A NOTICE OF A BUSINESS MEETING OF **THE GAMBIER ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 am on Thursday, April 10, 2014
at Gleneagles Community Centre
6262 Marine Drive, West Vancouver, BC

AGENDA

		Page No.	****Approx. Time****
1.	**CALL TO ORDER**		10:30 am
2.	**APPROVAL OF AGENDA**		
3.	**COMMUNITY INFORMATION SESSION REGARDING:** Proposed Bylaw 125, if adopted, will amend the Gambier Island Land Use Bylaw to re-zone a 0.40 hectare water area adjacent to the upland subject property from 'Marine Park and Recreation (P3) Zone' to 'Yacht Club Outstation' (YCO (c)) to allow for the sole use of floating breakwaters and to regulate the extent of the breakwaters through zoning provisions.		
3.1	Questions and Answers		
4.	**RECESS FOR PUBLIC HEARING - PROPOSED BYLAW NO. 123**		11:00 AM
5.	**RECONVENE**		
6.	**MINUTES**		
6.1	Local Trust Committee Meeting Minutes dated March 20, 2014 – *for adoption*	1	
6.2	Section 26 Resolutions Without Meeting - *none*		
6.3	Gambier Island Advisory Planning Commission Minutes - *none*		
7.	**BUSINESS ARISING FROM MINUTES**		
7.1	Follow-up Action List dated March 31, 2014 - *attached*	10	
8.	**CHAIR'S REPORT**		
9.	**TRUSTEES' REPORT**		
10.	**DELEGATIONS**		
11.	**TOWN HALL SESSION**		
12.	**CORRESPONDENCE** *Correspondence specific to an active development application and/or project will be received by the Gambier Island Local Trust Committee when that application and/or project is on the agenda for consideration.*		

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Foreshore Protection

13.1.1Staff Report dated March 25, 2014 - *attached* 12

14. APPLICATIONS AND PERMITS

14.1 GM-RZ-2013.2 (Gambier Island Sea Ranch)

14.1.1 Staff Report dated March 21, 2014 - attached 16

15. BYLAWS

15.1 Proposed Bylaw No. 125 cited as "Gambier Island Land Use Bylaw No. 86, 2004,Amendment No. 2, 2013." – *for consideration of second and third reading and submission to Executive Committee for approval* 36

15.2 Draft Bylaw No. 126, cited as "Gambier Island Land Use Bylaw 86, 2004, Amendment No. 1, 2014" - *for consideration of first reading* 38

16. REPORTS

16.1 Work Program Reports

16.1.1 Top Priorities Report and Projects List dated March 31, 2014 - *attached* 42

16.2 Applications Log

16.2.1 Report dated March 31, 2014 - *attached* 45

16.3 Trustee and Local Expenses

16.3.1 Expenses posted to end of March, 2014 - *attached* 50

17. NEW BUSINESS

17.1 Gulf Islands Groundwater Protection - A Regulatory Toolkit

17.1.1 Memorandum dated March 19, 2014 - *attached* 51

17.2 Local Trust Committee Submission for 2013/2014 Annual Report

17.2.1 Memorandum dated March 25, 2014- *attached* 78

18. ISLANDS TRUST WEBSITE

18.1 Gambier pages – *for discussion*

19. NEXT MEETING

Thursday, May 22, 2014 at 10:30 am at Gibsons Library, 470 South Fletcher Road, Gibsons, BC

20. ADJOURNMENT

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

Gambier Island
Local Trust Committee
Minutes of a Regular Meeting

Date of Meeting: **March 20, 2014**
Location: **The Manil Room, Gibsons and District Public Library, 470 South Fletcher Avenue, Gibsons, BC**

Members Present: David Graham, Chair
Jan Hagedorn, Local Trustee
Kate-Louise Stamford, Local Trustee

Staff Present: Aleksandra Brzozowski, Island Planner *(via teleconference 10:56 a.m.-1:45 p.m.)*
Sonja Zupanec, Island Planner *(via teleconference 12:02-12:28 p.m.)*
Marnie Eggan, Planner *(via teleconference 12:28-12:30 p.m.)*
Carmen Thiel, Legislative Services Manager *(via teleconference 12:47-1:07 p.m.)*
Courtney Simpson, Regional Planning Manager *(via teleconference 11.50 a.m.-1:07 p.m.)*
Diane Corbett, Recorder

Others Present: 1 Member of the Public

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:52 a.m.

Chair Graham acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. He also acknowledged the presence in the gallery of past Islands Trust Chair Kim Benson.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

14.3 Hunting on southwest peninsula of Gambier
14.4 Howe Sound Community Forum request
14.5 Annapolis update

By general consent the agenda was approved as amended.

3. MINUTES

3.1 Gambier Island Local Trust Committee Meeting Minutes dated January 30, 2014

The following amendment to the minutes was presented for consideration:

- Page 4, item 7.1, first paragraph, line 3: replace "garbage incineration" with "solid waste disposal".

By general consent the minutes were adopted as amended.

3.2 Section 26 Resolutions Without Meeting – none

3.3 Gambier Island Advisory Planning Commission Minutes – none

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated March 10, 2014 *(reviewed after item 10.1)*

Island Planner Brzozowski provided an update on the Follow-Up Action List dated March 10, 2014 and responded to inquiries by trustees.

Trustees extended thanks to Islands Trust staff for the time and support for the February 21, 2014 Howe Sound Community Forum webinar.

5. CHAIR'S REPORT

Trust Council met on Hornby Island. During the budget session, Council approved a zero increase budget. Traditional treaty negotiators gave a presentation on the treaty process. The Community Stewardship Award closing date is the middle of April and Chair Graham encouraged trustees to bring names forward.

6. TRUSTEES' REPORT

Trustee Hagedorn gave an outline of her activities since the last Local Trust Committee meeting as follows:

- February 7 - Attended Local Planning Committee meeting via teleconference. Highlights include:
  - Gulf Islands Groundwater Protection: A Regulatory Toolkit (hope to distribute to interested groups).
  - Update on Green Shores-Thetis Pilot Project.
  - Integrated Shoreline Watershed Protection.
- February 20
  - Visited Gambier Island for a site visit to review a Development Variance Permit.
  - Attended a telephone conference concerning forage fish mapping in the Gambier Trust Area.

- Attended a webinar practice with the Provincial Government, and a meeting at the Maritime Museum in Vancouver concerning the *Annapolis*.
- February 21
  - Supported Gambier Island Trust Area webinar, that provided an opportunity to review the Cumulative Effects Framework that has been offered by the Provincial Government to First Nations and the communities of Howe Sound.
  - Future of Howe Sound Society is seeking indications of interest from communities, stakeholder groups and First Nations to further explore the possible benefits of applying the Cumulative Effects Framework to Howe Sound.
  - Send expressions of interest to info@futureofhowesound.org.
  - The presentation delivered by Provincial Government Staff is available at: http://futureofhowesound.org/campaigns/emerging-opportunity-for-howe-sound/.
- March 4-6 - Attended Hornby Trust Council. Decision highlights include:
  - That the Islands Trust Council add $5,000 for forage fish mapping to the Gambier Island Local Trust Committee 2014/15 projects budget.
  - That Islands Trust Council Bylaw 156, cited as the "Financial Plan Bylaw, 2014/2015", with a 0% increase, be Read a First, Second, and Third Time and be forwarded to the Minister of Community, Sport and Cultural Development for approval consideration.
  - That the Islands Trust Council request the Chair to write to the BC Ferries Commissioner to ask that he conduct a performance review of BC Ferries with respect to cost effective management including cost allocations to the non-major routes.
  - That the Islands Trust Council request staff to advise whether Trust Council actions are necessary to implement the new federal communication tower consultation process once the Industry Canada procedure is in effect.
- March 14
  - Attended a follow up meeting with MLA Jordan Sturdy in Horseshoe Bay concerning issues in the Gambier Trust Area.
- February/March 2014
  - Received several telephone calls regarding the current shed on Keats Landing Government Dock.

Trustee Stamford outlined her activities since the last Local Trust Committee meeting as follows:

- February 11
  - Telephone discussion with Metro Vancouver Area A director, Maria Harris, regarding the proposal to build an incendiary plant at Port Mellon. This proposal is one of several at the early stages of consideration by the Metro Vancouver Regional District to provide adequate waste disposal for their municipalities. Trustee Stamford will be following up with staff at Metro Vancouver regarding this issue.
- February 21
  - Attended Cumulative Effects Assessment Framework webinar, hosted by the Islands Trust on behalf of the Howe Sound Community Forum to provide more information and clarity to forum members about a possible regional planning structure for the Howe Sound area.

- The primary presenters were Kai Elmauer, CEF project coordinator for Forestry Lands and Natural Resources, and Jeff Juthens, FLNRO Howe Sound regional representative.
- Trustee Stamford expressed thanks to:
  - Susan Abs, who coordinated the event;
  - Staff at Islands Trust for providing the technical support;
  - FLNRO staff for their informative presentation and responses; and
  - Ruth Simons of Future of Howe Sound Society for making it all possible.
- Trustee Stamford continues to support the Gambier Island Community Association in their projects.
- The public can contact the Sunshine Coast Conservation Office with any concerns about unsafe hunting practices or sightings/run-ins with wildlife at:
  - The Call Centre at 1-800-731-6373. They want to stay informed about activities on the islands and follow up where appropriate.
  - More information about the hunting rules on the islands will be provided in the upcoming trustees' newsletter.

7. DELEGATIONS - none

8. TOWN HALL SESSION – none

9. CORRESPONDENCE – none

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Riparian Areas Regulation implementation

Islands Planner Brzozowski outlined the staff report on options for *Riparian Areas Regulation* (RAR) implementation and responded to trustees' inquiries related to the report. Extensive discussion ensued. Chair Graham expressed appreciation for the work staff had done on this matter.

GM-2014-008
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request staff to provide an outline of the request for proposals to determine the RAR-applicable watersheds in the Gambier Island Local Trust Area.

CARRIED

GM-2014-009
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request staff to provide information about other communities' course of action in becoming RAR compliant.

CARRIED

11. APPLICATIONS AND PERMITS

11.1 GM-RZ-2004.1 (Convention of Baptist Churches)

Island Planner Sonja Zupanec gave an update on the GM-RZ-2004.1 application. Planner Zupanec had been working with applicants, encouraging them to complete a community engagement plan, to bring everyone up to speed about the status and intent of the application. The applicant had been looking at alternative ways to fulfill obligations of the Land Use Contract. Neither the subdivision nor rezoning applications will be moving forward presently because the applicant is doing more research on options.

11.2 GM-RZ-2013.2 (Gambier Island Sea Ranch)

Island Planner Zupanec updated trustees that the technical details for this application have been sorted out and this will be on the next agenda for consideration of First Reading.

11.3 GM-RZ-2013.1 (Trident Foreshore Lands - Burrard Yacht Club)

11.3.1 Memorandum dated March 10, 2014 regarding application for the marine water adjacent to the Burrard Yacht Club, Gambier Island

Planner Marnie Eggan stated there was nothing new to report on the application and responded to questions. A community information meeting and public hearing will be part of the April 10, 2014 Local Trust Committee agenda.

By general consent, the meeting recessed at 12:30 p.m. and reconvened at 12:35 p.m.

12. BYLAWS – none

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report and Project List dated March 10, 2014

The sustainability guide has been completed. Island Planner Brzozowski noted she would post the guide on the website in a few locations, and email it to Metro Vancouver, Bowen Island and the Sunshine Coast Regional District (SCRD). Copies will be brought to trustees at the next meeting. Trustee Hagedorn said she would bring copies to the SCRD Building Department and request that the guide be distributed with building permits.

13.2 Applications Log

13.2.1 Report dated March 10, 2014

Received for information.

13.3 Trustee and Local Expenses

13.3.1 Expenses posted to January 2014

Received for information.

13.3.2 Expenses posted to February 2014

Received for information.

14. NEW BUSINESS

14.1 Sunshine Coast Regional District Referral for Response regarding Woodlot Licenses Protocol Agreement

The referral from the Sunshine Coast Regional District (SCRD), dated February 27, 2014, regarding woodlot licenses on Gambier Island, with the attached SCRD-Local Trust Committee Protocol Agreement, dated October 2, 1996, was received.

Trustees noted that there were still a number of unanswered questions from community members regarding the woodlots and urged staff to let the SCRD know about the trustees' concerns and interest in public engagement related to the woodlots. Island Planner Brzozowski advised she would forward the LTC's November 2013 letter regarding the woodlots as an outline of the LTC's position on the matter.

GM-2014-010
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request staff to schedule a meeting of the Regional Director, the Local Trust Committee and appropriate staff of the Sunshine Coast Regional District to review mutual advocacy issues.

CARRIED

Trustee Stamford and Trustee Hagedorn both urged to continue requesting a meeting and discussion with the District Forester and to include photos of damage done on the island, and inquire how the Forest District could follow up on outstanding issues.

GM-2014-011
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request staff to send a letter for the Chair's signature to the Ministry of Forests, Lands, and Natural Resource Operations regarding community expectations of the woodlot operator on Gambier Island, as well as their concerns based on previous woodlot activities on Gambier Island.

CARRIED

14.2 Amendments to Gambier Island Local Trust Committee Procedure Bylaw No. 87

Carmen Thiel, Legislative Services Manager, reviewed proposed amendments to the Gambier Island Local Trust Committee Procedure Bylaw No. 87 and responded to trustee inquiries on the proposed changes.

GM-2014-012
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend "Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004" in order to incorporate requested amendments as presented.

CARRIED

14.3 Hunting on Southwest Peninsula of Gambier Island

Trustee Stamford discussed her investigation into hunting regulations, and that she would like to explore possible bylaw provisions to regulate hunting on the southwest peninsula of Gambier Island.

GM-2014-013
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request staff to provide a preliminary report regarding the current rifle discharge restrictions in the Gambier Island Local Trust Area as well as process for future hunting restrictions in regions of the Gambier Island Local Trust Area.

CARRIED

14.4 Howe Sound Community Forum Request

Trustee Hagedorn advised that Howe Sound Community Forum had requested expressions of interest from communities regarding exploring the Cumulative Effects Framework in Howe Sound.

GM-2014-014
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request the Chair to write a letter to the Howe Sound Community Forum to indicate interest in further exploration of the possible benefits of applying the Cumulative Effects Framework to Howe Sound planning.

CARRIED

14.5 Annapolis Update

Trustee Hagedorn reported she attended a meeting in Vancouver regarding the *HMCS Annapolis*, and mentioned a newspaper article from the *Ottawa Peak,* “Nothing artificial about reef dispute.” The trustee explained that a lot of people want the boat to go down, but this is still in limbo as there are a lot of concerns about health and PCBs.

15. ISLANDS TRUST WEBSITE

15.1 Gambier Web Page

Island Planner Brzozowski stated she would post the PowerPoint presentation from the Cumulative Effects Framework webinar, as well as related documents, to the Gambier web page. Also to be posted is the Sustainability Guide.

16. CLOSED MEETING

GM-2014-015
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee closes the next part of the March 20, 2014 business meeting to discuss matters pursuant to Section 90(1)(a) of the *Community Charter* to consider appointments to the Advisory Planning Commission and that staff be invited to attend this meeting.

CARRIED

The Committee closed the meeting at 1:33 p.m.

17. OPEN MEETING RESOLUTION

The Gambier Island Local Trust Committee re-opened the meeting to the public at 1:42 p.m. subject to Section 89 of the *Community Charter*.

18. RECALL TO ORDER

18.1 Rise and Report from Closed Meeting

GM-2014-016
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee request staff to provide a report regarding amendments to the Advisory Planning Commission bylaw, specifically the resident requirements in the Gambier Island Trust Area and the possibility of members meeting electronically.

CARRIED

19. NEXT MEETING

Thursday, April 10, 2014 at 10:30 a.m. at Gleneagles Community Centre, 6262 Marine Drive, West Vancouver, BC.

20. ADJOURNMENT

By general consent the meeting adjourned at 1:45 p.m.

____
David Graham, Chair

CERTIFIED CORRECT:

____
Diane Corbett, Recorder

Islands Trust

Follow Up Action Report w/ Target Date

Gambier Island

Jul-11-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to review the North Pender Shoreline brochure and modify it for either Gambier LTA or all Northern Islands. Update (Sept 26): Staff arrange to remove the two areas in the "Sharing Our Shorelines" document where it says "North Pender" and to add "Gambier Trust Area", and that staff print twenty-five copies. Update: to print 50 copies.	Aleksandra Brzozowski	Apr-10-2014	Done

Sep-26-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to research the history of Site-Specific water zones on Gambier.	Aleksandra Brzozowski	Apr-10-2014	On Going

Nov-29-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to provide Trustees with possible shoreline protection strategies for DL 696.	Aleksandra Brzozowski Sonja Zupanec	Mar-20-2014	On Going

Jan-30-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff to write letter to the Sunshine Coast District Forester requesting a meeting to discuss possible public consultation prior to the issuance of woodlot licenses on Gambier Island.	Aleksandra Brzozowski	Feb-07-2014	Done
1	Staff to establish status of shoreline development brochure for one of the Penders.	Aleksandra Brzozowski	Mar-20-2014	Done
1	Planning and Trust Area Services staff to prepare streamlined version of sensitive ecosystems in the Gambier Local Trust Area, to use for future planning work and share with external bodies and members of the public.	Aleksandra Brzozowski Kate Emmings	Jul-10-2014	On Going

Mar-20-2014

No.	Activity	Responsibility	Target Date	Status
1	Prepare distribution list for Sustainability Guide and bring 10 hard copies of guide to LTC meeting for Trustees.	Aleksandra Brzozowski	Apr-10-2014	Done
1	Schedule a meeting with Area F Regional Director, LTC, and appropriate staff to discuss mutual interests in response to recent issues (woodlots, incinerator, LNG).	Aleksandra Brzozowski Jan Hagedorn	Apr-10-2014	Done
1	Post CEA framework presentation on website.	Aleksandra Brzozowski	Apr-10-2014	Done
1	Comment from BE on possible changes to BEN bylaw resulting from Bylaw 120 (Assoc Islands LUB)	Miles Drew	Apr-10-2014	On Going
1	Staff to investigate amending the Gambier APC bylaw to address: 1) allowing for the APC to meet eletronically 2) removing the requirement that 2/3 of the APC must be residents on island 6+ months of the year.	Carmen Thiel Lisa Webster-Gibson	May-22-2014	On Going
1	Prepare a draft bylaw to incorporate amendments to the GMLTC Meeting Procedures Bylaw.	Aleksandra Brzozowski Carmen Thiel Lisa Webster-Gibson	May-22-2014	On Going
1	Staff investigate bylaw provisions re: rifle discharging in Gambier LTA and elsewhere in the Islands Trust Area.	Aleksandra Brzozowski	May-22-2014	On Going
1	Staff to provide info on other municipalities' approaches to RAR DPAs.	Aleksandra Brzozowski	May-22-2014	On Going
1	Prepare outline of the request for proposals to verify RAR applicability of watersheds in Gambier LTA.	Aleksandra Brzozowski	May-22-2014	On Going

Islands Trust

STAFF REPORT

Date: March 25, 2014 **File No.:** GM 6500-20 Foreshore Protection

To: Gambier Local Trust Committee
For the meeting of April 10, 2014

From: Aleksandra Brzozowski, Island Planner

CC: Courtney Simpson, Regional Planning Manager (Northern Office)

Re: Updates to Foreshore Protection/Stewardship priority project

PURPOSE:

Staff presents project management details for additional funding for Forage Fish mapping in the Gambier Local Trust Area. This report also presents a basic outline of a shoreline education event to be held later in the summer.

BACKGROUND:

At its January 31, 2012 regular business meeting, the Gambier Island Local Trust Committee (LTC) passed a resolution placing Foreshore Protection, including the implementation of development permit areas and development approval information bylaws, as Number 3 on the Top Priorities Work Program. An initial staff report on a Foreshore Protection project charter was presented to the LTC on November 29, 2013 detailing work to date and relevant bylaw policies.

On January 30, 2014, the Gambier LTC endorsed a project charter for the Foreshore Protection project.

STAFF COMMENTS:

<u>FORAGE FISH MAPPING</u>

At Trust Council in March 2014, Trust Council approved $5,000 to be spent on forage fish mapping in the Gambier LTA; Bowen Island Municipality also received $5,000 for mapping.

Local Planning Services have identified staff to oversee the project and staff is in communication with Bowen Island Municipality staff to coordinate resources. However, this significant additional activity must be worked into the Gambier work program. Staff recommends that the mapping work be added to the scope of the Foreshore Protection project, rather than add a new stand alone project for forage fish mapping to the Top Priorities List.

Adding forage fish mapping to the Foreshore Protection project scope will impact the workplan schedule endorsed by the LTC in the project charter, but Staff believe the timing changes will not negatively impact the goals of the LTC for the 2014/2015 fiscal year. Indeed, forage fish mapping data will be particularly useful for future educational material and will serve staff to provide better recommendations on possible regulatory improvements for foreshore protection.

Staff recommends changing the Foreshore Protection Project Charter (Attachment 1) as follows:

1) Adding “forage fish mapping” to *Scope and Deliverables*.
2) Adding “forage fish mapping” to *Workplan Overview*, with a timeframe of Summer/Fall 2014.
3) Change the timeframe for “Expansion of *Caring for My Shoreline* webpages” to Fall/Winter 2014.
4) Change the timeframe for “Further brochure design & printing if needed” to Fall/Winter 2014.
5) Change the timeframe for “Report on possible regulatory improvements for foreshore protection” to Winter 2014/2015.
6) Add “Mike Richards (Forage Fish Mapping lead)” to the project team.
7) Change the Budget Source line to read: “Work Program 2013/2014 ($5,000) and 2014/2015 ($3,000), Forage Fish Mapping ($5,000)”.
8) Add a Budget Item “Forage Fish Mapping” at a cost of $5,000.

SUMMER EDUCATION EVENT OUTLINE

On January 30, 2014, the LTC requested an educational event in the summer on the topic of best practices for landowners considering shoreline development. Staff presents a preliminary outline of a possible education event to meet project objectives.

Activities:

1) Engineer Presentation. Staff has compiled a shortlist of coastal engineers from Vancouver Island and Lower Mainland who could be special speakers at the event. The chosen speaker will be asked to present the basics about “soft shore” approaches to development, and will discuss examples typically found in with shoreline types found in the Gambier LTA.

2) Presentation of “A Landowner’s Guide to Protecting Shoreline Ecosystems”. Planning Staff is currently preparing an in-house information booklet on shoreline development approaches that is applicable to the Islands Trust context. This booklet is set to be completed by early June 2014 and would be available for this educational summer event.

3) Depending on the chosen location for the event, a site visit may be a possibility to a particular situation. This optional activity would need to be organized with a willing property owner.

4) Depending on time, a quick review “layman’s” presentation by staff of recent shoreline and eelgrass mapping could be included.

Staff anticipates this being a 2 - 2.5 hour event (longer if a site visit is chosen as an activity). A potential agenda is as follows.

Agenda:

Introductions (15 minutes)

- Trustees and Staff introduce the purpose for the event, and presenters

Presentation (1 hour – 1.5 hours)

- A presentation by special engineer guest re: the basics about "soft shore" approaches.
- A discussion of examples typically found in with shoreline types found in the Gambier LTA, with questions and answers from the audience.

BREAK (15 minutes)

Next steps (30 minutes)

- Staff presents the "Landowner's Guide to Protecting Shoreline Ecosystems"
- Overview of next steps for the Foreshore Protection Project (forage fish mapping, expanding the webpages, further information)
- Final questions and answers for the

Staff requests feedback on the direction on optimal choices for dates as well as a preferred location for the event.

RECOMMENDATIONS:

THAT the Local Trust Committee amend the Project Charter for Foreshore Protection as recommended above; and,

THAT the Local Trust Committee provide feedback on the outline for the upcoming summer shoreline education event, and provide Staff with direction on preferred dates and location.

Prepared and Submitted by:

Aleksandra Brzozowski	March 26, 2014
Aleksandra Brzozowski Island Planner	Date

Concurred in by:

Courtney Simpson	March 31, 2014
Courtney Simpson, RPP, MCIP Regional Planning Manager	Date

Attachment: Foreshore Protection Project Charter, endorsed January 30, 2014

Gambier LTA Foreshore Protection Project Charter

Date: January 17, 2014

Purpose

This project aims to increase understanding about shoreline ecosystems and coastal processes, and to better protect those foreshore ecosystems in the Gambier Local Trust Area.

Background

Foreshore protection is a priority project of the GMLTC work program in the 2011-2014 term. Mapping of shorelines and eelgrass have been completed for Gambier Island, Keats Island, and the Associated Islands; shoreline mapping was presented in a webinar in 2013. Keats and the Thormanby Islands in particular have previously been identified as shorelines highly sensitive to foreshore modification issues.

Objectives

- Facilitate a deeper understanding of coastal processes and foreshore ecosystems
- Provide property owners with best science and best practices for shoreline landscaping and development.
- Identify and develop improved regulatory tools to proactively protect the foreshore.

Scope & Deliverables

- Modification and printing of existing information materials.
- Expansion of *Caring for My Shoreline* webpages.
- Educational event on the topic of best practices for landowners considering shoreline development.
- Video of educational event posted on website.
- Report presenting possible regulatory options to improve foreshore protection.

Workplan Overview

Deliverable/Milestone	Date
Modification of *Sharing our Shorelines* brochure & printing	March 20, 2014
Outline of educational event presented to LTC.	April 10,2014
Host educational event in the Gambier LTA.	July 2014
Expansion of *Caring for My Shoreline* webpages.	Summer/Fall 2014
Further brochure design & printing if needed.	Summer/Fall 2014
Report on possible regulatory improvements for foreshore protection.	September 18, 2014

Project Team

Aleksandra Brzozowski (Island Planner) (Lead)
Gambier LTC (promotion of educational event)
Penny Hawley (venue logistics, web posting)
Wendy Hawthorne (webpage design)

Budget

Budget Source: Work Program 2013/2014 ($5,000) and 2014/2015 ($3,000 requested)

Item	Cost	Fiscal
Prep and printing information materials	$700	2013/ 2014
Educational event (speaker, venue)	$2,000	2014/2015
Video of educational event	$500	2014/2015
Technical review of new webpage information	$500	2014/2015

RPM Approval:

Courtney Simpson

Date: January 20, 2014

LTC Endorsement:

Resolution #: **GM-2014-001**

Date: January 30, 201415

STAFF REPORT

Date	March 21, 2014	**File No.:**	GM-RZ-2013.2 (Sea Ranch – Gambier Is.)
To:	Gambier Island Local Trust Committee **For meeting of April 10, 2014**		
From:	Sonja Zupanec Island Planner Northern Office		
Copy:	Courtney Simpson Regional Planning Manager		

Re: **CD1 Zone Bylaw Amendment Application – Supplementary Report**

Owner: Gambier Island Sea Ranch Strata Corporation, Strata Lots 1-33
Applicant: Lynn Roxburgh
Location: Strata Plan VR 793, District Lot 1258,1653, 3201,Gambier Island
Legal: Strata Lots 1-33 District Lot 1258, 1653 and 3201 STRATA PLAN VR. 793 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1.

BACKGROUND:

The purpose of the application is to enable the Sea Ranch Strata Corporation on Gambier Island to fulfill the provision of parkland amenity requirements that are a condition of permitting two single family dwellings on each of the thirty-three strata lots on the property.

At the September 2013 Local Trust Committee (LTC) business meeting, staff were directed to prepare a draft bylaw to amend Section 5.22 of the Land Use Bylaw and Schedule D-1 (CD 1 Zone Amenities) of Comprehensive Development 1 Zone to require a statutory right of way over 3.8 hectares of parkland in lieu of requiring a dedication of 3.8 hectares of specified parkland.

The purpose of this report is to introduce Draft Bylaw No. 126 for LTC consideration of first reading and next steps in the legislative process.

DRAFT BYLAW NO. 126

The intent of the draft bylaw is to amend the text of the CD-1 zone in the Gambier Island Land Use Bylaw to require a statutory right of way (SROW) over 3.8 hectares of parkland in lieu of requiring a dedication of 3.8 hectares of specified parkland. One labelling amendment is required for Schedule D-1 to illustrate the area intended for the statutory right of way. A copy of Draft Bylaw No. 126 is attached.

<u>Statutory Right of Way:</u>
A draft SROW between the Gambier Island Sea Ranch Strata, the Sunshine Coast Regional

District (SCRD) and the Gambier Island Local Trust Committee has been prepared and will be finalized prior to third reading of the bylaw. A copy of the draft SROW has been reviewed by the the Strata Council and the SCRD. The vetted document is attached for LTC information only at this point. A SROW will be required for the following amenities:

- 3.8 hectares adjacent to the existing SCRD park;
- Pedestrian trail to Lost Lake; and
- Pedestrian trail to Bert's Bluff.

Co-Tenancy Agreement:
A draft co-tenancy agreement between the SCRD and the LTC is recommended in order to protect the LTC from any liability that might arise during the term of each SRW, and to make it clear that the SCRD is the operator of the trails.

The attached draft agreement is for LTC information only at this point and will be reviewed by the SCRD upon first reading of the bylaw. Prior to third reading a final draft agreement will be presented to the LTC for endorsement.

AGENCY REFERRALS

If first reading is given, staff recommends referral of the proposed bylaws to the following agencies and First Nations:

- Islands Trust Fund
- Sunshine Coast Regional District Parks Department
- Agricultural Land Commission
- Squamish Nation
- Tsleil-Watuth Nation

COMMUNITY INFORMATION MEETING:

A community information meeting (CIM) can be scheduled within the July 10, 2014 LTC business meeting which will be on Gambier Island. As the draft bylaw has been vetted by the strata council, members and neighbouring properties have supported the application in principle, staff do not feel a separate CIM is necessary. Referral responses can be reviewed by the LTC at the May LTC meetind date and a public hearing can be scheduled directly after the CIM in July during a recess of the LTC business meeting. Upon reconvening the business meeting the LTC can consider all public input and agency referrals received on the proposed bylaw and give further readings.

RECOMMENDATION:

THAT the Gambier Island Local Trust Committee:

1. Give first reading to Draft Bylaw No.126 cited as "Gambier Island Land Use Bylaw 86, 2004, Amendment No. 1, 2014" ; and

2. Direct staff to refer Proposed Bylaw No. 126 to the following agencies and First Nations:

- Islands Trust Fund
- Sunshine Coast Regional District Parks Department
- Agricultural Land Commission
- Squamish Nation
- Tsleil-Watuth Nation

Attachments:

1. Draft Bylaw No. 126
2. Draft Statutory Right of Way
3. Draft co-tenancy agreement

Respectfully submitted by:

Sonja Zupanec

March 21, 2014

Sonja Zupanec, RPP
Island Planner

Date

Concurred by:

Courtney Simpson

March 24, 2014

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

DRAFT

Gambier Island Local Trust Committee

BYLAW NO. 126

****

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

****

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. 86, cited as "Gambier Island Land Use Bylaw, 2004" is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as "Gambier Island Land Use Bylaw 86, 2004, Amendment No. 1, 2014"

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

SECRETARY **CHAIRPERSON**

Gambier Island Local Trust Committee

Bylaw No. 126

Schedule 1

1. Schedule "A" (Land Use Bylaw Text) of Gambier Island Land Use Bylaw No. 86 cited as "Gambier Island Land Use Bylaw, 2004", is amended as follows:

   a) Delete subsection 5.22(2) Area 1 "Permitted Buildings, Structures and Density Area 1" and replace with:

      "(2) Despite regulation 3.14, one single family dwelling unit and one associated secondary dwelling and accessory buildings and structures are permitted on each of Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793."

   b) Delete subsection 5.22(3) "Permitted Buildings, Structure and Density Area 1", and replace with:

      "(3) Despite 5.22(2) two single family dwelling units and accessory buildings and structures are permitted on each of Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 and no associated secondary dwelling is permitted, subject to the provision of the following amenities before issuance of the first building permit in respect of a Strata Lot following the adoption of this Bylaw:"

   c) Delete article 5.22(3)(a) and replace with:

      "(a) granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland that portion of the common property of Strata Plan VR793 being 3.8 hectares located generally as shown and noted on Schedule D-1 to this Bylaw, and"

   d) Delete subsection 5.22(4) "Permitted Buildings, Structures and Density Area 1" and replace with:

      "Despite 5.22 (3) one single family dwelling unit and accessory buildings and structures are permitted on each Strata Lot created by subdivision of any or all of Strata Lots 1 to 33 District Lots 1258, 1653 and 3201 Strata Plan VR 793 or by a new strata plan which creates 66 Strata Lots as permitted by regulations 5.22(20), and no associated secondary dwelling is permitted, subject to the provision of the following amenities at the earlier of the time of issuance of the first building permit in respect of a Strata Lot or a strata lot created by a new Strata Lot following the adoption of this Bylaw: "

   e) Delete article 5.22(4)(a) and replace with:

      "granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland that portion of the common property of Strata Plan VR793 being 3.8

hectares generally located as shown and noted on Schedule D-1 to this Bylaw, and"

f) To subsection 5.22(6) "Permitted Buildings, Structures and Density Areas 1 and 2" delete "Strata Plan VAS793" and replace with "Strata Plan VR793"

g) Delete subsection 5.22(20) "Subdivision Requirements Area 1" and replace with:

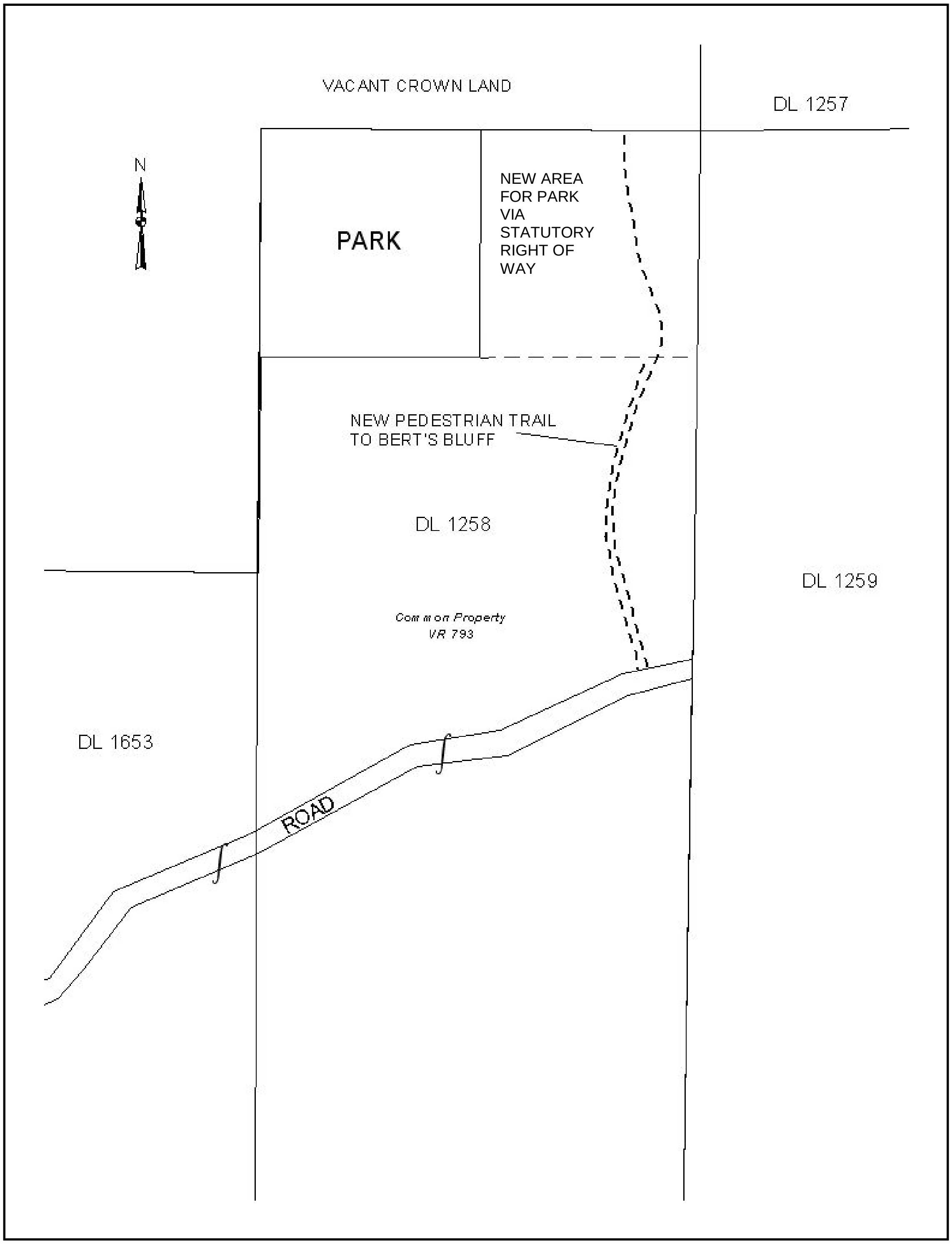
"Despite 5.22(19), one additional lot may be created within each of Strata Lot 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 or created by a new strata plan for a total of 33 additional strata lots subject to the provision of the following amenities at the time of deposit of a subdivision plan creating the first such additional lot:"

h) Delete article 5.22(20)(a) "Subdivision Requirements Area 1" replace with:

"granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland in the amount of 3.8 hectares generally located as shown and noted on Schedule D-1 to this Bylaw as new park, and"

i) To subsection 5.22(23) delete the words "and Common Property Strata Plan VAS793"

2. Schedule "D-1" (CD 1 Zone Amenities) of Gambier Island Land Use Bylaw No. 86 cited as "Gambier Island Land Use Bylaw, 2004", is deleted and replaced with the following:


VACANT CROWN LAND
DL 1257
N
PARK
NEW AREA
FOR PARK
VIA
STATUTORY
RIGHT OF
WAY
NEW PEDESTRIAN TRAIL
TO BERT'S BLUFF
DL 1258
DL 1259
Common Property
VR 793
DL 1653
ROAD

3

LAND TITLE ACT

FORM C
(Section 233)
Province of British Columbia
GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use) Page 1 of 9 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
~~

____
~~
Applicant's Solicitor

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
~~	~~
~~	~~

3. NATURE OF INTEREST:*

Description	Document Reference (page and paragraph)	Person Entitled to Interest
~~	~~	~~

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)	Filed Standard Charge Terms	___	D.F. No.
(b)	Express Charge Terms	X	Annexed as Part 2
(c)	Release	__	There is no Part 2 of this Instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

~~

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

~~

2
LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia

GENERAL INSTRUMENT-PART 1 Page 2

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature	Execution Date	Transferor Signature
	Y M D	
		~~ by its authorized signatory(ies):
______________________________	2013 ___ ___	
		______________________________ Name:
		______________________________ Name:
(as to both signatures)		
		Transferee Signature
		~~ by its authorized signatory(ies):
______________________________	2013 ___ ___	
		______________________________ ~~, Mayor
		______________________________ ~~, Clerk
(as to both signatures)		

OFFICER CERTIFICATION
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

TERMS OF INSTRUMENT – PART 2

STATUTORY RIGHT OF WAY AGREEMENT

THIS AGREEMENT dated for reference the ____ day of ______, 20
BETWEEN:

~~

(the “Grantor”)

AND:

~~

(the “Grantee”)

WHEREAS:

A. The Grantor owns certain lands and premises (the "Lands") on Gambier Island, British Columbia, legally described as:

B. The Grantor has agreed to grant to the Grantee as an amenity pursuant to Gambier Island Land Use Bylaw No. 86, 2004 (the “Bylaw”), a statutory right of way to permit the use of an approximately 3.8 ha portion of the Lands as a public park and to facilitate the construction, installation, improvement, repair, maintenance and operation of public paths and trails, toilets, picnic tables, benches, viewpoints, drainage works, signage, rails, fencing, bridges, waste receptacles and such other improvements as are customary and convenient for the use of rural land as a public park (the “Works”).

C. The grant of Statutory Right of Way is over a portion of the Lands substantially as shown as “New Park” on Schedule D-1 to the Bylaw and specifically located on Schedule “A” to this Statutory Right of Way Agreement.

D. This Statutory Right of Way is necessary for the operation and maintenance of the Grantee's undertaking.

THIS AGREEMENT is evidence that in consideration of payment of $2.00 by the Grantee to the Grantor and other and valuable consideration, the receipt of which is acknowledged by the Grantor, the Grantor covenants and agrees with the Grantee in accordance with Section 218 of the *Land Title Act* as follows:

Grants

Right of Way

1. **The Grantor for the purposes recited, hereby grants, conveys and confirms to the Grantee in perpetuity the full, free and uninterrupted right, liberty, easement and statutory right of way for the Grantee, its officers, employees and contractors, and subject to such rules and limitations as the Grantee deems necessary or desirable to the Grantee's licensees, agents, invitees, including all members of the public and others of the Grantee at all times hereafter from time to time at their will and pleasure without specific authorization or invitation or licence to enter, go, be on, pass and repass, without vehicles in the case of members of the public, and with or without personal property and equipment, upon, over, under and across that portion of the Lands outlined in heavy black on the [reference or explanatory] plan of statutory right of way deposited in the New Westminster Land Title Office under number ________________ (the "Right of Way") a reduced paper print copy of which plan is attached hereto as Schedule "A" to use the Right of Way as if it were a public park open to the public from time to time in the Grantee's discretion and subject to rules and regulations of the Grantee and without limiting the generality of the foregoing to:**

   (a) construct and install the Works upon the Right of Way and to remove, replace, repair, maintain and operate the Works;

   (b) have unobstructed access to and from the Right of Way at any and all times;

   (c) make surveys and tests;

   (d) establish grades and levels;

   (e) excavate or otherwise alter the contours of the Right of Way and to backfill trenches;

   (f) store all personal property (including equipment) necessary to install, remove, repair, maintain or replace the Works, provided that the Grantee shall consult the Grantor as to the duration and location of such storage;

   (g) remove from the Right of Way such structures, improvements, fixtures, fences, gates, cattle guards, trees, shrubs, plants and other obstructions whatsoever as, in the Grantee's opinion, is necessary in order to construct, install, remove, repair, operate, maintain or replace the Works or to enable the public to use the Right of Way as a public park;

   (h) do all other things on the Right of Way as may be reasonably required in connection with the foregoing.

<u>Grantor's Obligations</u>

2. The Grantor must:

(a) not do or permit to be done any act or thing which in the opinion of the Grantee may interfere with the use of the Right of Way as a public park or interfere with, injure or impair the operating efficiency of, or obstruct access to or the use of, the Works;

(b) permit the Grantee to peaceably hold and enjoy the rights hereby granted;

(c) not place, erect or construct any building, structure or other improvement on the Right of Way;

(d) not, without approval in writing from the Grantee, remove or damage any vegetation of any kind in the Right of Way, remove any soil from the Right of Way, or deposit any soil or any other material in the Right of Way;

(d) at its own expense, do or cause to be done all acts necessary to grant priority to this Agreement over all charges and encumbrances which are registered, or pending registration, against title to the Lands in the Land Title Office, save and except those as have been approved by the Grantee or have been granted in favour of the Grantee;

(e) upon every reasonable request and at its own expense, do or execute or cause to be done or executed all such further and other lawful acts, deeds, things, conveyances and assurances in law whatsoever for better assuring to the Grantee the rights, liberties and statutory right of way hereby granted.

<u>Grantee's Obligations</u>

3. The Grantee shall do all Works and other things hereby authorized to be done by it over, through, under and upon the Right of Way in a good and workmanlike manner so as to cause no unnecessary damage or disturbance to the Right of Way.

4. No right herein granted to or reserved by the Grantee shall require the Grantee to clean, repair, or maintain the Works or the Right of Way unless the Grantee is expressly required herein to perform such cleaning, repairing or maintenance.

<u>Grantee's Rights</u>

5. The Grantee shall and may peaceably hold and enjoy the rights, liberties and right of way hereby granted without hindrance, molestation or interruption by the Grantor or any person, firm or corporation claiming by, through, under or in trust for the Grantor.

6. The Works installed by the Grantee in, upon or under the Right of Way remain chattels and the property of the Grantee, notwithstanding that the same may be annexed or affixed to the freehold, and the Works may at any time be removed in whole or in part by the Grantee in its discretion.

Miscellaneous

No Waiver

7. **No waiver of default by either party shall be effective unless expressed in writing by the party waiving default, and no condoning, overlooking or excusing by either party of a previous default of the other shall be taken to operate as a waiver of any subsequent default or continuing default, or to in any way defeat or affect the rights and remedies of the non-defaulting party.**

Discretion

8. **Wherever in this Statutory Right of Way the approval of the Grantee is required, or some act or thing is to be done to the Grantee's satisfaction, or the Grantee is entitled to form an opinion:**

(a) **such provisions shall not be deemed to have been fulfilled or waived unless the approval, opinion or expression of satisfaction is in writing signed by the Grantee's Director of Operations (the "Director");**

(b) **such approval, opinion or satisfaction shall be at the discretion of the Director acting reasonably in accordance with sound municipal engineering practice; and**

(c) **any discretion of the Director shall not be subject to public law duties, and the principles of procedural fairness and the rules of natural justice shall have no application.**

No Derogation

9. **This Statutory Right of Way Agreement does not:**

(a) **affect or limit the discretion, rights, duties or powers of the Grantee under any statute, bylaw, or other enactment;**

(b) **affect or limit any statute, bylaw or other enactment applying to the Lands; or**

(c) **relieve the Grantor from complying with any statute, bylaw or other enactment.**

Notice

10. **Any notice to be given pursuant to this Right of Way Agreement shall be in writing, and may be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice shall be the addresses hereinbefore set out. If notice is delivered personally it may be left at the addresses in the same manner as ordinary mail is left by Canada Post and shall be deemed received when delivered. If notice is mailed it shall be deemed received five (5) days after mailing. Any party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the address therein specified shall be deemed to be the address of such party for the giving of notice.**

Severance

11. If any section, subsection, sentence, clause or phrase in this 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 of the Agreement.

Entire Agreement

12. This Statutory Right of Way Agreement is the entire agreement between the parties, and neither the Grantee nor the Grantor has made representations, warranties, guarantees, promises, covenants or agreements to the other except those expressed in writing in this Statutory Right of Way Agreement, and no amendment of this Statutory Right of Way Agreement is valid or binding unless in writing and executed by the parties.

Headings

13. The headings in this Statutory Right of Way Agreement are inserted for reference and convenience only and must not be used to construe or interpret the provisions hereof.

Schedules

14. Schedule "A" being a reduced copy of the plan delineating the Right of Way forms part of this Agreement.

Interpretation

15. Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

Parties

16. Every reference to a party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party wherever the context so requires or allows.

Interest In Land and Enurement

17. This Agreement runs with the land, but no part of the fee of the soil thereof passes to or is vested in the Grantee under or by this Agreement, and the Grantor may fully use the Right of Way subject only to the rights and restrictions herein set forth.

18. This Agreement shall enure to the benefit of and be binding on the parties hereto notwithstanding any rule of law or equity to the contrary.

<u>Execution</u>

19. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE "A"

Explanatory Plan

CO-TENANCY AGREEMENT

THIS AGREEMENT dated for reference ___________, 2014 is

BETWEEN:

SUNSHINE COAST REGIONAL DISTRICT, a regional district incorporated under the *Local Government Act* and having its offices at 1975 Field Road, Sechelt, B.C. V0N 3A0

("SCRD")

AND:

GAMBIER ISLAND LOCAL TRUST COMMITTEE, a local trust committee constituted under the *Islands Trust Act* and having its offices at 1627 Fort Street, Victoria, B.C. V8R 1H8

("GILTC")

(collectively, the "Co-tenants")

GIVEN THAT:

A. SCRD and the GILTC are co-grantees of a statutory right of way granted by THE OWNERS, STRATA PLAN VR.793 in respect of COMMON PROPERTY, STRATA PLAN VR.793 on Gambier Island (the "Land") and registered in the Lower Mainland Land Title Office under No. __________ (the "COMMON PROPERTY SRW"); and

B. SCRD operates a community parks service on Gambier Island under Part 24 of the *Local Government Act* and has accepted the COMMON PROPERTY SRW to enable the SCRD to operate a public trail on the area subject to the COMMON PROPERTY SRW (the "COMMON PROPERTY SRW Area"); and

C. GILTC as the authority having jurisdiction on Gambier Island in respect of planning and land use management enacted a comprehensive development zone in the Gambier Island Land Use bylaw under s. 904 of the *Local Government Act* under the terms of which the grantors of the COMMON PROPERTY SRW were entitled to a greater residential density of development on their land if they made a grant of a statutory right of way for public trail purposes, and the GILTC has accepted the COMMON PROPERTY SRW for the purposes of the zoning bylaw; and

D. The Co-tenants wish to enter into a co-tenancy agreement to set out in writing their respective rights and obligations with respect to their respective interests in the Land under the COMMON PROPERTY SRW;

THIS AGREEMENT is evidence that in consideration of the mutual covenants and promises contained in this Agreement, the Co-tenants agree as follows:

1. **Formation of Co-tenancy** - The Co-tenants acknowledge a Co-tenancy with respect to the COMMON PROPERTY SRW, and the Co-tenants agree that the relationship created by this agreement shall be and shall be deemed to be a tenancy in common.

2. **Purpose of Co-tenancy -** The Co-Tenants agree that the purpose of the Co-tenancy is to hold and manage pedestrian trail to be established on the COMMON PROPERTY SRW Area for the use and benefit of the public.

3. **Date of Commencement** - The Co-tenancy shall be deemed to have commenced as of the date of registration of the COMMON PROPERTY SRW in the Land Title Office, and shall terminate as may be mutually agreed between the Co-tenants or as provided in this Agreement.

4. **Intention -** The Co-tenants agree that they intend that this Agreement be perpetual in order to preserve the public's right to have access to and use the COMMON PROPERTY SRW Area.

5. **No alienation –** The Co-tenants' interests in the Land are inalienable, except that in the case of dissolution or reorganization of either of the parties, that party's interest in the Land may be transferred to a successor governmental organization.

6. **Non-encumbrance –** The Co-tenants agree not to mortgage or otherwise encumber their respective interests in the Land.

7. **Management** – As between SCRD and GILTC, SCRD shall have day-to-day management of any path or trail constructed on the COMMON PROPERTY SRW Area.

8. **Responsibility for works** – To the extent that the COMMON PROPERTY SRW imposes any obligations on the grantees in respect of the construction, installation, improvement, repair, maintenance or operation of a path or trail or any related works on the COMMON PROPERTY SRW Area, the SCRD shall comply with the obligation at its cost.

9. **Notice of Works –** The SCRD shall, at least two months prior to constructing any path or trail on the COMMON PROPERTY SRW Area, provide to the GILTC a copy of the plans and specifications and the proposed maintenance standards for the path or trail, and shall give consideration to any written recommendations that the GILTC may provide to SCRD in relation to the plans and specifications and the maintenance standards, as long as such recommendations are provided at least one month prior to the scheduled commencement of construction.

10. **Recommendations regarding Works** – The GILTC may provide written recommendations from time to time as to the operation, repair or maintenance of the path

or trail on the COMMON PROPERTY SRW Area, and the SCRD shall give consideration to any such recommendations.

11. **Occupier's Liability** – As between the SCRD and the GILTC, the SCRD acknowledges that it is the occupier of the COMMON PROPERTY SRW Area for the purposes of the *Occupiers Liability Act*, and the SCRD will indemnify and save harmless the GILTC, the elected members of the GILTC, the Islands Trust and its officers and employees from and against all manner of actions, causes of action, claims, suits and demands by reason of or arising from the construction, installation, improvement, repair, maintenance or operation of any path or trail or any related works on the COMMON PROPERTY SRW Area, from any neglect or failure of SCRD to repair or maintain such works, or from the carrying out or failure to carry out any obligation of the grantees under the terms of the COMMON PROPERTY SRW.

12. **Copy of Notices** – If either of the parties receives a notice from the grantors of the COMMON PROPERTY SRW or their successor in title pursuant to the terms of the COMMON PROPERTY SRW, that party shall promptly provide a copy of the notice to the other party.

13. **Modification and Discharge** – Neither of the parties shall execute any document modifying or discharging the COMMON PROPERTY SRW without the written consent of the other party.

14. **Inspection of Land –** Either or both of the Co-tenants may inspect the COMMON PROPERTY SRW Area to ensure compliance with the COMMON PROPERTY SRW.

15. **Dispute Resolution –** Except as otherwise provided in this Agreement, if any dispute, difference or question arises between the Co-tenants touching this Agreement or any part of it, or the meaning or effect of anything contained in this agreement, the dispute shall be resolved jointly by the chief administrative officers of the parties, provided that if the dispute has not been resolved in that manner within six weeks of the dispute having been put before the chief administrative officers for resolution, either of the parties may initiate the resolution of the dispute under Division 3 of Part 9 of the *Community Charter*.

16. **Further Assurances** - The Co-tenants shall sign any further and other papers and documents, cause the meetings to be held, resolutions passed and bylaws enacted, do and cause to be done and performed any further and other acts or things as may be necessary or desirable, in order to give full effect to this Agreement and each and every part of it.

17. **Notice** - Any notice or payment required or permitted to be given or made under this agreement may effectually be given or made by being mailed by registered mail, postage prepaid, or delivered to the above-mentioned addresses, or sent by fax, and if mailed, any notice or payment shall be deemed to have been given or made on the date when actually received.

18. **Covenants Severable -** Every provision of this Agreement is intended to be severable. If any term or provision of it is illegal or invalid for any reason, the illegality or invalidity shall not affect the validity of the remainder of this agreement.

19. **Rights Cumulative** - The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its right to use any or all other remedies. The rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

20. **Additional Remedies** - The rights and remedies of the Co-tenants shall not be mutually exclusive. Each of the Co-tenants confirms that as damages at law may be an inadequate remedy for a breach or threatened breach of any provisions of this Agreement, the respective rights and obligations shall be enforceable by specific performance, injunction or other equitable remedy, but nothing contained in this Agreement shall limit or affect any rights or rights at law or by statute or otherwise of any party aggrieved as against the other for breach or threatened breach of any provision, it being the intention of this paragraph to make clear the agreement of the Co-tenants that the respective rights and obligations of the Co-tenants shall be enforceable in equity as well as at law or otherwise.

21. **Binding on Successors** - This Agreement shall enure to the benefit of and be binding on the respective successors and assigns of the Co-tenants, but shall not be assignable except as expressly provided in this Agreement.

22. **Deed and contract** - By executing and delivering this Agreement each of the Co-Tenants intends to create both a contract and a deed executed and delivered under seal.

SUNSHINE COAST REGIONAL DISTRICT

By its authorized signatories: ______________________________

____

GAMBIER ISLAND LOCAL TRUST COMMITTEE

By its authorized signatories: ______________________________

____

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 125

****

A BYLAW TO AMEND GAMBIER ISLAND LAND USE BYLAW 86, 2004

****

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

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

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

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

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

1. This Bylaw may be cited for all purposes as “Gambier Island Land Use Bylaw No. 86, 2004, Amendment No. 2, 2013.”

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

   (1) Schedule “A” (Land Use Bylaw Text) is amended by inserting the following text in table 5.20, subsection 5.20 (17):

Site-Specific Zone	Location Description	Site Specific Regulations
YCO(c)	Ekins Point – Burrard Yacht Club (Breakwater)	Despite 5.20 (5) and (13), floating breakwaters are the only permitted structures. The maximum height of a breakwater is 1 metre measured from the surface of the water. The total combined maximum area covered by breakwaters is 1280 square metres.

   (2) Schedule "B" (Zoning Map) is amended by changing the zoning of the areas indicated on Plan No. 1, attached to and forming part of this Bylaw, from Marine Park and Recreation (P3) zone to Yacht Club Outstation (YCO(c)) zone.

READ A FIRST TIME this	26th	day of	September	, 2013.
PUBLIC HEARING HELD this		day of		, 2013.
READ A SECOND TIME this		day of		, 2013.
READ A THIRD TIME this		day of		, 2013.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this		day of		, 2013.
ADOPTED this		day of		, 2013.

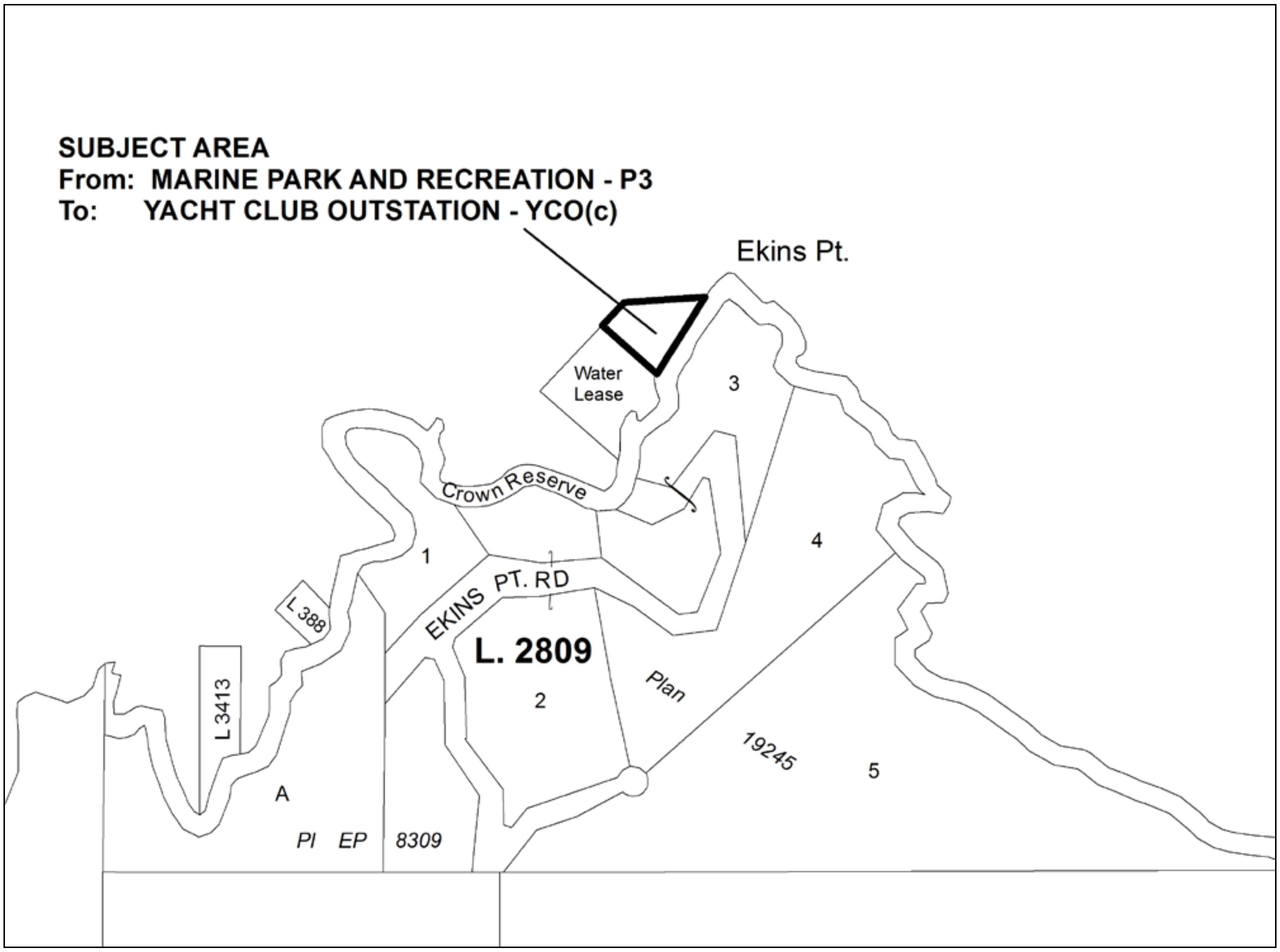
CHAIRPERSON SECRETARY

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.125

PLAN NO. 1



DRAFT

Gambier Island Local Trust Committee

BYLAW NO. 126

****

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

****

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. 86, cited as "Gambier Island Land Use Bylaw, 2004" is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as "Gambier Island Land Use Bylaw 86, 2004, Amendment No. 1, 2014"

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

SECRETARY **CHAIRPERSON**

Gambier Island Local Trust Committee

Bylaw No. 126

Schedule 1

1. Schedule “A” (Land Use Bylaw Text) of Gambier Island Land Use Bylaw No. 86 cited as “Gambier Island Land Use Bylaw, 2004”, is amended as follows:

   a) Delete subsection 5.22(2) Area 1 “Permitted Buildings, Structures and Density Area 1” and replace with:

      “(2) Despite regulation 3.14, one single family dwelling unit and one associated secondary dwelling and accessory buildings and structures are permitted on each of Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793.”

   b) Delete subsection 5.22(3) “Permitted Buildings, Structure and Density Area 1”, and replace with:

      “(3) Despite 5.22(2) two single family dwelling units and accessory buildings and structures are permitted on each of Strata Lots 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 and no associated secondary dwelling is permitted, subject to the provision of the following amenities before issuance of the first building permit in respect of a Strata Lot following the adoption of this Bylaw:”

   c) Delete article 5.22(3)(a) and replace with:

      “(a) granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland that portion of the common property of Strata Plan VR793 being 3.8 hectares located generally as shown and noted on Schedule D-1 to this Bylaw, and”

   d) Delete subsection 5.22(4) “Permitted Buildings, Structures and Density Area 1” and replace with:

      “Despite 5.22 (3) one single family dwelling unit and accessory buildings and structures are permitted on each Strata Lot created by subdivision of any or all of Strata Lots 1 to 33 District Lots 1258, 1653 and 3201 Strata Plan VR 793 or by a new strata plan which creates 66 Strata Lots as permitted by regulations 5.22(20), and no associated secondary dwelling is permitted, subject to the provision of the following amenities at the earlier of the time of issuance of the first building permit in respect of a Strata Lot or a strata lot created by a new Strata Lot following the adoption of this Bylaw: “

   e) Delete article 5.22(4)(a) and replace with:

      “granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland that portion of the common property of Strata Plan VR793 being 3.8

hectares generally located as shown and noted on Schedule D-1 to this Bylaw, and"

f) To subsection 5.22(6) "Permitted Buildings, Structures and Density Areas 1 and 2" delete "Strata Plan VAS793" and replace with "Strata Plan VR793"

g) Delete subsection 5.22(20) "Subdivision Requirements Area 1" and replace with:

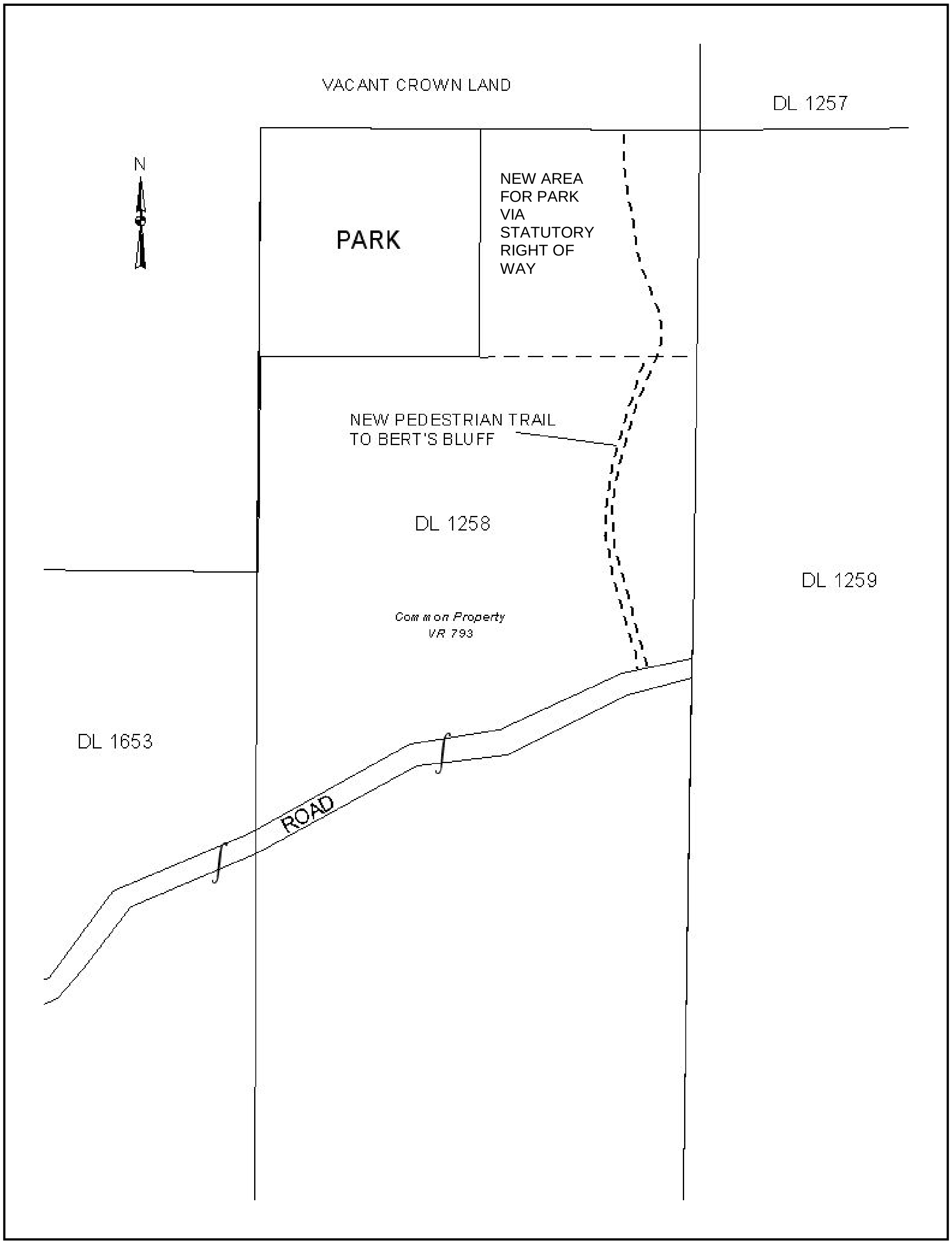
"Despite 5.22(19), one additional lot may be created within each of Strata Lot 1 to 33, District Lots 1258, 1653 and 3201, Strata Plan VR793 or created by a new strata plan for a total of 33 additional strata lots subject to the provision of the following amenities at the time of deposit of a subdivision plan creating the first such additional lot:"

h) Delete article 5.22(20)(a) "Subdivision Requirements Area 1" replace with:

"granting and registration of a statutory right of way substantially in the form annexed to this Bylaw as Schedule E in favour of the Sunshine Coast Regional District and the Gambier Island Local Trust Committee for use by the public as parkland in the amount of 3.8 hectares generally located as shown and noted on Schedule D-1 to this Bylaw as new park, and"

i) To subsection 5.22(23) delete the words "and Common Property Strata Plan VAS793"

2. Schedule "D-1" (CD 1 Zone Amenities) of Gambier Island Land Use Bylaw No. 86 cited as "Gambier Island Land Use Bylaw, 2004", is deleted and replaced with the following:


VACANT CROWN LAND
DL 1257
N
PARK
NEW AREA
FOR PARK
VIA
STATUTORY
RIGHT OF
WAY
NEW PEDESTRIAN TRAIL
TO BERT'S BLUFF
DL 1258
DL 1259
Common Property
VR 793
DL 1653
ROAD

Print Date: Mar-31-2014

Islands Trust

Top Priorities

Gambier Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Foreshore protection/stewardship and clarity; implementation of Development Approval Information Bylaw (DAI) or Development Permit Areas (DPA's).	Investigate and recommend options for protection/stewardship within the local trust area through the use of existing land use planning tools.	Jan-31-2012	Aleksandra Brzozowski	Nov-27-2014	On Going
2	OCP advocacy policies - implementation & support	Work related to supporting the advocacy policies stated in the Gambier, Keats, and Associated Islands OCPs and in the IT Strategic Plan. Ex. Woodlots, industrial facilities, cross-jurisdictional management of Howe Sound	Oct-24-2013	Aleksandra Brzozowski	Nov-03-2014	On Going
3	Sustainability Guide	Customize the southern islands' "Guide to Environmentally Friendly Building and Renovating" for the northern trust area.	May-23-2013	Aleksandra Brzozowski	Jul-11-2013	On Going
4	Riparian Areas Regulation Implementation Project for Gambier Island Local Trust Area.		Oct-26-2011	Aleksandra Brzozowski	Dec-31-2012	On Going

Islands Trust

Projects

Gambier Island

No.	Description	Activity	Received/Initiated	Status
1	Keats Island OCP Map Amendment - add trail map used during public process developing OCP.		Mar-08-2007	On Going
1	Staff to prepare an issues outline with respect to Gambier Island Comprehensive Land Use Planning Project. (Address community planning and environmental protection issues) Gambier dp and comprehensive planning - subject to alternate funding and resources. To include: 1. Road issues - road network, and parking issues 2. Gambier forest tenure and reallocation - Gambier Island Crown lands. Gambier LUB follow-up: Definition of recreation in Area 3, CD1 Zone. Subdivision and use of common property in a bare land strata plan. Legal non-conforming - information note. ssociated secondary dwelling - definition and use. Potable water requirements.		Jun-23-2010	On Going
1	Consider a mechanism to recognize authorizations of additional dwellings as permitted by s. 4.4.10 of Keats LUB		Aug-04-2010	On Going
1	GHG Emissions - examine as part of next OCP reviews more proactive approaches to plan for GHG reductions especially in relation to Policies 6.1 and 6.2 in consultation with SCRD. Initiative arises from recommendation of SCRD in comments about bylaws 111 & 112.		Oct-06-2010	On Going
1	Food Security: Based on the November 2010 'Exploring Food Security in the Islands Trust Area' - explore opportunities to implement policies and regulations to address food security in the Gambier Trust Area.	Please make note to consider Objectives 6.1 & 6.2 in the new Agricultural Area Plan for the Sunshine Coast Regional District.		On Going

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

Islands Trust

Applications w/ Status - Gambier Island Status: Open

Applications

Development Variance Permit

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

Planning Status

Status Date: Apr-10-2008

still on hold pending rezoning

Status Date: Aug-13-2007

on hold pending rezoning application

Status Date: May-16-2006

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

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

Planning Status

Status Date: Mar-28-2014

no change

Status Date: Jan-17-2014

no change

Status Date: Sep-13-2013

no change

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

Planner: Aleksandra Brzozowski

Planning Status

Status Date: Oct-25-2013

Staff advised applicant of outstanding information required for application.

Status Date: Aug-14-2013

Applicant submitted application and some supplemental information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2013.4	Silverspan Trams Inc. (Grayson Syryda)	Dec-10-2013	013-386-581 1010 Taki-Te-Si Road (Gambier Island - Farrokh Elmieh) Variance for setbacks and in order to bring lift down to dock level. One pre-existing deck included in this variance.

Planner: Linda Prowse

Planning Status

Status Date: Mar-28-2014

Site visit has been conducted. Staff working on staff report and public notification. Working to submit report for May LTC meeting.

Forest Land Reserve

File Number	Applicant Name	Date Received	Purpose
GM-FLR-2013.1			

Planner:

Planning Status

Rezoning

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

Planner: Sonja Zupanec

Planning Status

Status Date: Mar-13-2014

Teleconference with applicant regarding next steps.

Status Date: Jan-20-2014

File transferred to S. Zupanec - staff in contact with applicant to ensure timely review of their consultation strategy and cost recovery deposit for 2014 planning work.

Status Date: Oct-08-2013

Applicant wishes to continue with contract planner until Dec 2013

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

Planner: Marnie Eggen

Planning Status

Status Date: Mar-14-2014

Squamish FN concerns addressed; CIM

Status Date: Nov-15-2013

Applicant working with Squamish FN to address concerns

Status Date: Sep-26-2013

First Reading given

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2013.2	Lynn Roxburch	May-23-2013	Strata Lots 1-33 & Common Prop. Gambier Island Sea Ranch Strata Lot 1 PID: 005-188-016 Amendment of the Gambier Island Sea Ranch Comprehensive Develop. Zone of the Gambier LUB

Planner: Sonja Zupanec

Planning Status

Status Date: Mar-28-2014

Draft bylaw prepared for LTC consideration of first reading Apr 10

Status Date: Jan-20-2014

Draft SROW prepared and reviewed by SCRD and GISR solicitor. Draft changes to be reviewed by GISR Strata late Feb prior to LTC review and comment.

Status Date: Sep-26-2013

Prelim report to LTC

Subdivision

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

Planner: Sonja Zupanec

Planning Status

Status Date: Jun-06-2007

On hold pending rezoning application.

Status Date: May-16-2006

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

Status Date: Dec-21-2005

MOT issues Prelim Layout NOT APPROVED with conditions.

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

Planner: Sonja Zupanec

Planning Status

Status Date: Jan-06-2012

No further action until applicant finalizes final plan of subdivision.

Status Date: Mar-16-2011

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

Status Date: Feb-23-2011

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

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

Planner: Marnie Eggen

Planning Status

Status Date: Mar-28-2014

no change

Status Date: Jan-17-2014

no change

Status Date: Sep-16-2013

no change

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

Planner: Aleksandra Brzozowski

Planning Status

Status Date: Oct-03-2012

Referral response sent to MOTI and applicant

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2013.1	Creus Engineering	Dec-09-2013	PID: 014-385-694 The Convention of Baptist Churches of BC Keats Island 9 Lot Subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: Mar-28-2014

Under review by planner

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2014.1	Mary & Richard Potter	Jan-16-2014	028-117-000 & 012-825-034 (2220 Maple Rd, Gambier Is) Boundary adjustment

Planner: Linda Prowse

Planning Status

Islands Trust

16.3.1

LTC EXP SUMMARY REPORT F2014

Invoices posted to Month ending March 2014

630 Gambier	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-630	LTC "Trustee Expenses"	1,200.00	2,500.24	-1,300.24
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,000.00	3,880.05	-880.05
65210-630	LTC - Local Exp - APC Meeting Expenses	1,000.00	147.00	853.00
65220-630	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-630	LTC - Local Exp - Special Projects	2,000.00	1,352.00	648.00
65240-630	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		6,750.00	5,379.05	1,370.95
Projects				
73001-630-2003	Gambier Associated OCP /LUB	2,000.00	1,992.72	7.28
73001-630-4024	Gambier Foreshore Protection and Stewarship	0.00	1,000.00	-1,000.00
TOTAL Project Expenses		2,000.00	2,992.72	-992.72

Islands Trust

Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

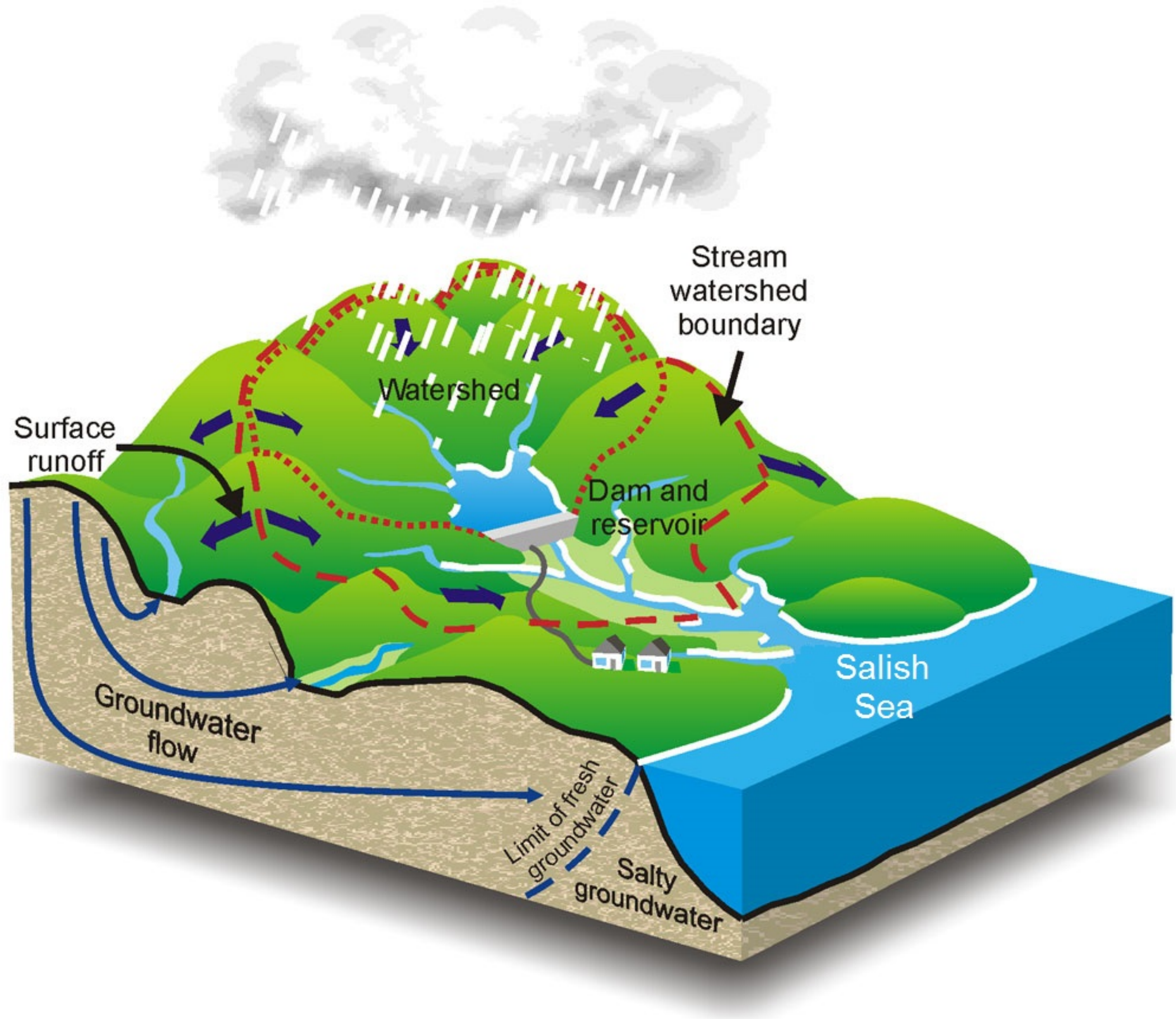
From Local Planning Committee

Re *Gulf Islands Groundwater Protection - A Regulatory Toolkit*

At its meeting on March 4-6, 2014, the Islands Trust Council passed a resolution requesting that the attached toolkit be circulated to all Local Trust Committees, planning staff and Bowen Island Municipality so that they are aware of some of the options available for the protection of groundwater.

This toolkit addresses options for the islands to consider in order to safeguard their water supplies now and into the future. The intent of this toolkit is to enable Local Trust Committees, planning staff and Bowen Island Municipality to choose the correct tool for the project at hand that suits their island.

Attachment: *Gulf Islands Groundwater Protection - A Regulatory Toolkit*



Gulf Islands Groundwater Protection

A Regulatory Toolkit

Prepared by Kris Nichols, LPC Island Planner

January 30, 2014

Islands Trust

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Introduction

Islanders are taking voluntary actions to steward and conserve water, island organizations educate and manage their water resources, and the Islands Trust has a strong focus on the importance of voluntary actions to protect water quality and quantity. A sample can be viewed here: http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx.

This project discussion paper is only about what regulatory options are available if islanders and trustees want to proceed down the regulatory route; it is not the only route to protect groundwater quality and quantity.

The Islands Trust Local Planning Committee (LPC) has on their work program the development of water quality and quantity toolkit and development of a model bylaw. This report includes a toolkit, a model Development Permit Area (DPA) bylaw and a model Development Approval Information Area (DAI) Provisions that will assist all Local Trust Committees (LTC) in addressing the issue of water conservation.

This report addresses options for the islands to consider in order to safe guard their water supplies now and into the future. The protection of a safe adequate water source will remain a priority for the Islands and will become increasingly important as the Islands continue to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning.

There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. Local Trust Committees (LTC) have approached the issue differently from no action to developing development permit area guidelines and specific water conservation bylaws or subdivision servicing regulations. However, it is believed that to plan for the future of the Islands is to include the protection of water – groundwater and surface water. Groundwater is inextricably linked to the amount of surface water which many island ecosystems and habitats rely on which is another reason why an island's groundwater supply should be protected and sustainably used.

Background

In British Columbia, water is owned by the Crown and not by individual land owners. Surface water is regulated by the *Water Act*. British Columbia is the last jurisdiction in Canada without groundwater legislation or licensing (i.e. protection). The intent of the Province in the near future is to integrate groundwater and surface water allocation. The Province is working to finalize the new *Water Sustainability Act* (see: http://www.livingwatersmart.ca/water-act/)

which would require all existing and new large groundwater users to apply for and obtain a water licence (e.g. waterworks, community wells, industrial and agricultural users). This proposed legislation will replace the *Water Act*. The proposed legislation would not include individual residential well users, but it would in high risk areas (priority areas) where for instance aquifers are under stress due to over use. To establish the Islands Trust as a priority area would be beneficial, but this cannot be established until the new legislation is in place. This would enable closer evaluation with the province on providing regulation for the protection of aquifers/ground water. Something all islands would benefit from.

An aquifer is the area underground where spaces between gravel, sand, clay, or rock fill with water. Water stored underground is called groundwater. There are different types of aquifers. When water is found in cracks and pores in the rock, we call this a 'bedrock' aquifer. When water is found in the spaces between sand and gravel, we call this a 'sand and gravel', or 'unconsolidated' aquifer.

There are two types of aquifers that exist in the Gulf Islands: sand and gravel layers and fractured bedrock. Fractured bedrock provides the primary source of freshwater for the majority of the island residents. Fractures in the bedrock located below the water table are filled with water and tapped by wells. The density of fractures and proximity to major faults determine the water yield from individual wells.

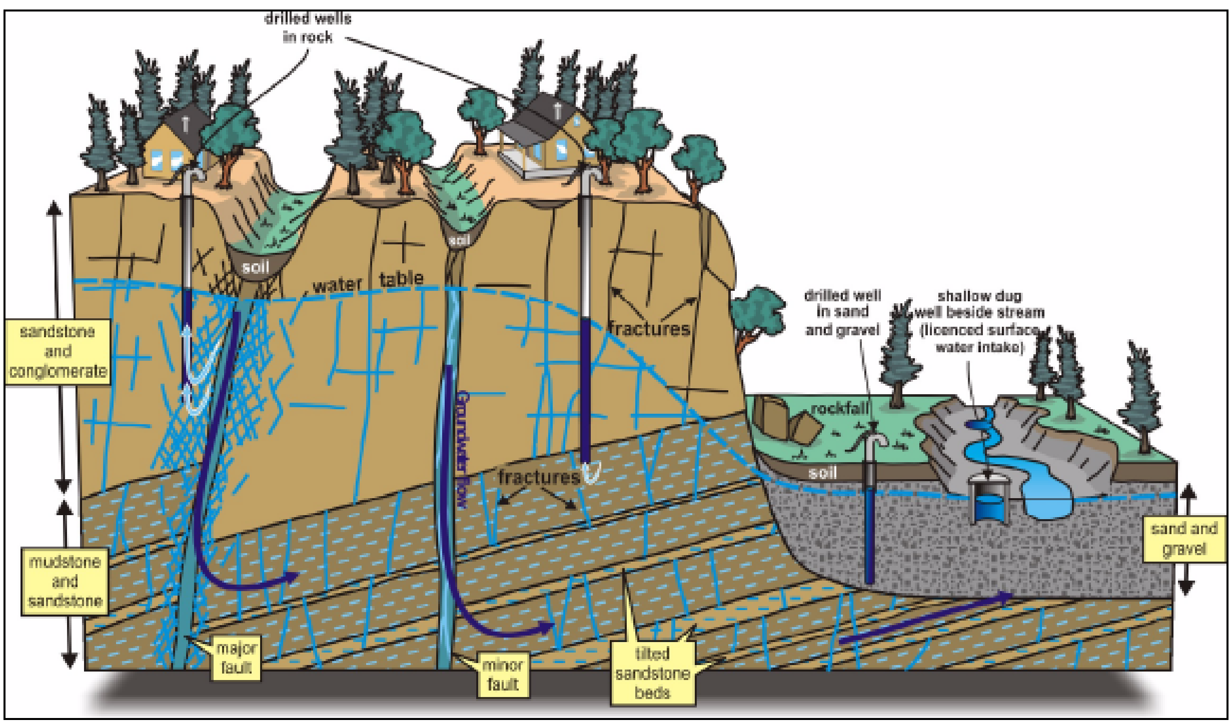

Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_j03_mj.html)

Development pressures will continue to raise concerns over adequate quantity and quality of water on the Islands. The drinking water in the Gulf Islands comes from a variety of sources – private water systems, improvement districts, regional district water systems, individual wells, surface water all which rely on a safe supply of groundwater from aquifers. There are specialized systems that do not rely on groundwater such as rainwater catchment and desalinization. A few residents rely on bottled/trucked water.

Sustainable practices are required to conserve and protect fresh groundwater sources. There is currently no system to understand the cumulative impacts of individual wells drilled. There are a number of issues that impact the quality and quantity of groundwater such as saline intrusion, land use impacts (i.e. types and amount of uses), well interference, surface contamination, topography, recharge rates, soils, vegetation cover, geology, proximity to the sea, liquid waste (i.e. septic system) and seasonal water shortage. Climate change may also have an impact on groundwater supplies. The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. Groundwater also plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands.

The Islands Trust has an important role to play in groundwater protection. It controls long-range development (Official Community Plans) and land use planning, zoning, development permit areas, bylaw enforcement, subdivision servicing bylaws. The Regional Districts and the Ministry of Transportation and Infrastructure (MoTI) have jurisdiction for water utilities and subdivision approvals, respectively. Island Health (formerly VIHA) has jurisdiction, through registered installers, for the approval of septic fields.

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. Much of what will make the difference will not necessarily come from regulations, but from the community and its water use practices.

The Islands Trust decisions about how and where land is developed impacts groundwater quality and quantity. Therefore, the Island communities expect that the Islands Trust will manage land development to protect both water quality and quantity of groundwater. Often local government policy on groundwater is often unmanaged and unmeasured. With improved information, the Islands Trust can improve its impact on water quality and quantity. Even low density development can impact the rate of groundwater extraction through the use of wells and the ability of water to infiltrate into aquifers with development in recharge areas. Islands Trust communities have very few alternative sources of water than what they are currently using. Groundwater protection should be an overarching priority informing all land use decisions.

What is the Islands Trust Doing Currently?

The Islands Trust has recognized the significance of protecting the groundwater. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4 which addresses the protection Elevated Groundwater Catchment Areas. Some Islands such as Saturna Islands have specific requirements for areas of the island that have gone through studies around their groundwater. On the East Point area of Saturna Island where there is limited water quality and quantity the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern water storage.

In Gabriola's OCP they recognize the importance of groundwater by stating that, "there are known problems with inadequate soil percolation for septic disposal and groundwater supply because of the complex nature of groundwater flow through fractures in the bedrock. " Their OCP also "does not support the further creation of small lot residential areas except as permitted through density averaging provisions of this plan." The OCP also has a number of Water Supply Advocacy Policies that present a number of requests to the Ministry of Health and the Ministry of the Environment.

What Information is Available to Islands Trust Staff Currently?

Currently, staff have a number of sources of information that are available to them. In-house, staff have access to mapping (TAPIS) which indicates intrinsic vulnerability mapping for aquifers and various ecosystem mapping. The aquifer mapping relates specifically too how vulnerable the aquifer may be to contaminants primarily and therefore is useful for identifying land uses (industrial vs. residential). In general the islands are rural in nature with primarily large lots (> 1 acre) and therefore the vulnerability mapping has limited applicability. Both of these are valuable in determining areas where some groundwater issues may occur. Some islands as indicated previously may have specific development permits areas that can also be shown on TAPIS as well as specific zoning.

Some islands have also done advanced studies beyond what is available from the Islands Trust in general. Some have done studies for specific areas such as Saturna's East Point which was used to prescribe certain bylaw regulations (i.e. cistern requirement). Gabriola Island being part of the Regional District of Nanaimo has some of the best mapping related to groundwater and aquifers available as a result of programs the RDN has initiated.

There are several other sources of information that are available and can be used in evaluating water quality and quantity. One good source is the provincial well database on the Ministry of

Environment's website: http://www.env.gov.bc.ca/wsd/data_searches/wells/. It should be noted that unless the well is being monitored the information being provide by this well data base is a snapshot in time.

The Trust Area Services (TAS) is currently putting together an Islands Trust Water Resource Education Materials Project which will identify existing education materials by creating an inventory; to identify information gaps and if necessary develop options to address these gaps. There is a great deal of literature available on water conservation initiatives which are as important in the protection of water quality and quantity as protecting the source. Ensuring a sustainable use of the water source is beneficial. Utilizing sustainable practices is no longer a fad, but the norm.

See: http://www.islandstrust.bc.ca/trust-council/advocacy/groundwater-regulation-advocacy.aspx

Local Government Jurisdiction

The Islands Trust role in groundwater sustainability is limited to land use powers to:

- Ensure that rainwater is returned to streams and aquifers;
- Protect headwaters, riparian areas and other vulnerable aquifer recharge areas;
- Prevent groundwater contamination by limiting and regulating potentially polluting uses over aquifers and in groundwater recharge areas through zoning;
- Direct development to appropriate locations where the sufficiency of groundwater for domestic or commercial uses has been thoroughly assessed on a watershed scale before development occurs;
- Regulate storage and application of fertilizers and compost;
- Obtain information about the location of existing and new wells (including geothermal wells) when new development occurs; and
- Develop well protection plans.

The following will outline tools that will present some options in addressing the objectives listed in Table 1. The tools are for the development of Official Community Plans (OCP), Land Use Bylaws (LUB), Development Permit Areas (DPA), Development Approval Information (DAI) Bylaws and water conservation tools.

Official Community Plan

(*Local Government Act*, Part 26, Division 2)

Purpose: to establish a vision and policies for community development.

- Guides how and where new development occurs
- Directs LTCs and staff to undertake groundwater protection measures
- Raise awareness within a community of groundwater issues and areas of concern
- Establishes and contains the guidelines for development permit areas.

To ensure that policies and land use designations are most effective they should be based on data collection and mapping of recharge areas, local aquifers and areas of limited or critical supply. OCPs can contain explicit policies for groundwater protection.

Given that new bylaws cannot be in direct conflict with the OCP, it permits the ability for the OCP to contain policies on groundwater sustainability that will set the foundation for other bylaws (i.e. zoning) to contain specific and enforceable standards. OCPs can also establish policies around groundwater protection that can influence how development applications are reviewed/evaluated, for instance requirements placed on subdivisions.

Some examples of effective OCP policy areas for aquifer and groundwater protection:

- Protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development.
- Designate aquifer protection zone(s) and development permit areas for which studies may be required.
- Commit the Local Trust Committee to an integrated water management planning approach that will coordinate action on the community water supply, rainwater management, green infrastructure and government regulations (e.g. RAR)
- Specify site design that maintains natural hydrologic cycles, including performance based measures such as managing rain water on site and not net increase in post development flows.
- Encourage cluster development that minimizes impervious surfaces and other impacts across the landscape.
- Direct LTCs to encourage communities to practice water conservation and protection.

It is important that OCPs are interpreted such that policy has an impact and considered in all land use decisions. The policies in the OCP are in many instances only as good as the subsequent bylaws.

Land Use Bylaw - Zoning

(*Local Government Act*, Part 26, Division 7)

Purpose: to regulate what, and where and how much of, activities may occur on specific parcels of land.

- Regulates use and density of property to direct development away from groundwater-limited or aquifer recharge areas
- Can limit lots sizes to reduce density in groundwater scarce areas
- Can prohibit potentially polluting uses in areas where aquifers must be protected.
- Sets standards on aspects of development that will have an impact on the water resources on the site or in an area (e.g. setbacks from riparian areas)
- Can encourage groundwater sensitive development by clustering development through rezoning and possibly utilizing density bonus provisions.
- Can leverage habitat protection or water-efficient amenities when rezoning.

Zoning permits the Local Trust Committee (LTC) to regulate the use and density and development standards (e.g. height, setbacks) through creating specific zones. Zoning for aquifer/groundwater protection would direct specific developments away from groundwater sensitive or aquifer recharge areas or prohibiting potential contaminating uses.

For instance, zoning can protect groundwater by keeping rural aquifer areas as rural zoning with low density and low risk uses. Zoning can regulate development by:

- Directing development to appropriate locations;
- Requiring development to be setback from riparian areas;
- Limiting the total impermeable site coverage;

- Establishing appropriate lot sizes;
- Limiting density;
- Requiring appropriate drainage; and
- Prohibiting potentially polluting uses in areas where aquifers must be protected.

Local Trust Committees (LTC) should review the zoning in areas that are important for aquifer protection and adjacent to riparian areas to ensure that no polluting land uses are permitted. In those areas that require aquifer/groundwater protection a form of aquifer zoning is recommended. The intent being to apply it to aquifer recharge areas, well capture zone areas and watersheds particularly ones that are relied upon for potable water. This zoning could have particular characteristics for:

- Maintaining large lots
- Increased setbacks from watercourses
- Lessened lot coverage requirements to encourage clustering of development and lessening road construction
- Amount of impervious lot coverage

Impermeable Site Coverage

It is not uncommon for zoning bylaws to address the total impermeable site coverage in a zone. This limits the amount of runoff generated. To exceed this site coverage, a development variance permit would be required.

New zoning bylaws increasingly contrast between "actual" and "effective" impermeability of a site.

Actual impermeability means the amount of the site covered by surfaces through which water will not infiltrate. This is what is generally addressed in many zoning bylaws.

Effective impermeability relates to how much of the total rainfall on a site is infiltrated into the ground. This can be enhanced through storm water detention, bio-filtration and ensuring that drainage occurs onsite.

For example where some sites may have 60% actual impervious meaning that water does not penetrate 60% of the site, but by utilizing techniques to ensure that water drainage remains on the site it may be possible to have an effective permeability significantly less than the actual impermeability. This could be achieved by a combination of drainage standards implemented through subdivision servicing bylaws and zoning regulations.

Although tough to measure, there would be benefits to ensuring actual impermeability is lessened and effective impermeability is increased.

Protecting Groundwater

The clustering of development on a portion of a site is a form of groundwater-sensitive development. There is a possibility voluntary amenity provision such as water efficient infrastructure by including it as part of a rezoning or amenity density bonus. The applicant would have to choose an amenity density bonus zoning option that includes amenities that protect groundwater.

An amenity density bonus would permit an applicant to apply for increased density on a site in return for providing the LTC with an amenity. Some examples of LTC amenities could be:

- Building design that conserves water;
- Water efficient landscaping;
- Enhancement of riparian habitat;
- Dedication of wetlands; and
- Preservation of streams and other unique environmental attributes.

It may also be possible for an LTC to require cash-in-lieu amenity provided that the zoning bylaw specifies which cash-in-lieu contribution are favored (i.e. for what?).

Development Permit Area (DPA) Designation

To require applicants for development to obtain a permit that specifies conditions to protect groundwater/aquifers.

Development Permit Areas (DPAs) are areas designated in an OCP (in some cases a zoning bylaw) to which particular guidelines apply. A DPA may be designated for the protection of the natural environment or to promote water efficiency/conservation that will address watershed health. (see *Local Government Act* s. 919.1(i)) In order for the DPA to be effective it is important for the DPA to integrate surface water along with groundwater considerations. Generally, DPAs prohibit site disturbance before development approval which gives the LTC time to evaluate the development against established DPA guidelines. The DPA may include requirements for such things as landscaping, the siting of buildings, and the type and placement of trees and vegetation.

Some examples of guidelines are:

- Mandate replanting and rehabilitation of disturbed areas
- Erosion and sediment control (site specific plan)
- Environmental impact assessments/hydrologic studies to satisfaction of the Local Trust Committee
- Consistency between pre and post development hydrology
- Vegetation as per landscape plan
- Incorporate standards from other levels of government (e.g. Riparian Areas Regulation)
- Limits as to the amount of impermeable surfaces
- Specify areas that must remain clear of development

It is best to have a DPA as a companion tool with zone-specific requirements for groundwater protection as DPAs cannot be used to limit the amount of development permitted on a site. Nor can they address building construction standards that are addressed through the respective regional district building permit process.

DPAs do permit the LTC to monitor environmental conditions as the development progresses and for a limited amount of time post development. This is done through the collection of a security to ensure that works to complete permit conditions are finalized. If this is not done, then the intent is to use the funds/security to complete the conditions. Therefore, the security is returned only if the conditions are met.

See Appendix 1 - Development Permit Area Model Bylaw

In addition to having a stand-alone DP for groundwater/aquifer protection there are options where various guidelines could be implemented within existing DP areas for such land uses as industrial. The following guidelines are taken from the Regional District of Nanaimo's Area A OCP (Cedar Development Permit Area).

Groundwater Protection

1. *The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.*
2. *The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings and impervious surfaces does not negatively impact groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater. The RDN should require the applicant to implement the report's recommendations in the proposed development.*
3. *The RDN shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.*
4. *The RDN may require the applicant to enter into a Section 219 covenant registering on title the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator as per the engineer's recommendations.*
5. *Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.*

Development Approval Information Areas (DAI) Bylaw

Development Approval Information (DAI) Areas Bylaws are to establish areas in which local governments may request additional information from applicants for zoning, development permits, or temporary use permits. The purpose of a DAI is to enable the LTC to obtain expert assessment of the impact of a development on the community at the expense of the applicant.

A DAI bylaw enables the development of site specific information to inform decision making and the ability to require specialized information (e.g. impact assessments, etc.).

The requirement for a detailed assessment may be triggered by an application for a rezoning, a development permit or a temporary use permit. The information required is usually in the form of a professional report and would be used by staff and the LTC in determining permit conditions.

In the case of groundwater the LTC could request a hydrological assessment of:

- The availability of groundwater;
- Cumulative effects of groundwater use;
- Other environmental impacts.

The intent of establishing this DAI is to ensure that potential negative impacts of proposed major developments are identified and documented as part of the development review process and to provide the LTC with complete information to properly assess and mitigate conditions caused by that development. Where reports identify negative impacts, the LTC will require mitigation by the applicant as part of a development permit to improve the proposal and minimize potential negative impacts on hydrology, the environment, and the neighbourhood.

In order for a LTC to establish a DAI bylaw in an OCP it must prepare a bylaw that sets out what information the LTC may require and specific policies and procedures to be followed. DAI may be valuable in that if a bylaw is established and concerns are raised about specific developments specific information can be requested that can go beyond DPAs guideline requirements.

See Appendix 2 - Development Approval Information Model Provisions

Subdivision Servicing Bylaws

The intent of these bylaws is to establish standards for the subdivision of land that maximizes infiltration of water and minimizes impervious surfaces and evaluates the sustainability of new groundwater withdrawal from a specific aquifer.

Subdivision servicing bylaws set the standards by which works and services must be constructed when land is divided into new parcels. Standards that support groundwater quality and supply can be included in subdivision servicing bylaws. They can require each proposed lot to have a reliable source of potable water, and can establish infiltration, drainage and permeability standards. Subdivision servicing standards can direct development to mimic natural hydrology by requiring rainwater infiltration and limiting impervious surfaces. If an LTC has established a wellhead protection area that is regulated by zoning or a development permit area, the requirements could also be included in a subdivision servicing bylaw.

Land developments generally have two water supply options generally a stand-alone water source (surface or well) or a community water system. Of course, on the islands there are other water source options that do not involved groundwater/aquifers such as rainwater collection or desalinization.

Approvals are based on one time "proof of water" evaluations that generally do not give consideration to long-term ground water consideration such as impacts of future development or cumulative impacts of developments over time in a watershed. Most bylaws will contain requirements that each new parcel created have a potable water source and a specific flow rate depending on the type of development proposed. However, this "proof of water" focuses on yield and quality of each well and not the sustainability and protection of the aquifer system as a whole. Some LTCs do require an evaluation of long term sustainability and a qualified professional's hydrology report especially where a development will be drawing on the aquifer in a greater quantity than single family development (e.g. higher density development, commercial uses, etc.). On-going monitoring should be implemented in sensitive aquifers or groundwater-limited areas.

There may also be instances when "proof of water" is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

Community water approvals (>3 connections) are dealt with through the provincial government (i.e. Vancouver Island Health Authority). If lots are to connect to a community system, the LTC has an option to require that unused wells (if any) be closed in accordance with the Ground Water Protection Regulation (GWPR) by establishing a well closure bylaw thereby protecting the groundwater/aquifer and possible contamination. Given that Island Health is involved in these community wells it may be possible to ensure monitoring is done, however, there are not that many community wells on the islands.

Water Conservation Tools – General Information

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that should be encouraged on the islands. These are less regulatory and more voluntary in nature. Given the groundwater source the islands are reliant on it is important that each resident does their own part to lessen the water demand. The protection of a quantity and quality of water should not be solely reliant on regulatory processes. Education and awareness is also a big part of what is needed in the sustainable use of water on the Islands – a resource used by all. Water conservation practices should become common place for all residents and visitors to the Gulf Islands.

The Trust Programs Committee has initiated a site to educate islanders about water issues and options to promote sustainable use or reuse of water. The intent is that educational materials will be regularly posted on the Islands Trust website as a resource and part of the necessary community outreach. http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx

Source: Regional District of Nanaimo. For indoor and outdoor tips: http://www.rdn.bc.ca/cms.asp?wpID=877 , http://www.rdn.bc.ca/cms.asp?wpID=878 and http://www.rdn.bc.ca/cms.asp?wpID=2155

Overview

The intent of this toolkit is to provide a variety of tools (options) that will enable LTCs and planners to choose the correct tool for the project at hand that suits their island. The tools presented will aim to achieve the actions presented in Table 1. The following table outlines five objectives for groundwater protection and possible actions that local government can take.

Groundwater Protection Objectives and Actions:

#	Objective	Description	Local Government Actions
1	Minimize impacts on water sources	Streams depend on groundwater, especially during low-flow (baseflow) conditions. Groundwater pumping from many aquifers connected to surface water bodies can deplete or capture surface water flows. Retaining sufficient groundwater retains the health of fish-bearing streams and the security of community water supplies.	• Establish watershed protection zones supported by containment boundaries to preserve hydrologic function between aquifers and surface water sources • Establish well protection areas to capture zones to protect drinking water • Prohibit potentially polluting uses in critical aquifer recharge areas as well as capture or wellhead protection areas. • Understand composition of underlying aquifers
2	Sustain aquifers at healthy levels	Prevent over-use of aquifers and impacts on natural aquifer recharge to promote a healthy water balance. If this does not happen, the aquifer goes into decline and eventual depletion. Maintaining and monitoring water levels promotes healthy habitat and sustainable water supply.	• Plan land uses based on sustainable yield, not site-specific reports on proof of water. • Commit to integrated watershed management planning to coordinate action on community water supply, rainwater management, green infrastructure, and other regulations (e.g. Riparian Areas Regulation requirements) • Require all new development to provide evidence of a sustainable water source as a condition of subdivision or through the development permit process. • Monitor aquifer quality and quantity in partnership with other levels of government.
3	Maximize infiltration	Rainwater and snowmelt infiltration is key to aquifer recharge. Infiltration rates are affected by soil permeability, the amount of topsoil, and the rate that water moves across a landscape (as affected by vegetation, slope, etc.)	• Prohibit or limit development in groundwater recharge areas. • Protect sensitive ecosystems (e.g. wetlands) by establishing development permit areas that require buffer zones and special permitting before development takes place • Preserve baseflows in fish-bearing streams by maximizing groundwater recharge. • Infiltrate virtually all rainwater by limiting effective imperviousness to less than a specific percent. This includes maintaining extensive natural areas above recharge zones. • Implement cluster development through rezoning to maximize land available for

			infiltration. • Maintain native soils and vegetation (e.g. trees and other absorbent landscaping) • Establish landscaping standards for soil depth and type of landscape materials • Promote engineered infiltration systems such as infiltration ponds, vegetated swales, bioswales (i.e. grassy or vegetated areas besides roads and parking areas) or splash pads of gravel or other hard material • Create bioretention areas • Use permeable paving • Require alternative design standards and best management practices that maintain ecosystem functions (e.g. reducing impervious surfaces) • Use green roofs • Specify site design that causes no net increase in post-development flows • Maximum wetland recharge
4	Reduce groundwater use	The less the resource is extracted, the better the chances are that the system will maintain its natural balance. Each aquifer has a carrying capacity that should be considered before intensive use.	• Minimize leakage and waste within public water distribution systems (i.e. regional systems, improvement districts, etc.) • Reduce peak and annual demand for groundwater through water demand management approaches • In groundwater limited areas, limit development and require other water sources (i.e. rainwater and cisterns) • Enact restrictions on outdoor water use where a community water system is used • Promote use of native vegetation and landscaping to minimize water irrigation demand • Promote awareness for low flow devices to be installed in all new developments • Encourage individuals and non-government organizations to practice water conservation and protection
5	Protect groundwater quality	Protecting quality is critical to promoting healthy habitat and ensuring the safety and security of the potable water supply.	• Map and understand the vulnerability of aquifers • Minimize risks from point and non-point (i.e. from a diffuse source such as agricultural runoff, roads) source contaminants by prohibiting or regulating uses that could contaminate fish-bearing streams or aquifer recharge areas, capture zones or wellhead protection areas • Design sites to prevent increases in post-development flows that can pick up contaminants

			• Develop and implement a wellhead protection plan • Establish a local water quality testing program • Adopt a well closure bylaw • Plan developments to protect groundwater recharge areas

Table 1: Primary Source: Groundwater Bylaws Toolkit (2009)

Information Note: Well Protection Toolkit

A set of voluntary guidelines developed by the Ministry of Environment to assist communities in developing well protection plans to prevent contamination of their well water supply. A well protection plan contains practical, protective measures to minimize and prevent undesirable impacts from land use activities on the source of water for the community well.

See:
http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/wells/well_protection/acrobat.html

APPENDIX 1: Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

Alternately may be designated based on an elevation

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

Legislative basis of designation

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that Local Trust Committees 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

The [Groundwater Study prepared by…] concluded that … and recommended the measures in order to preserve and protect groundwater resources:

Note: insert reference to professional report supporting designation of DPA (if applicable) and summarize key conclusions and recommendations

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

See DAI for impact assessment report requirements

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)

b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.

This is based on the DPA being intended to address impacts of individual wells

c) Construction of a dwelling where the dwelling:
   a) Is not to be connected to a groundwater source; and,
   b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.

A report from an engineer or other qualified professional may be required to satisfy the Islands Trust/Regional District that the proposed rainwater system has adequate capacity to meet the year-round water demands of the dwelling being proposed and that water will be stored and treated to meet potable water standards.

d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act* .

e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphalting or similar surfacing.

f) The placement of temporary buildings or structures

g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.

From other RD bylaws and steep slope DPA, could be revised based on specific recommendations

h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.

i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.

j) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act*.

k) Land alteration that does not alter the natural contours of the land.

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations

l) The construction of an accessory building or structure with a lot coverage of less than $100m^2$, provided the accessory building or structure is not connected to a supply of water.

Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

m) Construction of fences.

n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
   i. Forest fire, flood and erosion protection works;
   ii. Protection, repair or replacement of public facilities;
   iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
   iv. Bridge repairs.

o) Works undertaken by a local government or a body established by a local government.

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.

2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.

Authorizes LTC to implement conditions of professional report

3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:

   a) replicate the function of a naturally vegetated watershed;

   b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;

   c) not interfere with groundwater recharge;

   d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.

   Appropriate where there is an agency or community group able to monitor wells

6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:

   Revise to read all buildings where commercial, industrial or institutional buildings are permitted by zoning

   a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
   b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
   c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.

d) The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:

i. External equipment for collecting and distributing rainwater from the dwelling unit roof;

ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;

iii. A pumping system;

iv. An overflow handling system.

e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with "Non-Potable Water Do Not Drink".

f) Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.

8. Where tree removal which is not exempt from the requirement for a permit:

a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.

b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.

d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.

f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.

9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.

10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.

11. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2: Model DAI Bylaw Provisions

1. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the Local Government Act for protection of the natural environment, its ecosystem and biological diversity and Section 919.1(1)(i) for the establishment of objectives to promote water conservation, for the purpose of requiring development permits for Groundwater Protection, the report shall consist of a hydrogeological assessment report containing the following information:

   a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

   b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1.0 km from the development site.

   c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.

   d. A background analysis that includes the following known information on the site:

      - A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
      - A conceptual model of groundwater occurrence and groundwater-surface interaction;
      - A description of existing users within 1.0 km of the development site;
      - A preliminary pre-development water budget;
      - Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
      - Methodology and, if applicable, uncertainties and limitations of the report.

   e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

f. An impact assessment consisting of:

   - Cumulative effects analysis;
   - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrusion;
   - Impact to surface water where applicable;
   - Other potential impact implications.

g. Conclusions and recommendations consisting of:
   - A summary of results and impact assessment;
   - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
   - Where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.

h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

Islands Trust

Memorandum

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Date	March 25, 2014	File Number	3030-20 Gambier
To	Gambier Island Local Trust Committee		
From	Aleksandra Brzozowski, Island Planner		
Re	2013/14 Annual Report submission for GMLTC		

Submissions for the Islands Trust Annual Report are being requested by the Director of Local Planning Services. Each LTC is being asked to review a work program submission and make changes as needed to reflect the work of the LTC over the last year.

Please note that this year, LTCs are being asked to specify work completed that has contributed to the Strategic Plan and Policy Statement.

Please review the following draft text and indicate any changes or additions you wish to submit for the 2013/14 Annual Report.

"The Gambier Island Local Trust Committee (LTC) held nine regular business meetings, two public hearings, and two community information meetings in Gibsons, West Vancouver, and on Keats and Gambier Islands.

The Gambier LTC adopted a new Land Use Bylaw for the Gambier Associated Islands in September 2013. It also oversaw the preparation of a sustainability guide to serve property owners building in the Northern Local Trust Areas and the Howe Sound area, encouraging voluntary stewardship, sustainable energy, reducing greenhouse gas emissions, and protecting water quality and quantity (Policy Statement 3.3.3, 4.4.4, 4.4.7, 5.1.4, 5.4.5, 5.8.8 and Strategic Plan 1.1, 1.6, 3.3). In October 2013, the LTC joined the Coastal Douglas Fir and Associated Ecosystem Conservation Partnership (Strategic Plan 1.5.3) and in February 2014, hosted a webinar for the Howe Sound Community Forum (Strategic Plan 2.3.9). Most recently, the LTC began work on Foreshore Protection focusing on mapping, education, and voluntary stewardship (Strategic Plan 1.1, 2.1); this work will continue into 2015.

Notable development applications included the approval of a rezoning application for a community dock, and renewed work on two longstanding rezoning and subdivision files."

Copy: Courtney Simpson, Regional Planning Manager