopter, but to do this for all the islands with approximately 1377 km of shoreline may not a feasible solution. Residents that chose to ignore the regulations are generally aware that they can apply for a development variance permit retroactively and in many cases these get approved, thereby weakening the argument for restrictive development of structures within the foreshore.

Generally, bylaw enforcement is complaint driven. That being said, the Islands Trust bylaw enforcement policy does permit bylaw enforcement officers to initiate enforcement on the foreshore without complaint as these areas are considered as environmentally sensitive. Pro-active enforcement is generally the best approach which should be combined with education (i.e. workshops, letters, brochures, web postings, newspaper advertisements, etc.) as bylaw officers have limited resources and capacity to do this on their own. Increasing proactive enforcement should result in greater compliance as it would increase the risk to property owners who ignored the regulations, but more importantly education of the regulations and their rationale and subsequent enforcement should help to reduce the number of bylaw infractions and protect these environmentally sensitive areas.

Rationale for Proactive Enforcement of Illegal Foreshore Structures

In establishing some of the background rationale for this priority staff has met with Bylaw Enforcement staff to gain a further understanding of the need for proactive enforcement and the specific file types (e.g. docks, decks, seawalls, etc.). Staff has reviewed the bylaw files pertaining to illegal foreshore structures on each of the islands. There are 38 files bylaw enforcement files currently open. They are as follows:

Island	Files	Generalized Type
Denman	6	Stairs to Foreshore: 5 Building: 1
Gabriola	1	Stairs to Foreshore & Log Seawall: 1
Galiano	2	Retaining Wall: 1 Stairs to Foreshore: 1
Gambier	8	Concrete Dock: 1 Structure (not specified): 5 Rip Rap Seawall: 2
Hornby	0	N/A
Lasqueti	0	N/A
Mayne	0	N/A
North Pender	5	Wooden Ramp to Foreshore: 1 Seawall (Possibly Rip Rap): 1 Dock: 2 Stairs to Foreshore: 1
Saturna	3	Deck: 2 Platform: 1
Salt Spring	8	Seawall (no indication of what type): 2 Groyne: 1 Deck with Stairway to Beach: 2 Deck: 2 Concrete Seawall: 1
South Pender	0	N/A
Thetis	5	Concrete Seawall: 1 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp/Stairs: 1 Addition to Cabin: 1
Totals	38	Stairs to Foreshore: 7 Building: 1 Stairs to Foreshore & Log Seawall: 1 Retaining Wall: 1 Concrete Dock: 1 Structure (not specified): 5

		Rip Rap Seawall: 2 Wooden Ramp to Foreshore: 1 Seawall (not specified what type): 3 Dock: 2 Deck: 4 Platform: 1 Groyne: 1 Deck with Stairway to Beach: 2 Concrete Seawall: 2 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp Stairs: 1 Addition to Cabin: 1

Table 1 – Foreshore Enforcement Files

The files listed above give a good indication of the issues that are prevalent for bylaw enforcement in addressing illegal structures on the foreshore with the most prevalent being providing access to the foreshore through the construction of stairs. The enforcement of these files will help to establish that there are regulations pertaining to illegal structures within the foreshore. It is hoped that through such enforcement that others will learn of the need to follow the regulations. This would have to be coupled with proactive enforcement in order to be more effective in getting the word out or to tackle those that were not a result of a complaint or happened upon by the enforcement officer. Again, bylaw enforcement will have to consider existing resources in order to determine whether they can expand their current enforcement program which will be needed at the outset. It should be noted that because four local trust committees do not have foreshore violations does not mean that they do not have illegal structures on the foreshore, they just don't have any recorded complaints.

Project Outline:

Staff has outlined in brief the project objectives and scope to address illegal foreshore structures. This is based on the original discussion at LPC, however, after some analysis staff realize that the project will have to be further defined prior to proceeding with further (more detailed) project evaluation.

<u>Proposed Project Objectives</u>

- Initiate proactive enforcement through regulation, education and awareness.
- Reduce the number of development variance permits that are applied for retroactively in the foreshore areas.
- Educate property owners with sea frontage on the importance of maintaining these environmentally sensitive areas and providing alternatives to hard structures where "green" structures could be utilized lessening the environmental impact.
- Educate agencies (e.g. CRD, VIHA, etc.) and contractors that deal with property owners with sea frontage (e.g. building permits, septic fields, etc.)
- Develop as required regulations that will help to protect the foreshore areas from illegal structures (e.g. development permits, additional setbacks, etc.)
- Establish general procedures for the enforcement of regulations with a combination of proactive enforcement and education. This would include an analysis as to the best way to establish a benchmark and the subsequent reviews of the island shorelines.

Proposed Project Scope

- Increase communication around education and awareness regarding foreshore/setback from the sea structure construction.
- Review of existing regulations on all Islands to determine if new regulations are required.
- Review of differing island approaches being taken for pro-active foreshore enforcement (i.e. existing bylaws, communication, etc.)
- Review of the current regulations used on each island regarding the ability to construct structures within the foreshore/setback to the sea.
- Determine the best approach to identifying structure on the foreshore (i.e. boat, plane, helicopter, roads, etc.) initially and a timeframe for subsequent analysis.

ATTACHMENT(S):

AVAILABLE OPTIONS:

Options to Consider for Proactive Enforcement

There are a number of options that should be considered by the LPC as to the direction to take toward increasing proactive enforcement of illegal structures on the foreshore. It is important to remember that currently the budget for this project is $2000.00 and that as this is an enforcement issue there are limited staff resources that need to be considered.

1. Trust Wide Proactive Enforcement
   This would be the most financially, staffing and time dependent option. It would involve researching the shorelines of all the islands to locate through GPS possible infractions and then identifying the specific properties and determining whether they had been given variances to accommodate the infractions or to determine when they may have occurred. It would then entail being proactive with the land owners and following up with their infractions. Follow up would be required by either bylaw enforcement staff or planning staff. Creating a foreshore picture of illegal structures would be a useful tool, but would have to be maintained every 2-3 years to be effective.

   Pros – this would create the best record of structures on the foreshore for all the local trust areas. It would enable staff to be proactive in their approach by identifying specific properties and thereby proposing specific remedies.

   Cons – It would be costly and time consuming for staff to establish the record and for follow up. Additionally, funding would be required and buy-in from all the local trust committees and respective staff. It would also have to be done every 2-3 years to remain effective. It would take staff away from current bylaw enforcement duties and file management. It may increase staff requirements for follow up.

2. Island Proactive Enforcement – Establish Generalized Approach
   The intent would be to take one local trust area to establish a proactive enforcement approach and to use that approach, once determined, in other local trust areas (with variations). .

   In addition, this approach could involve establishing an education and awareness program that could ultimately be used for other islands.

   Pros – this approach would create a sample proactive enforcement approach for a specific local trust area that could be used in other local trust areas. It would provide an idea of what extra resources (i.e. staffing, time and money) would be required to do the proactive enforcement.

Cons – this approach would be specific to one local trust area and not address illegal foreshore structures immediately in all the local trust areas.

3. Education and Awareness Approach – Trust Wide
This is would be the least resource dependent approach and would deal with ways to educate land owners of the need to protect the shoreline and likely could be started with the $2000 allocated at this time. However, it could be argued that this is the least likely way to get results.

    1. Mail outs – to select foreshore property owners for a targeted mail out of information regarding island specific enforcement (i.e. setbacks, development permit areas, etc.)
    2. Pamphlets/Brochures – a more general approach through the development of a brochure to be available at offices and possibly used for a mail out and placed on website.
    3. Website Updates – to be placed on all Island's web pages in a similar format with the brochure, but with island specific references (i.e. links to zones, Development Permit Areas, etc.)
    4. Information meetings – build on Shoreline Workshops held over the past couple of months, but with specific reference to enforcement issues and what can and cannot be built in the foreshore areas.
    5. Encouraging Local Trust Committees to adopt Development Permits for Shorelines Areas – while this may not stop illegal structures from occurring, the process of implementing Development Permit Areas will help to educate people about the importance of protecting the foreshore areas.

Pros – this approach is the least costly method to get information out to the residents. It ensures that those that are most likely to be able to impact the foreshore will be made aware of what is permitted to be constructed and what is not. May be a first approach to enforcement and could be evaluated at a later date to see what else may be needed. It fits within the allocated budget.

Cons – this approach may be the least likely to get results as it may just be considered another piece of paper and or meeting by the local trust committee.

4. Status Quo Approach
Given that illegal foreshore activities are only 13.9% of enforcement files and the anticipated impact that proactive enforcement may have on current resources (staff, time and money) that no proactive enforcement be taken.

Pro – keeps resources as they are currently being used.

Con – illegal foreshore structures may continue to be an issue for many islands and enforcement will remain to be both complaints driven and proactive where noticed.

Staff Summary:

It should also be noted that the active files indicated in the table (See Table 1) represent 13.9% of the total number of open enforcement files (273) currently. It should also be noted that being proactive regarding illegal foreshore structures is important in order to address some environmental concerns; however, the reality is that it will have an impact on the existing enforcement resources and will undoubtedly increase the number enforcement files that staff will have to address. It will also likely impact planning staff for follow up where applications are made. It has to be understood that a shift in the allocation of the limited resources (i.e. staff, time and money) would be required to be more proactive in enforcement thereby impacting what kind, how and when infractions are being dealt with.

A sample approach could be done with the $2000 currently allocated for this project, but certainly not the most effective approach, which is to survey all the foreshore properties in order to be truly proactive as to what currently exists on the foreshore properties. The LPC in making its decision about how to proceed will have to consider:

- The amount of resources (staffing, time and money) they want the Islands Trust to spend on being proactive?
- Given the amount of resources required to do this proactive enforcement in an effective manner and the resultant impact it will have on current enforcement. Should this still be an LPC top priority for all the Islands?
- There is no additional staffing enforcement resources and that bylaw files will grow and that the initiation of taking proactive enforcement measures will take some time to fully implement?
- Would education and awareness through brochures, website, and/or mail outs be sufficient given the resource limitations?

Given the possible breadth of this project and its scope staff is providing information to inform the LPC discussion on the various options considering the allocated budget available. Given the budget allocated, the most cost effective approach would be to do a brochure that could be useable for all islands and put on the websites as information as to what can and cannot be done and who to contact for further information.

FOLLOW-UP:

That the Local Planning Committee discuss and decide upon an option regarding proactive bylaw enforcement for illegal foreshore structures based on the information provided in this report entitled, "*Proactive Bylaw Enforcement of Illegal Structures on the Foreshore*" dated April 30, 2013.

Date: April 30, 2013

Prepared By: Kris Nichols, Island Planner

Reviewed By: David Marlor, Director of Local Planning Services

ISLANDS TRUST
BRIEFING

DATE: May 28, 2013

TOPIC: **TRUSTEES ACTING AS LIAISONS TO OTHER COMMUNITY GROUPS**

DIRECTED TO: Trustees

CONFIDENTIAL: NO

DESCRIPTION OF ISSUE:
Clarification of trustee roles when participating in other community groups.

BACKGROUND:
Once they are elected to office, local government officials are often advised to resign from 'leadership positions' (i.e. board or executive positions) in community groups that may have regular interactions with their local governments. While the Islands Trust has no policy on this topic, and it is not 'illegal' to participate in community groups, this advice is generally intended to avoid on-going questions (and occasionally expensive legal advice) about conflicts of interest or bias, especially where a community group has regular involvement in the types of decisions that come before the local government.

Nevertheless, trustees are sometimes invited to participate in community groups *because* they are trustees, and therefore able to act as a liaison between the group and the local trust committee. Occasionally, the local trust committee wishes to provide a representative to a newly-formed group that is taking a collaborative or multi-agency approach to addressing a community concern.

Recent case law indicates that it is particularly important to distinguish between situations where:

a. A trustee participates in a community group with equal interests in both the interests of the group and the interests of the local trust committee (i.e. a situation that could lead to a conflict of those interests), or where

b. A trustee participates in a community group as a liaison from the local trust committee, keeping the local trust committee's interests paramount.

In situation (a), trustees are advised not to participate in a leadership role, unless the group is one that has no interest in community land use issues and is expected to have no interactions with the local trust committee (i.e. a singing club). This avoids on-going concerns about potential conflict of interest and bias.

In situation (b), if a trustee is participating as a liaison on behalf of the local trust committee, the local trust committee should be asked to pass a resolution confirming this relationship for the record. This clarifies that the trustee's participation in the group is primarily on behalf of the local trust committee, and that their primary loyalty and interests remain with the local trust committee. Ideally, the group that has invited the trustee's participation can also formally clarify (through an appointment resolution, establishment bylaws or other formal means) that the trustee has been appointed as a liaison from the local trust committee.

ATTACHMENT(S): NO

AVAILABLE OPTIONS:
1. Where the local trust committee endorses a trustee's participation as a liaison to a community group, the local trust committee should confirm the trustee's role by considering a resolution such as:

That the (name of island) Island Local Trust Committee endorses Trustee (name of trustee) to participate as its liaison to the (name of community group).
and to represent its interests at meetings of that group.

In this situation, the trustee should still seek advice early if the local trust committee is (or is likely to) consider a decision that affects the financial interests of the group, to identify the potential for a direct or indirect pecuniary conflict of interest. In such situations, the trustee should refrain from directly or indirectly influencing the local trust committee's decision, unless legal advice confirms there is no concern about conflict of interest.

2. Where a local trust committee does not wish to have a liaison to a particular community group, then it would not pass such a resolution. In that circumstance, trustee participation in a leadership role is not advised, unless the group is one that has no interest in community land use issues and is expected to have no interactions with the local trust committee (i.e. a singing club).

FOLLOW-UP:
1. Trustees who participate in community groups as liaisons from their local trust committee should seek to have an appropriate resolution passed by their local trust committee. They are able to participate in such a vote.

2. Trustees who have concerns about conflict of interest or a perception of bias as a result of their participation in a community group (even as a liaison) should seek legal advice through the Chief Administrative Officer, as before. Ultimately, the trustee is responsible for identifying and acting on potential conflicts of interest or bias. Advice about conflict of interest and bias should not be sought directly from planning staff.

3. Staff are developing additional tools for trustees to assist them in identifying potential conflicts of interest that may arise from membership in other groups, and to assist them in taking appropriate steps when questions or concerns arise.

PREPARED BY:	Linda Adams, Chief Administrative Officer	**REVIEWED BY EXECUTIVE COMMITTEE:**
SUBMITTED BY:	Linda Adams, Chief Administrative Officer	May 28, 2013
REVIEWED BY:	**(Chief Administrative Officer)**	**OTHER REVIEW:** D. Marlor, Director of Local Planning Services C. Thiel, Legislative Services Manager