



Gambier Island Local Trust Committee

Regular Meeting Revised Agenda

Date: March 8, 2018
Time: 10:45 am
Location: John Braithwaite Community Centre
145 West 1st Street
North Vancouver, BC

			Pages
1.	CALL TO ORDER	10:45 AM - 10:45 AM	
	“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”		
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	10:45 AM - 10:55 AM	
4.	COMMUNITY INFORMATION MEETING - None		
5.	PUBLIC HEARING - None		
6.	MINUTES	10:55 AM - 11:00 AM	
6.1	Local Trust Committee Meeting dated January 25, 2018 for Adoption		4 - 13
6.2	Section 26 Resolutions-Without-Meeting Report - None		
6.3	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM MINUTES	11:00 AM - 11:10 AM	
7.1	Follow-up Action List dated March 1, 2018		14 - 15
8.	DELEGATIONS - None		
9.	REPORTS	11:10 AM - 11:30 AM	
9.1	Chair's Report		
9.2	Trustee Reports		
9.3	Electoral Area Director's Report		
9.4	Trust Fund Board Report dated January, 2018		16 - 18

10. CORRESPONDENCE

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

10.1 Correspondence received from Bill Brymer - February 1, 2018 19 - 20

11. APPLICATIONS, REFERRALS AND BYLAWS 11:30 AM - 12:10 PM

11.1 GM-RZ-2004.1 (District Lot 696, Keats Island) - Staff Report 21 - 41

11.2 Bylaw No. 129 42 - 48

That Gambier Island Local Trust Committee Bylaw No. 77, cited as "Keats Island Official Community Plan, 2002, Amendment No. 1, 2015", be adopted

11.3 Bylaw No. 130 49 - 56

That Gambier Island Local Trust Committee Bylaw No. 130, cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2015", be adopted

11.4 Bylaw No. 131 57 - 63

That Gambier Island Local Trust Committee Bylaw No. 131, cited as "Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2015", be adopted

11.5 Bylaw No. 132 64 - 68

That Gambier Island Local Trust Committee Bylaw No. 132, cited as "Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2015", be adopted

--BREAK-- 12:10 - 12:25

12. LOCAL TRUST COMMITTEE PROJECTS 12:25 PM - 12:55 PM

12.1 Shoreline Protection - Keats Island - Staff Report 69 - 71

12.2 Green Shores Program - Verbal update

12.3 Gambier Associated Islands Streamside DPA Update - Memorandum 72 - 73

13. REPORTS 12:55 PM - 1:05 PM

13.1 Work Program Reports

13.1.1 Top Priorities Report dated March 1, 2018 74 - 74

13.1.2 Projects List Report dated March 1, 2018 75 - 76

13.2 Applications Report dated March 1, 2018 77 - 78

13.3 Trustee and Local Expense Report dated January, 2018 79 - 79

13.4 Adopted Policies and Standing Resolutions 80 - 81

- 13.5 Local Trust Committee Webpage
- 13.6 First Nations Activities
14. NEW BUSINESS 1:05 PM - 1:25 PM
- 14.1 Regulating Accessory Uses and Structures on Keats Island - Staff Report 82 - 83
- 14.2 Supporting Water Monitoring Initiative on Thormanby Islands - Discussion
- 14.3 Howe Sound Conservation Needs & Opportunities Workshop - Discussion
- 14.4 Farm Industry Review Board - Memorandum - For Information 84 - 85
15. UPCOMING MEETINGS
- 15.1 Next Regular Meeting Scheduled for Thursday, April 19, 2018 at 10:45 am at John Braithwaite Community Centre - Meeting Room #2, 145 West 1st Street, North Vancouver, BC
16. TOWN HALL 1:25 PM - 1:35 PM
17. CLOSED MEETING 1:35 PM - 2:05 PM
- 17.1 Motion to Close the Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated January 25, 2018; and Bylaw Enforcement and that the recorder and staff attend the meeting.*
- 17.2 Recall to Order
- 17.3 Rise and Report
18. ADJOURNMENT 2:05 PM - 2:05 PM



Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: January 25, 2018
Location: John Braithwaite Community Centre
 145 West 1st Street
 North Vancouver, BC

Members Present: Susan Morrison, Chair
 Dan Rogers, Local Trustee
 Kate-Louise Stamford, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Madeleine Koch, Planner 2
 Diane Corbett, Recorder

Also Present: Jessica Schultz, Manager, Howe Sound Research and Conservation Program, Coastal Ocean Research Institute (10:45-11:15 am)
 Members of the Public – 16

1. CALL TO ORDER

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

Chair Morrison called the meeting to order at 10:45 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, and especially the Squamish Nation.

Chair Morrison introduced trustees and staff in attendance.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Scott Benson, a neighbour of District Lot 696, was pleased that the septic field had been moved away from the well. With this, he perceived that concerns of people off the property were largely met. Decisions made from here on were really internal to the Convention and leaseholders; it likely did not matter to the larger community how the Camp divided the land up as long as it did not harm the neighbours. He had hoped to see on this agenda draft wording for a covenant to protect the wells. Mr. Benson regarded the boundaries at “5% plus or minus” was too prescriptive.

Chair Morrison invited the applicant to speak to this.

Josh Lupine indicated he would take this back for consideration.

The Regional Planning Manager noted the bylaw is drafted in a way that allows flexibility on what the final plan looks like, however thought it would be helpful to obtain additional advice. The Chair concurred that it warranted further investigation.

4. COMMUNITY INFORMATION MEETING – None

5. PUBLIC HEARING – None

6. MINUTES

6.1 Local Trust Committee Meeting dated December 11, 2017

The following amendment to the minutes was presented for consideration:

- Page 3, item 11.7, replace last sentence with the following: “She has been focusing on the Task Force and responding to general inquiries.”

By general consent the Local Trust Committee meeting minutes of December 11, 2017 were adopted as amended.

Chair Morrison noted her thanks for the participation of Alternate Chair Busheikin at the December meeting.

6.2 Section 26 Resolutions-Without-Meeting Report – None

6.3 Draft Advisory Planning Commission December 18, 2017 Minutes

Received for information.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 16, 2018

Received.

8. DELEGATIONS

8.1 Ocean Wise Underwater Art & Habitat Project Presentation

Jessica Schultz, Manager of the Howe Sound Research and Conservation Program of the Coastal Ocean Research Institute, an initiative of the Vancouver Aquarium, presented an overview of a project to promote recovery of rockfish and other species and to increase marine productivity and biodiversity, being conducted in locations in Howe Sound.

Ms. Schultz responded to trustee inquiries about the project and discussed the project involvement of students and engagement with the public through art.

Chair Morrison announced a break from 11:12 to 11:15 to enable dismantling of the digital projector, and recalled the meeting to order at 11:15 am.

9. CORRESPONDENCE – None

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

10. APPLICATIONS AND REFERRALS

10.1 GM-RZ-2004.1 (CBCBC, DL 696 Keats Island) - Proposed Bylaw 143 for Consideration of 2nd Reading

The Regional Planning Manager reviewed the staff report that: provided a status update on Local Trust Committee requests for additional information regarding the DL 696 application, with an overview of suggested revisions to Proposed Bylaw No. 143; and recommended second reading and that a community information meeting and public hearing be scheduled, and that the applicant satisfy a number of conditions prior to public hearing and consideration of bylaw adoption.

To address the process, Trustee Rogers requested to hear from the applicant.

Mr. Lupine reported that covenants had been drafted and submitted one week earlier; letters were being worked on but not required until final adoption; the Land Use contract discharge letter was almost finalized with the Island Planner.

Mr. Healy discussed developments in the subdivision and rezoning processes with the Ministry of Transportation and Infrastructure (MoTI) and Vancouver Coastal Health (VCH). Currently the applicant was trying to set up a meeting with the Comptroller of Water Rights.

Mr. Healy thought the applicant had met all the intents based on the conversations that had happened. The applicant was fully supportive of a groundwater well. In terms of timelines for work to be done, this could be worked on by letters of commitment. Mr. Healy was satisfied with the staff recommendations, and responded to inquiries from Trustee Rogers.

There was discussion and some uncertainty about archaeological issues; this would be a question for the Island Planner who was unable to be in attendance at this meeting.

Trustee Rogers noted he recently heard from MoTI that dedication of roads and trails could be completed anytime by using Section 107 of the *Land Title Act*; and that Sunshine Coast Regional District (SCRD) park dedication could be registered any time.

Kim Benson, of Keats Island, noted the maps attached to the Proposed Bylaw, to flag that where the septic was going to go has been changed. Mr. Healy explained that the plan was not changed because it might be a potential area for a well and more work needs to be done. Responding to Ms. Benson's further comment regarding a right-of-way along the side of the proposed park, Mr. Healy stated that it is an existing gazette, not right-of-way, and thus out of the Camp's control.

Chair Morrison thanked everyone for their comments.

GM-2018-001

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 143, cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016", be amended as per Attachment 1 of the staff report dated January 25, 2018.

CARRIED

GM-2018-002

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 143, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”, be read a second time as amended.

CARRIED

GM-2018-003

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 143, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”.

CARRIED

GM-2018-004

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request the applicant provide the following in advance of a public hearing and to the satisfaction of the Local Trust Committee:

- a) a draft conservation covenant for the Salmon Rock area;
- b) a draft restrictive covenant that addresses Land Use Bylaw section 7.7.1 as a condition of Preliminary Layout Approval;
- c) a draft restrictive covenant that addresses water conservation commitments as a condition of Preliminary Layout Approval.

CARRIED

GM-2018-005

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request the applicant provide planning staff with the following prior to consideration of final reading of Bylaw No. 143:

- a) documentation of a monitoring well being installed and donated to the provincial observation well network on DL696, to the satisfaction of the Ministry of Forests, Lands, Natural Resources Operations and Rural Development Groundwater Authorizations;
- b) a letter of undertaking to deposit plans for the dedication of the Sunshine Coast Regional District park, public road and trail upon adoption of Bylaw No. 143; and
- c) a letter of undertaking to deposit a plan of subdivision for the transfer of Sandy Beach Nature Reserve to the Islands Trust Fund upon adoption of Bylaw No. 143.

CARRIED

The Chair thanked the applicants.

There was discussion regarding the Community Information Meeting.

Mr. Healy thanked trustees and staff for their work and cooperation.

The proponents and members of the public left the meeting at 11:40 a.m.; three members of the public remained.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Gambier Island Riparian Areas Regulation Development Permit Guidelines

The Planner reviewed the staff report updating the LTC on the *Riparian Areas Regulation* (RAR) implementation project and progress towards amending Gambier Island's Development Permit Area (DPA) 3, and recommending that a draft revised project charter and a legal review be endorsed.

Extensive discussion ensued during which trustees requested clarification, justification and further information from staff regarding proposed bylaw amendments that included non-RAR guidelines, subdivision RAR and non-RAR design guidelines, and a revised justification section for the Gambier Island OCP.

Background pertaining to the development of the *Riparian Areas Regulation* implementation bylaws in the Gambier Local Trust Area was considered. Due to budgetary limitations, it was not possible to map every one of the many watersheds of Gambier Island. The intent of doing a blanket DPA across the island was to protect RAR and sensitive ecosystems, including wetlands. In light of implementation challenges of DPA 3, amendments were required. Staff explained that the idea behind draft guidelines specific to water features was to provide considerations a Qualified Environmental Professional (QEP) should include in a report.

Trustees expressed concerns regarding possibilities of an onerous process and questions regarding proposed bylaw amendments pertaining to "non-RAR" and need for involvement of a QEP in assessment of non-RAR. Further feedback from trustees included:

- questions about potential outcomes of proposed changes and request to be given examples from staff of real world applications of the proposed DPA 3;
- discussion on intent and purpose of the riparian areas bylaws on Gambier Island and in the Local Trust Area;
- questions regarding some of the subdivision guidelines;
- question on whether a map would be needed in a bylaw with a blanket DPA;
- advantage of a QEP for non-RAR is, if there is a blanket setback for non-RAR features, it will give more ability to develop the property;
- comment that the requirement for a QEP would help provide more information on the creek.

Chair Morrison invited members of the public to comment.

Points raised by the public, all from Brigade Bay, Gambier Island, included:

- Concern that, in the implementation of the DPA 3, the mapping was incomplete and thus was rendering some inaccuracies in RAR assessments. Owner claimed his property assessed as RAR, was grassland and sloped a different direction than was assumed in the RAR survey; concern that a slope was assessed by GIS rather than on the ground. The creek was also incorrectly mapped geographically.
- Concern that a property originally assessed as non-RAR was assessed as RAR with the initiation of a subdivision process.

- Concern that, should an owner go through a process of a QEP assessment, it be registered on the title or stored somewhere so the assessment does not have to be done again if doing other future work on the property. Desire to understand if there is a way to preemptively get an assessment of the property. Want certainty going forward of what things mean.

A trustee inquired how to fix assessments if the mapping is wrong.

Staff noted the applicant could sign a declaration indicating there is no stream on the property when applying for a building permit; site specific mapping might be available or be requested by Islands Trust. If there are no streams and mapping indicates there are none, a QEP would not be required.

Trustees considered the project charter. Concern was expressed about including Anvil and Bowyer in with the charter, that their process would get tied up with what was happening on Gambier. Staff noted these islands had been included due to the work program budget for RAR; it could be broken down further to indicate a separate public hearing for Gambier.

Staff was requested to bring forward further information with examples with photographs showing how the DPA would apply based on different situations, and with rationale on why this was being implemented.

GM-2018-006

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee endorse the revised project charter dated January 25, 2018.

CARRIED

11.2 Gambier Island Official Community Plan Review Project

Chair Morrison inquired if there were any questions on the memorandum dated January 25, 2018 regarding the Official Community Plan (OCP) Project Update.

There was a question on the process for responding to the recommendations from the Gambier Island APC meeting of December 18, 2017, and if there was documentation on how APC inquiries were being followed up. Trustee Stamford remarked that it had been challenging for the small group to organize a meeting date, and there appeared to be a number of questions from the APC. It was important that the APC get the staff report they need. The process of responding to and interacting with the APC was considered.

GM-2018-007

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to follow up on points where appropriate of the Gambier Island APC minutes dated December 18, 2017.

CARRIED

Chair Morrison recessed the meeting for a break at 1:00 pm, and reconvened the meeting at 1:15 pm.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated January 16, 2018

Received.

GM-2018-008

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend priority number 1 under Top Priorities to include “and protection of all watercourses”.

CARRIED

12.1.2 Projects List Report dated January 16, 2018 – none

12.2 Applications Report dated January 16, 2018 – none

12.3 Trustee and Local Expense Report dated November, 2017

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

Trustee reports are to be posted.

12.6 Chair's Report

Chair Morrison attended a ministerial meeting earlier in the week with Selina Robinson, Minister of Municipal Affairs and Housing. The Chair attended a Financial Planning Committee meeting on Lasqueti Island; a 2% tax increase was suggested. The budget is out for public consultation. Planning is underway for a March Trust Council on Salt Spring.

12.7 Trustee Reports

Trustee Rogers reported:

- Attendance (electronically) at recent Trust Programs Committee meeting where there was discussion of coordination of services since the Salt Spring referendum and development of a transition plan.
- Engagement with the SCRD regarding proposed tax increases and services provision.
- Intention to file another submission on BURNCO proposal.

Trustee Stamford reported:

- Concerns about docks, dock maintenance, and tax increases.
- Keats and Gambier have been selected for fibre optic upgrade and enhanced Internet connectivity.
- Trustees met with Area Director to lay out issues that they would like the Director to follow up on over the next ten months.
- Participation on Ocean Watch Task Force.

12.8 Electoral Area Director's Report – none

12.9 First Nations Activities

12.9.1 First Nations Words, Phrases and Place Names – Memorandum

Madeleine Koch, Planner 2 reviewed the Memorandum on First Nations words, phrases and place names.

GM-2018-009

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee adopt the following standing resolution:

- a) That staff incorporate First Nations' words, phrases, and place names in Local Trust Committee communications, as appropriate.

CARRIED

12.9.2 Letter to the new Skwxwú7mesh Úxwumixw Chiefs and Council

There was discussion of a letter to the new Skwxwú7mesh Úxwumixw Chiefs and Council.

GM-2018-010

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to write a letter on behalf of the Chair to the Skwxwú7mesh Úxwumixw Chiefs and Council congratulating new members on their election to office and outlining the Gambier Island Local Trust Committee's role in their territory, with a request for a meeting with them as soon as conveniently possible.

CARRIED

12.10 Trust Fund Board Report dated November, 2017

Received.

Chair Morrison reported she had invited Municipal Affairs and Housing Minister Robinson to come to any Trust Fund Board reserves.

Chair Morrison remarked that a lot of communities do not understand what the Trust Fund Board does, and wondered if this item should be moved up in the agenda, for when community members are present. Discussion ensued on changing the order of the agenda by moving some items.

GM-2018-011

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend their agendas by placing Chair, Trustee, Electoral Area Director and Trust Fund Board Reports ahead of Correspondence.

CARRIED

13. NEW BUSINESS

13.1 Housing Agreement Administration Briefing

The Regional Planning Manager commented on the memorandum from the Director of Local Planning Services, dated December 4, 2017, regarding housing agreement administration.

13.2 Discussion Regarding Local Trust Committee Meeting Locations

There was consideration of locations for upcoming Local Trust Committee meetings from May through August.

GM-2018-012

It was MOVED and SECONDED

that Gambier Island Local Trust Committee meeting locations be arranged as follows:

- May 24 Gibsons Public Market
- June 28 Gambier Island
- July 26 Keats Island
- August 30 North Vancouver

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, March 8, 2018 at 10:45 am at John Braithwaite Community Centre, Meeting Room 2, 145 West 1st Street, North Vancouver, BC

15. TOWN HALL – none

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GM-2018-013

It was MOVED and SECONDED

by the Gambier Island Local Trust Committee that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the adoption of in camera Minutes dated October 26, 2017 AND that the recorder and staff attend the meeting.

CARRIED

The Local Trust Committee moved to closed meeting at 1:53 pm.

16.2 Recall to Order

Chair Morrison recalled the meeting to order in open meeting at 1:57 pm.

16.3 Rise and Report

Chair Morrison reported that the Gambier Island Local Trust Committee adopted the in-camera minutes of October 26, 2017.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:57 pm.

Susan Morrison, Chair

Certified Correct:

Diane Corbett, Recorder

Follow Up Action Report

Gambier Island

27-Apr-2017

Activity	Responsibility	Target Date	Status
Staff to prepare written communication materials for distribution to Gambier Island residents regarding the adoption of Bylaws 140 and 141. Update: pending DPA 3 minor amendments	Madeleine Koch	31-Aug-2017	On Going

31-Aug-2017

Activity	Responsibility	Target Date	Status
Staff to prepare a draft bylaw to amend the Gambier Island LUB DPA 3 guidelines	Madeleine Koch	05-Oct-2017	On Going
Staff to notify the MFLNRORD and all First Nations with interests in Gambier Island as noted in the Provincial Consultative Areas Database, of the intent to amend the Gambier Island Land Use Bylaw for the purpose of making minor revisions to DPA 3	Madeleine Koch		On Going

26-Oct-2017

Activity	Responsibility	Target Date	Status
Staff to update Gambier LTC Project webpages to reflect updates to the Gambier OCP and RAR Implementation projects.	Ann Kjerulf Madeleine Koch	15-Dec-2017	On Going

11-Dec-2017

Activity	Responsibility	Target Date	Status
Add new agenda item to all future GM agendas	Penny Hawley	25-Jan-2018	Done

Follow Up Action Report

25-Jan-2018

Activity	Responsibility	Target Date	Status
GM-RZ-2004.1 (Keats DL 696) Bylaw No. 143 amended, second reading as amended; Schedule a CIM and public hearing for Bylaw No. 143; - Done April 18, 2018, 7:00 pm Applicant to provide draft covenants: Salmon Rock, LUB 771, water conservation; Applicant to provide monitoring well documentation, letters of undertaking	Becky McErlean Sonja Zupanec		On Going
Staff to follow up with APC members regarding questions regarding the Gambier Island OCP Review, where appropriate, during the meeting of December 18, 2017.	Madeleine Koch		On Going
Amend Top Priority 1 under Activities and include "protection of all watercourses"	Ann Kjerulf		Done
Staff to write a letter on behalf of the chair to the Squamish Chief and Council congratulating the new members on their election to office and requesting a meeting with them.	Madeleine Koch		On Going
Amend agendas by placing reports (Chair/Trustee/Electoral Area Director/Trust Fund Board reports) prior to correspondence.	Sonja Zupanec Penny Hawley		Done
That Gambier LTC meetings be held in the following locations: May 24: Gibsons, June 28: Gambier Island, July 26: Keats Island, August 30 North Vancouver	Sonja Zupanec Wil Cottingham		Done
LTC adopted standing resolution "that staff incorporate First Nations' words, phrases and place names into LTC communications where appropriate".	Penny Hawley Ann Kjerulf		On Going



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality January 2018



Election of the Trust Fund Board Chair

Trustee Tony Law was nominated and elected by acclamation as the Trust Fund Board (TFB) Chair for 2018.

Re-appointment of Robin Williams

The Minister has approved the re-appointment of Robin Williams to the TFB for two years. Trustee Williams will continue to represent the TFB on the Financial Planning Committee.

New 'Salish View' Conservation Proposal, Lasqueti Island

The TFB received and accepted a conservation proposal submitted by the Lasqueti Island Nature Conservancy, (LINC) regarding the acquisition of the property known as 'Salish View'. The TFB agreed to contribute \$32,000 from the Lasqueti Island Acquisition Fund to purchase Salish View, on the condition that the primary donors to this Fund support the use of the funds for this project. Staff will be working with LINC on fundraising and communications for the campaign, and if the campaign is successful, the land will be protected by the TFB as a nature reserve, with a covenant held by LINC.

Regional Conservation Plan (RCP)

The TFB approved the final 2018-2027 Regional Conservation Plan (RCP). The Board is referring the RCP to Trust Council for endorsement at the March Trust Council meeting. The TFB also reviewed a three-year work plan that builds on the approved RCP. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. The three-year work plans will be used by staff and board members to guide their work and measure progress towards achieving the larger goals of the ten-year RCP. The final RCP will be posted on the Islands Trust Fund (ITF) website after the March Trust Council meeting and a news release will be issued.

Fairyslipper Forest campaign

Fairyslipper Forest is now protected as a TFB nature reserve. A board-to-board celebration event will be held in Cowichan Valley on February 24, 2018 to celebrate the successful completion and protection of Fairyslipper Forest Nature Reserve on Thetis Island. Public celebration events will be held on Thetis Island on April 21-22, 2018.

Report on Islands Trust Meeting with the Minister

The TFB discussed possible follow-up actions emerging from the recent Islands Trust meeting with the Minister of Municipal Affairs and Housing regarding the requested change to the Islands Trust Act to change the name of the Islands Trust Fund.

Agricultural Land Commission (ALC) Review

Trustee Tony Law attended the a regional stakeholder meeting held by the Minister of Agriculture's Advisory Committee on the Revitalization of the Agricultural Land Reserve and Agricultural Land Commission on February 6, 2018 in Nanaimo.

Summary of Current Island-by-Island Activities

Denman

Staff attended an open house on January 27, for public consultation on the revised management plan for Morrison Marsh Nature Reserve, to be completed by April 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves.

Gabriola

Construction is almost complete on the boardwalk around the large western redcedar tree. Notice of the work went into the local paper and social media, and the RCMP was notified to deter vandalism. Construction of boardwalk over a wet area on one section of the existing trail will begin in February.

Galiano

Invasive species removal and trail clearing is in progress on the Laughlin Lake and Vanilla Leaf Nature Reserves. The Board received and approved a request from a

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

Master's student to perform research on pollinators and microclimates on Retreat Island Covenant provided that conditions for ecological integrity and stakeholder approval are met.

Lasqueti

Riparian restoration and nesting box maintenance is in progress at the John Osland Nature Reserve.

North Pender

Public consultation, including a questionnaire and open house scheduled for February 17, 2018, are underway for a revised management plan for the Medicine Beach Nature Sanctuary, to be completed by April 2018.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

Islands Trust-Northern Office,
700 North Road, Gabriola Island,
B.C., V0R1X3

Re: Request for assistance to build 2 additional houses on Lot C Bowyer Island

Attention: Ian Cox planner

icox@islandstrust.bc.ca

Feb 1 2018

[REDACTED]

West Vancouver B.C.,
V7V1N1

Dear Mr. Cox,

I am writing to ask you and the North Branch of the Islands Trust for help.

I have managed to locate all the original records when Lot C was created in 1973. As mentioned earlier by you this year, Lot C is permitted to build 3 houses under the existing By Law 114 and the original By Law on the 13-acre parcel of land of Lot C. At present only 1 house is built.

The problem is that the property cannot be subdivided, as each sub dividable piece of property must be 10 acres. However, the bylaw requires 4 acres of land for a each house to be built. Lot C fulfills this requirement. I had a survey of Lot C with 3 proposed lots each on a 4-acre piece of property shortly after 1993 but could not pursue subdividing. The other 4 owners could not come to an agreement. Of the original owners my wife and I were and still are the only people who have built or even visited Lot C.

A community dock and water supply was built for our house and the remaining 2 houses when they are built.

The bylaw does not address this ambiguity of permitting ownership of each individual house for Lot C. Lot C was created permitting 3 houses. But there is no provision for individual ownership of 3 houses. What exists on Lot C is that each house is owned in common. This is no problem at present as I am the sole owner of Lot C and there is only 1 house. When my wife, who died very recently, and I bought part ownership of Lot C we did it with the idea that we would try and "tidy up the Title " which was for us complicated by 4 owners all Tenants in Common. In other words, the other owners listed on the title own each house and any liabilities. Until my wife and I were the sole owners of Lot C, (this was only recently), our house, community dock and water supply was owned by the absentee owners none of whom had even paid for or seen our house and dock.

This is the problem that I am coming to you for help. Can you help me please? I would appreciate if you could forward this letter to our elected representatives and the other people within your office as well as the Planners at Metro Vancouver. Perhaps someone can help with a possible solution.

During the 3 year planning that my wife and I took part creating our new OCP. We addressed this problem on multiple occasions with the committee but there was no offer to provide the necessary changes. As the sole owner of Lot C, The Islands Trust and myself are presented with an opportunity to address this dilemma. I have 2 daughters and when I die ownership of Lot C reverts to Tenants in common again and the problem has not been resolved.

In closing, Ian, I am prepared to meet with you at your office and any of our elected officials to explain the quandary that exists and provide documentation of the history of Lot C since its creation and provide any additional information that you require. I am copying this to Metro Vancouver who will issue the permits when the other 2 houses are built.

If you want to see a current survey of Lot C, I sent a current original survey to the Northern Branch of the Islands Trust when we applied for a permit to build a small shed recently.

Yours truly,
Bill Brymer

██████████

Legal Description:

Lot C DL 1340 Plan10564
Parcel Identifier: 009-378-472

File No.: GM-RZ-2004.1
(CBCBC, DL 696 Keats Island)

DATE OF MEETING: March 8, 2018

TO: Gambier Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

COPY: Applicant, Kevin Healey, Creus Engineering

SUBJECT: Rezoning Application GM-RZ-2004.1 Draft Covenants (DL 696, Keats Island)
Applicant: Kevin Healey, Creus Engineering
Location: District Lot 696, Keats Island

RECOMMENDATION

1. That the Gambier Island Local Trust Committee accept the draft covenant for water conservation for new development on District Lot 696, GM-RZ-2004.1 (CBCBC, DL 696 Keats Island), as shown on Attachment 1 of the staff report dated March 8, 2018 and that registration of the covenant be a condition of Preliminary Layout Approval for the first subdivision of District Lot 696, Keats Island.
2. That the Gambier Island Local Trust Committee request planning staff to notify the applicant for GM-RZ-2004.1 (CBCBC, DL696 Keats Island) that a completed ecological baseline report for the Salmon Rock Area is not required prior to the Public Hearing for Proposed Bylaw No. 143 but must be submitted to planning staff for review prior to the covenant/statutory right-of-way/rent charge being finalized for registration on title of District Lot 696, Keats Island.
3. That the Gambier Island Local Trust Committee request staff to work with the applicant for GM-RZ-2004.1 (CBCBC, DL 696 Keats Island) to establish and finalize an annual rent charge for inclusion in the Salmon Rock Area covenant/statutory right-of-way/rent charge, to pay for annual monitoring of the Salmon Rock area in perpetuity.
4. That the Gambier Island Local Trust Committee accept the draft covenant/statutory right-of-way/rent charge for the Salmon Rock Area (GM-RZ-2004.1 [CBCBC, DL 696 Keats Island]), as shown on Attachment 2 of the staff report dated March 8, 2018; designate the Chair and one trustee as signatories for the covenant; and request proof of covenant registration be provided to the local trust committee prior to consideration of final reading of Proposed Bylaw No. 143.
5. That the Gambier Island Local Trust Committee accept the draft covenant for groundwater protection for District Lot 696, Keats Island (GM-RZ-2004.1 [CBCBC, DL 696 Keats Island]) to address Keats Island Land Use Bylaw section 7.7.1, as shown on Attachment 3 of the staff report dated March 8, 2018 and that registration of the covenant be a condition of Preliminary Layout Approval for the first subdivision of DL696, Keats Island.

REPORT SUMMARY

The purpose of this report is to present three draft covenants to the Local Trust Committee (LTC) for approval in preparation for a community information meeting (CIM) and public hearing on Proposed Bylaw No. 143.

BACKGROUND

The LTC passed the following resolutions at the January 2018 meeting:

GM-2018-001

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 143, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”, be amended as per Attachment 1 of the staff report dated January 25, 2018.

CARRIED

GM-2018-002

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 143, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”, be read a second time as amended.

CARRIED

Proposed Bylaw No. 143 has been amended, given second reading and posted to the website.

GM-2018-003

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 143, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”.

CARRIED

A tentative CIM and public hearing date of April 18th in West Vancouver has been scheduled. Upon LTC approval of the draft covenants presented at the March 8, 2018 meeting, Proposed Bylaw No. 143 can advance to public hearing.

GM-2018-004

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request the applicant provide the following in advance of a public hearing and to the satisfaction of the Local Trust Committee:

- a) a draft conservation covenant for the Salmon Rock area;
- b) a draft restrictive covenant that addresses Land Use Bylaw section 7.7.1 as a condition of Preliminary Layout Approval;
- c) a draft restrictive covenant that addresses water conservation commitments as a condition of Preliminary Layout Approval.

CARRIED

At the time of report writing, the water conservation covenant was included in this staff report for LTC review and approval and the remaining two (Salmon Rock conservation and well head protection) would be presented as a late item.

GM-2018-005

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request the applicant provide planning staff with the following prior to consideration of final reading of Bylaw No. 143:

- a) documentation of a monitoring well being installed and donated to the provincial observation well network on DL696, to the satisfaction of the Ministry of Forests, Lands, Natural Resources Operations and Rural Development Groundwater Authorizations;
- b) a letter of undertaking to deposit plans for the dedication of the Sunshine Coast Regional District park, public road and trail upon adoption of Bylaw No. 143; and
- c) a letter of undertaking to deposit a plan of subdivision for the transfer of Sandy Beach Nature Reserve to the Islands Trust Fund upon adoption of Bylaw No. 143.

CARRIED

The applicant is working towards providing these deliverables to the Local Trust Committee to coincide with final reading of Proposed Bylaw No. 143.

All relevant background staff reports, memos and presentation slides are available on the LTC '[Current Applications](#)' webpage.

COVENANTS

Section 219 of the *Land Title Act* allows local governments and owner(s) of land to enter into agreements, or restrictive covenants, to limit owner(s) ability to use, build or subdivide land. The applicant has prepared three draft restrictive covenants to address LTC resolution GM-2018-004 and planning staff have worked with the applicant and legal counsel to proof each document prior to LTC consideration.

Water Conservation Covenant

A copy of the draft covenant is included in Attachment 1. The general nature of this covenant is to require, at the time of a building permit application with the Sunshine Coast Regional District (SCRD), any new building capable of being a dwelling to have water conservation plumbing/fixtures and stipulate the minimum required quantity of rainwater harvesting collection system per dwelling. The covenant also requires the owner(s) of the community water system to commit to regular maintenance, reporting and repairs to address more stringent water conservation measures on the residential and camp portions of the property.

Conservation of Salmon Rock Area Covenant

A copy of the draft covenant (Attachment 2) will be distributed as an addendum prior to or at the March 8, 2018 LTC meeting as at the time of report writing the draft covenant still required text and Schedule A map amendments.

The general nature of this covenant is to further restrict uses in the area known as "Salmon Rock", in addition to the zoning regulations. Proposed Bylaw No. 143 proposes to retain the 'Private Conservation (PC)' zone for the Salmon Rock portion of District Lot 696 (DL696) to regulate use and density. The covenant allows for an additional layer of restrictions around vegetation/soil/aggregate removal, trail development, prohibitions on camping use, construction of buildings or structures and permitted signage. Annual monitoring is proposed to be conducted as per Resolution GM-2017-060 and the costs of monitoring are to be paid by the owners annually.

GM-2017-060 It was MOVED and SECONDED

that the Gambier Island Local Trust Committee:

- a) Request staff to prepare a draft restrictive (conservation) covenant for the Salmon Rock 'Private Conservation (PC) Zone' portion of District Lot 696, Keats Island, consistent with Islands Trust Policy 5.3 'Best Practices for Local Trust Committees in Holding Conservation Covenants', which includes a provision for annual monitoring to be paid for by the owner, for Local Trust Committee consideration prior to a Public Hearing for Bylaw No. 143;
- b) Request the applicant for GM-RZ-2004.1 submit a baseline ecological report for the covenant area consistent with the Islands Trust Fund baseline report template, for Local Trust Committee consideration prior to a Public Hearing for Bylaw No. 143; and
- c) Request the Islands Trust Fund Board assist with annual monitoring of the covenant area as the property is adjacent to the proposed Sandy Beach Nature Reserve.

CARRIED

The Islands Trust Fund Board will be reviewing the request to assist with annual monitoring at their April 3, 2018 board meeting and planning staff can report back on their decision at the community information meeting /public hearing.

The applicant will need to prepare a baseline report in the late spring/early summer 2018 for inclusion with the covenant. In order to adequately inventory the highest possible diversity of ecological communities, late spring early summer is the preferred time to conduct the work. Staff recommend the LTC pass a resolution clarifying that receipt of the baseline ecological report for Salmon Rock is not required prior to the public hearing, and that the report will be reviewed by Islands Trust staff for consistency with the Islands Trust Fund baseline report template and be appended to the covenant and registered on title.

Staff will also be working with the applicant to finalize the maximum rent charge to be stipulated in the covenant to cover the cost of annual monitoring. This information can be inserted into the final covenant prior to registration. Proof of registration of this covenant on the title of DL 696 would be required prior to LTC consideration of final reading of Proposed Bylaw No. 143.

Wellhead and Groundwater Protection Covenant

A copy of the draft covenant (Attachment 3) will be distributed as an addendum prior to or at the March 8, 2018 LTC meeting as at the time of report writing the draft covenant still required a Schedule A map amendment.

The general nature of this covenant is to delineate the area of existing and potential groundwater wells as areas to remain free of development or siting of sewage disposal fields.

First Nations Referral Responses

Follow-up with referral staff at the Squamish Nation has been initiated in efforts to solicit input on Proposed Bylaw No. 143 prior to the close of the public hearing. Any First Nation responses will be summarized at the public hearing.

Agency Referral Responses

The Committee of the Whole for the Sunshine Coast Regional District (SCRD) will be reviewing Proposed Bylaw No. 143 at the March 8, 2018 meeting in order to provide a decision on whether or not to accept the proposed parkland. Planning staff may be able to provide a verbal update on the SCRD response during the LTC meeting.

Rationale for Recommendation

In order to address LTC resolution GM-2018-004, the applicant has prepared three draft covenants for the March 8, 2018 regular business meeting. Planning staff have worked with the applicant and conducted a legal review to strengthen the intent and clarity of covenant provisions. LTC approval of each covenant is recommended as per the staff recommendation on Page 1 of this report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information on the covenants prior to making a decision. Staff advises that the implications of this alternative may include increased legal costs and potential delay of the public hearing if LTC approval of the draft covenants is not conducted with sufficient time for public review of relevant documents pertaining to Proposed Bylaw No. 143. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request that the applicant submit (insert specific request here in order to address (insert rationale here)).

2. Amend the Draft Covenants

The LTC may request significant amendments to the covenant(s). Staff advises that this may result in increased legal costs and delay the public hearing. If this alternative is selected, the LTC should clearly state the requested amendments. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request the following provisions be included in the draft covenant for (insert name of covenant here), GM-RZ-2004.1 (CBCBC, DL696 Keats Island), for Local Trust Committee approval prior to the public hearing for Proposed Bylaw No. 143: (list amendments here).

NEXT STEPS

Preparation of community information meeting and public hearing materials will commence upon approval of the draft covenants. A public hearing date has been scheduled for Wednesday April 18, 2018 in West Vancouver. Statutory notification will be conducted in accordance with *Local Government Act* requirements.

Submitted By:	Sonja Zupanec, RPP Island Planner	March 1, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 1, 2018

ATTACHMENTS

1. Draft Covenant – Water Conservation
2. Draft Covenant/SRW/Rent Charge – Conservation Salmon Rock Area – **to be distributed**
3. Draft Covenant – Well head/groundwater protection – **to be distributed**

PART 2 – TERMS OF INSTRUMENT

COVENANT

(Section 219 Land Title Act)

THIS AGREEMENT made the ◆ day of ---, 201x.

BETWEEN:

THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA
7175 Royal Oak Avenue
Burnaby, BC V5J 4J3

(hereinafter called the “Grantor”)

OF THE FIRST PART

AND:

GAMBIER ISLAND LOCAL TRUST COMMITTEE
200 – 1627 Fort Street
Victoria, BC V8R 1H8

(hereinafter called the “Grantee”)

OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner in fee-simple of the lands legally described as follows:

PID: 014-385-694
District Lot 696 Group 1 New Westminster District

(hereinafter called the “Lands”).

B. The Lands are or will be served by a community water system with a groundwater source.

C. Gambier Island Local Trust Committee Bylaw No. 78 (the “Bylaw”) section 7.7.1 requires that where a community water system is to be supplied by, *inter alia*, a well, the immediate catchment area of the well is to be protected from pollution by a covenant prohibiting the installation of sewage disposal fields or other sanitary facilities, and the Grantor’s consultant has determined that the appropriate area for this purpose is shown in heavy black line on the Explanatory Plan.

D. Section 219 of the Land Title Act R.S.B.C. 1996, permits the registration of a covenant, whether of a negative or positive nature, in favour of the Grantee, as a charge against the title to the Lands and is enforceable against the Grantor and its successors in title even if the covenant is not annexed to land owned by the Grantee.

- E. The Grantor desires to grant in favour of the Grantee a covenant to protect groundwater wells on the Lands from pollution.

NOW THEREFORE in consideration of the premises and in consideration of the sum of One Dollar (\$1.00) now paid to the Grantor by the Grantee (the receipt and sufficiency whereof is hereby acknowledged), the parties covenant and agree with each other as follows:

1. The Grantor covenants and agrees with the Grantee that the Grantor will not install, or permit any person to install, any underground sewage disposal system, including any septic tanks, distribution tanks, absorption fields or related appurtenances, to be sited within the areas outlined in heavy black line on the Explanatory Plan of the Lands certified correct by ♦ , B.C.L.S., on ♦ , a reduced copy of which is attached hereto as Schedule "A".
2. If any well not shown on Schedule "A" is provided on the Lands to supply water to a community water system on the Lands, the Grantor covenants and agrees with the Grantee that the restrictions in Section 1 shall apply in respect of that portion of the Lands that is within the heavy bold outline on Schedule "A". Any future well will be subject to a covenant with similar restrictions within 30 m of the wellhead.
3. The Grantor agrees, at the Grantor's expense, to ensure that this Agreement, and the interests it creates, are registered against title to the Lands, with priority over all financial charges, liens and encumbrances, including options to purchase, rights to purchase and rights of first refusal, registered or pending registration in the applicable provincial land title office at the time of application for registration of this Agreement.
4. This Agreement shall charge the Lands pursuant to Section 219(5) of the Land Title Act, R.S.B.C. 1996 and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or parts thereof, and shall attach to and run with the Lands and each and every part into which the Lands may be divided or subdivided, whether by subdivision plan, strata plan or otherwise howsoever. The covenants set forth herein shall not terminate if and when a purchaser becomes owner in fee simple of the Lands, but shall charge the whole of the interest of such purchaser and shall continue to run with the Lands and bind the Lands and all future owners of the Lands and any portion thereof.
5. This Agreement shall be covenants running with the Lands and shall not be personal or binding on the parties hereto except during such time as the parties hereto shall have any interest in the Lands and only in respect of such portion of the Lands in which the parties have an interest but the Lands shall nevertheless be and remain at all times charged herewith.
6. The Grantor hereby agrees to indemnify and save harmless the Grantee from and against all costs and expenses (including legal fees) incurred by the Grantee as a result of any breach by the Grantor of the covenant herein contained.
7. This Agreement shall enure to the benefit of and is binding on the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. Wherever the singular or masculine are used this Agreement, the same shall be deemed to include the plural, the feminine, the body politic or corporate as the context or the parties so require.
9. All references to each party hereto shall include the heirs, executors, administrators, successors, assigns, officers, employees or agents of that party.
10. If any section, subsection, sentence, clause or phrase of the Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

IN WITNESS WHEREOF the parties hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C attached hereto.

END OF DOCUMENT

PART 2 – TERMS OF INSTRUMENT

COVENANT

(Section 219 Land Title Act)

THIS AGREEMENT made the ◆ day of ---, 201x.

BETWEEN:

THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA
7175 Royal Oak Avenue
Burnaby, BC V5J 4J3

(hereinafter called the “Grantor”)

OF THE FIRST PART

AND:

GAMBIER ISLAND LOCAL TRUST COMMITTEE
200 – 1627 Fort Street
Victoria, BC V8R 1H8

(hereinafter called the “Grantee”)

OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner in fee-simple of the lands legally described as follows:

PID: 014-385-694
District Lot 696 Group 1 New Westminster District

(hereinafter called the “Lands”).

B. The Lands are or will be served by a community water system.

C. The Grantee wishes to ensure that the use of water by the Grantor will be monitored and that the Grantor will follow policies and requirements designed to ensure water conservation.

D. To ensure water conservation, the Grantor has established guidelines and requirements for the equipment and facilities used by the Grantor and its successors in title which will maximize water conservation whether water is used within buildings or structures or for landscaping purposes.

E. Section 219 of the Land Title Act R.S.B.C. 1996, permits the registration of a covenant, whether of a negative or positive nature, in favour of the Grantee, as a charge against the

title to the Lands and is enforceable against the Grantor and his successors in title even if the covenant is not annexed to land owned by the Grantee.

F. The Grantor has agreed to grant in favour of the Grantee a covenant under Section 219.

NOW THEREFORE in consideration of the premises and in consideration of the sum of One Dollar (\$1.00) now paid to the Grantor by the Grantee (the receipt and sufficiency whereof is hereby acknowledged), the parties covenant and agree with each other as follows:

1. The Grantor covenants and agrees with the Grantee that for any building capable of habitation which is built or constructed on the Lands after the date this Agreement is registered in the Land Title Office, the Grantor will:
 - (a) install low volume toilets, showerheads, faucets and efficient washing machines that exceed the minimum requirements of the British Columbia Building Code;
 - (b) when landscaping the Lands in the vicinity of the building, use only native and drought-tolerant turf and plant species;
 - (c) install a rainwater harvesting and collection system for the building with a cistern capacity no less than 450 litres ;
 - (d) retain a qualified contractor or consultant to undertake a regular inspection of all components of the community water system to which the building is connected, to detect leaks, such inspections and report preparation to be undertaken at least annually;
 - (f) repair leaks in the community water system as soon as they are discovered;
 - (g) comply with any restrictions with respect to residential lawn sprinkling, car washing, hand watering which are imposed by from time to time by any authority having jurisdiction in such matters; and
 - (h) pay the fees and charges to maintain and operate the water utility system levied by any strata corporation formed upon a subdivision of the Lands by way of strata plan.
2. This Agreement and the rights herein granted will run with the Lands and each part into which the Lands may be subdivided, whether by subdivision plan, strata plan or otherwise howsoever, and the term "Grantor" includes the owner of each subdivided portion of the Lands and the successors in title thereof. Despite anything contained in this Agreement, if the Lands are subdivided by subdivision plan, strata plan or otherwise howsoever, a default in respect of any subdivided portion of the Lands, including a default with respect to any amount payable in connection with any subdivided portion of the Lands, will not be a default with respect to any other portion of the Lands for which there has not been a default and the Grantee will not be entitled to exercise any of its rights

or remedies under this Agreement except with respect to the subdivided portion or portions of the Lands for which there has been a default.

3. This Agreement shall charge the Lands pursuant to Section 219(5) of the Land Title Act, R.S.B.C. 1996 and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or parts thereof. The covenants set forth herein shall not terminate if and when a purchaser becomes owner in fee simple of the Lands, but shall charge the whole of the interest of such purchaser and shall continue to run with the Lands and bind the Lands and all future owners of the Lands and any portion thereof. This Agreement shall not be personal or binding on the parties hereto except during such time as the parties hereto shall have any interest in the Lands and only in respect of such portion of the Lands in which the parties have an interest but the Lands shall nevertheless be and remain at all times charged herewith.
4. The Grantor hereby agrees to indemnify and save harmless the Grantee from and against all costs and expenses (including legal fees) incurred by the Grantee as a result of any breach by the Grantor of the covenants herein contained.
5. This Agreement shall enure to the benefit of and is binding on the parties hereto and their respective heirs, executors, administrators, successors and assigns.
6. Wherever the singular or masculine are used this Agreement, the same shall be deemed to include the plural, the feminine, the body politic or corporate as the context or the parties so require.
7. All references to each party hereto shall include the heirs, executors, administrators, successors, assigns, officers, employees or agents of that party.
8. If any section, subsection, sentence, clause or phrase of the Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

IN WITNESS WHEREOF the parties hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C attached hereto.

END OF DOCUMENT

COVENANT, STATUTORY RIGHT OF WAY AND RENT CHARGE

(Sections 218 and 219 Land Title Act)

THIS AGREEMENT made the ◆ day of ---, 201x.

BETWEEN:

THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA
7175 Royal Oak Avenue
Burnaby, BC V5J 4J3

(hereinafter called the “Grantor”)

OF THE FIRST PART

AND:

GAMBIER ISLAND LOCAL TRUST COMMITTEE
200 – 1627 Fort Street
Victoria, BC V8R 1H8

(hereinafter called the “Grantee”)

OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner in fee-simple of the lands herein described as follows:

PID: 014-385-694
District Lot 696 Group 1 New Westminster District

(hereinafter called the “Lands”);

B. Section 219 of the Land Title Act R.S.B.C. 1996, permits the registration of a covenant, whether of a negative or positive nature, in favour of the Grantee, as a charge against the title to the Lands and is enforceable against the Grantor and its successors in title even if the covenant is not annexed to land owned by the Grantee;

C. The Grantor desires to grant this Covenant to restrict the use of a portion of the Lands.

NOW THEREFORE in consideration of the premises and in consideration of the sum of One Dollar (\$1.00) now paid to the Grantor by the Grantee (the receipt and sufficiency whereof is hereby acknowledged), the parties covenant and agree with each other as follows:

1. The Grantor covenants and agrees with the Grantee that the portion of the Lands (such portion of the Lands is herein called the "Restricted Area") outlined in heavy black line on the Explanatory Plan of the Lands certified correct by ♦ , B.C.L.S., on ♦ , a reduced copy of which is attached hereto as Schedule "A", shall be used only in accordance with the terms and conditions set out in this covenant as follows:
 - (a) the Restricted Area will not be further subdivided;
 - (b) except with the prior written approval of the Grantee, the Grantor will not use the Restricted Area for an activity or use which:
 - (i) causes or allows silts, leachates, fills or other deleterious substances to be released into any watercourse on the Restricted Area;
 - (ii) causes the erosion of the Restricted Area to occur;
 - (iii) causes or facilitates the loss of soil on the Restricted Area;
 - (iv) alters or interferes with the hydrology of the Restricted Area, including by the diversion of natural drainage or flow of water in, on or through the Area;
 - (v) causes or allows fill, rubbish, ashes, garbage, waste or other material foreign to the Restricted Area to be deposited in, on or under the Restricted Area;
 - (vi) causes or allows any component of the Restricted Area, including soil, gravel or rock, to be disturbed, explored for, moved, removed from or deposited in or on the Restricted Area;
 - (vii) causes or allows pesticides, including but not limited to herbicides, insecticides or fungicides, to be applied to or introduced onto the Restricted Area;
 - (viii) causes or allows any indigenous vegetation on the Restricted Area to be cut down, removed, defoliated or in any way tampered with, except in the exercise of an aboriginal right;
 - (c) the Grantor will not permit hunting, fishing, or gathering on the Restricted Area except in the exercise of an aboriginal right, or permit the grazing of domestic animals on the Restricted Area;
 - (d) the Grantor will not construct, build, affix or place any buildings, structures, fixtures or improvements of any kind on the Restricted Area;
 - (e) the Grantor will not construct on the Restricted Area any road that is not in existence at the time of registration of this Agreement;

- (f) the Grantor will not use or permit the use of motorized or non-motorized vehicles on the Restricted Area other than for the transportation of physically disabled people, emergency vehicles and for maintenance staff use;
 - (g) the Grantor will not permit install or permit the installation of overnight camping, toilet or picnic facilities or pole lights in or on the Restricted Area or permit the lighting of campfires in the Restricted Area;
 - (h) the Grantor will not lease or license the Restricted Area or any part thereof unless the lease or license is expressly made subject to the provisions of this Agreement and expressly entitles the Grantor to terminate the lease or license if the tenant or licensee breaches any of the provisions of this Agreement;
 - (i) notwithstanding any restriction or condition to the contrary, the Grantor may:
 - (i) install, maintain or replace a reasonable number of signs for the purposes of public safety or informing the public about the Restricted Area ; and
 - (ii) maintain, replace or restore the trails existing within the Restricted Area at the time of registration of this Agreement, so long as the location of each trail remains the same and the width is the same or smaller; and
 - (j) the Grantor will use the Restricted Area only in accordance with all applicable bylaws of the Local Trust Committee, as may be in effect, from time to time.
2. The Grantor grants to the Grantee under Section 218 of the Land Title Act a statutory right of way over the Lands for the Grantee and its employees, agents and contractors to enter on the Lands on one day in each calendar year to inspect the Restricted Area to determine whether the restrictions in Section 1 are being complied with, and agrees to reimburse the Grantee for reasonable costs incurred to engage third party consultants to enter on the Lands and perform the inspection, including the cost of report preparation and surface travel to the Lands, such costs to be evidenced by consultant invoices and receipts.
3. As security for the performance of the Grantor's obligation to reimburse the Grantee under Section 2, by this Section the Grantor grants to the Grantee an annual rent charge against the Lands, ranking prior to all other financial charges and encumbrances registered against the Lands (the "Rent Charge") to secure payment to the Grantee by the Grantor in the amount of \$X000, as adjusted for inflation under Section 5. The Rent Charge shall be the absolute property of the Grantee in fee simple and shall issue and be payable annually by the Grantor to the Grantee out of the Lands in advance free and clear of all setoffs and deductions on or before July 1 in each year and every year commencing July 1, 2018.

4. Despite section 3, the obligations of the Grantor to pay the Rent Charge shall be suspended and deferred in each year, and shall not accrue in that year or from year to year so long as the Grantor is not in breach of the reimbursement obligation in Section 2. In any year in which the Grantor fails to reimburse the Grantee within 10 business days of receiving the Grantee's reimbursement demand, the Rent Charge shall cease to be suspended and deferred, and shall operate and shall be payable commencing on the July 1 following the Grantee's demand, and continuing thereafter each year in accordance with section 3.
5. The amount of the Rent Charge shall be increased or decreased on December 31 of each year commencing on December 31, 2018 by a percentage determined as follows:

$$\frac{\text{Current Year's June CPI} - \text{Previous Year's June CPI} \times 100}{\text{Previous Year's June CPI}} = \text{___} \%$$

where "CPI" means the All-items Consumer Price Index published by Statistics Canada, or its successor in function, for Vancouver, British Columbia.

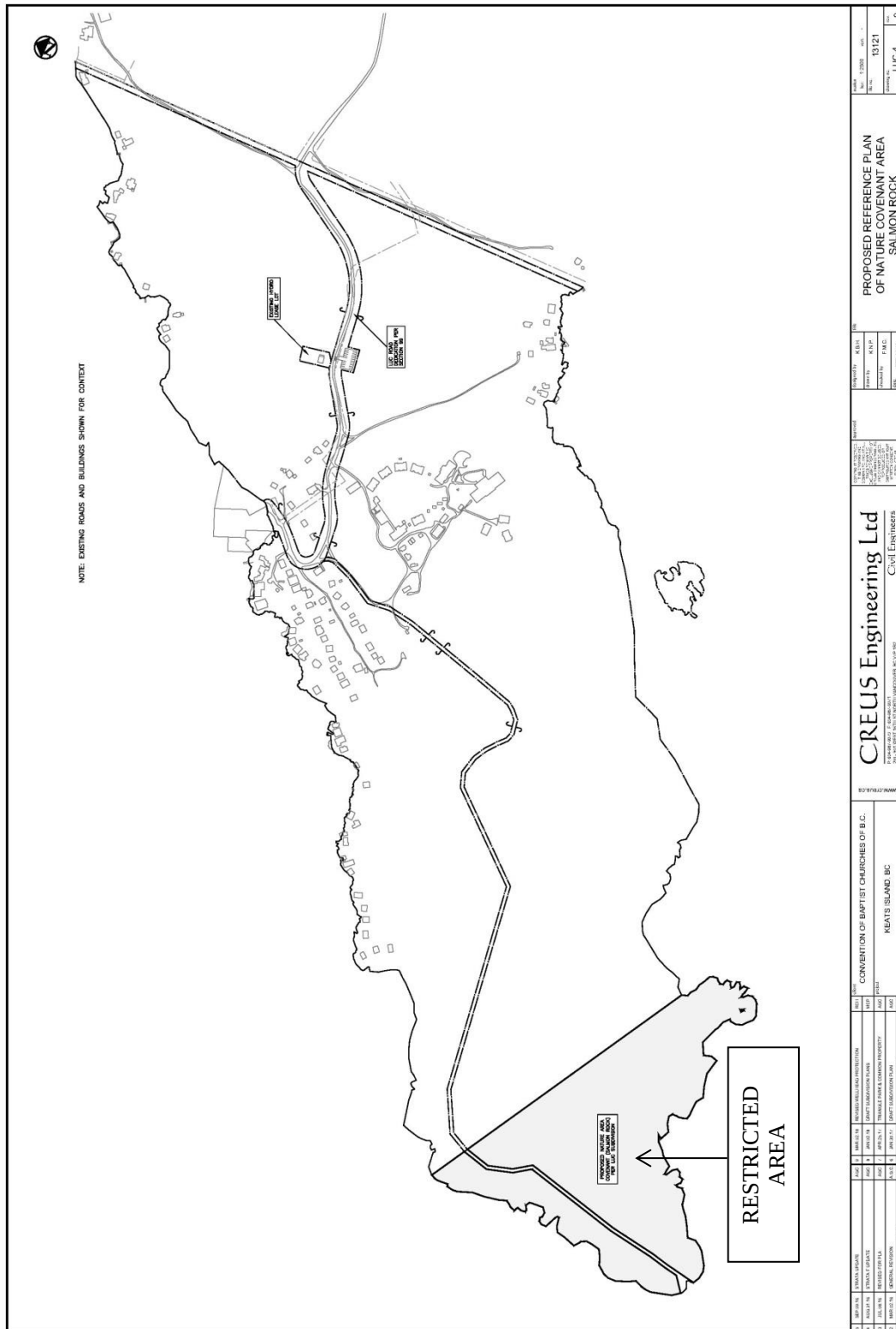
6. This Agreement runs with the Lands and enures to the benefit of and is binding on the parties hereto and their respective successors and assigns.
7. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of Section 219(9) of the Land Title Act, R.S.B.C. 1996
8. The covenant, statutory right of way and rent charge in this Agreement are granted voluntarily by the Grantor to the Grantee pursuant to Sections 218 and 219 of the Land Title Act, R.S.B.C. 1996 and shall run with the Lands.
9. In addition to the indemnity in respect of inspection costs contained in Section 2, the Grantor hereby agrees to indemnify and save harmless the Grantee from and against all costs and expenses (including legal fees) incurred by the Grantee as a result of any breach by the Grantor of the covenants herein contained.
10. The Grantor acknowledges and agrees that, in the event of any breach of this Agreement by the Grantor and in view of the inadequacy of a damages remedy, the public interest in the conservation of the Restricted Area favours an order for specific performance of this Agreement including an order for the restoration of the Restricted Area to the condition that preceded the breach.
11. Wherever the singular or masculine are used this Agreement, the same shall be deemed to include the plural, the feminine, the body politic or corporate as the context or the parties so require.
12. All references to each party hereto shall include the heirs, executors, administrators, successors, assigns, officers, employees or agents of that party.

13. If any section, subsection, sentence, clause or phrase of the Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

IN WITNESS WHEREOF the parties hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C attached hereto.

END OF DOCUMENT

SCHEDULE "A"



COVENANT
(Section 219 Land Title Act)

THIS AGREEMENT made the ◆ day of ---, 201x.

BETWEEN:

THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA
7175 Royal Oak Avenue
Burnaby, BC V5J 4J3

(hereinafter called the “Grantor”)

OF THE FIRST PART

AND:

GAMBIER ISLAND LOCAL TRUST COMMITTEE
200 – 1627 Fort Street
Victoria, BC V8R 1H8

(hereinafter called the “Grantee”)
OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner in fee-simple of the lands legally described as follows:

PID: 014-385-694
District Lot 696 Group 1 New Westminster District

(hereinafter called the “Lands”).

B. The Lands are or will be served by a community water system with a groundwater source.

C. Gambier Island Local Trust Committee Bylaw No. 78 (the “Bylaw”) section 7.7.1 requires that where a community water system is to be supplied by, *inter alia*, a well, the immediate catchment area of the well is to be protected from pollution by a covenant prohibiting the installation of sewage disposal fields or other sanitary facilities, and the Grantor’s consultant has determined that the appropriate area for this purpose is shown in heavy black line on the Explanatory Plan.

D. Section 219 of the Land Title Act R.S.B.C. 1996, permits the registration of a covenant, whether of a negative or positive nature, in favour of the Grantee, as a charge against the title to the Lands and is enforceable against the Grantor and its successors in title even if the covenant is not annexed to land owned by the Grantee.

- E. The Grantor desires to grant in favour of the Grantee a covenant to protect groundwater wells on the Lands from pollution.

NOW THEREFORE in consideration of the premises and in consideration of the sum of One Dollar (\$1.00) now paid to the Grantor by the Grantee (the receipt and sufficiency whereof is hereby acknowledged), the parties covenant and agree with each other as follows:

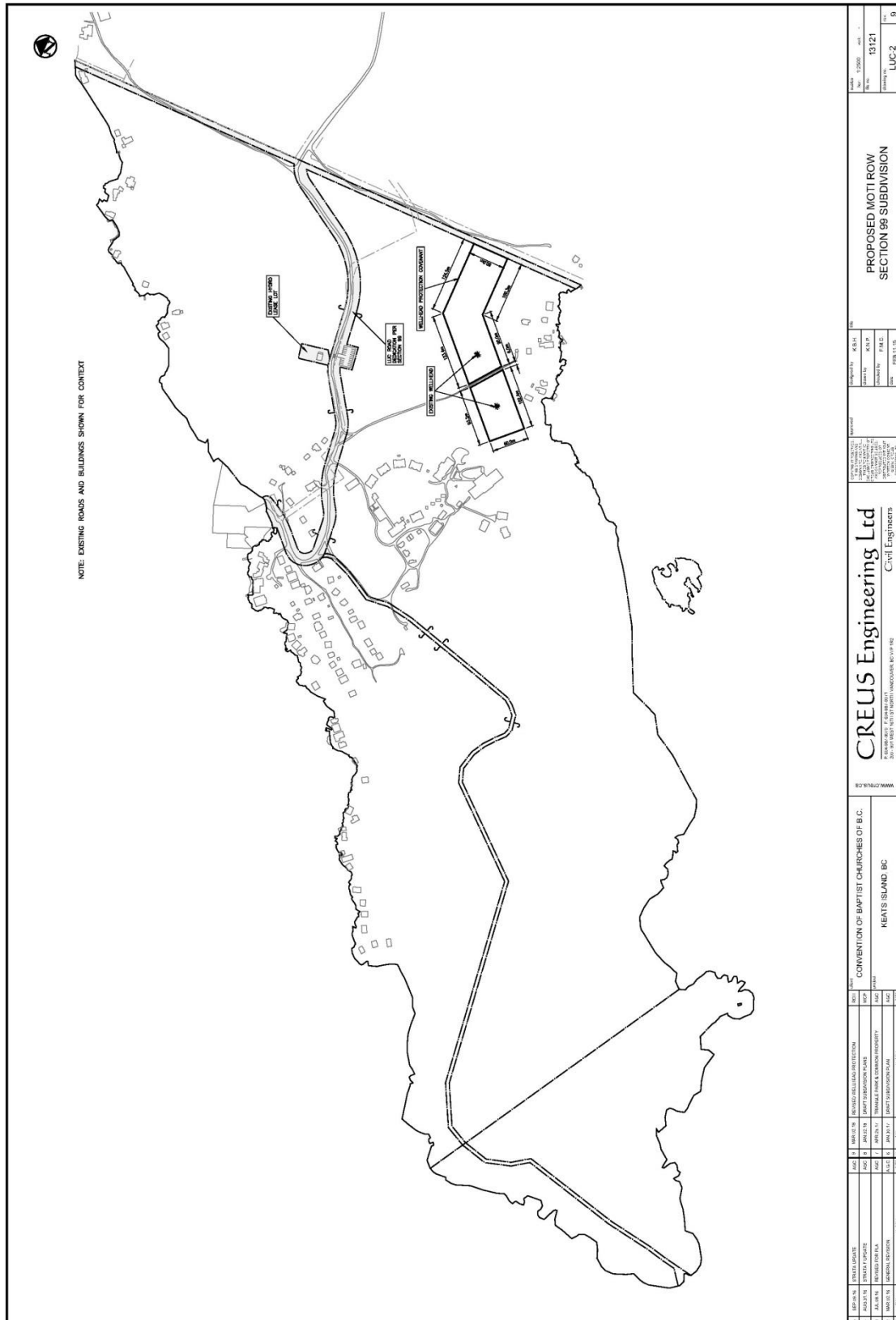
1. The Grantor covenants and agrees with the Grantee that the Grantor will not install, or permit any person to install, any underground sewage disposal system, including any septic tanks, distribution tanks, absorption fields or related appurtenances, to be sited within the areas outlined in heavy black line on the Explanatory Plan of the Lands certified correct by ♦ , B.C.L.S., on ♦ , a reduced copy of which is attached hereto as Schedule "A".
2. If any well not shown on Schedule "A" is provided on the Lands to supply water to a community water system on the Lands, the Grantor covenants and agrees with the Grantee that the restrictions in Section 1 shall apply in respect of that portion of the Lands that is within the heavy bold outline on Schedule "A". Any future well will be subject to a covenant with similar restrictions within 30 m of the wellhead.
3. The Grantor agrees, at the Grantor's expense, to ensure that this Agreement, and the interests it creates, are registered against title to the Lands, with priority over all financial charges, liens and encumbrances, including options to purchase, rights to purchase and rights of first refusal, registered or pending registration in the applicable provincial land title office at the time of application for registration of this Agreement.
4. This Agreement shall charge the Lands pursuant to Section 219(5) of the Land Title Act, R.S.B.C. 1996 and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or parts thereof, and shall attach to and run with the Lands and each and every part into which the Lands may be divided or subdivided, whether by subdivision plan, strata plan or otherwise howsoever. The covenants set forth herein shall not terminate if and when a purchaser becomes owner in fee simple of the Lands, but shall charge the whole of the interest of such purchaser and shall continue to run with the Lands and bind the Lands and all future owners of the Lands and any portion thereof.
5. This Agreement shall be covenants running with the Lands and shall not be personal or binding on the parties hereto except during such time as the parties hereto shall have any interest in the Lands and only in respect of such portion of the Lands in which the parties have an interest but the Lands shall nevertheless be and remain at all times charged herewith.
6. The Grantor hereby agrees to indemnify and save harmless the Grantee from and against all costs and expenses (including legal fees) incurred by the Grantee as a result of any breach by the Grantor of the covenant herein contained.
7. This Agreement shall enure to the benefit of and is binding on the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. Wherever the singular or masculine are used this Agreement, the same shall be deemed to include the plural, the feminine, the body politic or corporate as the context or the parties so require.
9. All references to each party hereto shall include the heirs, executors, administrators, successors, assigns, officers, employees or agents of that party.
10. If any section, subsection, sentence, clause or phrase of the Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

IN WITNESS WHEREOF the parties hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C attached hereto.

END OF DOCUMENT

SCHEDULE "A"



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

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

Gambier Island Local Trust Committee Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002,” is amended as follows:

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as shown on Schedule 1.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2015”.

READ A FIRST TIME THIS 19TH DAY OF NOVEMBER , 2015

PUBLIC HEARING HELD THIS 13TH DAY OF OCTOBER , 2016

READ A SECOND TIME THIS 13TH DAY OF OCTOBER , 2016

READ A THIRD TIME THIS 13TH DAY OF OCTOBER , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
26TH DAY OF OCTOBER , 2016

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
6TH DAY OF DECEMBER , 2017

ADOPTED THIS ____TH DAY OF _____ , 201x

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

SCHEDULE 1

Gambier Island Local Trust Committee Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as follows:

2.1 PART A – ADMINISTRATION AND INTERPRETATION is amended as follows:

- a) A new Subsection is inserted after Section 4. AMENDING THE OFFICIAL COMMUNITY PLAN, Subsection Update and Revision, as follows:

“Development Approval Information – Circumstances and Special Conditions

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

2.2 PART B – GOALS, OBJECTIVES AND POLICIES, Section 3. ECOSYSTEM PRESERVATION AND PROTECTION, is amended as follows:

- a) To Subsection **Freshwater and Wetland Ecosystems and Riparian Zones**, a new policy is added with the following text:

“P 3.19 The Province of British Columbia’s *Riparian Areas Protection Act* requires that local governments establish regulations to protect riparian areas. This designation is intended, in part, to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Areas where land use and related development may have to be restricted to protect riparian areas include lands falling within Development Permit Area 1: Riparian Areas.”

- b) To Subsection **Coastal and Marine Ecosystems**, policy P 3.19 is renumbered to be “P 3.20”.

2.3 SCHEDULE A – OFFICIAL COMMUNITY PLAN TEXT is amended by adding a new PART C, immediately following PART B – GOALS, OBJECTIVES AND POLICIES, as follows:

“PART C - DEVELOPMENT PERMIT AREAS

BACKGROUND

Pursuant to Section 919.1(1) of the *Local Government Act*, a community plan may designate areas as development permit areas for the:

- a) protection of the natural environment, its ecosystems and biological diversity;
- b) protection of development from hazardous conditions;
- c) protection of farming;
- d) revitalization of an area in which commercial use is permitted;
- e) establishment of objectives for the form and character of intensive residential development;
- f) establishment of objectives for the form and character of commercial, industrial and multi-dwelling residential development;
- g) establishment of objectives to promote energy conservation;
- h) establishment of objectives to promote water conservation; and,
- i) establishment of objectives to promote the reduction of greenhouse gas emissions.

For a property in a development permit area, no construction, structural alteration, or addition to a building or structure may take place prior to a development permit being obtained. In addition, a property in a development permit area may not be subdivided, nor the land altered, prior to a development permit being obtained.

As a condition of designating a development permit area in a community plan it is necessary to briefly describe the feature or site to be designated, state the objective to be achieved through designation and outline the guidelines to be complied within the development permit area. This format is used below to describe the development permit areas in the Keats Planning Area. These locations are also shown in map form in Schedule E.

1. DEVELOPMENT PERMIT AREA 1: RIPARIAN AREAS

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

The Riparian Areas Development Permit Area (DPA-1) is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) may be required.

Terms used in this section that are defined in the *Riparian Areas Protection Act* are intended to be interpreted in accordance with the definition given in the *Regulation*.

Location

The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook; or
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

For a stream that is not located in a ravine, the development permit area is a 30 metre (98.4 feet) strip on both sides of the stream measured from the high water mark;

For a stream located within a ravine that is less than 60 metres (197 feet) wide, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 30 metres (98.4 feet) beyond the top of the ravine bank;

For a stream located within a ravine that is 60 metres (197 feet) wide or greater, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 10 metres (32.8 feet) beyond the top of the ravine bank;

For a lake, wetland or other water body, the development permit area is 30 metres (98.4 feet) around the water body measured from the high water mark of the water body;

The designation and delineation of Development Permit Area 1 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies and the actual extent of the Development Permit Area may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Justification

This development permit area contains streams, lakes and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Riparian areas are necessary for stream and watershed health. Our job as stewards of the land is to ensure that these areas continue to function well into the future.

Riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing potential for erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's

natural erosive energy and providing habitat for a diverse range of species. Land use practices, including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas, can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Keats Island.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Objectives:

The objectives of this development permit area are as follows:

- OBJ 1.1 TO PROTECT THE BIOLOGICAL DIVERSITY AND HABITAT VALUES OF RIPARIAN AND AQUATIC ECOSYSTEMS;
- OBJ 1.2 TO PROTECT THE NATURAL ENVIRONMENT NECESSARY TO CONSERVE PRODUCTIVE FISH HABITAT, INCLUDING BOTH STREAMS AND THE ADJACENT LAND AND VEGETATION; AND
- OBJ 1.3 TO MINIMIZE ADVERSE IMPACTS OF LAND USE PRACTICES ON WILDLIFE HABITATS AND PLANT HABITATS IN RIPARIAN AREAS.

Development Approval Information

Development Permit Area 1 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Environmental Professional (QEP) may be required due to the special conditions and objectives described above.

"Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Keats Island Land Use Bylaw." "

2. DEVELOPMENT PERMIT AREA 2: STREAMSIDE PROTECTION

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

The Streamside Protection Development Permit Area (DPA-2) is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*.

Location

The Streamside Protection Development Permit Area, DP-2, includes all land designated on Schedule E of this plan. The development permit area is 30 metres (98.4 feet) measured from the natural boundary of the stream.

Justification

Streamside areas support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support aquatic life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing potential for erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices, including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas, can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Keats Island.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Objectives:

The objectives of this development permit area are as follows:

OBJ 2.1 TO PROTECT THE BIOLOGICAL DIVERSITY AND HABITAT VALUES OF STREAMSIDE AND AQUATIC ECOSYSTEMS; AND,

OBJ 2.2 TO MINIMIZE ADVERSE IMPACTS OF LAND USE PRACTICES ON HABITATS FOUND IN STREAMSIDE AREAS.

Development Approval Information

Development Permit Area 2 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Environmental Professional (QEP) or another professional may be required due to the special conditions and objectives described above.

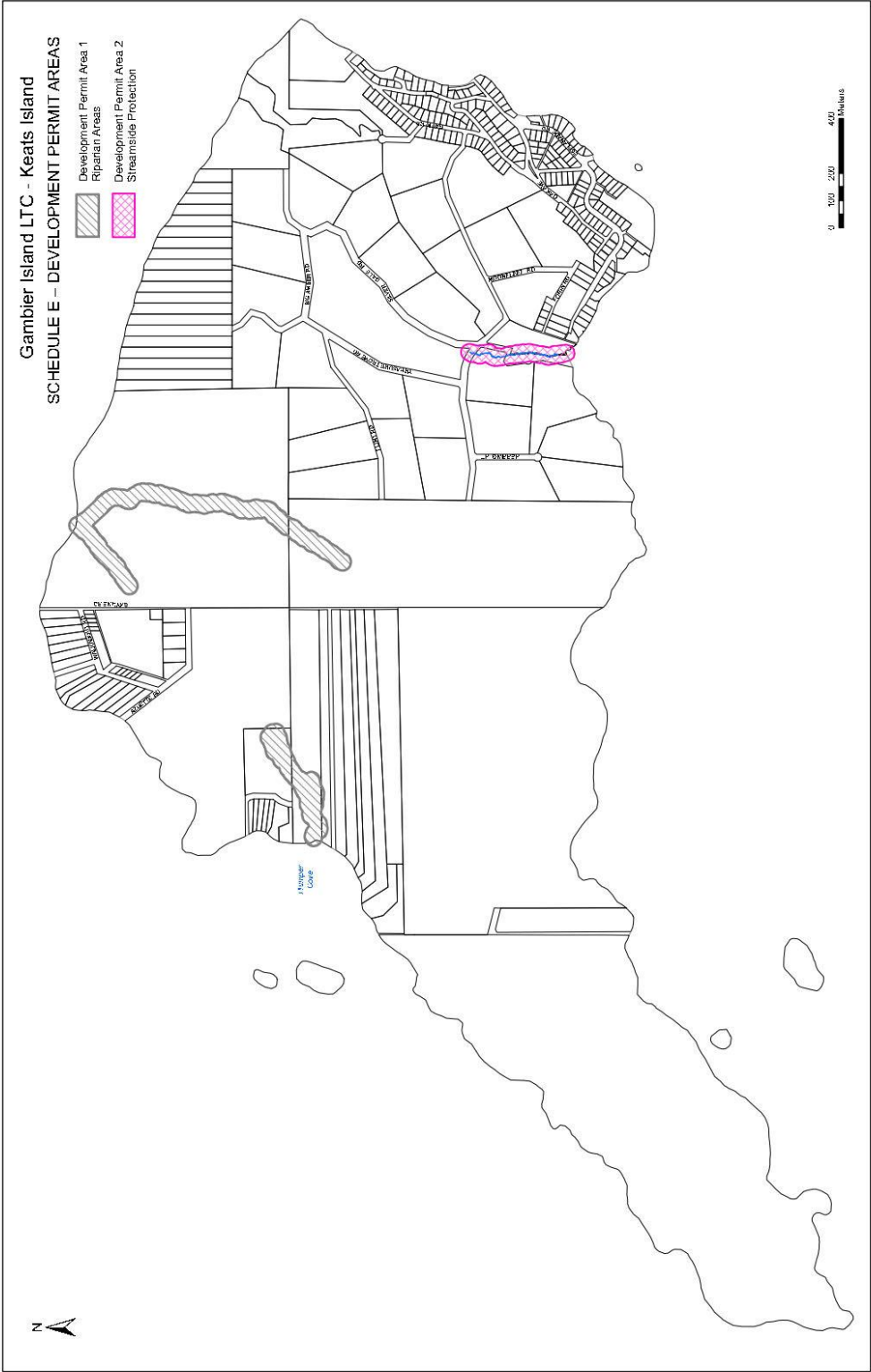
"Information Note: Development Permit Area Guidelines for DP-2 Streamside Protection are in the Keats Island Land Use Bylaw."

- 2.4 A new schedule is inserted titled "**SCHEDULE E – DEVELOPMENT PERMIT AREAS**", as shown in Plan 1, which is attached to and forming part of this bylaw.

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.129

PLAN NO. 1



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 130

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

1. Citation

This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2015”.

2. Gambier Island Local Trust Committee Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002,” is amended as follows:

2.1 PART 1 – ADMINISTRATION AND INTERPRETATION, Section 1.2
INTERPRETATION, Subsection 1.2.1 Referencing is amended by deleting the text of this section and replacing with the following:

“Referencing

.1 In the system used for referencing provisions, the first reference indicates parts of the bylaw, the second indicates sections, the third indicates subsections, the fourth indicates articles, and the fifth indicates clauses:

- Part 1
- Section 1.1
- Subsection .1
- Article a)
- Clause i.”

2.2 PART 1 – ADMINISTRATION AND INTERPRETATION, Section 1.5
DEFINITIONS, Subsection 1.5.1 is amended by inserting the following new definition in alphabetical order:

“landscaped area means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobblestones, pavers and decorative concrete.”

2.3 SCHEDULE A – LAND USE BYLAW TEXT is amended by adding a new PART 9, immediately following “PART 8 – PERMITS”, as follows:

“PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 7 of the Keats Island Official Community Plan and their locations are shown on Schedule E of that Plan.

9.1 DP-1 RIPARIAN AREAS

Definitions

- .1 Terms used in Section 9.1 that are defined in the Provincial *Riparian Areas Regulation* have the same meaning as the definition given in the *Regulation*.

Applicability

- .2 The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1.3:

- subdivision of land
- construction of, addition to, or alteration of a building or other structure
- removal, alteration or destruction of vegetation
- disturbance of soils
- creation of non-structural, impervious or semi-impervious surfaces
- application of artificial fertilizer, pesticides or herbicides
- any other development, as that term is defined under the Provincial *Riparian Areas Regulation*

Exemptions

- .3 The following activities are exempt from any requirement for a DP-1 development permit:
- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - c) repair or replacement of a septic field in situ;
 - d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;

- g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) ecological restoration or enhancement projects undertaken or authorized by a public body;
- j) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- m) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- .4 Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
- a) In general, all development in this development permit area (DPA) should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).
 - b) The development permit should only allow within any Streamside Protection and Enhancement Area (SPEA) activities identified by the QEP in a RAR assessment report, the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
 - c) Where a QEP's RAR assessment report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the RAR assessment report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
 - d) If the nature of the proposed project within the DPA changes after the RAR assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
 - e) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

9.2 DP-2 STREAMSIDE PROTECTION

Applicability

- .1 The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.2.2:
- construction of, addition to, or alteration of a building or other structure
 - removal, alteration or destruction of vegetation
 - disturbance of soils
 - creation of non-structural, impervious or semi-impervious surfaces
 - application of artificial fertilizer, pesticides or herbicides

Exemptions

- .2 The following activities are exempt from any requirement for a DP-2 development permit:
- a) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - b) repair or replacement of a septic field in situ;
 - c) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - d) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 metres (49.21 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - e) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - f) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - g) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;

- h) ecological restoration or enhancement projects undertaken or authorized by a public body;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence;
- l) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- m) Disturbance of soils more than 15 metres (49.21 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 15 metres (49.21 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres squared (107.6 square ft).

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- .3 Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
- a) In general, all development in this development permit area (DPA) should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems.
 - b) Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
 - c) Applicants are to provide a report, prepared by a qualified professional with experience in surface water management and the protection of habitat. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this Development Permit Area.
 - d) Where this DPA includes unique native species dependent on streamside habitat identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit.
 - e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly."

READ A FIRST TIME THIS 19TH DAY OF NOVEMBER , 2015

PUBLIC HEARING HELD THIS 13TH DAY OF OCTOBER , 2016

READ A SECOND TIME THIS 13TH DAY OF OCTOBER , 2016

READ A THIRD TIME THIS 13TH DAY OF OCTOBER , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

26TH DAY OF OCTOBER , 2016

ADOPTED THIS _____ DAY OF _____ , 20__

Chair

Secretary

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 131

A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS

OFFICIAL COMMUNITY PLAN, 2009

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

1. Bylaw No. 109, cited as “Gambier Associated Islands Official Community Plan, 2009” is amended as shown on Schedule 1.
2. This bylaw may be cited for all purposes as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2015”.

READ A FIRST TIME THIS	19 TH	DAY OF	NOVEMBER	, 2015
PUBLIC HEARING HELD THIS	13 TH	DAY OF	OCTOBER	, 2016
READ A SECOND TIME THIS	17 TH	DAY OF	NOVEMBER	, 2016
READ A THIRD TIME THIS	17 TH	DAY OF	NOVEMBER	, 2016
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	6 TH	DAY OF	DECEMBER	, 2016
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING				
THIS	6 TH	DAY OF	DECEMBER	, 2017
ADOPTED THIS	TH	DAY OF		, 201X

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 131

SCHEDULE 1

Gambier Island Local Trust Committee Bylaw No. 109, cited as “Gambier Associated Islands Official Community Plan, 2009” is amended as follows:

2.1 SCHEDULE A – Policy Document, Part 3 OBJECTIVES AND POLICIES, Section 3.12 SENSITIVE ECOSYSTEM POLICIES, is amended as follows:

a) To replace the text of Policy 3.12.5 with the following text:

“3.12.5 The Province of British Columbia’s *Riparian Areas Protection Act* requires that local governments establish regulations to protect riparian areas. This regulation is intended, in part, to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Areas where land use and related development may have to be restricted to protect riparian areas include lands falling within Development Permit Area 1: Riparian Areas.”

2.2 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 *DEVELOPMENT PERMIT AREAS*, is amended as follows:

a) The following text is inserted prior to Section 6.2 TEMPORARY USE PERMITS:

“Background

Pursuant to Section 919.1(1) of the *Local Government Act*, a community plan may designate areas as development permit areas for the:

- (a) protection of the natural environment, its ecosystems and biological diversity;
- (b) protection of development from hazardous conditions;
- (c) protection of farming;
- (d) revitalization of an area in which commercial use is permitted;
- (e) establishment of objectives for the form and character of intensive residential development;
- (f) establishment of objectives for the form and character of commercial, industrial and multi-dwelling residential development;
- (g) establishment of objectives to promote energy conservation;
- (h) establishment of objectives to promote water conservation; and,
- (i) establishment of objectives to promote the reduction of greenhouse gas emissions.

For a property in a development permit area, no construction, structural alteration, or addition to a building or structure may take place prior to a development permit being obtained. In addition, a property in a development permit area may not be subdivided, nor the land altered, prior to a development permit being obtained.

As a condition of designating a development permit area in a community plan it is necessary to briefly describe the feature or site to be designated, state the objective to be achieved through designation and outline the guidelines to be complied within the development permit area. This format is used below to describe the development permit areas in the Gambier Associated Islands Planning Area. These locations are also shown in map form in Schedule E.

Development Permit Area 1: Riparian Areas

This Development Permit Area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

The Riparian Areas DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Environmental Professional (QEP) may be required.

Terms used in this section that are defined in the *Riparian Areas Regulation*, *BC Riparian Areas Protection Act* (RAR) are intended to be interpreted in accordance with the definition given in the *Regulation*.

Location

The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat:

- (a) watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; or
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

For a stream that is not located in a ravine, the development permit area is a 30 metre (98.42 feet) strip on both sides of the stream measured from the high water mark;

For a stream located within a ravine that is less than 60 metres (196.8 feet) wide, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 30 metres (98.42 feet) beyond the top of the ravine bank;

For a stream located within a ravine that is 60 metres (196.8 feet) wide or greater, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 10 metres (32.8 feet) beyond the top of the ravine bank;

For a lake, wetland or other water body, the development permit area is 30 metres (98.42) around the water body measured from the high water mark of the water body;

The designation and delineation of Development Permit Area 1 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies and the actual extent of the Development Permit Area may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Justification

This development permit area contains streams, lakes and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Riparian areas are necessary for stream and watershed health. Our job as stewards of the land is to ensure that these areas continue to function well into the future.

Riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing potential for erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices, including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas, can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Gambier Associated Islands.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Objectives:

The objectives of this development permit area are as follows:

- 6.1.1 To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
- 6.1.2 To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation; and
- 6.1.3 To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas.

Development Approval Information

Development Permit Area 1 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Environmental Professional (QEP) may be required due to the special conditions and objectives described above.

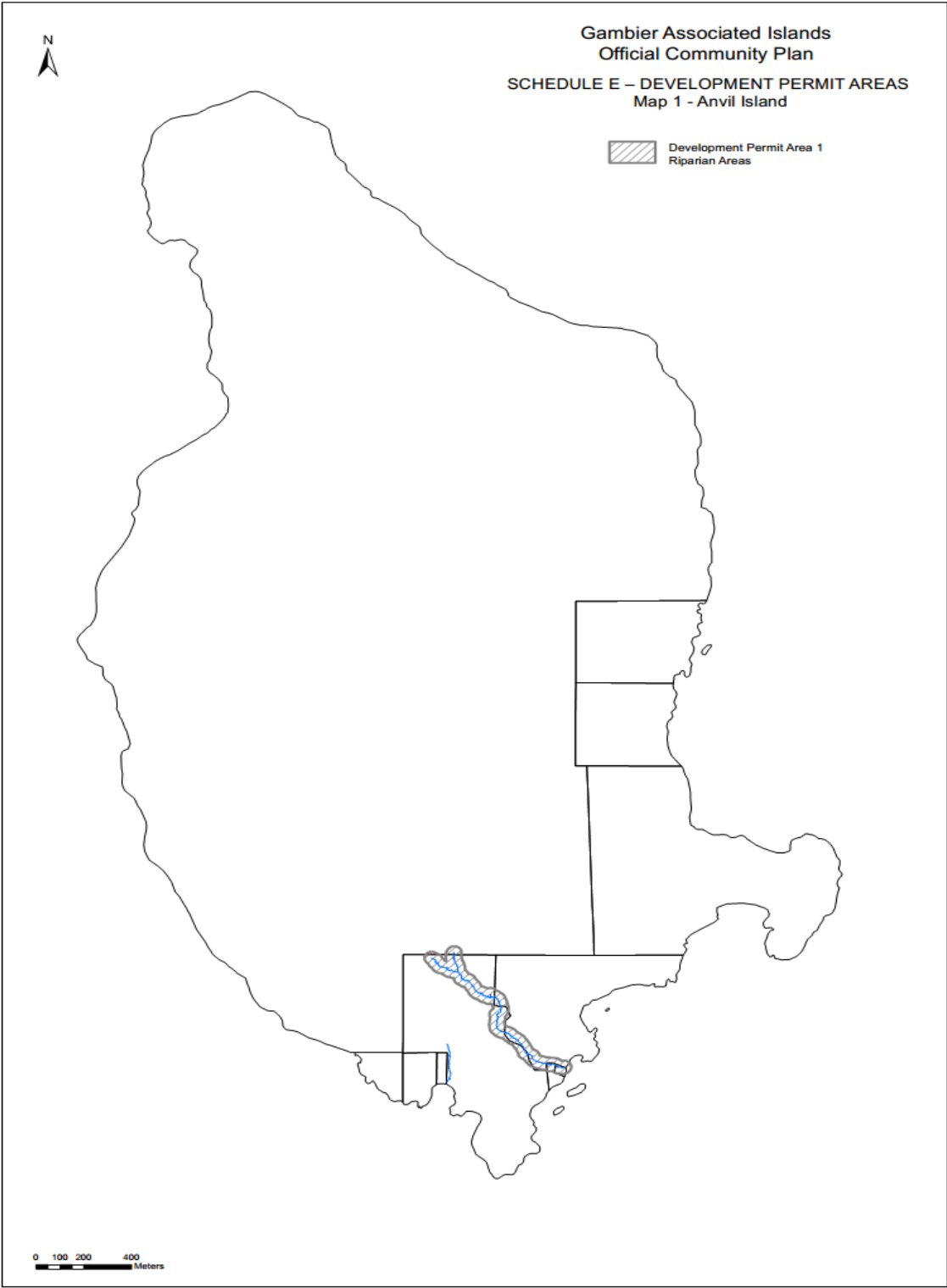
"Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw."

- 2.3 SCHEDULE E- DEVELOPMENT PERMIT AREAS is added as shown on Plans 1 and 2, which are attached to and form part of this bylaw.

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.131

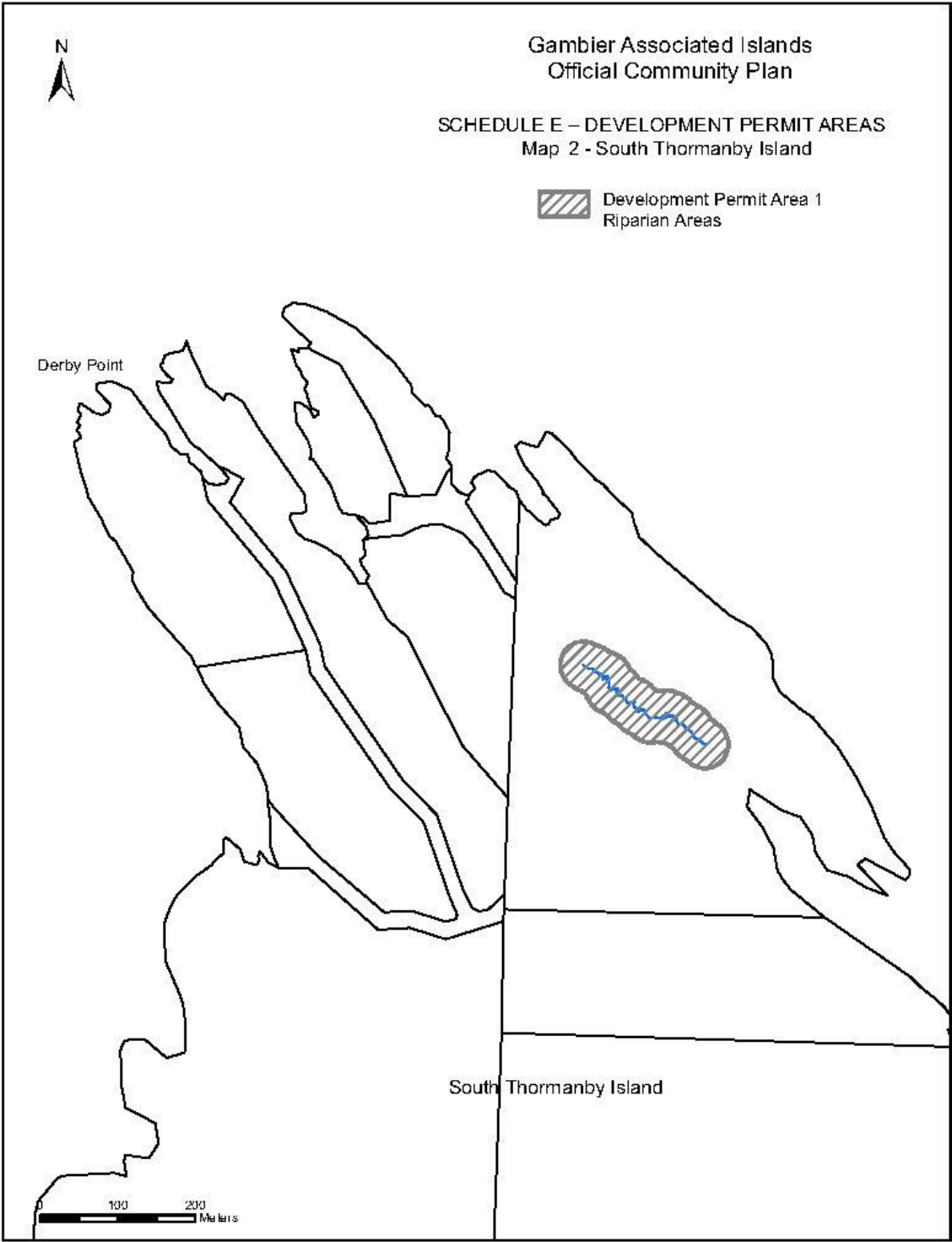
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.131

PLAN NO. 2



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 132

A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS LAND USE BYLAW, 2013

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

1. Citation

This bylaw may be cited for all purposes as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2015”.

2. Gambier Island Local Trust Committee Bylaw No. 120, cited as “Gambier Associated Island Land Use Bylaw, 2013,” is amended as follows:

2.1 PART 1 – INTERPRETATION, Section 1.1 – Definitions, is amended by inserting the following new definition in alphabetical order:

“landscaped area means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete.”

2.2 SCHEDULE A – LAND USE BYLAW TEXT is amended by adding a new PART 9, immediately following PART 8 SUBDIVISION REGULATIONS, as follows:

“PART 9 DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 6 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

9.1 DP-1 RIPARIAN AREAS

Definitions

- (1) Terms used in Section 9.1 that are defined in the Provincial *Riparian Areas Regulation* have the same meaning as the definition given in the *Regulation*.

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(3):
- (a) subdivision of land
 - (b) construction of, addition to, or alteration of a building or other structure
 - (c) removal, alteration or destruction of vegetation
 - (d) disturbance of soils
 - (e) creation of non-structural, impervious or semi-impervious surfaces

- (f) application of artificial fertilizer, pesticides or herbicides
- (g) any other development, as that term is defined under the *Provincial Riparian Areas Regulation*

Exemptions

- (3) The following activities are exempt from any requirement for a DP-1 development permit:
 - (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - (b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - (c) repair or replacement of a septic field in situ;
 - (d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - (e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - (f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - (g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - (h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
 - (i) ecological restoration or enhancement projects undertaken or authorized by a public body;
 - (j) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
 - (k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and

- iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- (l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (16.4 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- (m) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (1.6 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- (n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- (o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- (4) Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - (a) In general, all development in this Development Permit Area (DPA) should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).
 - (b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
 - (c) Where a QEP's RAR assessment report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the RAR assessment report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
 - (d) If the nature of the proposed project within the DPA changes after the RAR assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
 - (e) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

READ A FIRST TIME THIS 19TH DAY OF NOVEMBER , 2015

PUBLIC HEARING HELD THIS 13TH DAY OF OCTOBER , 2016

READ A SECOND TIME THIS 17TH DAY OF NOVEMBER , 2016

READ A THIRD TIME THIS 17TH DAY OF NOVEMBER , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

6TH DAY OF DECEMBER , 2016

ADOPTED THIS TH DAY OF _____ , 201X

Chair

Secretary



File No.: 6500-20 LTC Projects
(Keats Island Regulatory
Options for Docks and Other
Foreshore Development)

DATE OF MEETING: March 8, 2018
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 1
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
Sonja Zupanec, Island Planner
SUBJECT: Keats Island Regulatory Options for Docks and Other Foreshore Development

1. That the Gambier Island Local Trust Committee request staff to prepare a draft project charter for a Phase 1 “Keats Island Shoreline Protection Project” for local trust committee consideration.
2. That the Gambier Island Local Trust Committee request staff to investigate the feasibility for the local trust committee to undertake an archaeological assessment of the Keats Island shoreline, in collaboration with local First Nations.

PURPOSE

This report introduces two options for consideration by the Gambier Island Local Trust Committee (LTC) to advance the top priority project, “Keats Island Regulatory Options for Docks and Other Foreshore Development”.

BACKGROUND

On February 2, 2017, the Gambier Island Local Trust Committee (LTC) passed resolution GM-2017-007:

GM-2017-007

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to provide a report regarding legislative options available to the Local Trust Committee specifically related to docks on Keats Island that affect identified sensitive ecosystems, or properties that have road access.

CARRIED

The LTC received a staff report at its July 27, 2017 meeting, and subsequently passed resolution GM-2017-032:

GM-2017-032

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee replace current priority number 3 of the Local Trust Committee Projects List with “Keats Island OCP/LUB Amendments” with the specified activity, “amending policies and regulations for docks and other foreshore development”.

CARRIED

ANALYSIS

Policy/Regulatory

See the July 27, 2017 [staff report](#) for discussion of applicable policies in the *Islands Trust Policy Statement* and the Keats Island Official Community Plan (OCP) No. 77, and regulations in the Keats Island Land Use Bylaw (LUB) No. 78.

Issues and Opportunities

The LTC has expressed interest in exploring options to regulate docks and other foreshore development on Keats Island. Potential options were presented by staff in its report dated July 27, 2017 (see link above). Due to limited time remaining in this term, staff suggest the LTC initiate community consultation during summer 2018 on Keats Island. A project charter would provide clear scope and objectives for the first phase of the project. Community consultation would help inform the potential scope and objectives of a subsequent phase, which may include potential changes to the Official Community Plan (OCP) and/or Land Use Bylaw (LUB).

Concurrently, staff recommend the LTC consider the opportunities and process/costs to sponsor an archaeological review of the Keats Island foreshore and adjacent marine areas. To date, no local trust committee has conducted a comprehensive archaeological assessment of any island to advance collaborative efforts with First Nations and inform comprehensive land/marine use planning options.

The findings from an archaeological review could supplement known ecological information of Keats Island's foreshore and adjacent marine areas, and inform overarching shoreline policies and regulations in Phase 2 of the project.

Rationale for Recommendation

The LTC wishes to advance a Keats Island shoreline protection project prior to the end of this term. Community consultation could be initiated over the summer months with a report on recommendations for next steps in the fall of 2018. Concurrently, the LTC could consider initiating a Keats Island archaeological assessment to supplement the shoreline protection project and collaborate with local First Nations on a meaningful project.

ALTERNATIVES

1. Request further information.

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request that staff provide further information in relation to ... (specific details to be provided by the LTC).

2. Proceed no further.

The LTC may choose not to proceed with this project at this time. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request staff to remove the "Keats Island Regulatory Options for Docks and Other Foreshore Development" project from the Top Priorities List and Projects List.

NEXT STEPS

If the LTC provides direction to proceed in general accordance with the staff recommendation on Page 1, staff will develop a detailed draft project charter for LTC consideration. Concurrently, staff will report back on the feasibility of an archaeological review for the Keats Island shoreline.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 1	February 22, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 23, 2018



File No.: 6500-20 (Gambier RAR
Implementation)

DATE OF MEETING: March 8, 2018
TO: Gambier Island Local Trust Committee
FROM: Madeleine Koch, Planner 2
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Gambier Associated Islands Streamside DPA Update

PURPOSE

The purpose of this memo is to update the Gambier Island Local Trust Committee (LTC) on the status of referrals for Bylaw 147 (to establish a streamside protection Development Permit Area on Anvil Island), and to provide preliminary information on wording options for Bylaw No. 146 (to establish a streamside protection Development Permit Area on Bowyer Island).

DISCUSSION

At the meeting of October 26, 2017, the LTC passed the following resolutions:

GM-2017-069

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to refer Bylaw No. 147 to the following agencies and First Nations: Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Resource Management Objectives Branch), Ministry of Municipal Affairs and Housing, Ministry of Transportation and Infrastructure, Sunshine Coast Regional District, Squamish First Nation, Tsleil Waututh First Nation, and Musqueam Nation. **CARRIED**

GM-2017-071

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to amend draft Bylaw No. 146 to have similar language to Bylaw No. 147 and refer this to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for comment on its acceptability. **CARRIED**

Bylaw No. 147 was referred to agencies and First Nations on November 29, 2017. To date, the Ministry of Transportation and Infrastructure and Tsleil-Waututh Nation have responded, each stating their interests are unaffected. Follow-up enquiries will be sent to those agencies and First Nations that have not yet responded.

To address resolution GM-2017-071, staff from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development have been asked to consider whether or not applying Bylaw No. 147 wording to Bylaw No. 146 would be sufficient for both *Riparian Areas Regulation* (RAR) applicable and non-RAR applicable water

courses. While a formal response to this request has not yet been received, an informal staff-to-staff discussion shed some light on what the LTC's options may be.

As Anvil Island has not been found to contain RAR-applicable streams, Bylaw No. 147 does not make any reference to the RAR. Based on the informal staff-to-staff conversation, the wording for Bylaw No. 147 would likely need to be changed somewhat if it were to be used for Bylaw No. 146, as Orchid Creek on Bowyer Island is reported to be a RAR-applicable stream. To ensure RAR compliance, Bylaw No. 146 would need to convey that a Qualified Environmental Professional (QEP) would be required to determine whether or not a watercourse is RAR applicable, and if a watercourse *were* deemed RAR applicable, RAR standards would apply. Upon conducting a thorough review of the draft bylaws, it is possible that Ministry staff may identify further required changes to ensure RAR compliance.

Because a formal referral response has not yet been received, the above information is considered strictly preliminary and should not be used as a basis for decision making. Once a formal referral response is received, staff will prepare a report with options for the LTC's consideration.

NEXT STEPS

Staff will follow up with outstanding referral agencies and First Nations. Upon receipt of further referral responses, staff will prepare a report for the LTC with options for consideration.

Submitted By:	Madeleine Koch, MCIP, RPP Planner 2	February 23, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 23, 2018

**Top Priorities****Gambier Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Riparian Areas Regulation	Implement RAR and protect all watercourses across the Gambier Island Local Trust Area	26-Oct-2011	Ann Kjerulf Madeleine Koch	
2	Gambier OCP Comprehensive Review	Includes developing a "Shared Narrative of Place" with First Nations	12-Feb-2015	Fiona MacRaild Madeleine Koch	
3	Keats Island OCP/LUB Amendments	Consideration of amendments to policies and regulations regarding docks and other foreshore development on Keats Island	27-Jul-2017	Sonja Zupanec Jaime Dubyna	
4	OCP Advocacy Policies - Implementation & Support	Supporting the advocacy policies of the Gambier, Keats, and Associated Islands OCPs, and Islands Trust Strategic Plan (e.g. woodlots, industrial facilities, Howe Sound)	24-Oct-2013	Kate-Louise Stamfor Dan Rogers Susan Morrison	

**Projects****Gambier Island**

Description	Activity	R/Initiated
Development Approval Information Bylaw	Develop and adopt a D.A.I bylaw for the Gambier Trust Area.	
Squamish First Nation Consultation	Scope interim strategies pending completion of a possible protocol agreement to address protection of archaeological and heritage resources.	31-Jan-2012
Gambier LUB Review	Review Gambier LUB to address: - definition of breakwater - trams (currently silent) - advocacy policies around pump out stations - review of title Wilderness Conservation - 2013: REVIEW KEATS AND GAMBIER LUBS FOR ACCOMMODATION of OCEAN LOOP GEO-EXCHANGE SYSTEMS - 2010: GHG Emissions (a more proactive approaches to plan for GHG reductions especially in relation to Policies 6.1 and 6.2 in consultation with SCRD.) Initiative arises from recommendation of SCRD in comments about bylaws 111 & 112.	22-May-2014
Gambier Site-specific Water Zones	Staff to research the history of Site-Specific water zones on Gambier.	26-Sep-2013
Recreational Camp and Private Institutional Regulation Review	Review Recreational Camp and Private Institutional regulations in all Local Trust Area land use bylaws. Review to ensure that regulations properly balance ecological protection with current realities re: rentals as income source for rec camps.	28-Jul-2016
Keats Island LUB review	review definition of "structure" to ensure adequate regulation of the siting of underground sewage disposal systems with setbacks to lot lines and the natural boundary of the sea	11-Dec-2017



Projects

Gambier Island

Description	Activity	R/Initiated
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Islands Trust

Print Date: March 1, 2018

Applications

Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 10-Apr-2008
still on hold pending rezoning

Status Date: 13-Aug-2007
on hold pending rezoning application

Status Date: 16-May-2006
Met with applicant. Outstanding items forwarded for attention. May be add'l fees.

Rezoning

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

Planner: Sonja Zupanec

Planning Status

Status Date: 25-May-2017
CIM scheduled for July 27th to provide draft bylaw amendments to enable a comprehensive development zone; transfer LUC provisions and enable subdivision.

Status Date: 20-Apr-2017
Revised draft ToR for hydro.assessment sent to applicant for review.

Status Date: 10-Mar-2017
Draft Terms of Reference for hydrogeological assessment sent to applicant for review



Islands Trust

Print Date: March 1, 2018

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2013.1	Creus Engineering	09-Dec-2013	PID: 014-385-694 The Convention of Baptist Churches of BC\nKeats Island\n9 Lot Subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 20-Apr-2017

New drawings January 20, 2017 endorsed by MOTI staff

Status Date: 06-Oct-2016

New drawings submitted to MOTI September 9, 2016.

Status Date: 01-Aug-2016

New subdivision application submitted to MOTI on July 16, 2016.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending January 2018

630 Gambier	Invoices posted to Month ending January 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	3,000.00	1,213.26	1,786.74
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	4,750.00	3,754.19	995.81
65210-630	LTC - Local Exp - APC Meeting Expenses	500.00	109.93	390.07
65220-630	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-630	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>6,750.00</u>	<u>3,864.12</u>	<u>2,885.88</u>
Projects				
73001-630-2016	Gambier OCP/LUB	5,500.00	430.92	5,069.08
73001-630-4024	Gambier Keats Island OCP/LUB Amendments	8,000.00	0.00	8,000.00
73001-630-4082	Gambier DAI Bylaws	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>15,000.00</u>	<u>430.92</u>	<u>14,569.08</u>

Gambier Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: January 25, 2018

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

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



DATE OF MEETING: March 8, 2018
TO: Gambier Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
COPY: Miles Drew, Bylaw Enforcement Manager
SUBJECT: Regulation of Accessory Uses on Keats Island

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to add the following activity to the “Keats Island Land Use Bylaw Review” project on the Project List: “Review regulations for accessory uses, buildings and structures occurring on parcels where no principal use exists”.
2. That the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding accessory uses, buildings and structures on a parcel where no principal use exists until the “Keats Island Land Use Bylaw Review” project has been completed.

REPORT SUMMARY

The purpose of this report is to clarify how accessory uses, buildings and structures are regulated by the Keats Island Land Use Bylaw No. 78 (LUB) where no principal use exists on a parcel; and provide regulatory options for Local Trust Committee (LTC) consideration.

BACKGROUND

The LTC passed the following in-camera resolution at the October 26, 2017 regular business meeting:

GM-IC-2017-001

It was MOVED and SECONDED

*that the Gambier Island Local Trust Committee request staff to provide a report with options to resolve Keats Island Land Use Bylaw accessory use issues. **CARRIED***

ANALYSIS

Land Use Bylaw

The LUB defines the term “accessory”:

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, 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.

An accessory use, building or structure, by this definition, is not allowed on a parcel except in conjunction with a permitted principal use occurring on the same parcel. The Sunshine Coast Regional District (SCRD) would not issue a building permit for a workshop, garage or other accessory building or structure on a vacant residentially-zoned parcel on Keats Island if a principal use is not in place. Similarly, a property owner could not build a small shed, gazebo or other structure (even when a building permit is not required), or undertake another accessory use on a vacant residential lot, when a principal use is not in place.

Issues and Opportunities

1. Status Quo – Enforce upon Complaint

Upon receipt of a complaint, Bylaw Enforcement staff investigate and, when necessary, enforce on accessory uses, buildings or structures taking place without a principal use. This may require that a property owner remove an accessory building or structure on a parcel where no principal use is occurring. Should the LTC wish to retain the status quo, no resolution would be required as Bylaw Enforcement staff will continue to investigate and enforce LUB provisions on a complaint-driven basis.

2. Initiate a Project to Review LUB definitions:

The LTC can add the activity, “Review regulations for accessory uses, buildings and structures occurring on parcels where no principal use exists”, to the “Keats Island Land Use Bylaw Review” project, which is already listed on the Project s List. Should this option be selected, the following resolution is recommended:

“That the Gambier Island Local Trust Committee request staff to add the following activity to the “Keats Island Land Use Bylaw Review” project on the Project List: “Review regulations for accessory uses, buildings and structures occurring on parcels where no principal use exists”.

A standing resolution to postpone bylaw enforcement during the project review phase is also recommended:

“That the Gambier Island Local Trust Committee request Bylaw Enforcement staff to postpone enforcement of complaints regarding accessory uses, buildings and structures where no principal use exists on a parcel on Keats Island until the “Keats Island Land Use Bylaw Review” project has been completed.”

3. Consider a Standing Resolution on Enforcement:

While not recommended, the LTC is not obligated to enforce its LUB and may decide a non-enforcement approach is warranted under specific conditions. For instance, the LTC may determine that bylaw enforcement should not proceed in regards to complaints about accessory uses, buildings or structures occurring on a parcel where no principal use is occurring, but where such a parcel is adjacent to another parcel with a principal use and both parcels are held under common ownership. The following resolution is suggested for this option:

“That the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a principal use and both parcels are held under common ownership.”

Submitted By:	Sonja Zupanec, RPP, Island Planner	February 8, 2018
Concurrence:	Ann Kjerulf, Regional Planning Manager	February 28, 2018



MEMORANDUM

File No.: 3445-40

(File: Farm Industry Review Board -
Aquaculture)

DATE OF MEETING: March 8, 2018
TO: Gambier Island Local Trust Committee
FROM: David Marlor, Director of Local Planning Services
Local Planning Services
COPY:
SUBJECT: Farm Industry Review Board and Aquaculture

PURPOSE

At its business meeting on January 17, 2018, the Executive Committee passed the following resolution:

that the Islands Trust Executive Committee requests that the information about the BC Farm Industry Review Board be distributed to the Local Trust Committees and enquiries are to be directed to the Regional Planning Manager.

The attached news release advises under the *Fish and Seafood Act* that came into force on January 1, 2017 that the BC Farm Industry Review Board had jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the Farm Practices Protection (Right to Farm) Act.

NEXT STEPS

None

Submitted By:	David Marlor, Director of Local Planning Services	February 2, 2018
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ATTACHMENTS

1. Attachment 1 – March 2017 News Release – Aquaculture and the Farm Practices Protection (Right to Farm) Act.



AQUACULTURE AND THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT*

As of January 1, 2017 the BC Farm Industry Review Board (BCFIRB) has jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the *Farm Practices Protection (Right to Farm) Act (FPPA)*

Agriculture and aquaculture are important BC industries. Under the *Farm Practices Protection (Right to Farm) Act (FPPA)*, farmers using “normal farm practices” are protected from certain bylaw enforcement, court injunctions and lawsuits related to nuisance complaints. The *FPPA* balances community interests by both protecting farmers from disturbance complaints, and by giving neighbours of a specific farm the right to formal conflict resolution through BCFIRB. Both non-farming and farming neighbours have the right to file a complaint.

While normal farm practices are protected under legislation, BCFIRB encourages farmers and their neighbours to work together to resolve disputes in the first instance.

Although there are many options for resolving disputes between farmers and neighbours, in some situations, enforcement regarding use of a farm practice which is causing a disturbance may be called for.

Expanded Jurisdiction

The *Fish and Seafood Act* came into force by regulation on January 1, 2017. Concurrently consequential amendments to the *FPPA* came into force. These amendments bring fin and shellfish aquaculture back into the scope of nuisance complaints heard by BCFIRB under the *FPPA*. The types of aquaculture covered by the amendments are broad and include marine finfish, shellfish and freshwater (or land-based) operations as well as aquatic plants.

For more information contact

Case Manager
250-356-8945

British Columbia
Farm Industry Review Board

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