



Gambier Island Local Trust Committee

Regular Meeting Agenda

Date: January 21, 2016
Time: 10:30 am
Location: John Braithwaite Community Centre
145 West 1st Street
North Vancouver, BC

	Pages
1. CALL TO ORDER	10:30 AM - 10:45 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
4.1 Question and Answer Session	
Bylaw No. 128 (Rezoning at Cotton Bay, Gambier Island)	
5. PUBLIC HEARING - to begin at 10:45 am	
5.1 Recess for Public Hearing	
5.1.1 <u>Bylaw No. 128</u>	
5.2 Recall to Order	
6. MINUTES	
6.1 Local Trust Committee Meeting dated November 19, 2015 for adoption	4 - 17
6.2 Section 26 Resolutions-Without-Meeting - none	
6.3 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	
7.1 Follow-up Action List dated January 12, 2016	18 - 19
8. DELEGATIONS	
8.1 Kyle Empringham , Public Engagement Specialist for the David Suzuki Foundation regarding Camp Suzuki: Howe Sound	
9. CORRESPONDENCE - NONE	

10. APPLICATIONS AND REFERRALS

10.1 Covenant and Statutory Right of Way for Review - District Lot 696 (Keats Landing)

10.1.1 Staff Report dated January 4, 2016 20 - 56

10.2 Proposed Bylaw No. 128 57 - 58

Proposed Bylaw No. 128 cited as "Gambier Island Land Use Bylaw, 2004, Amendment No. 1, 2015" - *for consideration of second and third readings and submission to Exectutive Committee for approval.*

11. BREAK

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Riparian Areas Regulation - Gambier Island

12.1.1 Staff Report dated January 11, 2016 59 - 70

13. CLOSED MEETING

13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and s.90(1)(f) for the purpose of considering Adoption of In-Camera Meeting Minutes dated November 19, 2015 and Bylaw Enforcement and that the recorder and staff attend the meeting.

13.2 Recall to Order

13.3 Rise and Report

14. REPORTS

14.1 Work Program Reports

14.1.1 Top Priorities Report dated January 12, 2016 71 - 71

14.1.2 Projects List Report dated January 12, 2016 72 - 73

14.2 Applications Report Dated January 12, 2016 74 - 76

14.3 Trustee and Local Expense Report dated December, 2015 77 - 77

14.4 Adopted Policies and Standing Resolutions 78 - 78

14.5 Local Trust Committee Webpage

14.6 Chair's Report

14.7 Trustee Reports

14.8 Electoral Area Director's Report

14.9 Trust Fund Board Report - none

15. NEW BUSINESS

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Thursday, March 17, 2016 at 10:30 am
at (location to be determined)

17. TOWN HALL

18. ADJOURNMENT



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: November 19, 2015
Location: Gleneagles Community Centre
 6262 Marine Drive, West Vancouver, BC

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

Staff Present: Aleksandra Brzozowski, Island Planner
 Ann Kjerulf, Regional Planning Manager
 Diane Corbett, Recorder

Others Present: Members of the Public – 7

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:39 a.m. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. She introduced trustees and staff in attendance, and thanked members of the public for attending.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 11.5 Riparian Areas Regulation for Thormanby Islands
- 14.3 Late Items of Correspondence Pertaining to Letter to Member of Parliament
- 14.5 Sea-to-Sky Clean Air Society
- 14.6 Gambier Woodlots Community Engagement (if time permits)

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Cindy Wilding enquired about the LNG environmental approval process and whether the proponent's mitigation plans that will be reviewed by the BC Environmental Assessment Office can be reviewed by Islands Trust before being approved and submitted to the public.

Trustees indicated they would follow up on this and invited Ms. Wilding to contact them if she had further comment. This topic would be discussed later in the meeting in item 14.3.

Kent Bodell expressed his concern about the Riparian Areas Regulation (RAR) assessment on his property. He perceived a lack of ability for the public to question their assessment based on fundamental information, such as slope of the land and whether it goes into a fish-bearing stream.

Ms. Wilding recommended that Islands Trust receive input from people who have creeks that may be impacted by the RAR, prior to establishment of the bylaw. She suggested that the Madrone Report not be viewed as the only report, and that a process be put in place by Islands Trust to allow a second QEP opinion for public inquiries about creeks that are questionable, before proceeding with the bylaw.

There was consensus that further discussion would continue within the context of agenda items dealing with the RAR.

4. COMMUNITY INFORMATION MEETING – none

5. PUBLIC HEARING – none

6. MINUTES

6.1 Local Trust Committee Meeting dated October 1, 2015

The following amendment to the minutes was presented for consideration:

- Page 8: Change next meeting date in title of 15.1 to November 19.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting – none

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated November 10, 2015

Received. Discussion ensued regarding an enquiry at Trust Council as to whether Bylaw Enforcement would “process the foreshore enforcement complaints for the foreseeable future until active work begins on draft regulations for priority project #3”.

Bylaw Enforcement Staff responded later during the meeting to confirm that enforcement would move forward.

7.2 Community-to-Community Forum Meeting with Squamish and Tsleil-Waututh Nations

Island Planner Brzozowski remarked that there was no update, and that the intent was to organize a meeting or meetings for January 2016.

8. DELEGATIONS – none

9. CORRESPONDENCE

Trustee Rogers commented on the Correspondence section of the agenda, noting that correspondence is not reflected in the meeting agenda and is not on the web page, and requested further discussion about the process for correspondence. Island Planner Brzozowski explained that correspondence for an application is part of the application package. Further discussion ensued.

GM-2015-050

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee take steps to clarify the practice on correspondence by the next Gambier Island Local Trust Committee meeting, and make that information public.

CARRIED

10. APPLICATIONS AND REFERRALS – none

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Riparian Areas Regulation for Keats Island

11.1.1 Staff Report dated October 29, 2015

Island Planner Brzozowski reviewed the staff report regarding implementation of Riparian Areas Regulation on Keats Island and discussed the changes to the draft bylaw as considered at the October 1, 2015 meeting.

Island Planner Brzozowski was asked to forward a report on the RAR to trustees as soon as possible after attending a meeting with the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) meeting on

November 23, 2015, to discuss RAR. There also was a request for clarification regarding institutions under RAR, and why some are included and some are not.

Points from the discussion included:

- Raised farm beds
- Exemption for farming under the *Farm Practices Protection (Right to Farm) Act*
- Bylaw enforcement by a complaint-based process except in the case of environmental infractions
- Lack of clarity and how to obtain further information
- Concern over hiring an independent QEP
- RAR controlled by the Province, and the QEP is the bottom line
- Discussion about creating a list of exemptions
- Dr. Tom Watson, a Registered Professional Biologist with extensive experience with RAR assessments as a QEP since the Regulation was established, gave his views on the RAR and provided background on RAR assessments. He agreed with the Madrone Report description of stream attributes and urged the LTC to accept the Provincial RAR and let the QEP speak for itself. He remarked that it should be made clear that these assessments are part of the Regulation, and noted an exemption list would be “tough”.
- Request that the bylaw have a provision for a QEP to say what the setback should be, instead of having a standard 30-metre setback

Island Planner Brzozowski indicated she would include the above points in the meeting with FLNRO staff.

GM-2015-051

It was MOVED and SECONDED,

by the Gambier Island Local Trust Committee, that Draft Bylaw No. 130, section 9.1.3 d) be amended by removing the word “immediate”.

CARRIED

GM-2015-052

It was MOVED and SECONDED,

by the Gambier Island Local Trust Committee to amend draft Bylaw No. 130 to add to section 9.1.3 k): “iv. creation of a fire break in accordance with the *Wildfire Act*.”

CARRIED

GM-2015-053

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee accept the letter summarizing the comments of the Qualified Environmental Professional.

CARRIED

GM-2015-054

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give First Reading to Draft Bylaw No. 129 cited as “Keats Island Official Community Plan, Bylaw 77, 2002, Amendment No. 1, 2015” and Draft Bylaw No. 130 cited as “Keats Island Land Use Bylaw, Bylaw 78, 2002, Amendment No. 1, 2015”, as amended.

CARRIED

GM-2015-055

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee refer Proposed Bylaw Nos. 129 and 130 as amended, to the Islands Trust Fund, Islands Trust, Bylaw Enforcement, Ministry of Transportation and Infrastructure, Ministry of Forests, Lands and Natural Resource Operations, Ecosystems Branch, Agricultural Land Commission, Sunshine Coast Regional District, Bowen Island Municipality, Fisheries and Oceans Canada, Squamish Nation, and Tsleil-Waututh Nation, with a cover letter indicating that there may a pre-determined Streamside Protection Enhancement Area attached to the forthcoming bylaw.

CARRIED

11.2 Riparian Areas Regulation for Bowyer and Anvil Islands

11.2.1 Staff Report dated October 26, 2015

The process of the RAR assessment on Anvil, Gambier, Keats and Bowyer was discussed.

Cindy Wilding commented on Champside Creek. She explained she has a water license on that creek where it has a different name than Champside Creek. Her concern was that, when the new *Water Sustainability Act* regulations come into effect in 2016, if this stream is designated as RAR, residents would not be able to access this water as drinking water in low flow situations. She inquired how this was being

addressed. It was recommended that camps and residents needed to come up with other options for drinking water.

Ms. Wilding inquired about a QEP doing an additional assessment on the creek regarding the Streamside Protection and Enhancement Area (SPEA), and what Islands Trust would go with if there were two different conclusions. Island Planner Brzozowski responded that the differing conclusions would go to FLNRO for a final determination.

GM-2015-056

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee amend the Draft Bylaw Nos. 131 and 132 in advance of First Reading as follows:

- Amend Plan No. 1 to Bylaw No. 131 to remove from the map the second smaller creek on the south west side of Anvil Island;
- Amend Bylaw No. 132, section 9.1.3 d) by removal of the word “immediate”;
- Amend Bylaw No. 132, section 9.1 3 k) by adding a section iv. to read: “creation of a fire break in accordance with the *Wildfire Act*.”

CARRIED

GM-2015-057

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give First Reading to Draft Bylaw No. 131 cited as “Gambier Associated Islands Official Community Plan, Bylaw No. 109, 2010, Amendment No. 1, 2015”, Draft Bylaw No. 132 cited as “Gambier Associated Islands Land Use Bylaw, Bylaw No. 120, 2013, Amendment No. 1, 2015”, and Draft Bylaw No. 133 cited as “Bower and Passage Islands Land Use Bylaw, Bylaw No. 114, 2011, Amendment No. 1, 2015”, as amended.

CARRIED

GM-2015-058**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee refer Proposed Bylaws No. 131, No. 132, and No. 133 to the Islands Trust Fund, Islands Trust, Bylaw Enforcement, Ministry of Transportation and Infrastructure, Ministry of Forests, Lands, and Natural Resource Operations, Ecosystems Branch, Agricultural Land Commission, Sunshine Coast Regional District, Bowen Island Municipality, Fisheries and Oceans Canada, Squamish Nation, and Tsleil-Waututh Nation.

CARRIED

Chair Morrison recessed the meeting at 12:36 p.m. and reconvened the meeting at 12:44 p.m.

11.3 Riparian Areas Regulation for Gambier Island

Island Planner Brzozowski advised that a letter had been sent to all affected property owners within the eleven watersheds, followed up by an email, this past month.

Trustee Stamford received comments from some landowners, including the following:

- Questions about who to speak to at FLNRO about the RAR
- What to do next
- Questions about the methodology
- Questions from Mr. Bodell and Camp Latona regarding their properties which were not mapped as part of the Madrone contract.

Island Planner Brzozowski gave background on the approach to the study, explained the RAR assessment methodology for the eleven identified watersheds, and discussed the process utilized by Islands Trust staff for the mapping.

Discussion ensued including the following points:

- Camp Latona understands that a detailed assessment for three streams on their property would cost \$5,000 - \$7,000.
- The land may be too steep at Camp Latona for it to be RAR applicable.
- It was Mr. Bodell's understanding that there was a mistake in reading the map as it pertained to his property.
- There is a swampy area in a Gambier watershed, and some properties would be completely in the RAR and potentially a SPEA. Staff indicated that QEP

reports would address these situations if they arise with recommendations. Island Planner Brzozowski was requested to check on this type of situation.

There was further discussion regarding implementation of development permit areas on watercourses.

Mr. Bodell was asked to follow up with Island Planner Brzozowski with his land survey information so it can be forwarded to mapping staff.

GM-2015-059

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee endorse the revised Project Charter.

CARRIED

11.5 Riparian Areas Regulation for Thormanby Islands

A letter regarding the RAR will be sent to Thormanby Island landowners from both trustees. Discussion ensued.

12. BREAK

Chair Morrison called a recess at 1:25 p.m. and reconvened the meeting at 1:40 p.m.

11.4 Gambier Island Official Community Plan Review

11.4.1 Staff Report dated November 2, 2015

Island Planner Brzozowski outlined the report updating environmental protection information and policies of the Gambier Island OCP.

Discussion ensued with the following points:

- Initial approach in public consultation
- Survey
- Coastal Douglas Fir Conservation Partnership report
- Increasing public understanding of and receptivity to regulations
- Need to hear what is important to Gambier Islanders
- Review of land use designations outside Wilderness Conservation is out of scope
- Policies to promote economic development through planning.

GM-2015-060

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee amend in scope, a portion of the Gambier Official Community Plan Review Bylaw Amendment Phase Project Charter to combine bullet 6 and 7 to state “land planning policies to promote revitalization of New Brighton area.”

CARRIED

GM-2015-061

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee endorse the revised Project Charter.

CARRIED

GM-2015-062

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to review current Official Community Plan policies against technical information gathered in recent years, and to draft proposed policies to protect sensitive ecosystems for Local Trust Committee consideration.

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated November 10, 2015

Received.

13.1.2 Projects List Report dated November 10, 2015

Received.

13.2 Applications Report dated November 10, 2015

Trustee Rogers inquired whether documents were received for signature regarding District Lot 696. Staff advised there were some technical problems and that the LTC would be looking at this in January.

13.3 Trustee and Local Expense Report dated October 2015

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

The trustee newsletter was posted last month.

13.6 Chair's Report

Chair Morrison reported on the following:

- There was a stakeholder meeting on Denman Island with shellfish growers. Other attendees included:
 - Ministry of Transportation and Infrastructure
 - FLNRO
 - Department of Fisheries and Oceans
 - Two shellfish growers
- Met with Minister Fassbender
- Trust Fund Board will meet this week
- Financial Planning Committee meeting was held November 18
- Chair Morrison will attend a Relocation Committee meeting soon

13.7 Trustee Reports

Trustee Rogers reported on the following:

- The Howe Sound Forum was well attended in Squamish, where he spoke with Chief Ian Campbell a few times.
- The main message coming out of that meeting was that there are an enormous number of development proposals for Howe Sound that are not only industrial, but residential and commercial development that will impact land regionally.
- There is no body looking at how to manage growth and resources in the Howe Sound corridor. There are proposals for tens of thousands of people to come to the area and no management oversight.

Trustee Stamford reported on the following:

- Concurred with Trustee Rogers' summary of the Howe Sound Forum discussion. She noted that there is also now the potential for a "fixed link" in the Howe Sound.
- She encouraged the LTC to keep pushing for a comprehensive management plan for the Howe Sound Corridor. The Cumulative Effects Assessment Framework is a small fraction of what needs to be done in this area.

GM-2015-063

It was MOVED and SECONDED,

by the Gambier Island Local Trust Committee, that the Executive Committee be requested to correspond with the provincial and federal governments expressing concern about the lack of a comprehensive management strategy for the Howe Sound Corridor.

CARRIED

13.8 Electoral Area Director's Report – none

13.9 Trust Fund Board Report dated October, 2015

Received.

14. NEW BUSINESS

14.1 2016 Local Trust Committee Meeting Dates

14.1.1 Memorandum dated November 2, 2015

A list of possible dates for the 2016 Gambier Island Local Trust Committee business meetings was considered.

Discussion ensued. It was agreed to change July 21 to July 28 due to a scheduling conflict.

Trustee Stamford requested that there be flexibility in terms of the length of the meetings.

GM-2015-064

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee schedule its 2016 regular business meetings beginning at 10:30 AM on the following dates:

Thursday, January 21, 2016

Thursday, March 17, 2016

Thursday, May 19, 2016
Thursday, July 28, 2016
Thursday, September 22, 2016
Thursday, November 17, 2016.

CARRIED

14.2 Meeting with Metro Vancouver Planning Staff and Electoral Area "A" Director

The local trustee meeting with Metro Vancouver planning staff and the Electoral Area A Director is scheduled for November 20, 2015 from 9:30 to 11:30 a.m.

14.3 Letter to Member of Parliament, Pamela Goldsmith-Jones

Trustee Rogers commented on a letter dated November 9, 2015, which he read aloud, from Bowen Island Council to Member of Parliament Pamela Goldsmith-Jones regarding the Woodfibre LNG project, requesting a delay in the decision on the Environmental Assessment Certificate for the project until there has been time for the government to review the Assessment. Discussion ensued.

GM-2015-065

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request Executive to correspond with Member of Parliament Pamela Goldsmith-Jones and the Honourable Minister of Environment and Climate Change Catherine McKenna requesting a delay in the Federal Ministry of Environment and Climate Change decision on the Environmental Assessment Certificate for the Woodfibre LNG project until the new government has had time to review the Assessment.

CARRIED

14.4 Coastal Douglas-Fir Conservation Strategy

14.4.1 Briefing Report - November 10, 2015

Received.

GM-2015-066

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee write to the Coastal Douglas Fir Conservation Strategy Partnership volunteering the Gambier Island Official Community Plan review process to be part of the Coastal Douglas Fir Conservation Strategy Partnership test case.

CARRIED

14.5 Sea-to-Sky Clean Air Society

Trustee Rogers referred to correspondence from Sea-to-Sky Clean Air Society requesting membership. Chair Morrison explained that the Executive Committee had received the request and would respond saying there would be no membership application, due to the request to pay for membership. This could not be done at the Local Trust Committee level.

14.6 Gambier Woodlots Community Engagement – Not discussed due to time constraints.

15. UPCOMING MEETING

15.1 Next Regular Meeting Tentatively Scheduled for Thursday, January 21, 2016 at 10:30 a.m., location to be announced.

16. TOWN HALL – none

Trustee Rogers requested that the LTC address Ms. Wilding’s question regarding an Islands Trust review of the Woodfibre LNG mitigation plans prior to public submission.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

GM-2015-067

It was MOVED and SECONDED,

by the Gambier Island Local Trust Committee, that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90 (1)(d) for the purpose of adoption of In-Camera Meeting Minutes dated February 12, 2015 and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 2:29 pm

17.2 Recall to Order

The meeting was reopened to the public at 2:31 p.m.

17.3 Rise and Report – none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:31 p.m.

Susan Morrison, Chair

Certified Correct:

Diane Corbett, Recorder

Follow Up Action Report

Gambier Island

29-Nov-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to provide Trustees with possible provisions and/or strategies to protect shoreline ecosystems along DL 696.	Aleksandra Brzozowski	20-Mar-2014	On Going

01-Oct-2015

No.	Activity	Responsibility	Target Date	Status
1	Explore possibility of a joint Board of Variance with Bowen Island Municipality. Update (Dec 3): Bowen Island Municipality not interested in pursuing a joint BOV with Gambier.	Lisa Webster-Gibson	31-Jan-2016	Done
1	Should the logistics be simpler, staff to coordinate 2 separate C2C meetings with the Squamish and TWN Nations.	Aleksandra Brzozowski	19-Nov-2015	On Going

19-Nov-2015

No.	Activity	Responsibility	Target Date	Status
1	Clarify the practice on correspondence by the next Gambier Island Local Trust Committee meeting, and make that information public.	Aleksandra Brzozowski	21-Jan-2016	Done



Follow Up Action Report

1 Refer Proposed Bylaw Nos. 129 and 130 as amended, to the Islands Trust Fund, Islands Trust, Bylaw Enforcement, Ministry of Transportation and Infrastructure, Ministry of Forests, Lands and Natural Resource Operations, Ecosystems Branch, Agricultural Land Commission, Sunshine Coast Regional District, Bowen Island Municipality, Fisheries and Oceans Canada, Squamish Nation, and Tsleil-Waututh Nation, with a cover letter indicating that there may a pre-determined Streamside Protection Enhancement Area attached to the forthcoming bylaw.	Becky McErlean Aleksandra Brzozowski	21-Jan-2016	On Going
1 Refer Proposed Bylaws No. 131, No. 132, and No. 133 to the Islands Trust Fund, Islands Trust, Bylaw Enforcement, Ministry of Transportation and Infrastructure, Ministry of Forests, Lands, and Natural Resource Operations, Ecosystems Branch, Agricultural Land Commission, Sunshine Coast Regional District, Bowen Island Municipality, Fisheries and Oceans Canada, Squamish Nation, and Tsleil-Waututh Nation.	Becky McErlean Aleksandra Brzozowski	21-Jan-2016	On Going
1 Staff to review current Gambier Official Community Plan policies against technical information gathered in recent years, and to draft proposed policies to protect sensitive ecosystems for Local Trust Committee consideration.	Aleksandra Brzozowski	21-Jan-2016	On Going
1 Staff to send on Trust Area Services staff the following resolutions: - that the Executive Committee be requested to correspond with the provincial and federal governments expressing concern about the lack of a comprehensive management strategy for the Howe Sound Corridor. -that Executive correspond with Member of Parliament Pamela Goldsmith-Jones and the Honourable Minister of Environment and Climate Change Catherine McKenna requesting a delay in the Federal Ministry of Environment and Climate Change decision on the Environmental Assessment Certificate for the Woodfibre LNG project until the new government has had time to review the Assessment.	Aleksandra Brzozowski	01-Dec-2015	Done



STAFF REPORT

Date: January 4, 2016

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

To: Gambier Island Local Trust Committee
For meeting of January 21, 2016

From: Aleksandra Brzozowski
Island Planner

CC: Ann Kjerulf, Regional Planning Manager
Kevin Healy, Creus Engineering Ltd., agent

Re: Submission of Covenant to satisfy requirements in Bylaw No. 4 (District Lot 696, Keats Island Land Use Contract)

Owner: Convention of Baptist Churches of British Columbia (CBCBC)

Agent: Creus Engineering Ltd.

Location: District Lot 696, Keats Island

THE PROPOSAL:

The purpose of this report is to provide background related to the proposal to subdivide District Lot 696, and to introduce to the Gambier Island Local Trust Committee (LTC) two draft legal documents for preliminary review.

SITE CONTEXT:

District Lot 696 is 93.5-hectare parcel encompassing the southwestern end of Keats Island. Existing uses on the property include a church camp and more than 80 privately-owned recreational cottages, built on land leased from the owner and being used on a seasonal basis. The Sunshine Coast Regional District (SCRD) dock at Keats Landing is located on the northwest shore of DL 696 and is connected by a gravel road through DL 696 to the eastern portions of the island, as seen in the aerial photograph, Figure 1, below.

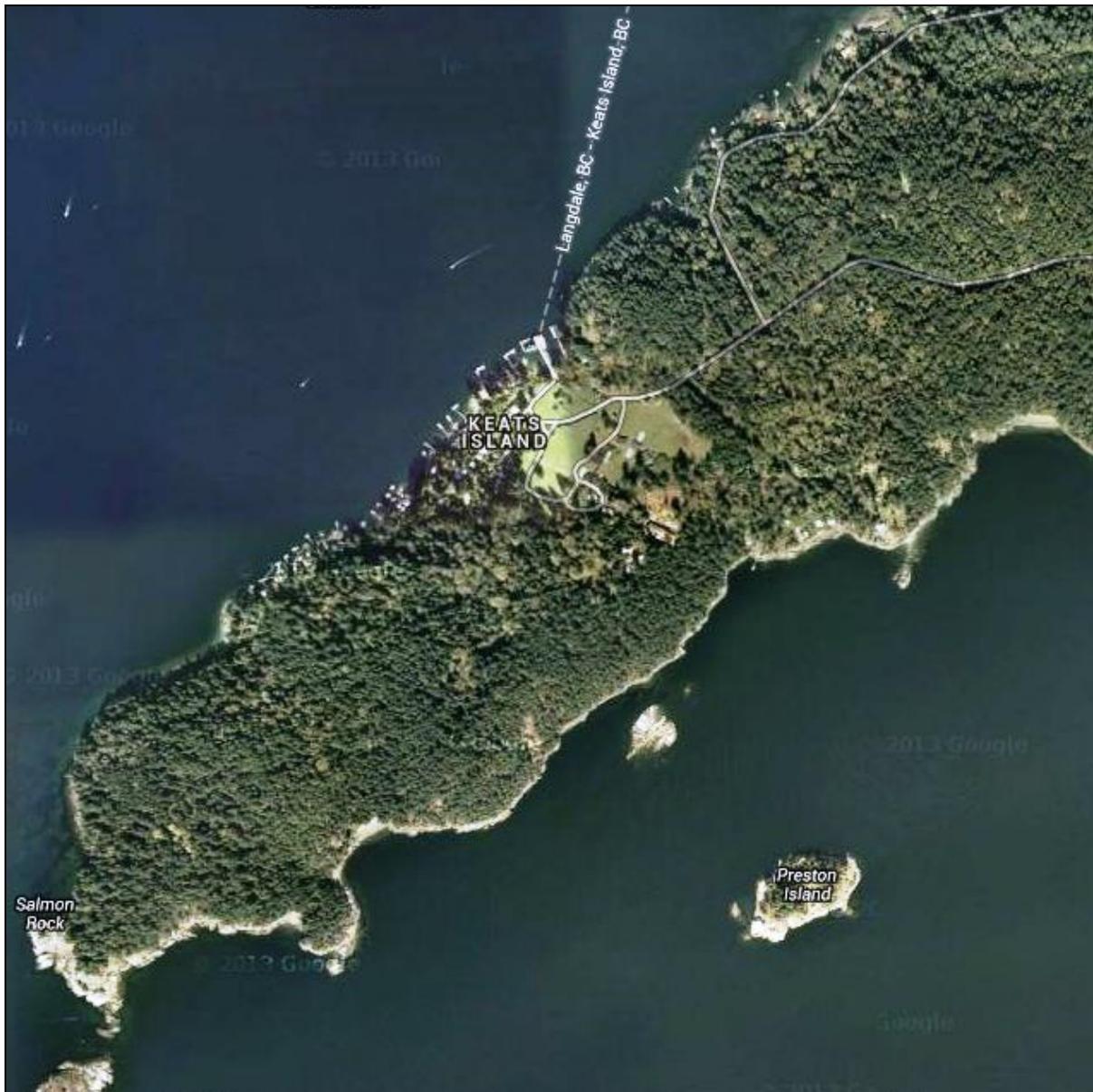


Figure 1: Aerial photo of southwestern Keats Island

BACKGROUND:

A subdivision application for Keats Landing (DL 696) has been filed with the Ministry of Transportation and Infrastructure (MoTI). A major impetus behind the subdivision is to secure for the cottagers the ability to purchase their lots and to service them to an extent that would allow full-time occupation. As noted in the Land Use Contract (LUC), the LUC is viewed as “an instrument which could allow the establishment of separate titles for each existing cottage.” Although the subdivision application currently being considered by MoTI is for nine lots, the subdivision plan anticipates both the future servicing needs and an eventual strata lot application (or applications) for the 110 lots permitted by the LUC.

CBCBC applied in 2004 to amend the LUC and the Keats Island Land Use Bylaw (LUB) to allow the 110-lot subdivision to proceed. The rezoning application was based on servicing and

subdivision plans prepared at that time. The application was processed, and Bylaws 100 and 101, proposing amendments to the LUB and LUC respectively, were presented to the LTC in 2007. The bylaws received a public hearing in July 2007 and were given approval by the Executive Committee in October 2007. The bylaws were not adopted, as additional information requested, including specific details on sewage disposal plans, was not received, putting the application “on hold” since that time.

At the LTC meeting on September 26, 2013, the validity of the 2004 application was considered and deemed to be relevant. However, because of the time lapse since the public hearing in 2007, LTC rescinded Second and Third Reading of Bylaws 100 and 101 to allow for modifications to the Proposed Bylaws and to provide an opportunity for the applicant to introduce the proposed changes to the general public, residents, and tenants of Keats Island. The LTC also passed the following resolution:

THAT the Gambier Island Local Trust Committee DIRECT staff to communicate with the rezoning applicant with regards to using existing bylaws as the base for proposed plan amendments.

Following this review of the application in late 2013, the applicant worked with planning staff throughout 2014 to pursue actions that would allow for the LUC to be fulfilled and discharged as written rather than requiring a rezoning to first amend it. As such, the rezoning application for Proposed Bylaws 100 and 101 (File No. GM-RZ-2004.1) was placed on hold in favour of first satisfying the commitments of the LUC (Bylaw No. 4).

The attached covenants are necessary to move towards subdivision. Staff notes that satisfying this phase of the subdivision application does not preclude possibility of requiring rezoning applications to amend the Keats Island Land Use Bylaw No. 78 when a subdivision referral is directed to the Islands Trust.

CURRENT PLANNING STATUS OF SUBJECT PROPERTY:

Trust Policy Statement

The proposed bylaw amendments are consistent with the Islands Trust Policy Statement, as indicated in the Directives Only Checklist, attached to this report as Appendix 1.

Official Community Plan

The OCP designates the entire property as a Land Use Contract area with two Community Services areas, as shown in Figure 2 below. The road from Keats Landing through DL 696 is designated as a heritage/scenic road.

Land Use Bylaw

The following zones, as shown in Figure 3 below, apply to DL 696:

- Private Institutional 1 (PI1), the majority of the property
- Community Residential 2 (CR2), four areas
- Community Services 2 (CS2), parking for Keats Landing wharf
- Natural Area Community Park (P1), Sandy Beach area and triangular park
- Private Conservation (PC), Salmon Rock area

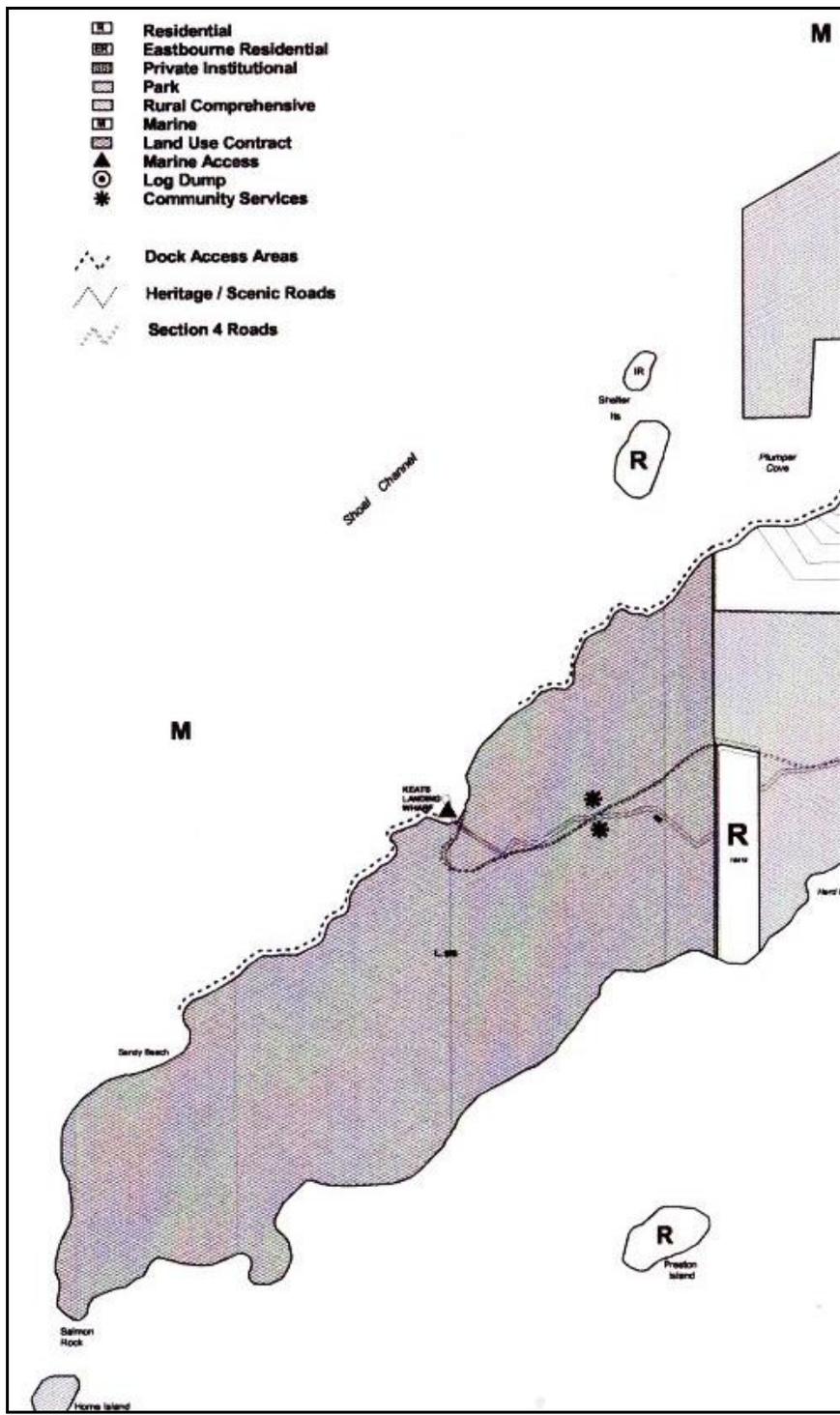


Figure 2: Excerpt from OCP showing DL696

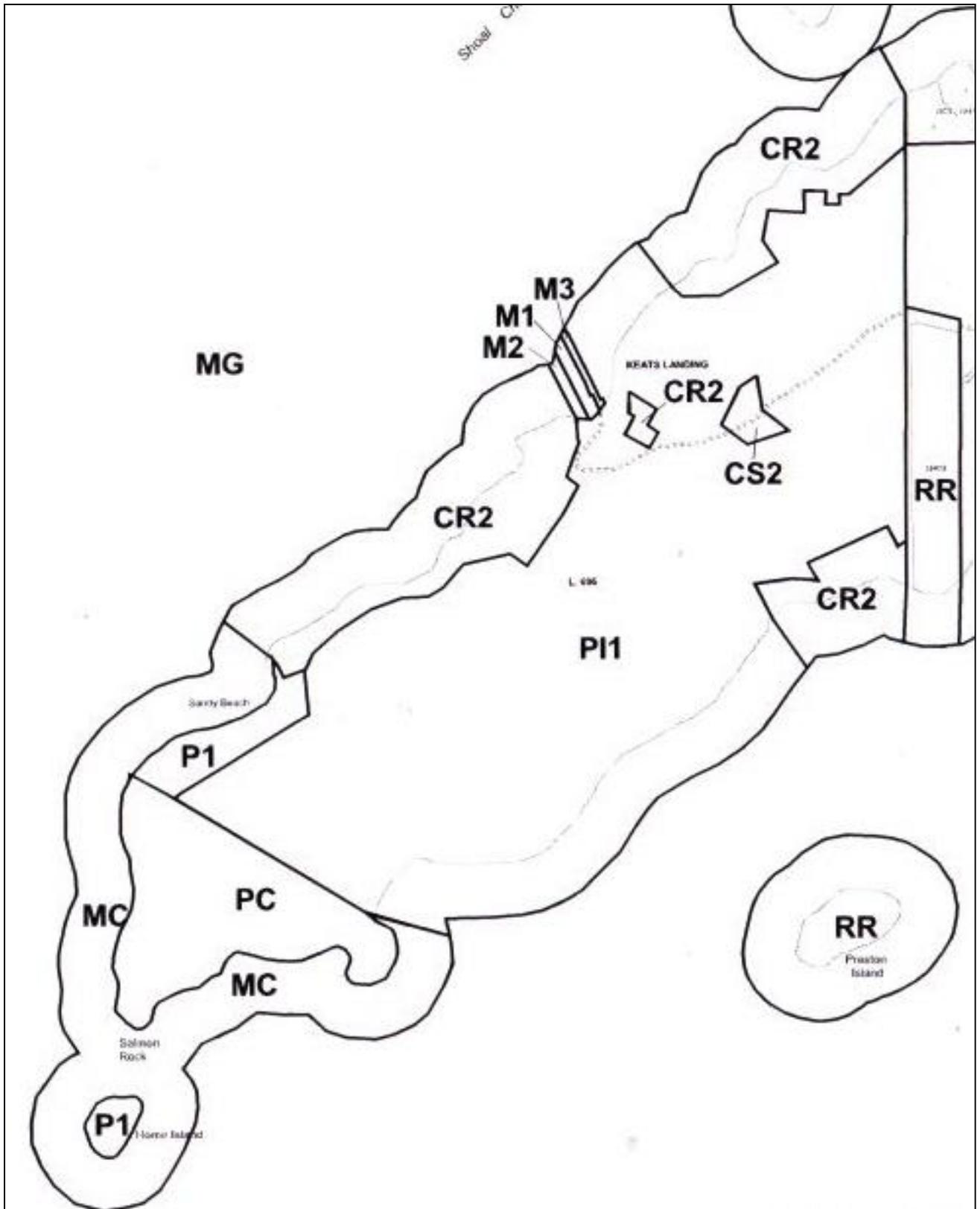


Figure 3: Portion of LUB Schedule B showing DL696

All provisions of the LUB (Bylaw No. 78) will apply for the pending subdivision application, including the requirements to provide all residential lots with potable water and a sewage disposal system. The ability to fulfill these requirements must be demonstrated to the Provincial Approving Officer's satisfaction at the time of subdivision.

Land Use Contract

The 1978 LUC, adopted by the LTC as Keats Island Bylaw No. 4, was registered on title to the property on January 3, 1979.

The contract required that the CBCBC provide certain community amenities in exchange for being allowed to subdivide DL 696 into 110 residential lots and a large remainder parcel for the camp. The amenities required in the LUC include: dedication of road access to Keats Landing, dedication of a park at Sandy Beach with an access trail from the public road to Sandy Beach, and protection of a conservation area at Salmon Rock. All of this was to be provided within one year of signing the contract. These requirements can be met through the subdivision process.

Schedule C to the LUC distinguishes five areas from the general camp area: three residential areas (Areas A, B and C), an area to be covenanted (Area D) and an area for nature reserve (Area E). These as shown in Figure 4 below.

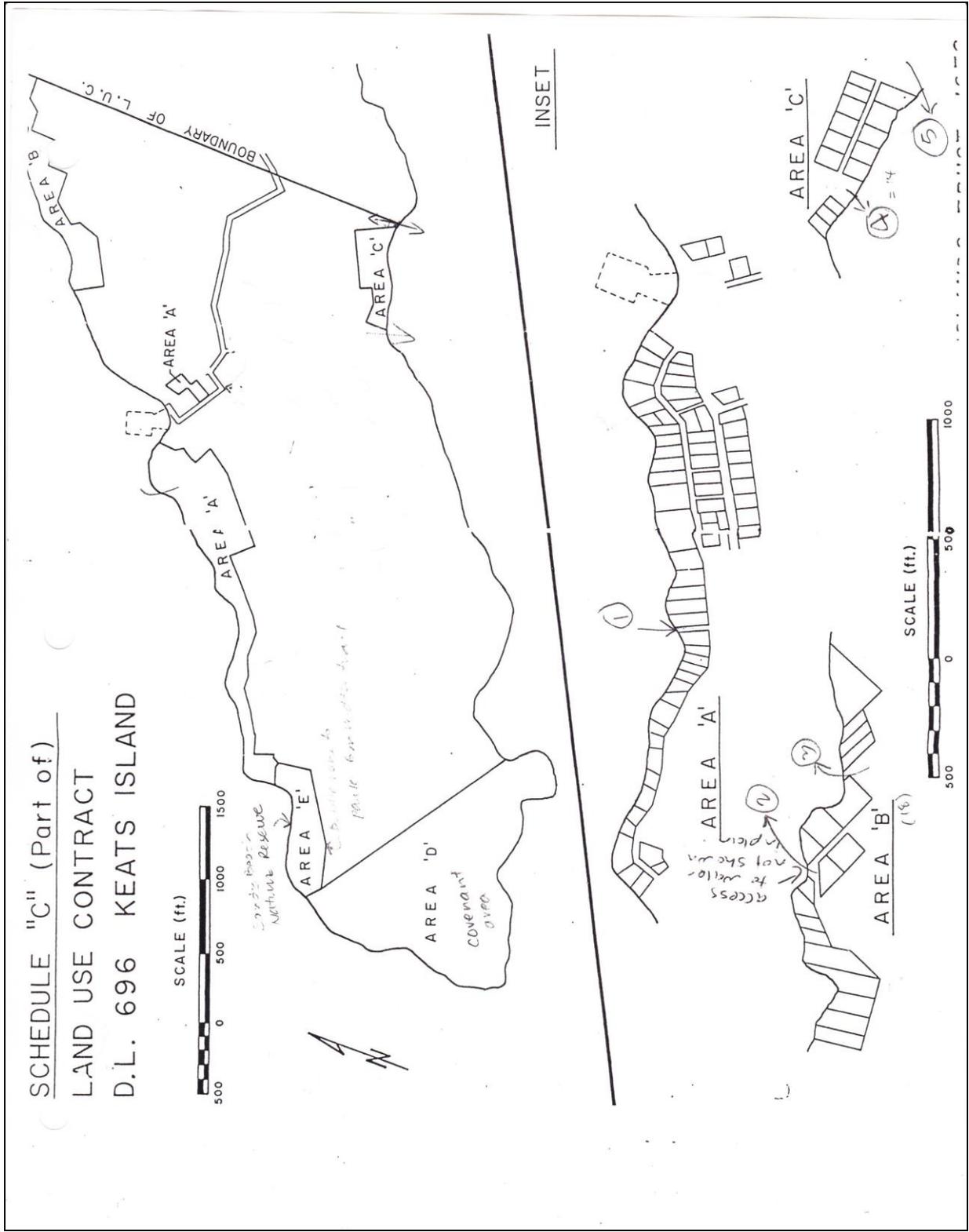


Figure 4: LUC Schedule C

STAFF COMMENTS:

The Provincial Approving Officer will only be able to issue preliminary subdivision layout approval (PLA), subject to – among other conditions – proof that the bylaw provisions laid out for DL 696 allow for the requested subdivision in both the LUB and the LUC.

Concurrently, subdivision will enable the property owner to fulfill commitments made in the LUC, such as the following:

- dedication of the road through DL 696 from the public dock at Keats Landing to the eastern property line, providing public access to properties to the east;
- dedication to the Islands Trust Fund of the proposed nature reserve known as Sandy Beach;
- registration of a conservation covenant on the Salmon Rock area; and,
- formalization of a trail access to the Sandy Beach and Salmon Rock areas.

The intent of the proposed development at this point is to not diverge from the original concept and requirements laid out in the LUC but rather to fulfill them as currently written. LUC requirements may be fulfilled through covenants, subject to further legal review. Any required covenants would be required to be in place prior to subdivision approval.

The Salmon Rock Nature Conservancy covenant (Attachment 2) is a draft Section 219 covenant enabled through the *Land Title Act*. The signatories for the covenant would be the CBCBC and the Gambier Island Local Trust Committee. Staff solicits general comments from the LTC on the draft covenant document.

Staff were also provided a draft Standard Trail Right-of-Way (ROW) document, a Section 218 covenant enabled through the *Land Title Act*, intended to fulfil the requirement to formalize trail access to the Sandy Beach and Salmon Rock areas. The draft covenant has not been provided to the LTC at this time as it appears to identify the Gambier LTC as the party responsible for maintaining the trail. Staff believe this to be inconsistent with the Islands Trust Act (as the Gambier LTC has no authority to maintain trails). Staff is currently investigation alternatives to the draft covenant as proposed.

Staff recommends a legal review of both covenant documents, for which Staff requests a formal resolution from the LTC. This legal review would be paid for by the applicant through a cost recovery agreement.

NEXT STEPS:

A site plan for the subdivision proposal was provided to Staff in early January 2016. Staff will review the site plan and proposal to ensure all other LUC requirements can be met as written. If all commitments can be met without amendments to the LUC, Proposed Bylaw No. 101 would be rendered moot and proceed no further.

Should the review identify that not all LUC commitments can be met without first amending the LUC, staff will notify the applicant and work with the applicant on modifications to Proposed Bylaw 101.

Following this step, the subdivision application will need to be reviewed for compliance with the LUB. The CR2 zone applies only to DL 696; therefore, the zone can be tailored specifically for this area. These possible amendments are what would comprise Bylaw 100.

Further stages of the process will require a large number of development variances. In recognition of the fact that the leasehold lots (and eventual strata lots) are small and that they will all be serviced with a communal water system and communal septic systems, setback requirements can be reduced, thereby minimizing (but not eliminating) the number of variances that will be required later in the approvals process. Once MoTI has had an opportunity to review the detailed layout and has given an indication that the layout appears to be acceptable or when PLA is issued for the strata subdivision, it will then be possible to assess the individual lots in terms of their conformance to LUB requirements. Staff anticipates that variances will be required for a number of lots and for some of the docks that have been constructed.

RECOMMENDATIONS:

The following recommendation is provided for the consideration of the Local Trust Committee:

That the Gambier Island Local Trust Committee request staff to enter into a cost recovery agreement with the applicant to review draft covenant documents for the purpose of satisfying requirements of Bylaw No. 4 (Land Use Contract for District Lot 696, Keats Island).

Respectfully submitted by:

Aleksandra Brzozowski

January 8, 2016

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Ann Kjerulf

January 12, 2016

Ann Kjerulf, RPP, MCIP
Regional Planning Manager

Date

Attachments: 1. Bylaw No. 4, Land Use Contract for District Lot 696
2. Draft S219 Covenant for Salmon Rock, DL 696

GAMBIER ISLAND TRUST COMMITTEE

BY-LAW NO. 4

A BY-LAW AUTHORIZING A LAND USE CONTRACT RELATING TO THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA, FOR DISTRICT LOT 696, KEATS ISLAND, NEW WESTMINSTER LAND DISTRICT

WHEREAS it is deemed desirable by the Gambier Island Trust Committee, pursuant to Section 3(2)(h) of the "Islands Trust Act" and Section 702A of the "Municipal Act" to enter into a Land Use Contract with the Convention of Baptist Churches of British Columbia for the use and development of District Lot 696, Keats Island, New Westminster Land District;

NOW THEREFORE the Gambier Island Trust Committee, being the Trust Committee having jurisdiction on and in respect of Keats Island in the Province of British Columbia, pursuant to the Islands Trust Act, S.B.C., 1974, Chapter 43, as amended, and B.C. Regulation 442/78, in open meeting assembled enacts as follows:

1. The above mentioned Land Use Contract, a copy of which is attached hereto, and the execution thereof, on behalf of the Gambier Island Trust Committee as signed by the Chairman and Manager of the Islands Trust are hereby authorized.
2. The said Land Use Contract shall be registered in the Vancouver Land Registry Office.
3. This By-law may be cited as "Gambier Island Trust Committee Land Use Contract Authorization By-law No. 4, 1978 (Convention of Baptist Churches of British Columbia)".

READ A FIRST TIME THIS 27th day of October 1978

READ A SECOND TIME THIS 27th day of October 1978

READ A THIRD TIME THIS 27th day of October 1978

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS 9th day of November, 1978.

RECONSIDERED AND FINALLY ADOPTED THIS 21st day of November 1978

Tony Roberts

Manager

Neil Johnson

Chairman

C O N S E N T

KNOW ALL MEN BY THESE PRESENTS THAT:

MONTREAL TRUST COMPANY,
of 466 Howe Street, in the City of
Vancouver, Province of British Columbia,

being the holder of a charge by way of Mortgage registered
in the Land Registry Office at Vancouver, under Number
542446-M against all and singular that certain parcel or
tract of land and premises on Keats Island in the Province
of British Columbia, and known and described as:-

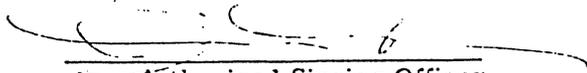
That Part of District Lot 696, Group 1,
New Westminster District, Shown on
Reference Plan 4421.

in consideration of the sum of One Dollar (\$1.00) hereby
agrees and consents to the registration of a Land Use
Contract, made between the registered owner of the said
lands and The Islands Trust Committee dated the *31st*
day of *October* 1978, against the aforementioned lands.

THE CORPORATE SEAL of
Montreal Trust Company was
hereunto affixed in the presence

of:-


Assistant Secretary


Authorized Signing Officer

THIS CONTRACT made the 22nd day of

G

314
November

1978

500

BETWEEN:

GAMBIER ISLAND TRUST COMMITTEE
having its office at 835 Humboldt Street,
in the City of Victoria, Province of
British Columbia,

(hereinafter called the "Trust Committee")

JAN 3 2 14 P 79
LAND REGISTRY OFFICE
VANCOUVER

OF THE FIRST PART

AND:

THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA
having an office at 5920 Iona Drive, in
the City of Vancouver, Province of
British Columbia,

(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS the Trust Committee, pursuant to Section 3(2)(h) of the Islands Trust Act and Section 702A of the Municipal Act, may, notwithstanding any By-law of the Trust Committee or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with an owner, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Trust Committee consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract and the Trust Committee has considered such criteria in arriving at the terms and conditions herein contained;

AND WHEREAS the Owner has presented to the Trust Committee a scheme of use and development of the within described lands and premises that would be in contravention of the Zoning By-law of the Trust Committee and has requested that the Trust Committee enter into this Contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Trust Committee and the Owner both acknowledge that the Trust Committee cannot enter into this Contract, until the Trust Committee has held a public hearing in relation to this Contract, and considered any opinions expressed at such hearing, and unless a majority of the members of the Trust Committee present at the meeting at which the By-law to approve this Contract is adopted vote in favour of the Trust Committee entering into this Contract;

AND WHEREAS the Owner has obtained the consents of all persons having a registered interest in the Land as set out in Schedule "A" hereto to the registration of the Contract in the Vancouver Land Registry Office with priority over their respective interest, which consents are attached to the said Schedule "A" hereto;

AND WHEREAS the Trust Committee having given due regard to the consideration set forth in Section 702(2) and 702A(1) of the "Municipal Act" has agreed to the terms, conditions and consideration herein contained;

AND WHEREAS the Owner is the registered owner of all and singular that certain parcel or tract of land and premises situate, lying and being in the Province of British Columbia and being more particularly known and described as:

District Lot 696, Keats Island, New Westminster
Land District

(hereinafter called "the Land")

AND WHEREAS the Land is within an area of Keats Island designated as a development area pursuant to Section 702A(2) of the "Municipal Act";

AND WHEREAS the Keats Island Official Community Plan refers to the Land Use Contract as an instrument which could allow the establishment of separate titles for each existing cottage;

NOW THEREFORE THIS CONTRACT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Trust Committee and the Owner covenant and agree as follows:

1. The use and development of the Land shall be in accordance with this Contract.
2. The use of the Land and any buildings or structures on the Land shall be used only for the purposes specified in Schedule "B" attached hereto.
3. The creation of lots for residences or seasonal cottages shall be in accordance with Schedule "C" and upon completion of this contract the Sunshine Coast Regional District may issue building permits for the construction of residences or seasonal dwellings, or buildings in connection with the Baptist camp or the reconstruction of, alteration of or addition to such buildings subject to the provision that not more than one residence or seasonal dwelling shall be permitted on each lot shown in the inset plans of Schedule "C".
4. Except as otherwise provided in this Contract, the use and development of the Land shall comply with all regulations and by-laws, from time to time in force on Keats Island, and without limiting the generality of the foregoing, each building shall be constructed, altered, or reconstructed or added to only in compliance with the current Building and Plumbing Code By-law #126 of the Sunshine Coast Regional District.
5. A water supply system shall be provided and made available to each lot on the property and such water supply system shall comply with all regulations and requirements of the appropriate health and other authorities.

6. Sewage disposal arrangements including the provision of septic tanks shall be constructed and maintained to the satisfaction of the appropriate authorities and in accordance with their regulations.
7. Roads and rights-of-way shall be provided in accordance with Schedule "D".
8. Public Park and a natural area shall be provided and preserved in accordance with Schedule "E".
9. This Agreement shall be registered by the Trust Committee in the Vancouver Land Registry Office as First Charge against the Land having priority over any and all other charges, encumbrances and liens registered against the land save only those certain charges specified in Schedule "A" hereto and shall have no force or effect unless and until it has been so registered but upon registration as aforesaid shall have the force and effect of a restrictive covenant running with the Land, PROVIDED HOWEVER, that if the Trust Committee shall fail or neglect to apply for registration of the same within the period of three (3) clear days after the Owner shall have made written demand in that behalf upon the Trust Committee, the Owner may thereafter apply as agent for the Trust Committee without further reference to or authority from the Trust Committee.
10. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
11. The Owner shall dedicate the Park, Road and Trail Right-of-Way within one year of the registration of this Land Use Contract.
12. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed as of the day and year first above written.

GAMBIER ISLAND TRUST COMMITTEE

W.A. Stone
Chairman

Tony Roberts
Manager

Gambier Island Trust Committee

THE CONVENTION OF BAPTIST CHURCHES OF
BRITISH COLUMBIA

Philip Collier
EXECUTIVE SECRETARY

R.K. Grant
TREASURER

SCHEDULE "A"

ENCUMBRANCES

The B.C. Tel Co.

That part of Right-of-Way 213575M
D.L. 696 included in reference plan
4421.

B.C. Electric Co. Ltd.

Right-of-Way over that part included
in Exp. Plan 6583 with subordinate rights
over the balance of the said District lots.

B.C. Electric Co. Ltd.

All Right-of-Way, 326792M Registered under
#325036M.

Montreal Trust Company

Mortgage of Right-of-Way 213575M.
That part of D.L. 696, M.542446M. included
in Reference Plan 4421. In trust,
see 63236M and 542446M, Supplemental
to 63236M inter alia.

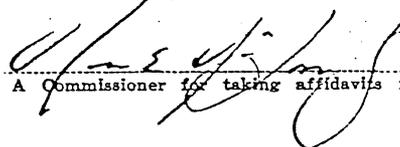
Montreal Trust Company

Mortgage of Right-of-Way 213575M.
That part of D.L. 696, MD9422 Included
in Reference Plan 4421. In trust see
63236M and D9422. Supplemental to 63236M.

For the Officer of a Corporation

I HEREBY CERTIFY that, on the 22nd day of November, 1978
at Victoria, in the Province of British Columbia Marc Holmes
who is personally known to me,
appeared before me and acknowledged to me that he is the Chairman
of Gambier Island Trust Committee, and that he is the person
who subscribed his name to the annexed instrument as such Officer of the said Corporation and
affixed the seal of the said Corporation to the said instrument, that he was first duly authorized
to subscribe his name as aforesaid, and affix the said seal to the said instrument and that such
Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my
hand at Victoria in the Province of British Columbia,
this 22nd day of November, 1978.

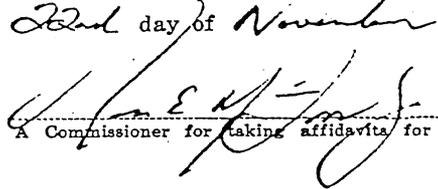

A Commissioner for taking affidavits for British Columbia

Pearlman & Lindholm

For the Officer of a Corporation

I HEREBY CERTIFY that, on the 22nd day of November, 1978
at Victoria, in the Province of British Columbia Tony Roberts
who is personally known to me,
appeared before me and acknowledged to me that he is the Manager
of Gambier Island Trust Committee, and that he is the person
who subscribed his name to the annexed instrument as such Officer of the said Corporation and
affixed the seal of the said Corporation to the said instrument, that he was first duly authorized
to subscribe his name as aforesaid, and affix the said seal to the said instrument and that such
Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my
hand at Victoria in the Province of British Columbia,
this 22nd day of November, 1978.


A Commissioner for taking affidavits for British Columbia

Pearlman & Lindholm

Acknowledgment of Officer of Corporation

I HEREBY CERTIFY that, on the 3rd day of October, 1978, in the City of Vancouver, in the Province of British Columbia,

John V.L. Robert ^{who is personally known to me, appeared before me and acknowledged to me that he is an Authorized Signing Officer of MONTREAL TRUST COMPANY, and that he is the person who subscribed his name to the annexed instrument as Authorized Signing Officer of the said MONTREAL TRUST COMPANY and affixed the seal of the MONTREAL TRUST COMPANY to the said instrument, that he was first duly authorized to subscribe his name as aforesaid and affix the said seal to the said instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.}

IN TESTIMONY WHEREOF I have hereunto set my hand at the City of Vancouver, in the Province of British Columbia.

this 3rd day of October
one thousand nine hundred and seventy eight

Robert K. Missett
A Commissioner for taking affidavits within British Columbia

C O N S E N T

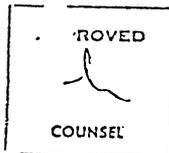
KNOW ALL MEN BY THESE PRESENTS THAT:

BRITISH COLUMBIA TELEPHONE COMPANY,
of 3777 Kingsway, in the District of Burnaby,
Province of British Columbia,

being the holder of a charge by way of Right-of-Way
registered in the Land Registry Office at Vancouver, under
Number 213575-M against all and singular that certain parcel
or tract of land and premises on Keats Island in the Province
of British Columbia, and known and described as:-

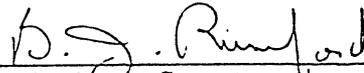
That Part of District Lot 696, Group 1,
New Westminster District, Shown on
Reference Plan 4421.

in consideration of the sum of One Dollar (\$1.00) hereby
agrees and consents to the registration of a Land Use Contract,
made between the registered owner of the said lands and The
Islands Trust Committee dated the day of
1978, against the aforementioned lands.



THE CORPORATE SEAL of
British Columbia Telephone
Company was hereunto affixed
in the presence of:-

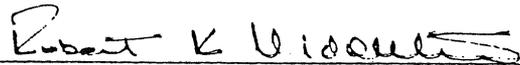

Vice-President


Assistant Secretary

ACKNOWLEDGMENT OF OFFICER OF CORPORATION

I HEREBY CERTIFY that on the 31st day of October, 1978, at Burnaby, in the Province of British Columbia, BETTY J. RUMFORD, who is personally known to me, appeared before me and acknowledged to me that she is the Assistant Secretary of British Columbia Telephone Company, and that she is the person who subscribed her name to the annexed instrument as Assistant Secretary of the said British Columbia Telephone Company and affixed the seal of the British Columbia Telephone Company to the said instrument, that she was first duly authorized to subscribe her name as aforesaid, and affix the said seal to the said instrument and that such Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereto set my hand at Burnaby, British Columbia, this 31st day of October, 1978.



A Commissioner for Taking
Affidavits for British Columbia

C O N S E N T

WHEREAS the Convention of Baptist Churches of British Columbia (hereinafter "the registered Owner") and the Island's Trust Committee (hereinafter the "Trust Committee") propose to enter into a Land Use Contract in respect of that part of Keats Island lying and being in Vancouver Assessment District in the Province of British Columbia and being more particularly described as:-

District Lot 696, Group 1,
New Westminster District

AND WHEREAS British Columbia Hydro and Power Authority is the registered holder of charges by way of rights of way registered against the said land.

AND WHEREAS the registered owner under the Land Use Contract is required to obtain the consent of all persons having registered interests in the said land.

KNOW ALL MEN BY THESE PRESENTS THAT British Columbia Hydro and Power Authority of
970 Burrard Street
Vancouver, B.C.

being the holder of charges by way of Rights of Way registered in the Land Registry Office at the City of Vancouver, Province of British Columbia, under Numbers 325036M and 326792M against all and singular that certain parcel or tract of land and premises being in the Vancouver Assessment District, in the Province of British Columbia, known and described as:-

District Lot 696, Group 1,
New Westminster District

IN CONSIDERATION of the premises and the sum of \$1.00 hereby agrees and consents to the registration of the Land Use Contract made between the registered Owner of the said land and the Trust Committee, which shall have the force and effect of a Restrictive Covenant running with the land and against the

aforementioned land, provided that the dedication of the public park being area E in the said Land Use Contract is by way of Deed to Her Majesty the Queen in Right of the Province of British Columbia for park purposes subject to the said charges by way of Rights of Way in favour of British Columbia Hydro and Power Authority and further provided that this Consent is not with priority over British Columbia Hydro and Power Authority's interests in the said land as stated in the fifth Recital of the said Land Use Contract but is subject and without prejudice to the rights and priorities of the said British Columbia Hydro and Power Authority under or by virtue of the said charges by way of Rights of Way and subject and without prejudice to the rights and immunities of the said British Columbia Hydro and Power Authority under or by virtue of any statute or statutes.

WTH
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THE COMMON SEAL of BRITISH COLUMBIA HYDRO AND POWER AUTHORITY is hereunto affixed in the presence of its duly authorised officer:

[Signature]

[Signature]

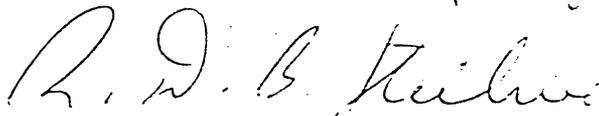
SECRETARY

12341

ACKNOWLEDGMENT OF OFFICER OF A CORPORATION

I HEREBY CERTIFY that, on the _____ day of _____, 1977, at Vancouver, in the Province of British Columbia, ELIZABETH BEATRICE FULWELL, who is personally known to me, appeared before me and acknowledged to me that she is the Associate Secretary of British Columbia Hydro and Power Authority, and that she is the person who subscribed her name to the annexed instrument as Associate Secretary of the said British Columbia Hydro and Power Authority and affixed the seal of the said British Columbia Hydro and Power Authority to the said Instrument, that she was first duly authorized to subscribe her name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand at Vancouver, in the Province of British Columbia, this _____ day of _____ in the year of our Lord One Thousand Nine Hundred and _____



A Commissioner for taking
Affidavits for British Columbia

MADDIN, SUDERMAN & CO.
 E.E. Bowes
 2393 - 595 Burrard
 Vancouver, B.C. V7X 1K8



LAND REGISTRY ACT
 (SECTION 252)

Title No. _____
 Register Vol. 1956
 From Title No. _____

CERTIFICATE OF ENCUMBRANCES

Land Registry Office, VANCOUVER, British Columbia.

9:00 a.m. on 29/1/79

This is to certify that at _____
 the state of the title to the land described herein is as stated below and is subject to the notations appearing on the back hereof.

D. H. Stinson
 13/10/53
 Sw Registrar.

Registered owner in fee-simple: Application for registration received _____
 THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA
 4615 West 9th Avenue

Description of land:
 Vancouver Assessment District
 District Lot 696
 Group 1, NEW WESTMINSTER DISTRICT

CHARGES, LIENS, AND INTERESTS*

Nature of Charge; Number; Date and Time of Application	Registered Owner of Charge	Remarks
RW 26/8/55 213575-M @ 11:52	The British Columbia Telephone Company.	over that part included in Reference Plan 4421
RW 21/3/61 325036-M @ 1:57	British Columbia Electric Company Limited (deemed to be the registered interest of British Columbia Hydro and Power Authority, see DF 106874)	RW over that part included in Explanatory Plan 6583 with subordinate rights over the balance of the said District Lot.
RW 27/4/61 326792-M @ 1:28	British Columbia Electric Company Limited (deemed to be the registered interest of British Columbia Hydro and Power Authority, see DF 106874)	
M 10/11/71 542446-M @ 2:56	Montreal Trust Company in trust, see 63236-M and 542446-M	over that part included in Reference Plan 4421 inter alia; M of RW 213575-M, supplemental to 63236-M

(Continued on page 2)

* Each endorsement affects all the land described herein, unless otherwise indicated in "Remarks" column. See back hereof for abbreviations, etc.

CHARGES, LIENS, AND INTERESTS CONTINUED

M 25/2/76	D 9422 @ 9:38	Montreal Trust Company in trust, see 63236-M and D 9422	over that part included in Reference Plan 4421 inter alia; M of RW 213575 supplemental to 63236-M
Land Use Contract 3/1/79	G314 @ 2:14	Gambier Island Trust Committee	with priority over 213575- 542446-M, and D 9422

SCHEDULE "B"

The use of the Land including buildings and structures erected thereon shall, subject to the provisions of Schedule "E", be restricted to:

- a) Residence
- b) Seasonal Cottage
- c) Home occupation
- d) Agriculture
- e) Place of assembly
- f) Institutional camp
- g) Public Park
- h) Public Service use

No more than one (1) residence or seasonal cottage shall be constructed on any lot created under the provisions of Schedule "C" and no residence other than residences required for the exclusive use of employees of the Owner and their families, and in any case not more than (5) five residences for such employees, shall be constructed on land not within Areas A, B, C, D and E as shown on the plan accompanying Schedule "C".

SCHEDULE "C"

Within District Lot 696, lots for residence and seasonal cottages may be subdivided, or created by other means subject to the number of lots being restricted to a maximum of 110 and to such number being further restricted to the numbers and locations shown on the plan accompanying and being a part of this Schedule and providing for:

- in Area A (two parts) a maximum of 72 lots, and
- in Area B a maximum of 22 lots, and
- in Area C a maximum of 16 lots.

The location of the 110 lots shall, subject to minor variation upon survey, be as shown approximately in the inset on the plan accompanying this Schedule.

SCHEDULE "D"

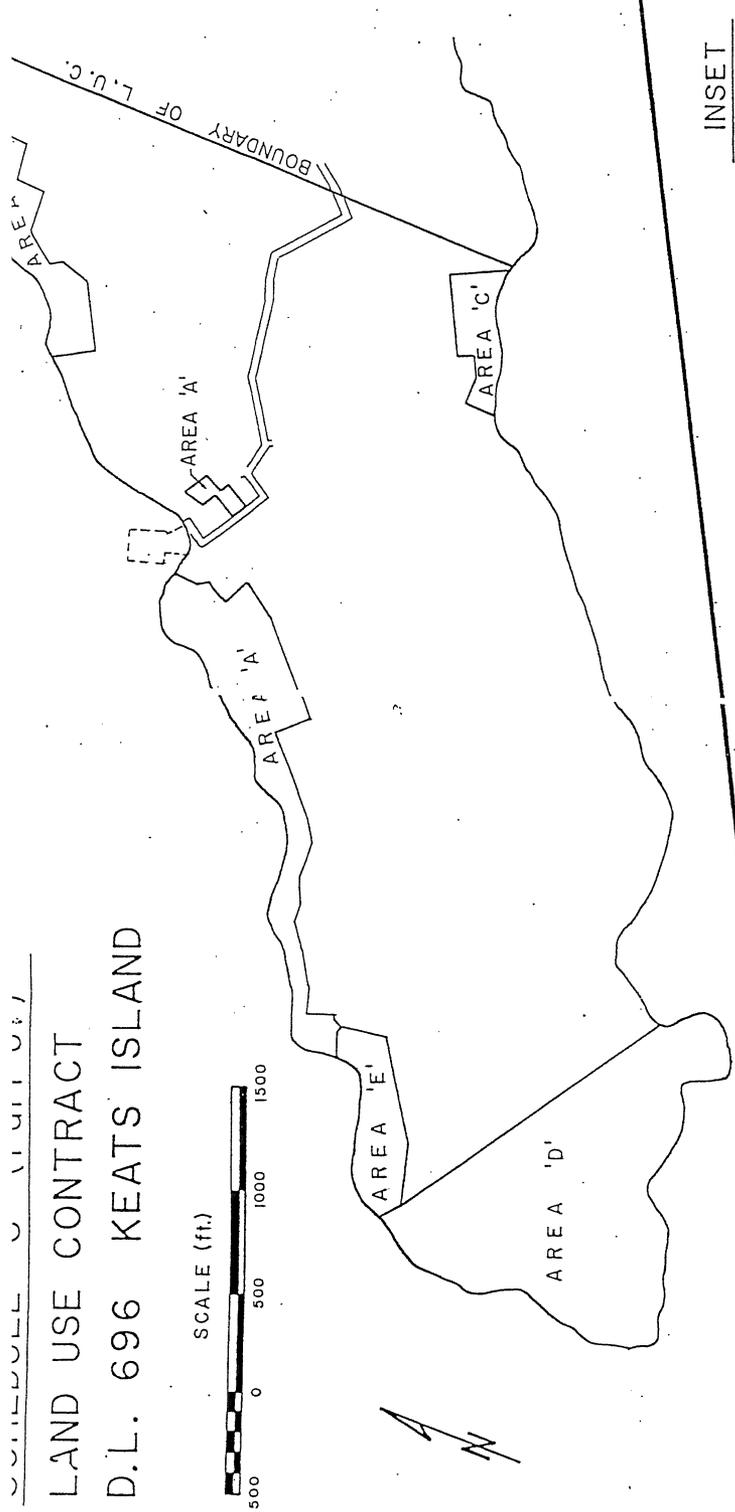
- (a) A public road right-of-way shall be dedicated 8 metres wide from the Federal Government dock (D.L. 6215) through the camp campus, being a distance of 334 metres, and 20 metres in width from the eastern boundary of the campus through to or near the point on the eastern boundary of D.L. 696 where the right-of-way registered under Reference Plan 2618 crosses the said eastern boundary. Such road shall be constructed on an alignment and to the standards required by the Ministry of Highways but shall not involve any clearing beyond a 12 metre width.
- (b) Other access ways required for the servicing of lots created in areas A, B, and C, shall be registered as common lots or dedicated as public road as may be required by the Approving Officer, when the lots are created.
- (c) A public right-of-way not exceeding 6 metres in width shall be dedicated and shall extend from the public road in the vicinity of the Government dock to the public park site referred to in Schedule "E". The trail shall be constructed and located to the satisfaction of the Ministry of Highways but there shall be a minimum disturbance of trees and bushes and in no event shall a tree in excess of 22 (twenty-two) centimeters in diameter, measured 62 (sixty-two) centimeters above the ground, be cut.

SCHEDULE "E"

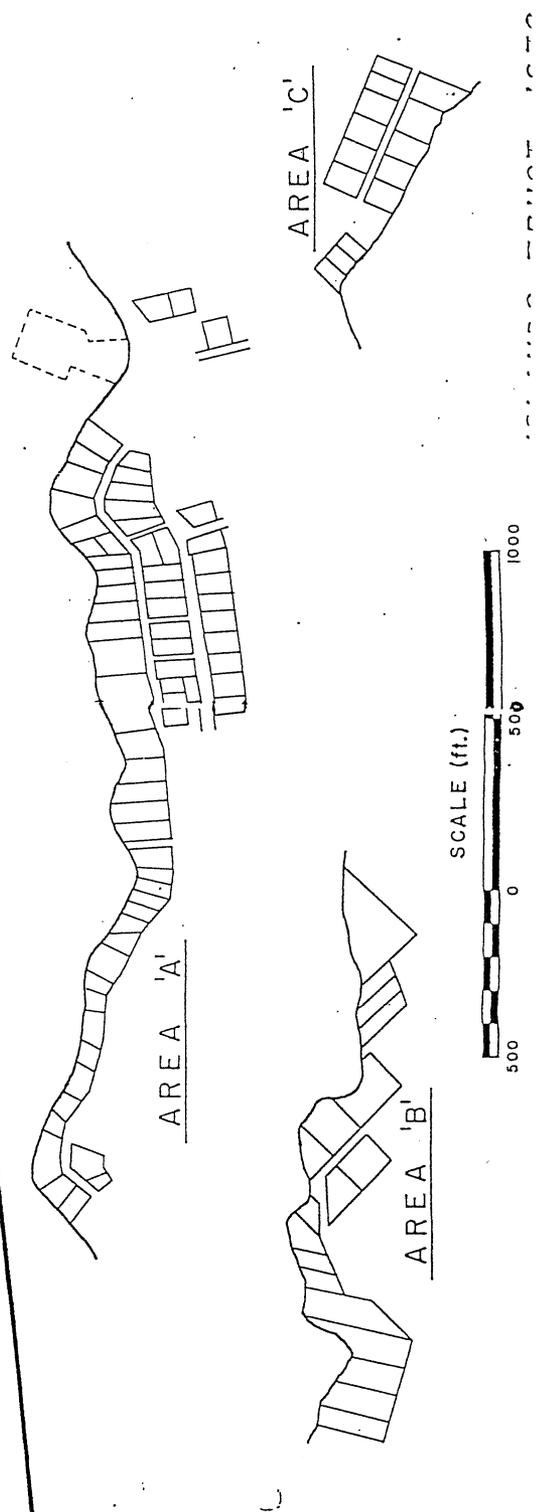
A public park shall be dedicated by subdivision in the area indicated as Area E on the plan accompanying Schedule "C". The park shall be held by the Crown Provincial but Baptist Camp Officials shall, without depreciating the public's right to use the park, have the power (at its option and without legal obligation) to warn or restrain persons damaging the property or its flora or fauna or lighting fires or in any way endangering the park, or engaging in overnight camping.

The Lands shown as Area D on the plan accompanying Schedule "C" shall be the subject of a Restrictive Covenant in favour of the Crown registered under Section 24A of the Land Registry Act and such Restrictive Covenant shall provide for no construction of buildings or structures in Area D except that the Owners may construct not more than two additional buildings totalling not more than 4,000 sq. ft. (combined gross floor area) in addition to the existing building which may be reconstructed or replaced subject to the use, design and location of all buildings being mutually acceptable to the Owner and the Trust Committee.

LAND USE CONTRACT
D.L. 696 KEATS ISLAND



INSET



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 6 pages

1. APPLICATION:

THE CONVENTION OF BAPTIST CHURCHES
OF BRITISH COLUMBIA

Signature of Agent for Applicant

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

(PID)	(LEGAL DESCRIPTION)
014-385-694	District Lot 696 Group 1 New Westminster District

3. NATURE OF INTEREST:*

<u>Description</u>	<u>Document Reference</u>	<u>Person Entitled to Interest</u>
Covenant over Part in Plan BCP _____	Entire Document	Transferee

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

- | | | |
|---------------------------------|-------------------------------------|---------------------------------------|
| (a) Filed Standard Charge Terms | <input type="checkbox"/> | D.F. No. ST |
| (b) Express Charge Terms | <input checked="" type="checkbox"/> | Annexed as Part 2 |
| (c) Release | <input type="checkbox"/> | There is no Part 2 of this instrument |

A selection of (a) includes 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):*

THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA

6. TRANSFEREE(S): (Including occupation, postal address(es) and postal code(s))*

GAMBIER ISLAND LOCAL TRUST COMMITTEE , Incorporated pursuant to the Islands Trust Act, Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*

NOT APPLICABLE

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.

EXECUTION DATE

OFFICER SIGNATURE(S)

Y	M	D

PARTY(IES) SIGNATURE(S)
THE CONVENTION OF BAPTIST CHURCHES OF BRITISH COLUMBIA by its authorized signatories:

Name:

Name:

(as to both signatures)

GAMBIER ISLAND LOCAL TRUST COMMITTEE
by its authorized signatories:

Name:

Name:

(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

PART 2 – TERMS OF INSTRUMENT

COVENANT
(Section 219 Land Title Act)

THIS AGREEMENT made the ◆ day of January, 2016.

BETWEEN:

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

(hereinafter called the “Grantor”)

OF THE FIRST PART

AND:

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

(hereinafter called the “Grantee”)

OF THE SECOND PART

WHEREAS:

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

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

(hereinafter called the “Lands”);

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

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

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

1. The Grantor covenants and agrees with the Grantee that the Lands shall be used in accordance with the terms and conditions set out in this covenant; as follows:

- a. The portion of the Lands outlined in a heavy black outline on the Explanatory Plan of the Lands certified correct by ♦ , B.C.L.S., on ♦ , a reduced copy of which is attached hereto as Schedule “A”, (such portion of the Lands is herein called the “Restricted Area”) shall be limited or restricted as follows:
 - i. the Restricted Area will not be further subdivided;
 - ii. no further construction shall take place within the Restricted Area, except that the Grantor may construct not more than 2 buildings totalling not more than 4000sqft (combined gross floor area) subject to the location of the buildings being mutually acceptable to the Grantor and the Grantee;
 - b. The Lands shall be used in accordance with all applicable bylaws of the Islands Trust, as may be in effect.
2. This Agreement runs with the Lands and enures to the benefit of and is binding on the parties hereto and their respective successors and assigns.
 3. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of Section 219(5) of the Land Title Act, R.S.B.C. 1996
 4. This Covenant is granted voluntarily by the Grantor to the Grantee pursuant to Section 219 of the Land Title Act, R.S.B.C. 1996 and shall run with the Lands.
 5. Wherever the singular or masculine are used this Agreement, the same shall be deemed to include the plural, the feminine, the body politic or corporate as the context or the parties so require.
 6. All references to each party hereto shall include the heirs, executors, administrators, successors, assigns, officers, employees or agents of that party.
 7. This Agreement shall enure to the benefit of and be binding upon the parties hereto and upon their respective successors and assigns.
 8. If any section, subsection, sentence, clause or phrase of the Agreement is for any reason held to be invalid by the decision of the Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

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

END OF DOCUMENT

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 128

A BYLAW TO AMEND GAMBIER ISLAND LAND USE BYLAW, 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. Citation

This bylaw may be cited for all purposes as “Gambier Island Land Use Bylaw, 2004, Amendment No. 1, 2015”.

2. Gambier Island Local Trust Committee Bylaw No. 86, cited as “Gambier Island Land Use Bylaw, 2004,” is amended as follows:

2.1 Part 5 - Zone Regulations, Section 5.16 – *Marine General (W1) Zone* is amended by adding a new article as follows:

“Site-Specific Regulations

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

Table 5.16		
Site-Specific Zone	General Location	Site Specific Regulations
W1(b)	Waterfront adjacent to Cotton Bay – DL477, Group 1, NWD Plan BCP 41717	Despite 5.16(8), the permitted structures also include 4 square metres of existing rock wall.

2.2 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 General (W1) zone to Marine General (W1(b)) zone.

READ A FIRST TIME THIS	1 st	DAY OF OCTOBER	2015
PUBLIC HEARING HELD THIS	_____	DAY OF _____	20____
READ A SECOND TIME THIS	_____	DAY OF _____	20____
READ A THIRD TIME THIS	_____	DAY OF _____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS			
	_____	DAY OF _____	20____
ADOPTED THIS	_____	DAY OF _____	20____

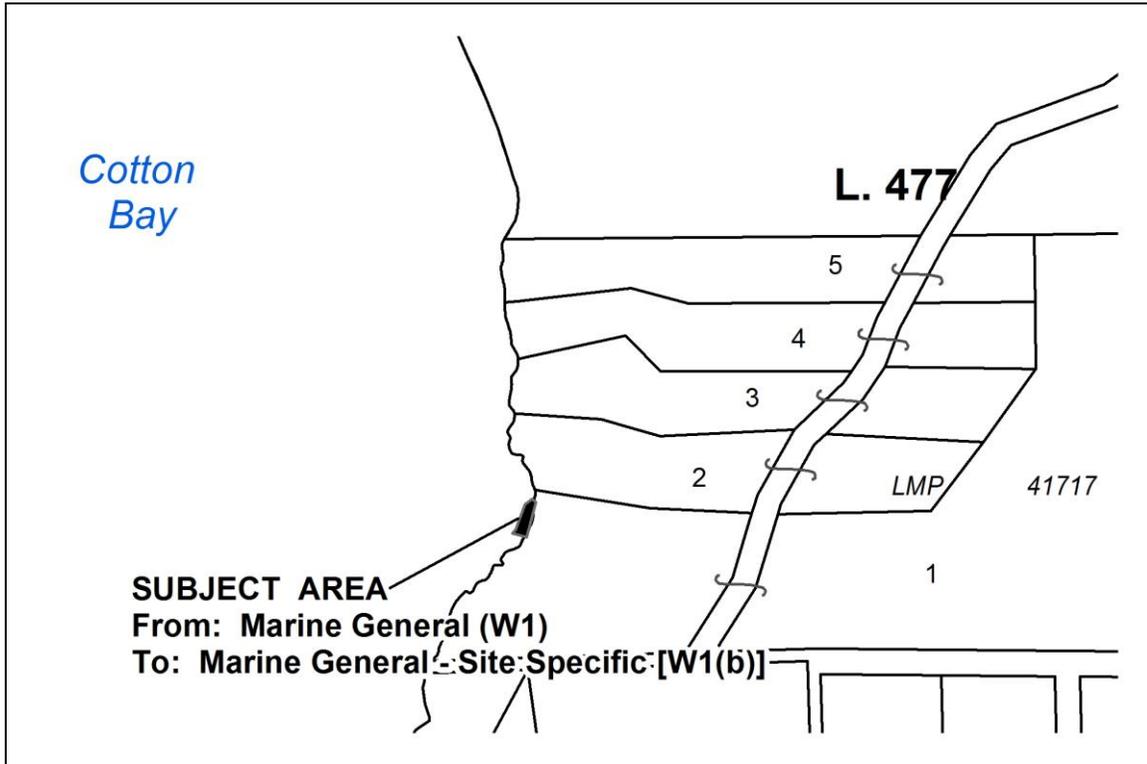
Chair

Secretary

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.128

PLAN NO. 1



Date: January 11, 2016 **File No:** 6500-20
(Gambier RAR Implementation)

To: Gambier Island Local Trust Committee
For the meeting of January 21, 2016

From: Aleksandra Brzozowski
Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: Implementation of Riparian Areas Regulation for Gambier Island

Interim Report

The purpose of this report is provide the Gambier Island Local Trust Committee (LTC) with the results of the communications outreach to Gambier Island regarding implementation options for the Provincial Riparian Areas Regulation (RAR).

Project Objectives

The objective of this project is to implement the RAR in the Gambier Island Local Trust Area.

Background

Implementation of the RAR is a LTC Top Priority Work Program item.

The RAR was enacted under Section 12 of the *Fish Protection Act* in July 2004 and took effect on March 31, 2006. The objectives of the *Act* are to:

- (1) Ensure sufficient water for fish;
- (2) Protect and restore fish habitat;
- (3) Improve riparian protection and enhancement; and
- (4) Provide stronger local government powers in environmental planning.

Please refer to the following staff reports for background information:

- April 5, 2012 (RAR and implementation options for Islands Trust local trust areas);
- May 26, 2015 (Summary of LTC discussions and decisions since 2012 regarding RAR mapping and implementation options).
- September 22, 2015 (Summary of the first versions of Draft Bylaws Nos. 129 and 130)
- October 26, 2015 (Summary of first versions of Draft Bylaws Nos. 131, 132, and 133)
- October 29, 2015 (Follow up on questions regarding Draft Bylaws Nos. 129 and 130)

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

The Islands Trust Council Strategic Plan contains the following relevant policy:

1.3.6 Adopt new bylaws to implement RAR on all islands where still required.

Islands Trust Policy Statement

The Islands Trust Policy Statement contains the following relevant Directive Policy:

3..1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Gambier RAR Implementation Options and Community Input

In 2014, planning staff worked with the Islands Trust GIS Coordinator as well as staff from the Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) to target watersheds on Gambier Island that would require mapping, with the aim to establish a financially manageable mapping contract. Madrone Environmental Services Ltd. was contracted to assess four watersheds on Gambier Island for RAR applicability; three of the four watersheds were assessed as RAR-applicable. Madrone noted in its final report that the Gambier watersheds presented the highest relative fish habitat quality out of all the watersheds mapped in the Howe Sound islands.

Islands Trust mapping staff subsequently produced a map amalgamating the watersheds identified by Madrone with the watersheds that planning staff identified as RAR-applicable. At its June 18, 2015 business meeting, the LTC passed the following two resolutions.

GM-2015-029

It was **MOVED** and **SECONDED**, that the Gambier Island Local Trust Committee request staff to proceed with Option B (amend the island's OCP to designate RAR-identified watersheds as Development Permit Areas (DPAs)) as a proposal to implement RAR on Gambier Island and work on a communications plan for specific land owners affected and to the general population.

CARRIED

GM-2015-030

It was **MOVED** and **SECONDED**, that the Gambier Island Local Trust Committee staff be directed to prepare communications materials to solicit feedback from the public about the mapping and next steps for Keats, Bowyer, Anvil and Gambier Islands prior to First Reading.

CARRIED

In late September 2015, an information package was mailed out to all Gambier property owners comprising a letter signed by Trustee Stamford, the map of RAR applicable watersheds on Gambier Island, and a flowchart to help residents anticipate the process for development activities in a RAR DPA (Attachment 1). An electronic version of the mailout was also sent out through the community email list.

The mailout presented four possible options for implementing RAR on Gambier and solicited community feedback on which options would be preferable. The four options were as follows:

1. Simply place all of Gambier Island under a DPA that is triggered for RAR applicable activities within 30 metres of a stream.
2. After public comment on any missing noted fish presence, determine certain watersheds to be RAR-applicable and regulate those according to the RAR.
3. Regulate all RAR-applicable watersheds with the RAR, and the other watersheds with a non-RAR protection regulation.
4. Spend the money to definitively confirm which streams are currently RAR-applicable. This option will cost the LTC around \$150,000 more for additional mapping and would likely be funded through a special levy to Gambier Island landowners.

Results of Circulation and responses to concerns

The majority of respondents to the letter indicated to Trustee Stamford that the preferable option would be placing the DPA over the entire island. Other respondents expressed concern about the mapping including their property's watershed, enquiring whether it would be possible to be "removed" from the RAR. Staff received technical questions from two property owners.

To date, the following concerns were noted, to which Staff provides additional information in response.

1. *Some residents debated which types of watercourses would be RAR applicable.*

The RAR defines streams as *"a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses"*.

Staff emphasizes that this definition speaks to watercourses that contribute to fish habitat rather than solely to fish presence.

Madrone Environmental Services conducted their mapping work according to the RAR assessment methodology required by FLNRO. Any bylaw provisions implementing the RAR will indicate that the definitions provided by FLNRO for the RAR are the definitions to be employed.

2. *Why are activities taking place in the Crown land not subject to the RAR?*

The RAR Implementation Guidebook notes that *"mining activities, hydroelectric facilities and forestry (logging) activities are not subject to the Regulation, as these land uses are regulated by other provincial and federal legislation and not by local governments."* As such, the private forestry lands on the west side of Gambier Island are also not subject to the RAR. Forestry activities are governed by the *Forest and Range Practices Act*. Under that *Act*, there is the *Forest Planning and Practices Regulation* that has a section on Riparian Areas.

Local governments do not issue permits for Crown land. Activities on Crown land are managed and permitted by Provincial agencies.

3. *What is an average cost expectation of obtaining a QEP report?*

The cost of an assessment report will vary depending on the scope of the assessment and the type of assessment requested. The cost of a simple assessment, which sets a more general and conservative setback for the Streamside Protection and Enhancement Area (SPEA), typically runs between \$300 and \$1,000 depending on the scale of the property. A detailed assessment, which requires more specific development plans and analysis at the front end in order to potentially have a narrower SPEA, typically costs over \$1,000.

4. *What if an entire property is within 30 metres of a watercourse? Is the area unbuildable?*

No. If a lot is zoned for residential development, it can be limited but not sterilized by the RAR.

The 30 metre Riparian Assessment Area denotes where a QEP would be required to do an assessment to determine a SPEA. It is possible that an entire property could need to be assessed. The QEP report would determine what part of the property can be developed and what part of the property is in the SPEA and cannot be developed. In the case where the portion of the property assessed to fall within the SPEA is so large that the development becomes difficult, the QEP is to follow the variance protocol provided by FLNRO.

Consultation with other islands (Keats, Bowyer, Anvil) raised some questions that staff believes would be of interest to Gambier residents. They are reiterated below.

5. *Can summer camp activities be exempted from requiring RAR assessments as institutional activities?*

Upon review of the RAR itself, advice from *BC Planning Law and Practice*, and speaking with staff from FLNRO, private institutional operations are considered to be “commercial activities” under the RAR. This distinction will apply to privately-operated camps on Gambier Island, and activities altering the land would not be exempt from the RAR.

6. *Are all farming activities exempt activities?*

A question arose regarding whether demonstration farming activities could be considered a farming activity, and exempt from requiring RAR assessments.

The *Farm Practices Protection Act* defines “farm operation” as any number of activities involved in carrying on a farm business; a farm as a business is to be proven formally such as with Farm Status. If demonstration farm activities are not part of carrying on a farm business, the activity cannot be included under this exemption.

Analysis

Staff recommends that the LTC amend Gambier Island’s OCP to designate all watersheds on Gambier Island as a Riparian Areas Development Permit Area. The rationale for this recommendation is five-fold:

1. Responses from the community indicate the fish habitat has occurred in watercourses that have been previously discounted for RAR applicability. The wording in the regulation

itself notes that the RAR applies to any watercourse that meet the regulation's definition of a stream contributing to fish habitat, regardless of whether or not it falls in the DPA.

2. As noted above, Staff from FLNRO has confirmed that the wording in the RAR effectively renders any watershed possibly RAR-applicable, despite any mapping that may previously not have included it. Communities that have implemented RAR warn that, rather than providing landowners with information about RAR-applicable watersheds as intended, distinguishing RAR-applicable watersheds fosters an assumption with landowners that watersheds not designated will never be applicable, which is a false assumption.
3. Considering the large portion of Crown land inland of RAR-applicable watersheds and the fact that forestry is likely to remain a permitted use on this Crown land into the foreseeable future, and that forestry practices are exempt from the RAR, the LTC should consider the ongoing possibility of potential avulsion zones elsewhere on the island, which would change adjacent watersheds' RAR applicability over time.
4. Staff from the Sunshine Coast Regional District has indicated no difficulties with the execution of blanket RAR DPAs in their Official Community Plans, which have been in place for nearly ten years. In addition, staff has noted that an imminent revision of their building permit forms will include adding RAR-specific language around building 30 metres from a stream for all areas, further easing the process for applicants.
5. Response from the community also indicates that establishing an island-wide DPA will be the most equitable approach to implementing RAR. Some respondents have voiced concern that differentiating watersheds would impact property values; staff has heard comments to the contrary and neither position can be substantiated, but such comments indicate a common concern in the community that would be avoided by implementing a blanket DPA.

Project Charter, Project Scope, and Timeline

The project scope and timeline remains on track. No changes are required to the Project Charter at this time.

Resources and Roles

As the 2015/2016 fiscal year draws to a close, the budget for RAR (for all islands in the Local Trust Area) will be spent as well as a small portion of the budget allotted for both the Gambier OCP Review and Special Projects. Funds remain available in the Special Projects budget to conduct another mailout or hold a Community Information Meeting on RAR in the 2015/2016 fiscal if desired.

It is not expected that the Public Hearing for RAR on Gambier will be held before the end of the 2015/2016 fiscal year.

Communications

In late September, a letter drafted and signed by Trustee Stamford was mailed out to all Gambier Island property owners (Attachment 1). Trustee Stamford received feedback from a number of property owners.

Community consultation is fundamental to any proposed changes to LTC policies and regulations. However, as the RAR is a Provincially legislated requirement, the LTC must amend

its bylaws to bring them into compliance with the Provincial regulation. Furthermore, the LTC's options are limited to either meeting or exceeding the requirements of the RAR.

Next Steps

The next step for the LTC is to direct Staff to prepare draft bylaws to enable implementation of RAR on Gambier Island, either for identified watersheds on Gambier Island as previously indicated, or as an island-wide DPA as now recommended following consultation with the community. Once draft bylaws are prepared, the LTC can either give comment on the details of the amending bylaws, or give First Reading to the bylaws.

Staff also notes that the mapping work for the Thormanbys is scheduled to take place January 11 -15, 2016 and a mapping report is anticipated in February/March 2016.

Summary of Planning Recommendations

As noted earlier in this report, the implementation of riparian protection through RAR is not discretionary and such protection must meet or exceed the Provincial requirements.

Staff recommends that the LTC amend the OCP and LUB for Gambier Island to create an island-wide DPA for Riparian Areas.

Recommendations

THAT the Gambier Island Local Trust Committee:

1. direct Direct staff to draft RAR bylaws for Gambier Island to present for First Reading at a future LTC meeting;
2. Advise staff to communicate project direction to the public.

Prepared and Submitted by:

Aleksandra Brzozowski

Island Planner

January 11, 2016

Date

Concurred in by:

Ann Kjerulf

Ann Kjerulf, RPP, MCIP,
Regional Planning Manager

January 12, 2016

Date

Attachments:

1. Mailout to Gambier Island landowners



Implementing the Riparian Areas Regulation on Gambier Island

I am writing to you as one of two local trustees with the Gambier Island Local Trust Committee. The Committee is in the process of implementing riparian area regulations that may affect your property on Gambier Island. This handout provides you with some background information and requests your input as a member of our island community about how these regulations should be implemented.

The Gambier Island Local Trust Committee is a local government and as such is **required by Provincial regulation to develop municipal bylaws to protect riparian areas** as other local and regional governments have done along coastal British Columbia. The *Riparian Areas Regulation* (RAR) is intended to ensure that residential and other development is set back from watercourses that support fish habitat.

WHAT IS THE RAR?

The Riparian Areas Regulation is essentially a project-specific setback regulation for residential, industrial, and commercial development. If a development activity you wish to carry out on your property is deemed subject to the RAR, you need to first have an assessment report done by a Qualified Environmental Professional (QEP). The Riparian Areas Regulation is required in the same manner as other environmental restrictions such as those set for flood plains or rock-fall hazards on a property.

The two key aspects of this regulation are what activities you wish to pursue and where on the property they would be in relation to a RAR-applicable stream.

What the RAR will apply to:

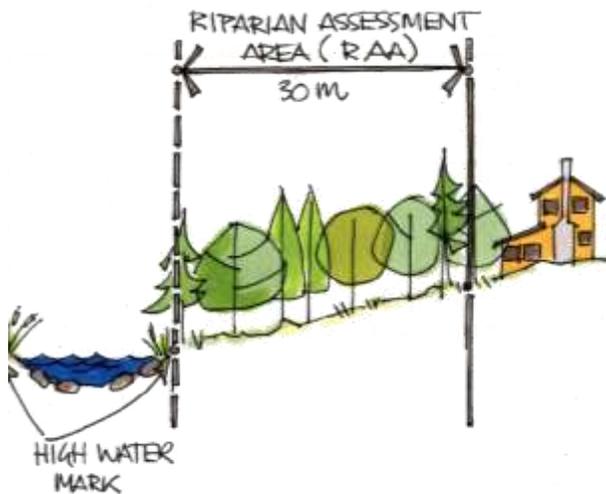
The RAR applies to the following activities:

- Construction of buildings and structures
- Creation of non-structural impervious or semi-impervious surfaces (patios, driveways)
- Removal, alteration, disruption or destruction of vegetation (landscaping)
- Disturbance of soils
- Development of some recreational facilities (parks, trails)
- Development of new services (private roads)
- Dwellings on ALR land

The RAR does not apply to the following activities:

- Development outside the 30 metre riparian assessment area (RAA)
- Existing permanent structures, roads and other development
- Reconstruction or repair of permanent structure if the structure remains on its existing foundation
- Developments that have been approved but not yet built
- Smaller temporary structures that can be readily removed (eg. swing sets, raised garden beds)
- Forestry activities
- Farming activities (ALR or zoned Agricultural)

Implementing the Riparian Areas Regulation on Gambier Island



Where the RAR will apply:

Riparian Assessment Area (RAA): all land within 30 metres of a RAR-designated stream requires review by a QEP. In these site-specific assessments, the QEP will establish whether areas within the 30 metre RAA can be developed.

Streamside Protection and Enhancement Area (SPEA) – an ecosystem within the 30 metres that is deemed to be too sensitive for land alteration by a QEP using the Province’s official RAR methodology.

HOW WILL THE RAR ACTUALLY WORK ON GAMBIER?

A flow chart is included in this handout to outline the process. For more detailed information about the RAR, the assessment methods, and QEP resources, please visit the Province’s webpage at www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation.

WHICH STREAMS ON GAMBIER ISLAND ARE RAR-APPLICABLE?

There has been limited data available for the Gambier area concerning which watersheds or streams are RAR applicable. Because Gambier has 81 watersheds on private non-Crown land, it was considered too costly to the taxpayer to intensely map that many potential watersheds. As a solution, Islands Trust staff pursued an in-house modelling project to narrow down the number of watersheds to map. Some watersheds were included, some were excluded, and the four remaining watersheds that needed verification were mapped in March, 2015. The result is that 11 watersheds have been deemed to have RAR-applicable streams, shown on the map included in this handout.

The initial modeling project was the best estimate based on the knowledge we have, typical fish migration habits, and the RAR methodology; however, residents have noted that some watershed areas that are not labeled RAR applicable have had a fish presence.

You can review the studies and work done to date on the Islands Trust website at <http://www.islandstrust.bc.ca/islands/local-trust-areas/gambier/projects-initiatives/riparian-areas-protection>.

Have we missed streams that support fish habitat? Please have a look at the map of RAR applicable watersheds and let us know.

WHY DISTINGUISH BY WATERSHED?

The steepness of Gambier Island, the nature of rainfall in the region, and the potential for washouts stemming from forestry practices in the Crown land makes Gambier Island susceptible to alluviation, wherein a stream's path may shift from year to year. Our reasoning for implementing RAR by watersheds is that the exact location of streams on Gambier Island today only represents a snapshot in time, and over the years stream maps may provide false information. The RAR is based on a 30 metre setback of the actual watercourse; if a watercourse is found to be in a different location than the map, the real-life watercourse will be the basis for the setback.

DO WATERSHEDS OR STREAMS CHANGE THEIR APPLICABILITY OVER TIME?

In theory, yes, they could. If a watercourse is diverted or a current barrier altered, then a stream that was previously RAR-applicable could become not applicable, and vice versa. Some local governments have simply placed a Development Permit Area over their entire municipality to cover off this possibility in the future.

WHY ONLY FOCUS ON FISH HABITAT?

Protecting fish habitat is something the RAR requires us to do according to the 30 metre riparian assessment area. However, there are a number of other important features about Gambier's watersheds worth protecting; the biologists mapping the streams in March, 2015 confirmed this in their report. It is possible to protect riparian areas in all the watersheds rather than just the one with streams supporting fish habitat, and that is something we are considering.

Do you think that Gambier Island should protect more riparian area features than just those noted in the RAR? We would appreciate your input on this.

WHY DO RIPARIAN AREAS MATTER?

Riparian areas are ecosystems that surround rivers, streams, wetlands and other freshwater bodies. These important zones where the land meets the water are characterized by dense vegetation that thrives in moist soils and host a wide array of plant and animal life. Riparian areas are vital not only to support the flora and fauna that call them home, but also serve a critical role creating favourable habitat for anadromous (sea-going fish that return to freshwater to spawn) and other aquatic species by filtering pollutants, slowing run-off and regulating water temperature.

Implementing the Riparian Areas Regulation on Gambier Island

HOW EXACTLY WILL THIS ROLL OUT?

We are still exploring the most effective way to implement the RAR, and we welcome your input. Likely, we will revise Development Permit Area 3 in our Official Community Plan so that it meets the RAR requirements. Our next step is to decide the extent of that Development Permit Area. We have four options at the moment:

1. Simply place all of Gambier Island under a Development Permit Area that is triggered for RAR-applicable activities within 30 metres of a stream. *This will be the most direct and equitable approach.*
2. After public comment on any missing noted fish presence, determine certain watersheds to be RAR-applicable and regulate those according to the RAR. *This approach tries to narrow down some of the watersheds based on current knowledge.*
3. Regulate all RAR-applicable watersheds with the RAR, and the other watersheds with a non-RAR protection regulation. *This option offers the most environmental protection.*
4. Spend the money to definitively confirm which streams are currently RAR-applicable. *This option will cost the LTC around \$150,000 more for additional mapping and will likely be funded through a special levy to Gambier Island landowners.*

We expect to discuss these options for implementing RAR on Gambier Island at the November 19, 2015 LTC meeting. If you have comments on any of the above questions or any other comments about RAR on Gambier that you wish us to consider when we discuss this matter, please send them to either me (kstamford@islandstrust.bc.ca) or Dan Rogers (drogers@islandstrust.bc.ca).

If you have technical questions, you are also welcome to discuss this matter with planning staff at the Northern Office. Aleksandra Brzozowski is the planner for the Gambier Island Local Trust Area. She can be reached by email at abrzozowski@islandstrust.bc.ca or by phone at 250-247-2207.

We will be advertising our process as we move through it, but I wanted to flag this issue with you, as a potentially affected property owner at the outset. The Gambier Island Local Trust Committee is committed to keeping you informed and listening to your information and views throughout this process.

Sincerely,



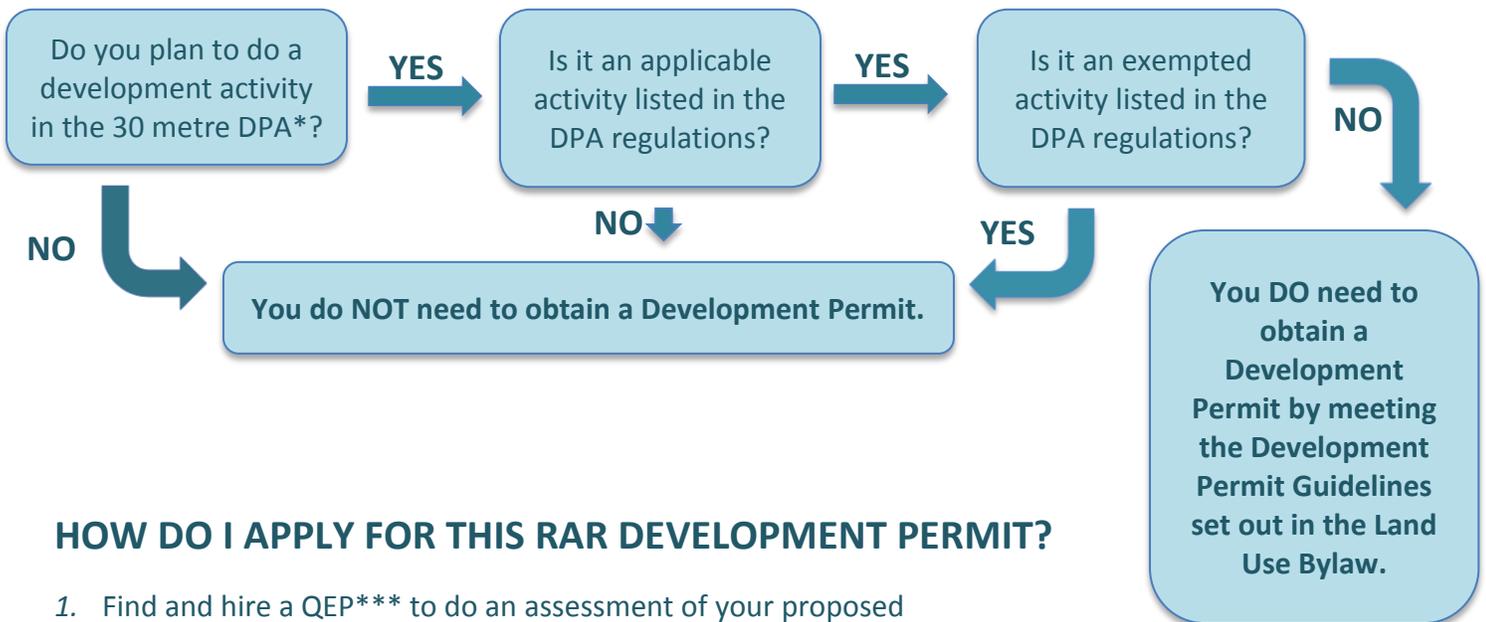
Kate-Louise Stamford

Local Trustee, Gambier Island Local Trust Committee



RIPARIAN AREAS REGULATION FLOWCHART

DO I NEED TO APPLY FOR A RAR** DEVELOPMENT PERMIT?

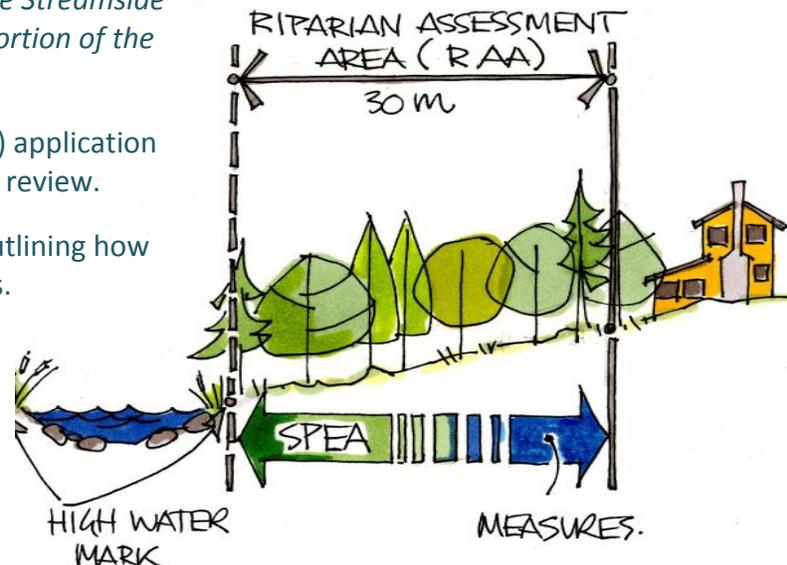


HOW DO I APPLY FOR THIS RAR DEVELOPMENT PERMIT?

1. Find and hire a QEP*** to do an assessment of your proposed project. The QEP will need to assess your site according to the DPA Guidelines and the Provincially-prescribed RAR assessment methodology.

Note: The QEP assessment report will identify the Streamside Protection and Enhancement Area (SPEA), the portion of the riparian area where no development can occur.

2. Submit the completed Development Permit (DP) application form and the QEP report to the Islands Trust for review.
3. An Islands Trust planner will prepare a report outlining how your proposal intends to meet the DP guidelines. The QEP report informs the planner's report.
4. The Local Trust Committee will consider the application and staff report recommendations.
Note: Ultimately, development permits must be issued if they meet the DP guidelines.

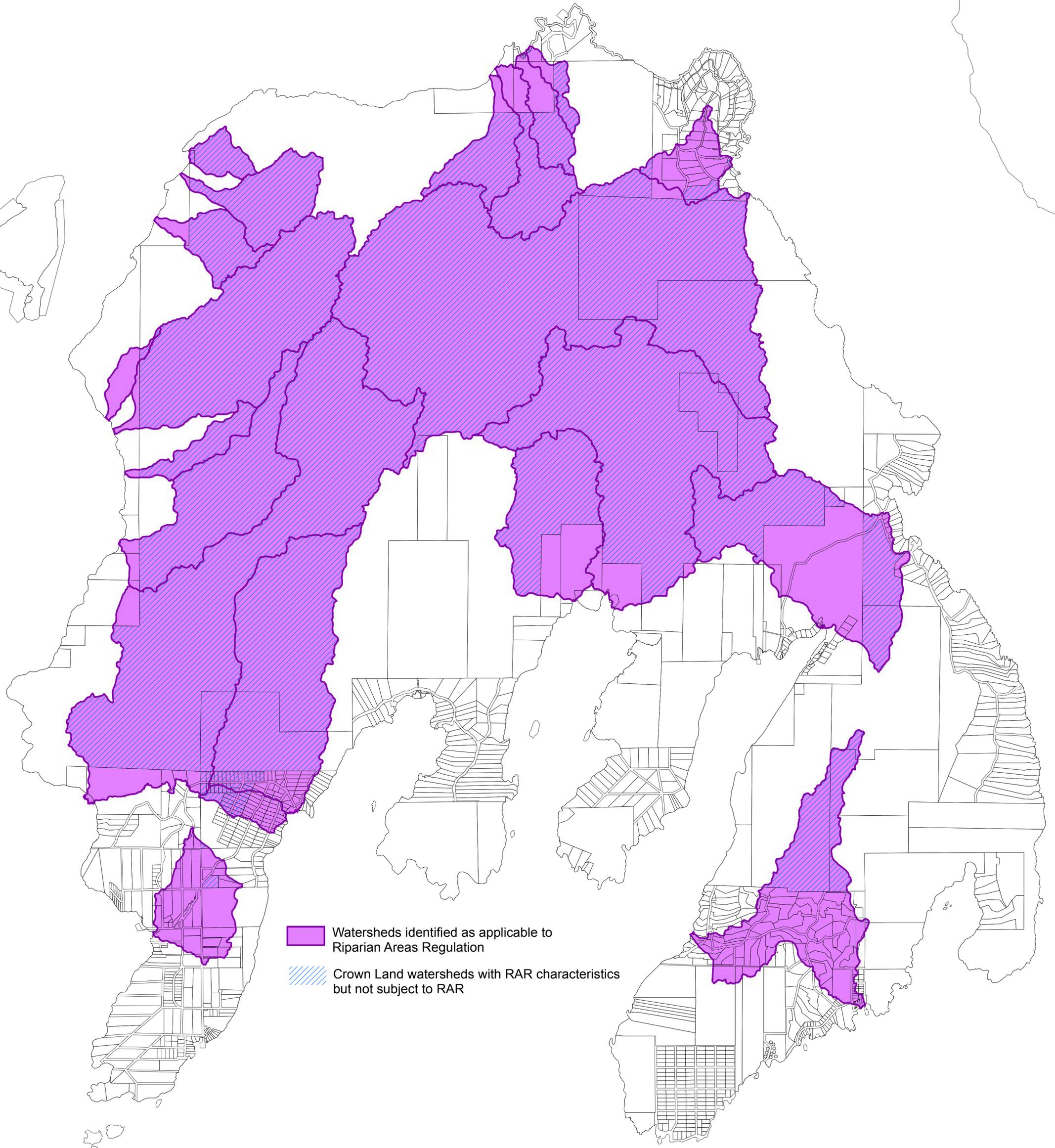


*DPA = Development Permit Area

**RAR = Riparian Areas Regulation

***QEP = Qualified Environmental Professional

Identification of RAR applicable watersheds on Gambier Island



-  Watersheds identified as applicable to Riparian Areas Regulation
-  Crown Land watersheds with RAR characteristics but not subject to RAR



Top Priorities

Gambier Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Riparian Areas Regulation Implementation Project for Gambier Island Local Trust Area.		26-Oct-2011	Aleksandra Brzozow	31-Dec-2012	On Going
2	Gambier OCP comprehensive review.		12-Feb-2015	Aleksandra Brzozow	01-Aug-2017	On Going
3	Foreshore protection/stewardship and clarity; implementation of Development Approval Information Bylaw (DAI) or Development Permit Areas (DPA's).	Investigate and recommend options for protection/stewardship within the local trust area through the use of existing land use planning tools.	31-Jan-2012	Aleksandra Brzozow	27-Nov-2014	On Going
4	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	24-Oct-2013	Kate-Louise Stamford Dan Rogers	31-May-2015	On Going



Projects

Gambier Island

No.	Description	Activity	Received/Initiated	Status
1	Keats Island OCP Map Amendment - add trail map used during public process developing OCP.		08-Mar-2007	On Going
1	Consider a mechanism to recognize authorizations of additional dwellings as permitted by s. 4.4.10 of Keats LUB		04-Aug-2010	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.	31-Jan-2012	On Going
1	Strategic Planning Review for Howe Sound		31-Jan-2012	On Going
1	Review Gambier OCP/LUB to address:	<ul style="list-style-type: none"> - definition of breakwater - trams (currently silent) - advocacy policies around pump out stations - review of title Wilderness Conservation - 2013: REVIEW KEATS AND GAMBIER LUBS FOR ACCOMMODATION of OCEAN LOOP GEO-EXCHANGE SYSTEMS - 2010: GHG Emissions (a more proactive approaches to plan for GHG reductions especially in relation to Policies 6.1 and 6.2 in consultation with SCRD.) Initiative arises from recommendation of SCRD in comments about bylaws 111 & 112. 	22-May-2014	On Going
1	Staff to research the history of Site-Specific water zones on Gambier.		26-Sep-2013	On Going



Islands Trust

Print Date: January 12, 2016

Projects

Gambier Island

No.	Description	Activity	Received/Initiated	Status
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Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 10-Apr-2008

still on hold pending rezoning

Status Date: 13-Aug-2007

on hold pending rezoning application

Status Date: 16-May-2006

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

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2011.2	Corin and Larouche, Elena and France	22-Mar-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

Planner: Marnie Eggen

Planning Status

Status Date: 09-Jun-2015

no change

Status Date: 02-Feb-2015

no change

Status Date: 26-Aug-2014

no change

Rezoning

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

Planner: Aleksandra Brzozowski

Planning Status

Status Date: 10-Nov-2015
 Received LUC documents for signature by LTC.

Status Date: 27-Apr-2015
 Agreed that applicant will work to complete the terms of the Land Use Contract without amendment, ie. not requiring Bylaw 101.

Status Date: 10-Oct-2014
 Applicant notified SZ not lead planner on file

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2015.1	Reel 17 Investments Ltd.	21-Aug-2015	PID: 027-998-967 Cotton Bay, Gambier Island. Bylaw Amendment requested to allow for rock wall within the W1 water zone for support of the community dock facility.

Planner: Aleksandra Brzozowski

Planning Status

Status Date: 19-Oct-2015
 Proposed Bylaw No. 128 referred to agencies and First Nations.

Status Date: 02-Oct-2015
 Preliminary Report considered by LTC and and Draft Bylaw No. 128 given First Reading on October 1, 2015.

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2000.1	LANDPLAN GROUP INC.	04-May-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



Applications

Status Date: 06-Jun-2007

On hold pending rezoning application.

Status Date: 16-May-2006

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

Status Date: 21-Dec-2005

MOT issues Prelim Layout NOT APPROVED with conditions.

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

Planning Status

Status Date: 09-Jun-2015

PLA granted by MOTI on May 22, 2015.

Status Date: 27-Apr-2015

Revised referral response sent to MOTI.

Status Date: 08-Dec-2014

Reaffirmed with MOTI that DVP is required before property is deemed compliant with zoning.

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

Planning Status

Status Date: 28-Mar-2014

Under review by planner

Islands Trust

LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending December 2015

630 Gambier	Invoices posted to Month ending December 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	3,000.00	843.69	2,156.31
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	2,500.00	2,628.50	-128.50
65210-630	LTC - Local Exp - APC Meeting Expenses	750.00	0.00	750.00
65220-630	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-630	LTC - Local Exp - Special Projects	750.00	214.00	536.00
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>2,842.50</u>	<u>1,457.50</u>
Projects				
73001-630-2016	Gambier OCP/LUB	7,000.00	0.00	7,000.00
73001-630-3003	Gambier RAR	10,000.00	0.00	10,000.00
73001-630-4052	Gambier Howe Sound Community Forum	1,000.00	0.00	1,000.00
TOTAL Project Expenses		<u>18,000.00</u>	<u>0.00</u>	<u>18,000.00</u>

Gambier Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: March 26, 2015

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee endorses the following guidelines for the appointment of members to the advisory planning commission and requests that such guidelines be posted on the Islands Trust website and are used in any posting to solicit expressions of interest from candidates for advisory planning commission membership:</p> <p>“The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are:</p> <ol style="list-style-type: none"> a. representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area; b. representative of a range of backgrounds and expertise that is supportive to each other in the consideration of matters referred to the advisory planning commission c. where feasible and practical of a balanced representation of gender and age groups. <p>Consideration shall be given to the following criteria in any appointment:</p> <ul style="list-style-type: none"> ▪ Previous experience as a member of a Board of Variance ▪ Experience on a local government council, board, local trust committee, commission or other body ▪ Experience with other volunteer boards, commissions or committees ▪ Experience and credential in a planning, design or related profession ▪ Experience and credentials in a building or design trade ▪ Educational background ▪ Length of residency in the local trust area <p>Availability, and willingness to travel between local trust areas.”</p>
2.	March 26, 2015	GM-2015-018		<p>It was MOVED and SECONDED, that the Gambier Island Local Trust Committee amend the APC appointment guidelines to allow for representation of members to be weighted to a geographic area subject to a current top priority project.</p>