



Gambier Island Local Trust Committee Regular Meeting Addendum

Date: May 25, 2017
Time: 10:45 am
Location: Gibsons Public Market
473 Gower Point Road
Gibsons, BC

	Pages
10. APPLICATIONS AND REFERRALS 11:15 AM - 12:35 PM	
10.2 GM-RZ-2004.1 (District Lot 696, Keats Island) - Memorandum	2 - 33
12. LOCAL TRUST COMMITTEE PROJECTS	
12.1 Bowyer Island - Orchid Creek Development Permit Area - Staff Report	34 - 48



MEMORANDUM

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

DATE OF MEETING: May 25, 2017
TO: Gambier Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
COPY: Kevin Healy, Creus Consulting - Applicant
SUBJECT: Application File Status Update

PURPOSE

The purpose of this memo is to provide the Local Trust Committee (LTC) with an outline of the topics which will be presented by staff during the May 25, 2017 regular business meeting in consideration of next steps and recommended options pertaining to application GM-RZ-2004.1 (Keats Camp, DL 696):

1. Squamish First Nation referral response update;
2. Recommended revisions to Proposed Bylaw 143 (LUB) based on Sunshine Coast Regional District (SCRD) referral response;
3. Update on the status of the hydrogeological assessment terms of reference;
4. Update on LTC covenants required prior to second reading;
5. Update on the recommended process to address non-conforming buildings and structures on DL 696;
6. Recommended consultation schedule during legislative process for bylaw review;
7. Recommended timeline of deliverables prior to bylaw adoption; and
8. Overview of a draft 'frequently asked questions' document to assist in public consultation.

The staff presentation slides and notes/recommendations will be an addendum to the May 25 agenda item for the above noted application file.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	May 15, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 15, 2017



GM-RZ-2004.1 Application Status Update

DL 696 Keats Camp

May 25, 2017
Gambier Island Local Trust Committee Meeting

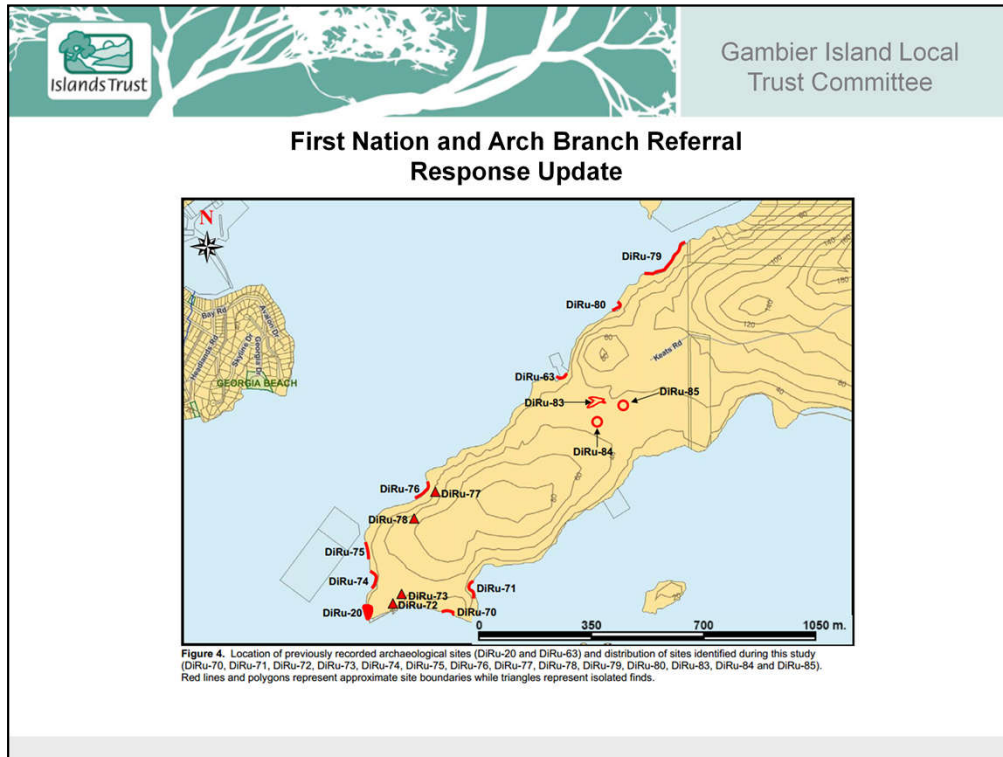


Presentation Outline



1. Squamish First Nation/Arch Branch referral response update;
2. Recommended revisions to Proposed Bylaw 143 (LUB) based on Sunshine Coast Regional District (SCRD) referral response;
3. Update on the status of MOTI interests in the rezoning and subdivision application;
4. Update on the status of the hydrogeological assessment terms of reference;
5. Update on any LTC covenants requirements;
6. Update on the status of the DVP application;
7. Recommended consultation schedule during legislative process for bylaw review;
8. Recommended timeline of deliverables prior to bylaw adoption;
9. Overview of a draft 'frequently asked questions' document to assist in public consultation; and
10. Recommended LTC considerations for next steps.

This afternoon I am going to walk through several key topic updates pertaining to the status of this application in the rezoning process and touch on the status of the subdivision application process. The purpose of this update today is to provide the Gambier Local Trust Committee with pertinent information about possible changes to the amending bylaws that staff is recommending, update on agency and First Nation referral updates, clarify next steps and a timeline of deliverables by the applicant/owners.

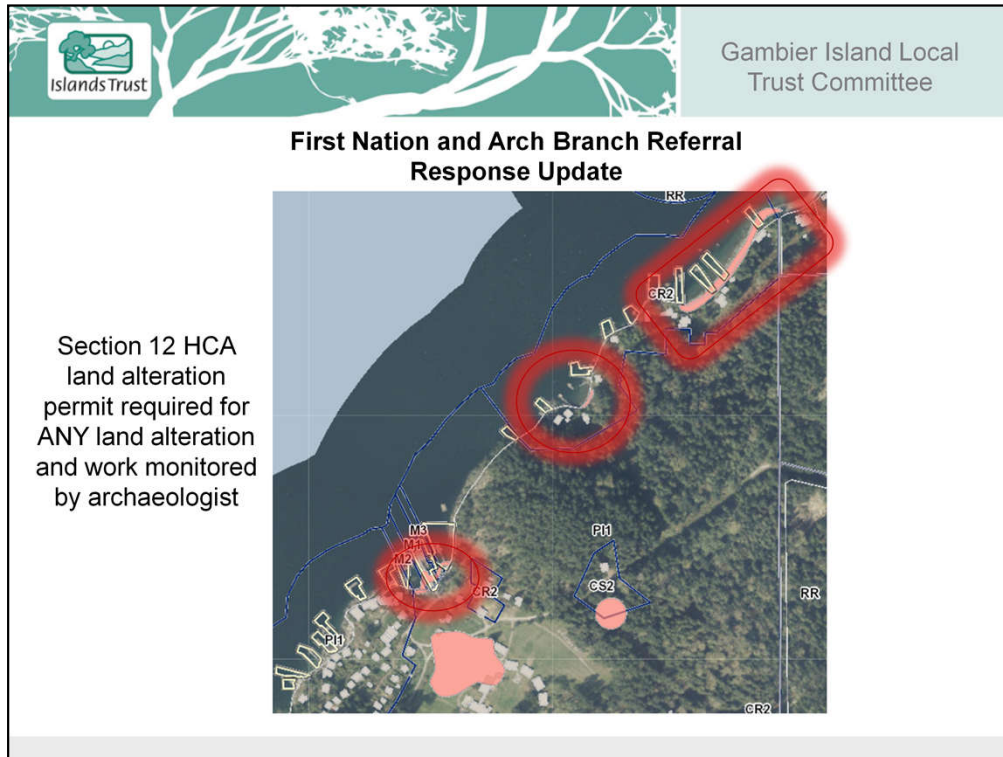


-IT Federation has adopted new policy regarding First Nations reconciliation. The importance of addressing the known concerns of First Nations regarding land development in their core territory has been formally acknowledged by Trust Council. So as a part of this rezoning application, addressing the concerns of Squamish Nation is critical. This is the 2008 Arch Assessment Report map of previously recorded arch sites and distribution of sites identified during the 2008 study.

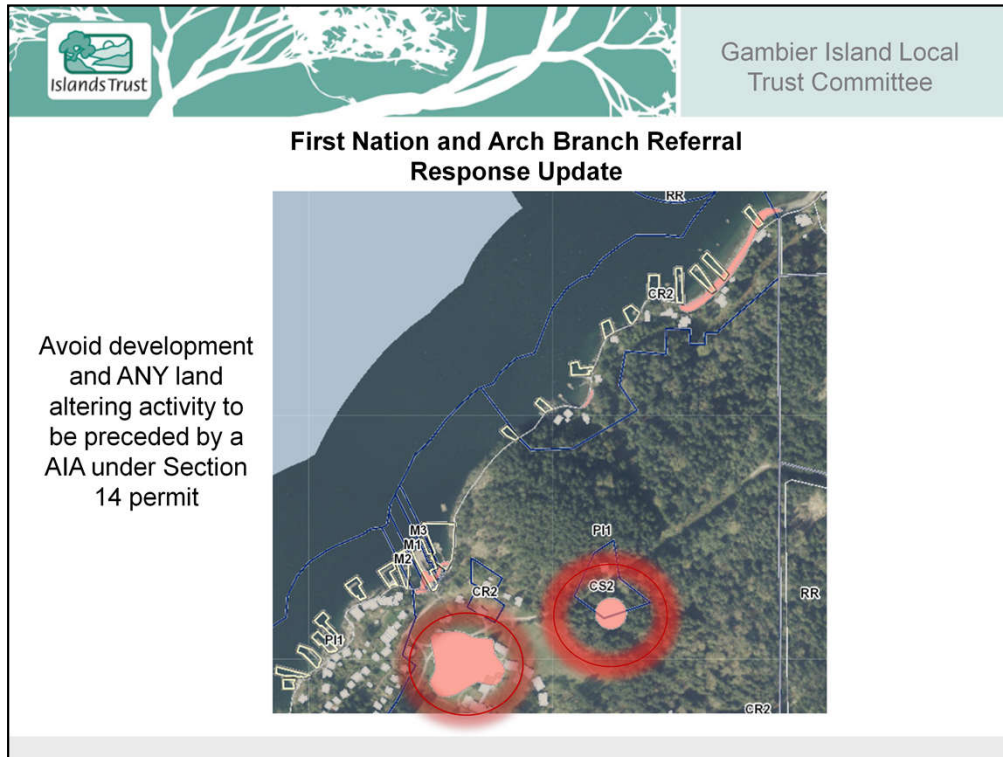
-None of these sites are currently protected under a covenant as they would be if the property had gone through subdivision.

-Archaeological resources on DL 696 may have been subjected to further adverse impacts over the last 10 years despite having been identified in the report.

-There are no formal protection measures currently in place to guide owner or leaseholders during construction, repairs to docks, floats, decks, stairs, trails, accessory buildings, camp infrastructure.



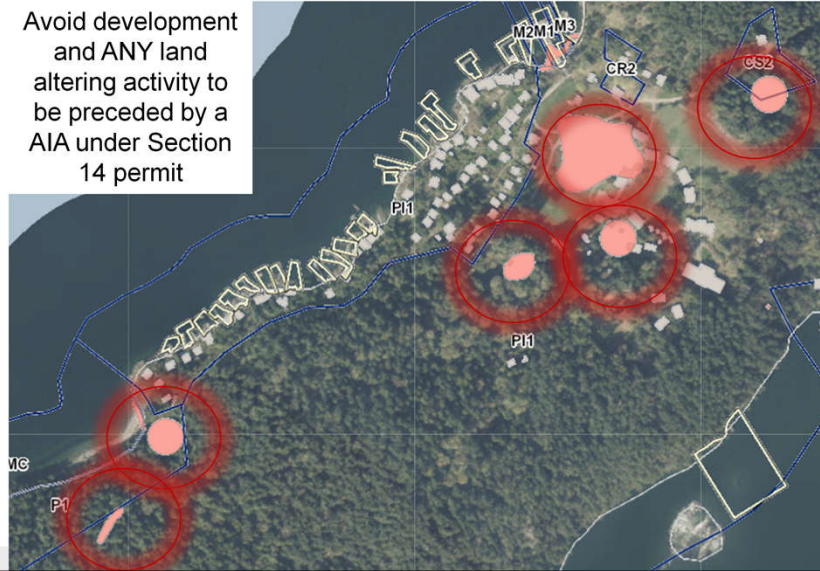
These sites would require a s.12 alteration permit under the Heritage Conservation Act and any work monitored by an archaeologist

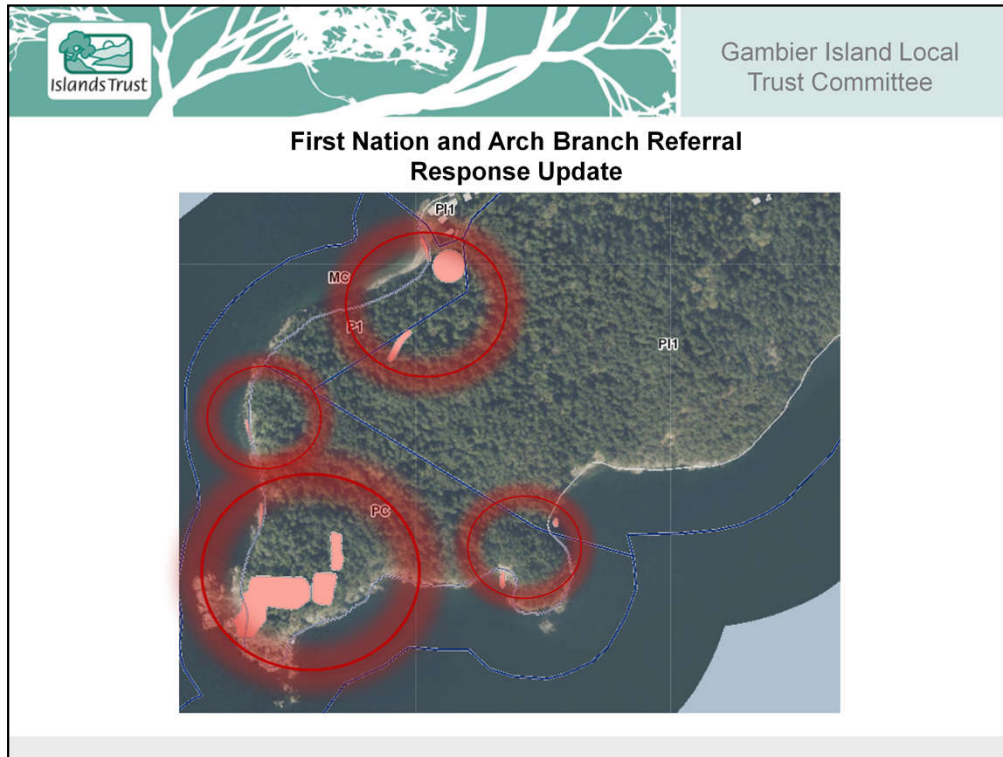


These sites are identified in the report as needing to be avoided for any development or land alterations and preceded by an archaeological impact assessment under s.14 of the Heritage Conservation Act.

First Nation and Arch Branch Referral Response Update

Avoid development
and ANY land
altering activity to
be preceded by a
AIA under Section
14 permit





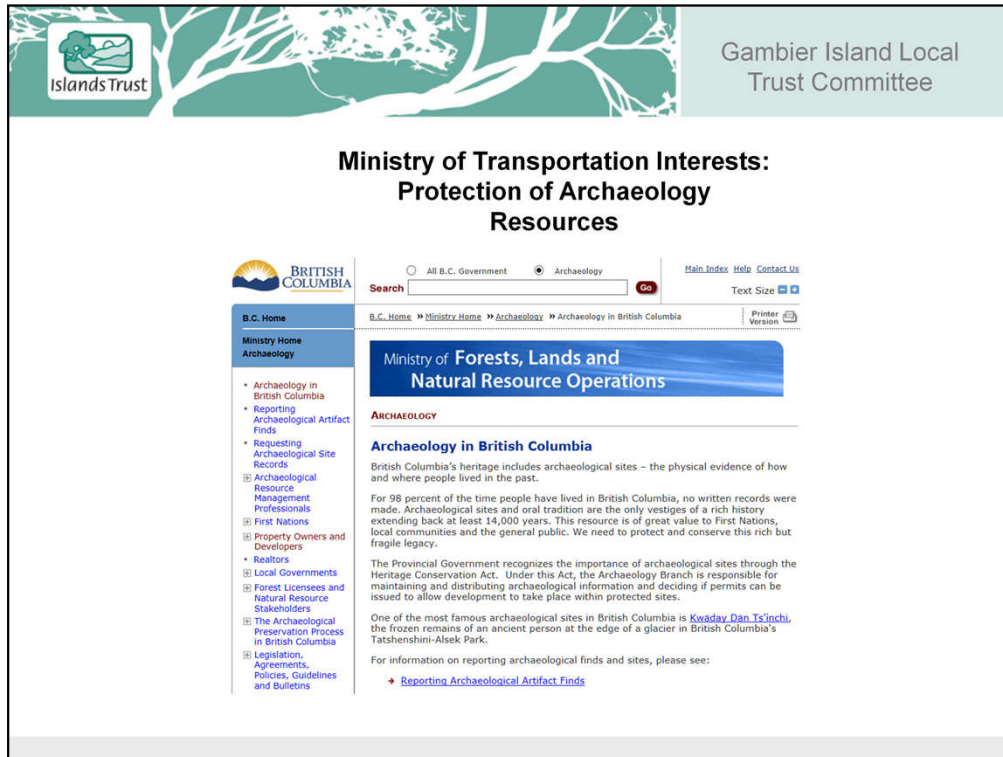
Salmon Rock point identified as area where no land altering activity should occur

- current LUC and proposed zoning allows for minimum 4,000 square feet of buildings in this area

- other locations subject to s.12 or s.14 permit

- Squamish FN concerned about impacts to the shoreline with the proliferation of private docks for each waterfront lot and maximum float sizes.

- Archaeological Branch written response recommends that qualified archaeologist conduct a new archaeological impact assessment of the property, in advance of the rezoning and subdivision, to assess the current state of the sites (10 years on) relative to existing developments, construction with or without adequate permits, and to make recommendations for mitigating any adverse effects from future development now that the subdivision plans have advanced to a final stage in the application process. The Gambier LTC can request this be done prior to a Public Hearing in order to address any concerns about the implications of the new zoning on known arch sites, or be satisfied that the Approving Officer will require this at the time of subdivision and require appropriate covenants for the strata and camp properites.



-MOTI have indicated that they will refer to Arch Branch and an additional assessment will more than likely be required at the time of subdivision despite the fact that most of the infrastructure is already in place, since 2008 there have been changes to buildings, structures and an updated assessment is warranted.

-no record of any alteration permits with the ARCH branch for DL696

-For the LTC's work staff will continue to work towards a formal referral response from Squamish but also assist the LTC in examining the proposed zoning provisions that may adversely impact arch resource protection efforts at the time of subdivision.



Gambier Island Local
Trust Committee

SCRD Board Resolution regarding Parkland



THAT the SCRД accept the proposed 1.1 hectare park dedication as proposed in Option 1 of the staff report, subject to an amendment of Islands Trust proposed Bylaw 143, Schedule 1, Part 4 – Zone Regulation Section 4.9 Community Service 1 (CS1) Zone as follows:

- a) Delete “outdoor recreation use is not permitted;”
- b) Increase the maximum floor area of a community hall to 200 square metres
- c) Add “Trails and associated day use infrastructure is permitted”
- d) Add “Camping and fires are not permitted”

The SCRД Board has accepted the proposed 1.1 hectare park dedication (Option 1 SCRД Staff report April 2017) contingent upon changes to Proposed Bylaw 143 to allow outdoor recreation use; increase the maximum floor area of a community hall; add trails and associated day use infrastructure is permitted and specify that camping and fires are not permitted.

Amendments to Proposed Bylaw No. 143**PART 4 – ZONE REGULATIONS, Section 4.9 COMMUNITY SERVICE 1 (CS1)**

ZONE is amended by adding a new Subsection 4.9.10, as follows:

“Site Specific Use and Density Regulations

.10 On land shown on Schedule B as site-specific zone CS1(a) [Keats Landing Park]:

1. ~~despite Subsections 4.9.1, outdoor recreation uses are not permitted;~~
2. despite Subsection 4.9.2, neither a fire hall nor a community recreational
3. playing field are permitted;
4. a community hall is permitted;
5. the maximum floor area of a community hall is 93 **200** square metres (4000 **2153** square feet);
6. Camping ~~and fires are~~ is not permitted.

Planning staff recommend the following site specific use and density regulations for the proposed Keats Landing Park. As fires are regulated by park regulations or the local fire department, staff do not support including this in the zoning text. In discussion with SCRD staff there is support for this change and the intent of the proposed regulation is still aligned with the SCRD's interests in managing this new park acquisition as a day use area.




Gambier Island Local
Trust Committee

Definition of “PARK” in the Keats Island Land Use Bylaw

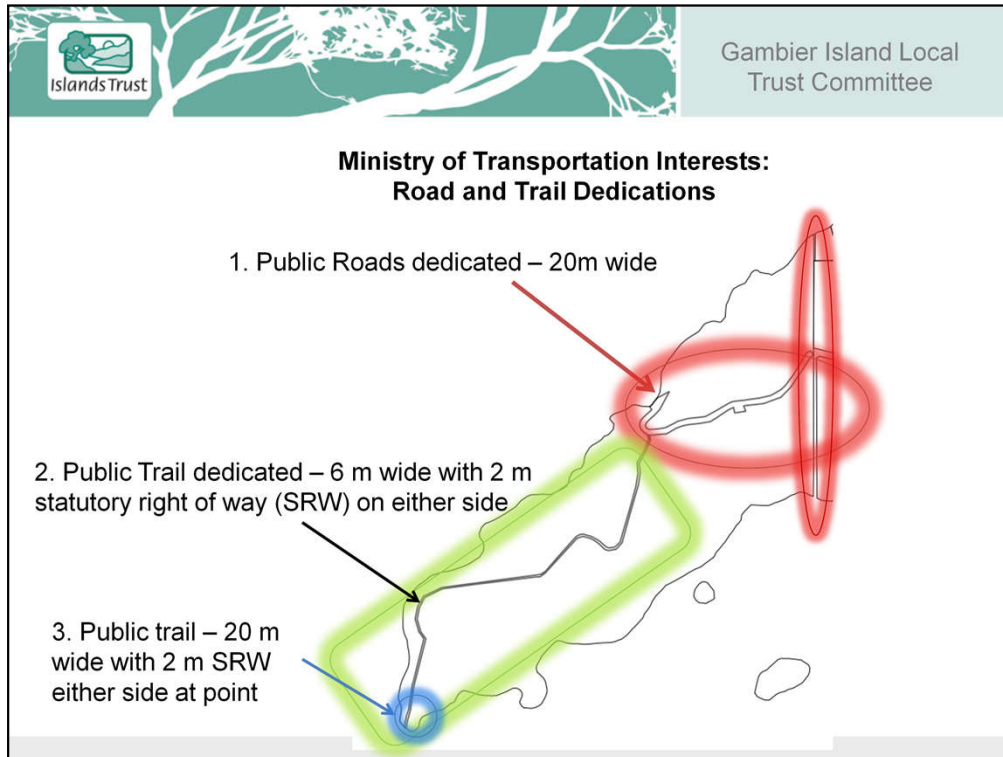
park means any land dedicated as park under the *Park Act*, the *Land Title Act* or the *Local Government Act*, which is open to the general population and reserved for outdoor recreational, scenic, or nature conservation purposes, and may include undesignated Crown islets within the planning area covered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

Object of the Islands Trust

'to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia'.

In support of removing the current wording prohibiting outdoor recreation use, the definition of 'park' in the Keats Island Land Use Bylaw clearly permits the use, and the object of the Islands Trust Act recognizes the interests of non-island residents in preserving and protection the trust area.

-in moving forward the LTC will be asked to consider amending the bylaws to reflect these changes.



- application has not yet been given preliminary review status from MOTI despite MOTI offering to do so; therefore MOTI has no official position on the application;
- public road dedicated 20 metres with 12 parking stall parking lot
- public trail dedicated 6 metres with 2 m SRW on either side for the Salmon Rock Trail
- larger 20 m dedication at the point of the Nature Covenant Area with 2 m SRW on either side (not intended to be a road but allow for maintenance)
- old gazetted portion of road to be cleaned up and included in road dedication
- MOTI considers 'facilities' such as water lines in the ROW must be through a permit with MOTI to an appropriate agency such as a conservation group; strata; fire department etc.



Gambier Island Local
Trust Committee

**Ministry of Transportation Interests:
Road and Trail Dedications**

11. The Owner shall dedicate the Park, Road and Trail Right-of-Way within one year of the registration of this Land Use Contract.

October 1979

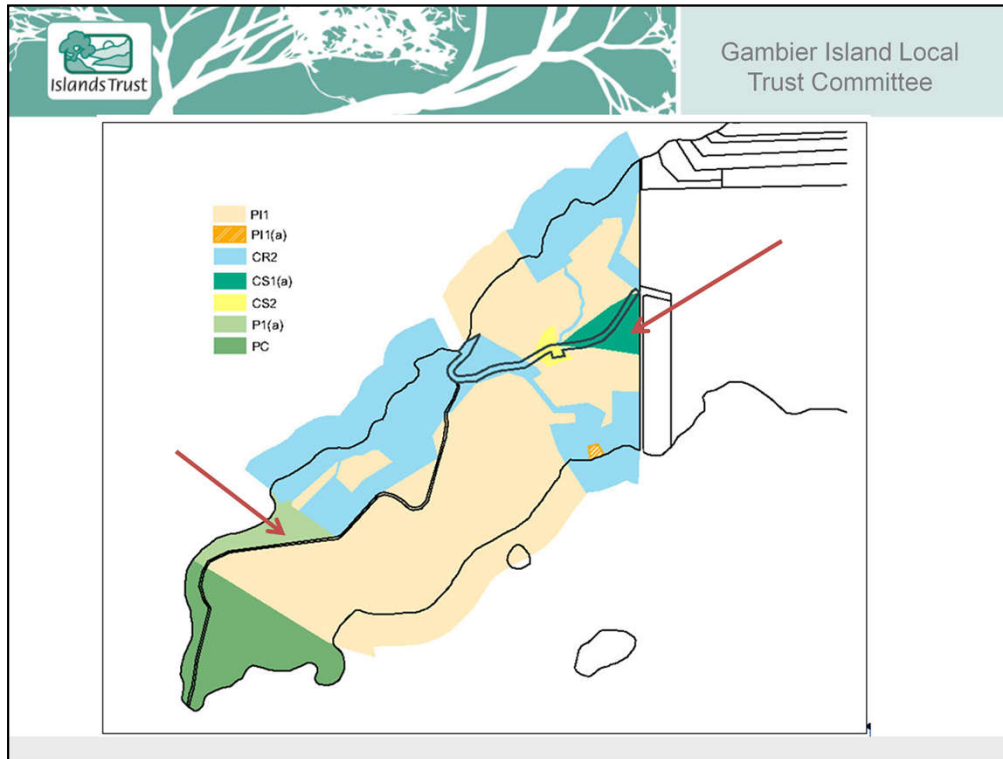
2.4. Land Use Contract, Paragraph 11. is deleted in its entirety and replaced with:

"11. The owner shall dedicate the road right-of-way at the time of the first subdivision on the property."

@ time of REZONING

-the current LUC wording requires the road, park and trail right of way be dedicated by October 1979.

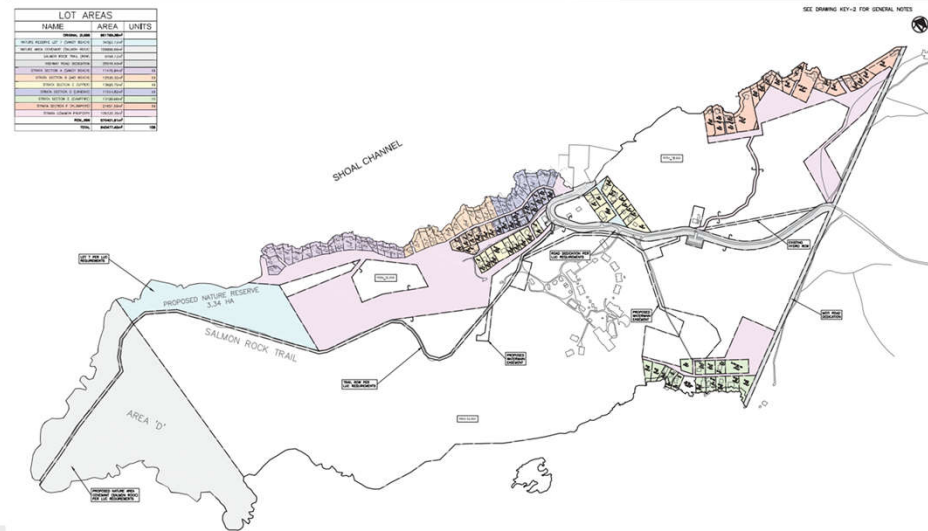
-trail and road can be dedicated via section 107 of the LTA at the time of REZONING and should not be at the time of first subdivision.



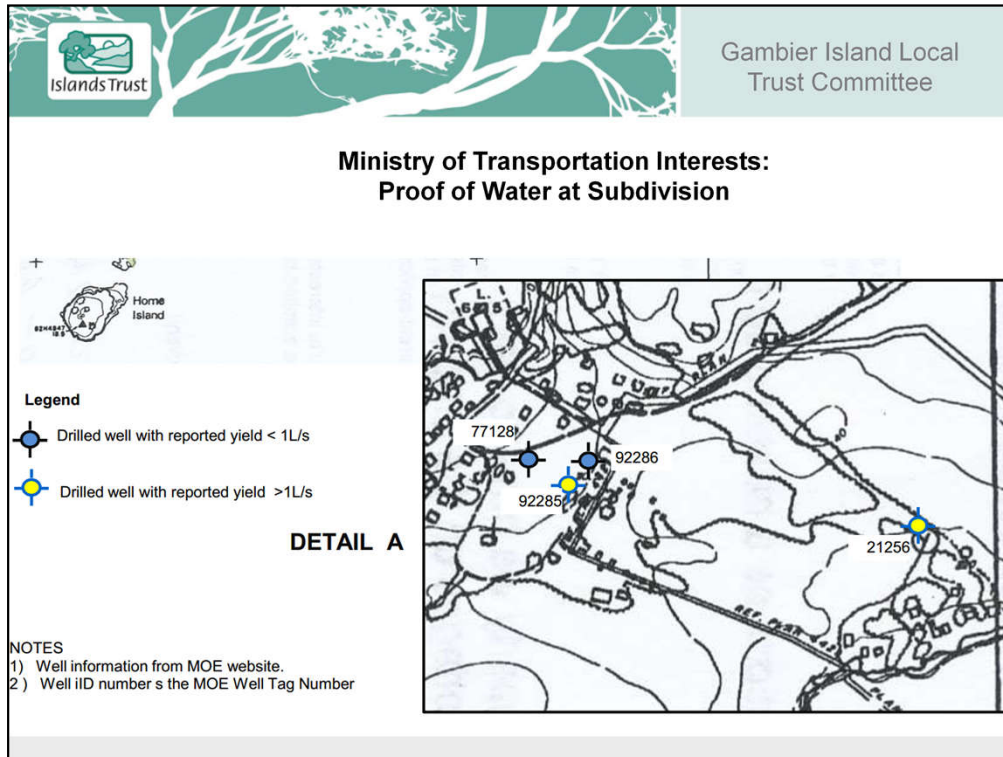
-nature reserve apparently via cannot be dedicated section 99 of the LTA because the ITF is not considered a crown agency. Therefore the ITF nature reserve has to be subdivided as a lot and transferred to the ITF. This can happen concurrently with the rezoning however, and the preference for the timing of this transfer should be clarified by the LTC. The TF board has not indicated in their resolution any preference for timing, however the intent of the LUC was for this to be done within a short period of time.

-SCRD park can be dedicated through a s. 99 LTA deposit of plans because the SCRD is considered a crown agency. The LTC would be asked for a resolution clarifying that the parkland dedication component to be satisfied by the dedication of this particular park and the ITF Nature Reserve.

Ministry of Transportation Interests: Subdivision Layout



-Applicant is proposing one strata subdivision and remainder lot for the Camp serviced by three separate wells and four sewage disposal systems. Septic systems are proposed to be under one strata corporation. MOTI has offered to conduct a preliminary review of the subdivision application but the applicant has not requested they proceed with one. Staff strongly advise this preliminary review and the results of it be available prior to consideration of advancing to second reading. How much information about the subdivision application is available to the public?



Proof of water at the time of subdivision will be required through a comptroller (FLNRO) who gives ultimate approval of any community water system. Applicant will need to justify the proposed water system, source, quality, treatment and financial model to support the long term maximum use and viability (50+ years). Obtain a groundwater license for quantity of combined institutional and residential water uses. Quantity must be verified before the subdivision can be approved. Proposal is for 3 wells.

-water sustainability act changes are in effect

-local government (Gambier LTC) compelled to request a hydrogeological assessment prior to rezoning in order to exercise their zoning discretion and satisfy that the density and use can be supported. Trust Policy states that the density or intensity of a use cannot be increased in an area with known water vulnerabilities. This development, once approved can intensify the residential and camp uses on this property and potentially have an adverse affect on the groundwater resources.




Gambier Island Local
Trust Committee

Hydrogeological Assessment Update



Islands Trust

700 North Road, Gabriola Island, BC V0R 1X3
 Telephone 250-247-2063 Fax 250-247-7514
 Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC 1.800.663.7867
 Email northinfo@islandstrust.bc.ca
 Web www.islandstrust.bc.ca

April 20, 2017

DRAFT Terms of Reference for a Hydrogeological Assessment for DL 696 Keats Island (GM-RZ-2004.1)

The LTC in consideration of Proposed Bylaws 143 and 144, requires confirmation at the rezoning stage that the potable water needs of the proposed lots and intended uses can be met and the proposed wells and sewage disposal system(s) will have no adverse impacts on surrounding wells, groundwater resources and receiving waters:

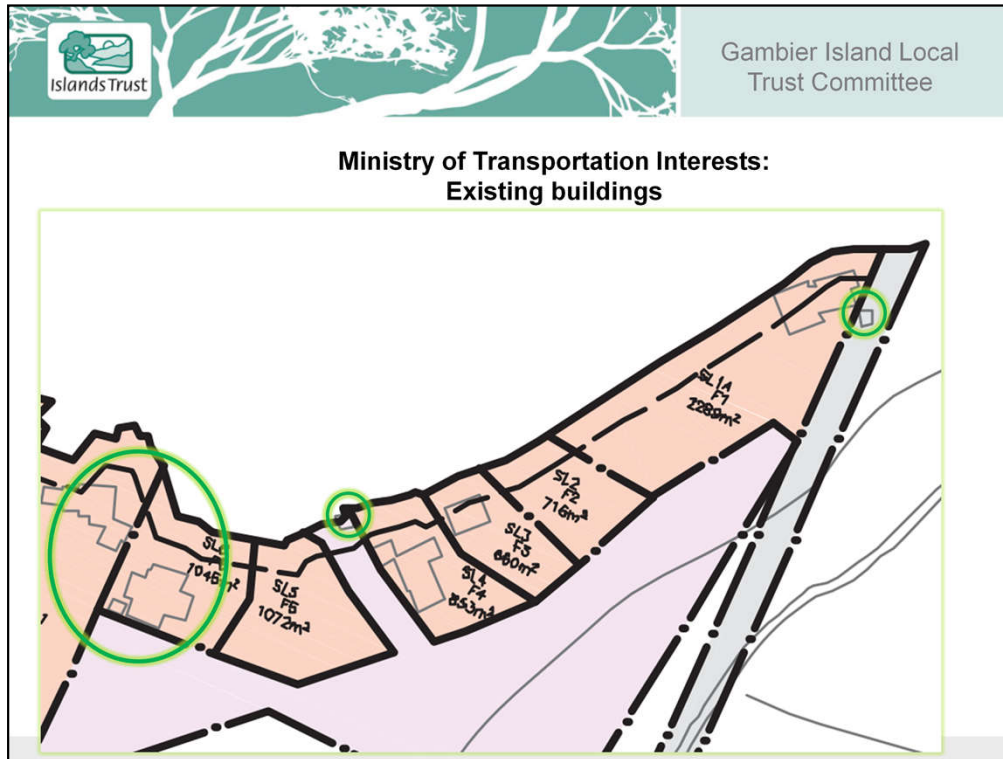
At the February 2017 Gambier Island Local Trust Committee (LTC) Meeting the LTC passed the following resolution:

GM-2017-005
It was MOVED and SECONDED
That the Gambier Island Local Trust Committee request that the applicant for DL696 subdivision perform a hydrogeological study in relation to the proposed

-Since March we have been working towards a terms of reference for a hydrogeological assessment. We have had Third party verification provided by a hydrogeologist confirming the ToR prepared by the Islands Trust in consultation with FLNRO and MOE are satisfactory and some minor changes have been recommended

-The applicant should conduct the assessment to the satisfaction of the LTC prior to consideration of second reading of the proposed bylaws

-The applicant has indicated that they are in consultation with FLNRO on their revised terms of reference and we will wait to hear back and bring forward any necessary information to the LTC for consideration. Regardless what FLNRO comes back with, the LTC can recommend more thorough investigation to exercise their zoning discretion. The applicant can then use that information to satisfy other agency requirements at the time of subdivision.



- An approving officer cannot approve a plan of subdivision if buildings are encroaching or overlapping onto lot lines;
- applicant has to demonstrate that each lot has sufficient space for buildings (existing or new) and that there are no structures or buildings on a proposed ROW;
- it appears there are at least two structures in a proposed ROW;
- lot lines may need to be re-drawn to avoid encroachment which may affect zoning layout as drafted in Bylaw 143;

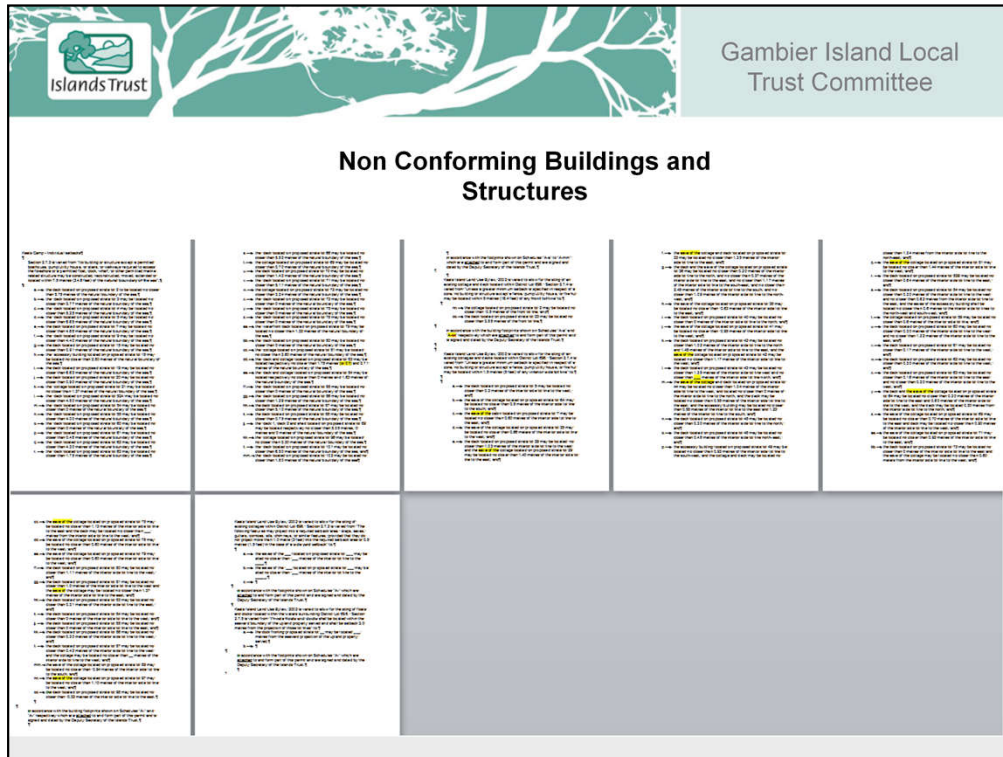


-number of setback inconsistencies noted in the strata lot subdivision layout proposed by applicant with interior lot line deficiencies and non-conforming to the natural boundary of the sea.

Staff is recommending that the LTC clarify their intent with respect to marine based structures – docks, floats, seawalls, retaining walls, fill. The options include accommodate, remove, seek compliance, enact enforcement, regulate, promote community docks only?

-DL696 only or the entire island?

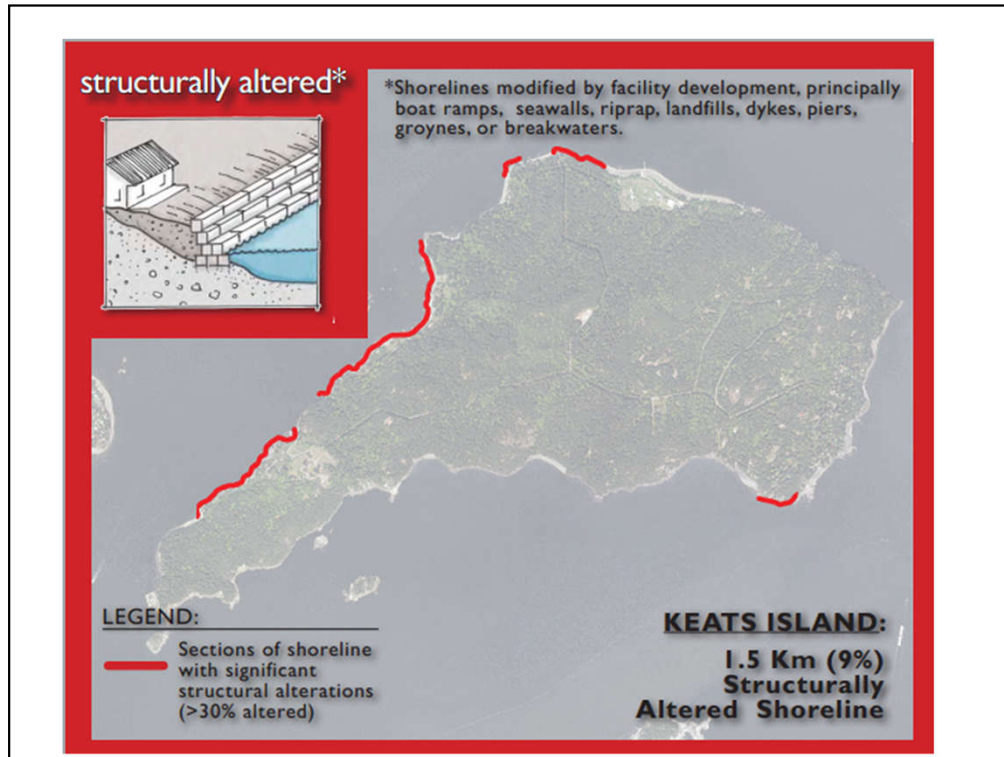
-The LUC does not extend to the marine area so should the zoning be applied to the land and keep the water zoning separate. do we wish to continue to permit one dock per dwelling despite all the information that we have suggesting this is inappropriate use of the foreshore?



In 2002 an major Development Variance Permit Application was made for over 82 site specific variance to the leaseholder (proposed strata) lots to allow for the siting of existing cottages and decks and accessory buildings on 61 proposed individual strata lots within District Lot 696, and private docks and floats in front of 17 of the proposed strata lots. Variances were requested for the interior side lot line, front lot line, setback from the natural boundary of the sea, and seaward projection of the side lot line. The application did not proceed, the subdivision layout has subsequently changed the strata lot lines in several cases and there is anecdotal information to suggest that the number of required variances has now increased due to construction activity without appropriate approvals since 2002. At the time, staff recommended approval of siting, setback variances, including floats and docks, but not fill and retaining walls in the foreshore area. That recommendation was based on an analysis done in the absence of any First Nations consultation or understanding of shoreline sensitive ecosystems, arch resources and the impact the proliferation of private docks on the shoreline ecology.

-so for the land based setback nonconformities, the only problem areas are those interior lot line setbacks that pose a problem at the time of subdivision. So if the zoning that applies to the land is changed to extinguish those setback requirements, there is no need for DVPs. The only setback that should be maintained is the NBS minimum 7.5 metre setback Subdivision isn't problematic for those non-conforming situations because the problem existed before the subdivision and therefore the subdivisiion can advance. Staff does not support granting variances for the NBS in

light of all the information that we have about shoreline protection. We also don't recommend tying up the rezoning or subdivision process with seeking compliance or enforcement of buildings and structures within the NBS setback area. That can be a separate enforcement policy and more straightforward if done when you are dealing with strata owners vs. the Convention.



-We also have more information about the presence and potential for Eelgrass habitats;

-Keats has one of the highest percentages of modified shorelines in the Trust.

-keeping the marine zoning separate and dealing with docks, floats, seawalls and other structures through marine zones and not the CR2 or PI1 zone is preferred and could be applied island wide.




Gambier Island Local
Trust Committee

LTC Draft Covenant

GM-2016-044¶

~~It was MOVED and SECONDED¶~~

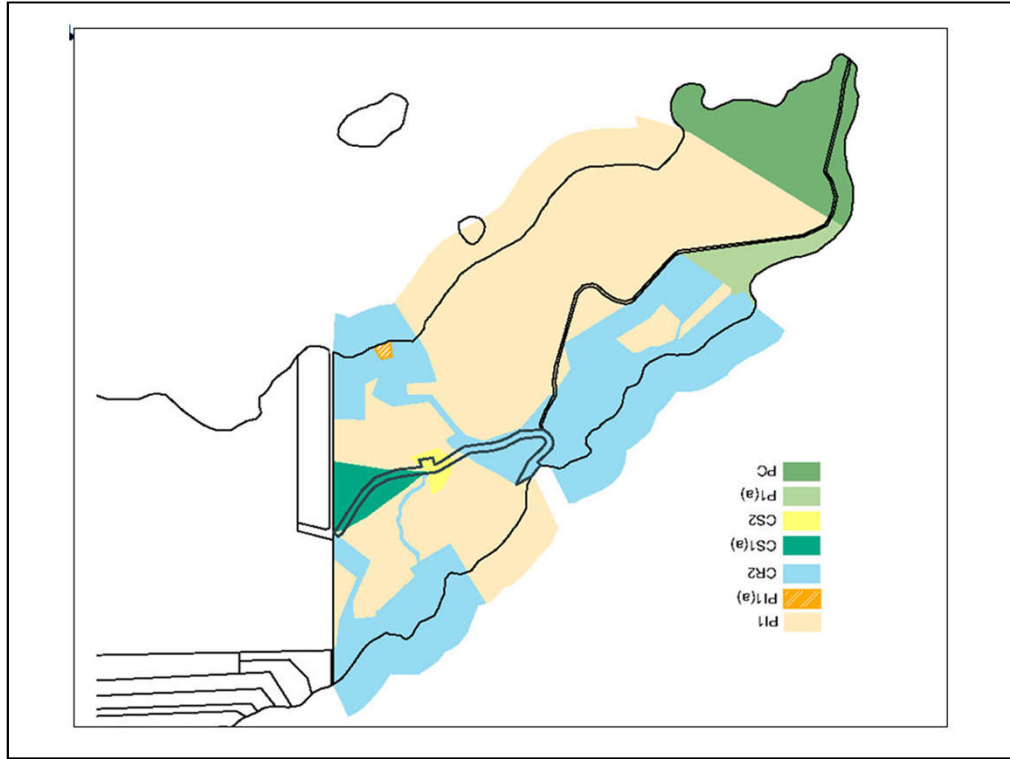
~~that the Gambier Island Local Trust Committee requires a restrictive covenant requiring non-compliant structures be brought into compliance prior to final subdivision approval, either by way of a Development Variance Permit, a Local Trust Committee initiated shoreline Development Permit Area, or removal.¶~~

CARRIED

-2016 LTC resolution clarifying the intent is for a restrictive covenant to be applied to property requiring non-compliant structures be brought into compliance prior to final subdivision approval in one of three ways.

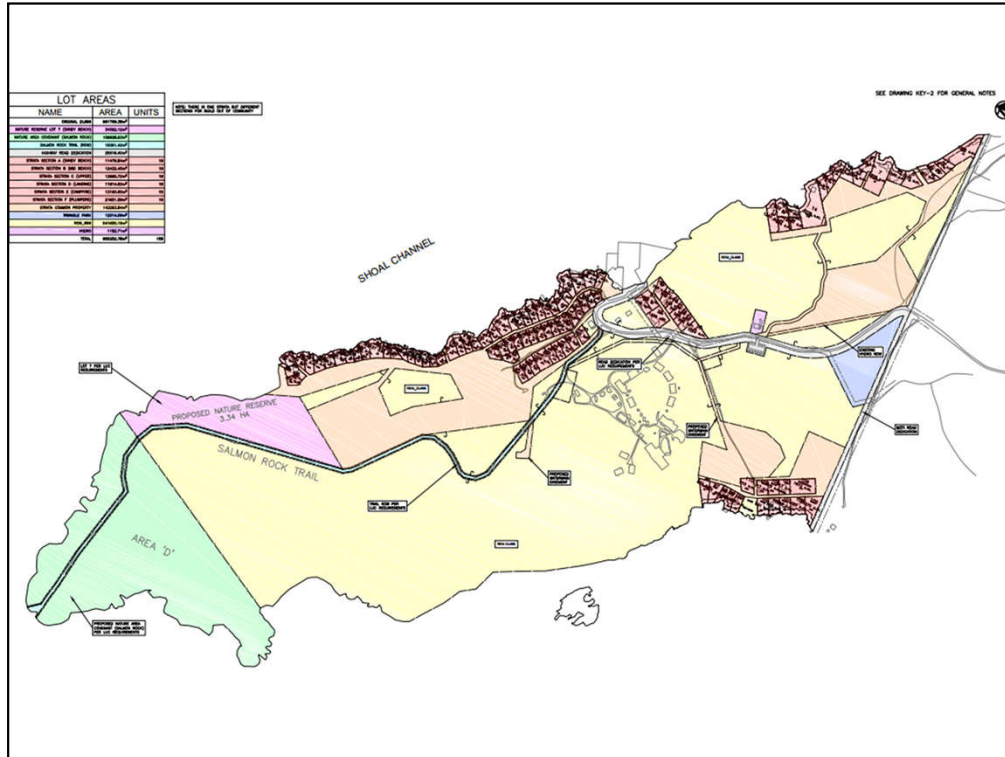
-Any of these would be a substantial time commitment which could negate any advancement in the rezoning stages. If the LTC maintains status quo with a 7.5 metre setback to the NBS and extinguishes any interior setbacks (deferring to the BC BC bld separation) and the marine areas are dealt with under marine zoning that is either specific to DL696 or a massive overhaul of the entire island marine zones through a separate project and public process.

Current proposed zoning is problematic for a number of reasons. -this proposed schedule already needs amending to reflect the SCRD parkland-marine zone areas are covering water that does not currently have associated upland uses and is very generous in potential build out

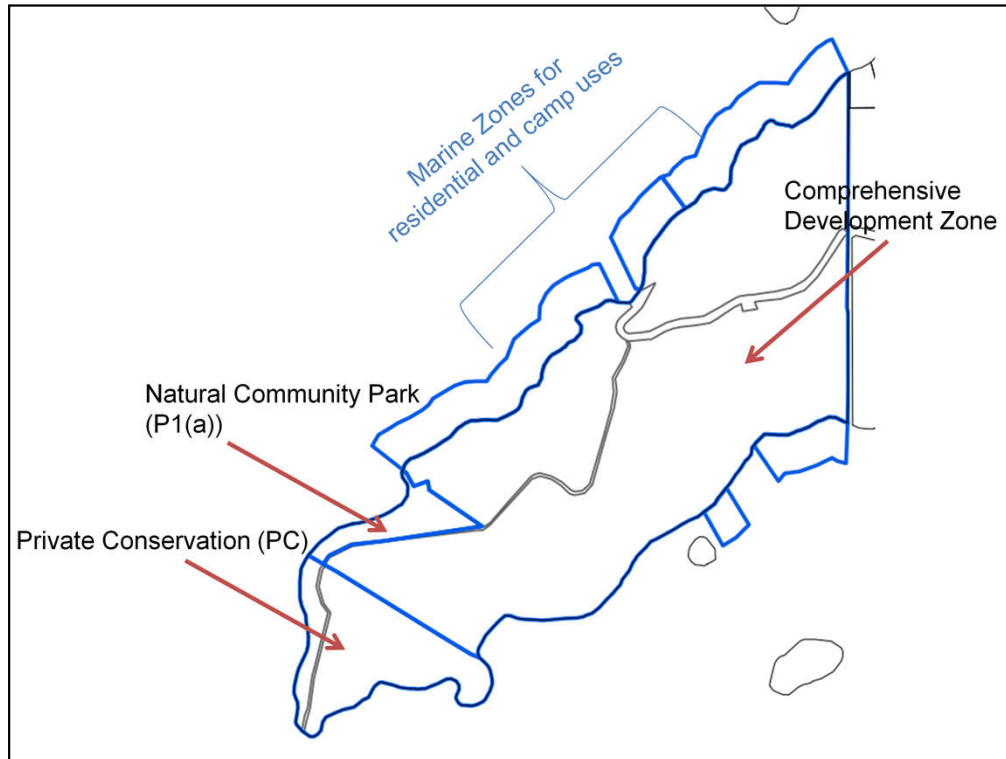




Bylaw 144 to amend the Land Use Contract is very detailed and some of the issues within the amendment we've already discussed that would be taken care of at the time of rezoning such as the road, trail and park dedications/transfers. So the rest can all be captured in the zoning allowing the LTC to discharge of the Land Use Contract in agreement with the owners concurrently with the rezoning. This eliminates the need for an amendment bylaw 144. This would remove the LUC encumbrance from the title of the new strata properties and eliminate the need to do a bylaw amendment by 2022 as all LUCs will expire in BC by 2024.



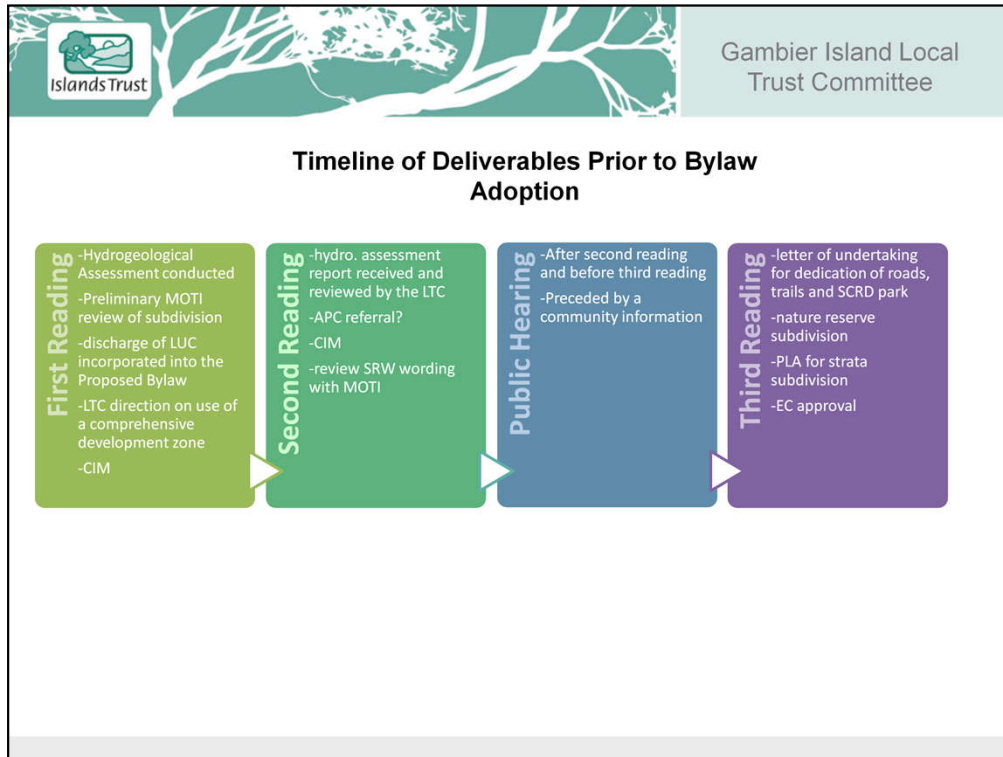
This plan and the complexity of associated hooked lots and areas of use does not need to be mirrored in a complex layer of zoning that is unflexible should there be changes at the time of subdivision or with future lot line adjustments.



Staff is suggesting that Proposed Bylaw 143 can be simplified by accomodating the ITF nature reserve as a separate zone as indicated; a PC zone for the salmon rock area and a CD zone for the strata/camp and SCR D park that does not include land based zoning applying to marine areas. And marine zoning be restricted to those areas of existing use.



We've talked about various elements of the application – what are the opportunities for public input? Staff is suggesting that a CIM be held on Keats Island July 27th to present the status of the application and proposed bylaw and anticipated changes. A second CIM and public hearing can be scheduled after second reading. No further opportunities for comment post public hearing.



What are the anticipated deliverables during each of those stages? We are currently at first reading. The LTC can consider any amendments to the bylaws. Staff is recommending several. The applicant has been asked to proceed with a hydrogeological assessment. Staff is recommending the applicant seek preliminary review of the subdivision by MOTI. The LTC may wish to consider second reading, upon review of the hydrogeological assessment report. Staff will clarify from the LTC on how to proceed with non conforming structures.



Gambier Island Local
Trust Committee

Frequently Asked Questions



Islands Trust

Q & A: QUESTIONS AND ANSWERS
 regarding Application
 GM-RZ-2004.1 (DL 696 Keats Camp)
May 2017

This Q & A document, prepared by Islands Trust planning staff, includes commonly asked questions and answers about rezoning application GM-RZ-2004.1, commonly referred to as the "Keats Camp Rezoning Application". The purpose of this document is to provide clear and accurate information about this application in order to foster meaningful public participation in the associated consultation process. Further questions and comments may be directed to the Islands Trust Northern Office at northinfo@islandstrust.bc.ca.

Q: In the simplest possible terms, what is the property owner applying for and what is being offered to the community?

A: District Lot 696 is 93.5-hectare parcel encompassing the southwestern end of Keats Island and owned by the Convention of Baptist Churches of BC ("the owner"). Existing uses on the property include a church camp and more than 80 privately-owned recreational cottages, built on land leased from the owner and being used on a seasonal basis. The owner entered into a Land Use Contract in 1978 with the Gambier Island Local Trust Committee to allow the establishment of separate titles for each existing cottage in exchange for road, trail and parkland dedication.

Staff have begun preparing a 'frequently asked questions' document for distribution. It is recommended that the draft be finalized once the LTC has clarified the direction it wishes to take with the proposed bylaw amendments and the discharge of the LUC. The Q+A can be then reviewed by the Trustees and provide feedback on the clarity of the document before it is made public. The document is intended to be posted to the 'applications' webpage as well as distributed by email to the Keats Island community group and other local channels.

LTC Considerations

- amendments to bylaw 143 to reflect the SCRD requests regarding parkland;
- Salmon Rock covenant requirements clarified and PC zoning enhanced;
- replace the CR2 and PI1 zones with a land based comprehensive development zone to allow for subdivision, eliminate problematic zone boundaries and interior setbacks and implement the provisions of the LUC in order to allow for discharge at time of bylaw adoption;
- schedule a special meeting and CIM for GM-RZ-2004.1 in July on Keats Island;
- Request staff to prepare a draft FAQ for Trustee review prior to the CIM;
- Direction on marine area zoning considerations for DL696/island

DATE OF MEETING: May 25, 2017
TO: Gambier Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Gambier Associated Islands Streamside Protection DPA

RECOMMENDATION

1. That the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Gambier Island Local Trust Committee Bylaw No. 145 cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, be read a first time.
3. That the Gambier Island Local Trust Committee request staff to prepare draft bylaws to amend the Bowyer and Passage Islands Land Use Bylaw and Gambier Associated Islands Land Use Bylaw to include guidelines for Development Permit Area 2: Streamside Protection.

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider Bylaw No. 145 to amend the Gambier Associated Islands Official Community Plan (OCP) to designate Development Permit Area 2 (DP-2): Streamside Protection for the purpose of protection of the natural environment, its ecosystems, and biodiversity. DP-2 would encompass two areas: Orchid Creek on Bowyer Island and the un-named creek at the southern end of Anvil Island. Both creeks were identified as having ecological significance and warranting formal protection by Madrone Environmental, the Qualified Environmental Professional (QEP) which conducted *Riparian Areas Regulation* (RAR) assessments in the Gambier Local Trust Area in 2015. DP-2 would be designated in place of the previously proposed RAR Development Permit Area (DPA).

BACKGROUND

As a result of its assessment work, Madrone Environmental identified Orchid Creek on Bowyer Island as a RAR-applicable stream. This assessment and potential designation as a RAR Development Permit Area (DPA) was later disputed by members of the public and a third party Qualified Environmental Professional (QEP). The un-named creek at the southern end of Anvil Island, while deemed to be non-RAR-applicable was found by Madrone to have ecological significant and worthy of formal protection. This same assessment was made of Silver Creek on Keats Island; Bylaw No. 129 (to amend the Keats Island OCP to formally designate Silver Creek as a Streamside Protection DPA) has been forwarded to the Minister of Community, Sport and Cultural Development for approval prior to consideration for final adoption by the LTC.

At the April 27, 2017 Gambier Island Local Trust Committee, staff were asked to proceed with preparing a draft bylaw to amend the Gambier Associated Islands Official Community Plan, 2009 to designate a DPA for Orchid Creek on Bowyer Island:

GM-2017-013

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to draft a bylaw to amend the Gambier Associated Islands Official Community Plan, 2009 to designate a development permit area for Orchid Creek on Bowyer Island.

CARRIED

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) provides the guiding policy framework for the development of Local Trust Committee OCPs and Land Use Bylaws. The specific directive policies for ecosystem preservation and protection are noted in Attachment 2. Staff have determined that Bylaw No. 145 is not contrary to or at variance with the Islands Trust Policy Statement; the ITPS Directives Only Checklist is Attachment 3 to this report.

Official Community Plan:

The Gambier Associated Islands OCP contains numerous statements supporting the protection of ecologically significant features and designation of DPAs. Notably, one of the OCP Plan Goals is *“To preserve and protect the ecosystems, habitat and natural resources of the Gambier Associated Islands Planning Area”*; a specific objective for Bowyer Island (4.2.1) is *“To preserve and protect the natural ecosystems, habitat and groundwater resources of the island.”* A specific objective for Anvil Island (4.4.1) is *“To preserve and protect the natural ecosystems, habitat and groundwater resources of the island.”*

Furthermore, the OCP contains a guiding policy concerning DPAs that *“The designation of Development Permit Areas and establishment of objectives and guidelines for the issuance of development permits will be incorporated into the Official Community Plan when supportive mapping of the Plan Area is available.”* Mapping was completed in 2015 by Madrone Environmental.

OCP policies are further described in Attachment 2. Staff have determined that Bylaw No. 145 is consistent with the Gambier Associated Islands OCP.

Land Use Bylaw:

Whereas DPAs are designated within an OCP, their corresponding guidelines may be placed either in the OCP or Land Use Bylaw (LUB). Current Islands Trust practice is to place guidelines within the LUB. Staff is recommending that the LTC request staff to prepare draft bylaws for future consideration, which would amend the Bowyer and Passage Islands Land Use Bylaw and Gambier Associated Islands Land Use Bylaw.

Issues and Opportunities

Draft Bylaw No. 145 is intended to strike a balance between meeting the requirements of the Riparian Areas Regulation, while recognizing that the LTC has received a third party assessment report which disputes the original assessment of Orchid Creek as a RAR-applicable stream. Upon adoption, Bylaw No. 145 would result in the designation of a DPA for the purpose of protection of the natural environment, its ecosystems and biodiversity irrespective of whether or not Orchid Creek is RAR-applicable. Further to this, while Bowyer community members and the third party report have disputed the RAR classification, no one has disputed that Orchid Creek has significant ecological value. As such, and given the extensive policy foundation for this area, the designation of a DPA is justified. Further to this, the DPA as proposed would include the un-named creek at the southern end of Anvil Island, which was deemed by Madrone to be non-RAR applicable but to have significant ecological value. Silver Creek on Keats Island, also non-RAR-applicable, is in the process of being designated a streamside protection development permit area due to its ecological significance as noted by Madrone.

Consultation

In accordance with the *Local Government Act*, the LTC will subsequently be asked to consider agency and First Nations referrals in conjunction with the statutory bylaw process. The statutory process for adopting a bylaw to amend the OCP will require three readings and a public hearing, followed by Executive Committee approval, and approval by the Minister of Community, Sport and Cultural Development prior to consideration of adoption by the Gambier Island LTC. Proposed bylaws to amend an LUB also require three readings, followed by Executive Committee approval prior to consideration of adoption by the Gambier Island LTC. Ministerial approval is not required for LUB amendments.

The LTC may wish to consider whether any supplemental notification to affected persons should occur beyond statutory notice requirements. Supplemental notification could occur at this early stage or following consideration of LUB amendments.

Rationale for Recommendation

Staff have prepared draft OCP Bylaw No. 145 for LTC consideration which includes Orchid Creek and also the un-named creek at the southern end of Anvil Island. The latter has been included as this un-named creek has been identified as possessing ecologically significant features similar to Silver Creek on Keats Island and thus, in the opinion of staff, warrants formal protection. There is substantial policy support for the designation of this DPA.

The recommendations are noted on page 1 of the report.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are further delays in obtaining formal protection for creeks which have been identified as having ecological significance.

2. Amend Bylaw No. 145 prior to First Reading

The LTC may choose to take a more conservative or less conservative approach to streamside protection by adjusting the boundaries of the proposed DPA. Please note, the DPA must continue to have a defensible justification as per the requirements of the *Local Government Act*.

NEXT STEPS

Should the LTC proceed with the recommendations noted on page 1 of the report, staff would proceed to prepare draft bylaws to amend the Bowyer and Passage Islands Land Use Bylaw and the Gambier Associated Islands Land Use Bylaw, to include DP-2 Guidelines. These draft bylaws would then be presented to the LTC for consideration and recommendation for first reading along with a recommendation to refer proposed bylaws to agencies and First Nations for consideration.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 17, 2017
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ATTACHMENTS

1. Draft Bylaw No. 145
2. Guiding Policies
3. Islands Trust Policy Statement Directives Only Checklist

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 145

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, 2017”.

READ A FIRST TIME THIS _____ DAY OF _____, 201x

PUBLIC HEARING HELD THIS _____ DAY OF _____, 201x

READ A SECOND TIME THIS _____ DAY OF _____, 201x

READ A THIRD TIME THIS _____ DAY OF _____, 201x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 201x

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT
THIS _____ DAY OF _____, 201x

ADOPTED THIS _____ DAY OF _____, 201x

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

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 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:

Development Permit Area 2: Streamside Protection

This Development Permit Area (DPA) is established, pursuant to Section 488(1) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

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, its ecosystems and biological diversity.

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:

- 6.2.1 To protect biological diversity and habitat values of streamside and aquatic ecosystems;
- 6.2.2 To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian 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 485(1) 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.

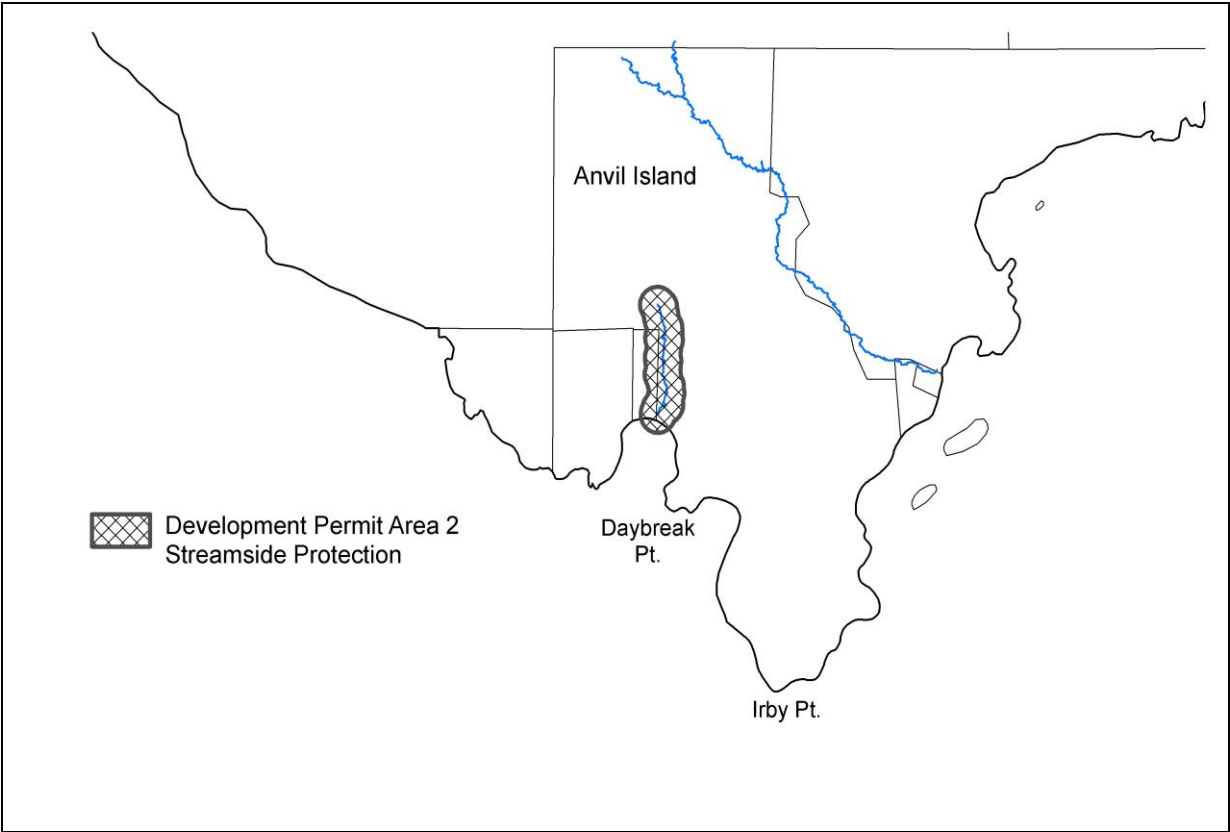
“Information Note: Development Permit Area Guidelines for DP-2 Streamside Protection are in the Bowyer and Passage Islands Land Use Bylaw, 2011 and the Gambier Associated Islands Land Use Bylaw, 2013.

- 2.2 **“SCHEDULE E – DEVELOPMENT PERMIT AREAS** is amended by adding Plans 1 and 2, which are attached to and form part of this bylaw.

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

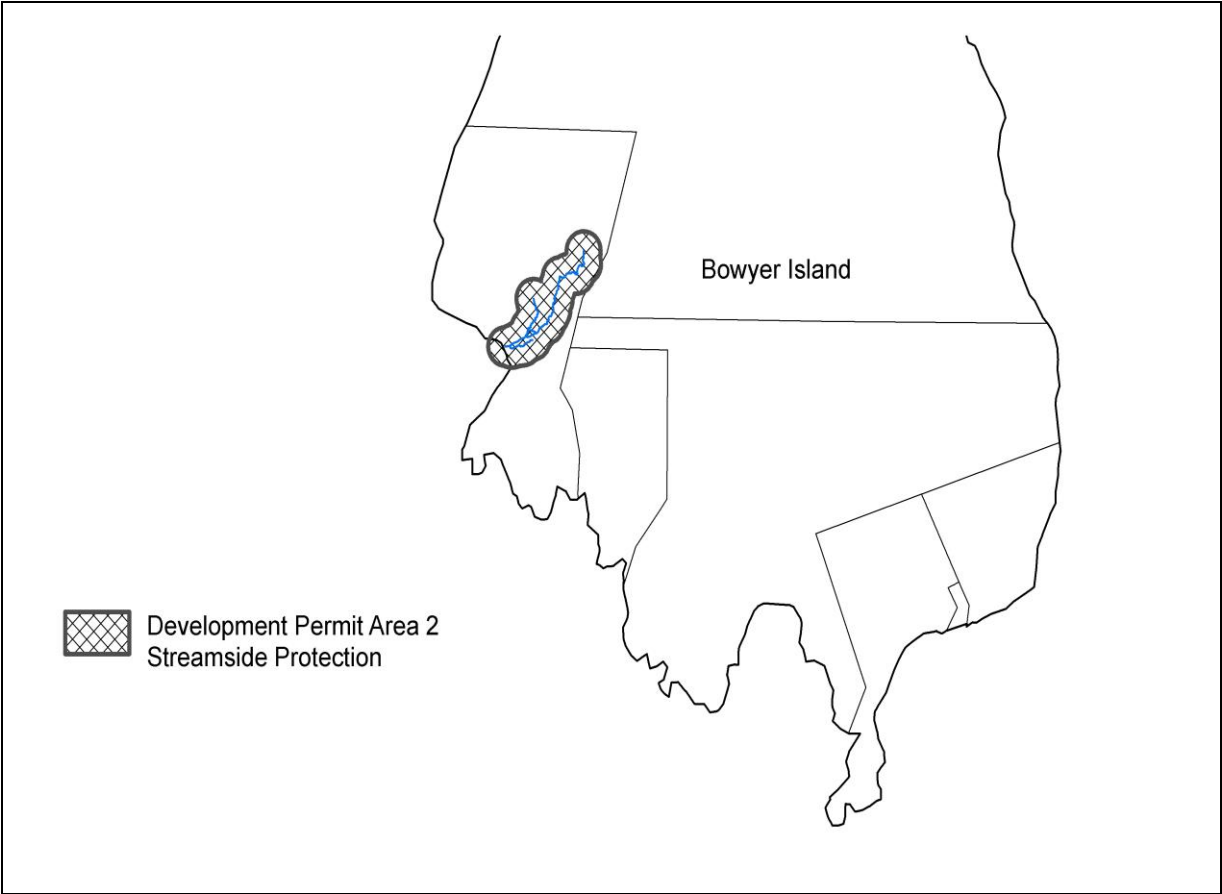
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2



ATTACHMENT # 2 – GUIDING POLICIES

ISLANDS TRUST POLICY STATEMENT

3.1	Ecosystems
3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
3.2	Forest Ecosystems
3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
3.3	Freshwater and Wetland Ecosystems and Riparian Zones
3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
3.4	Coastal and Marine Ecosystems
3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

GAMBIER ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN

Land Use Objective	
3.1.1	To guide and regulate growth and development in a manner that protects sensitive ecosystems, encourages sustainability, and adapts to the potential effects of climate change.
POLICIES FOR PARKS, RECREATION, AND CONSERVATION AREAS	
3.8.1	The LTC should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, or conveyance to conservation agencies.
3.12 SENSITIVE ECOSYSTEM POLICIES	
3.12.1	The LTC should support and undertake initiatives to identify environmentally sensitive areas and significant natural sites, features and landforms in the planning area.
3.12.2	The LTC should support and undertake initiatives to plan, establish, and maintain a network of protected areas that preserves the representative ecosystems of the area and maintains its ecological integrity.
3.12.3	The LTC should protect environmentally sensitive areas, significant natural sites, features, views, scenic areas and landforms in the planning area through:
(a)	zoning regulations that encourage the siting and clustering of new development away from sensitive areas;
(b)	the implementation of development permit areas where accurate mapping identifying sensitive ecosystems at an appropriate scale is available and where the administration of development permit areas is feasible;
3.12.4	The LTC should, in its bylaw provisions and in considering applications, consider the cumulative effects of existing and proposed development on sensitive ecosystems and groundwater supplies.
3.12.5	The LTC should undertake an initiative to map and identify potentially fish-bearing watercourses and implement provincial riparian area regulations through the use of development permit areas or zoning regulations.

Bowyer Island Objective	
4.2.1	To preserve and protect the natural ecosystems, habitat and groundwater resources of the island
Anvil Island Objective	
4.4.1	To preserve and protect the natural ecosystems, habitat and groundwater resources of the island
6.1 DEVELOPMENT PERMIT AREAS	
	The designation of Development Permit Areas and establishment of objectives and guidelines for the issuance of development permits will be incorporated into the Official Community Plan when supportive mapping of the Plan Area is available.

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: Bylaw 145

File Name: Gambier RAR Implementation

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

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

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>