



# Gambier Island Local Trust Committee

## Regular Meeting Addendum

Date: October 1, 2024  
Time: 10:00 am  
Location: Electronic Meeting

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Pages

**9. LOCAL TRUST COMMITTEE PROJECTS**

11:15 AM - 1:15 PM

**9.2 Major Project: Gambier Island Official Community Plan and Land Use Targeted Review Project - Staff Report**

9.2.1 *Gambier Island Official Community Plan and Land Use Targeted Review Project - Staff Report - Attachment 3 Heritage Conservation Areas Primer*

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Islands Trust

# Implementing Heritage Conservation Areas in the Islands Trust Area



# Implementing Heritage Conservation Areas in Islands Trust Areas

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## Land Acknowledgment

Islands Trust and Islands Trust Conservancy respectfully acknowledge that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial. We are committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwáθən, səlilwətał, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth, STAUTW, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOŁEŁP, W SIKEM, Xelátxw, Xwémalhwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations.

## Reflections on Reconciliation and Engagement

In 2019, Islands Trust Council passed a Reconciliation Declaration that commits the organization to “establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous Peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long term relationship-building and healing process.”

This journey begins by acknowledging the history and impacts of colonialism, and the systemic racism against Indigenous Peoples. The journey also involves acknowledging that while the Islands Trust Area represents one of the most well-known and densest concentrations of recorded archaeological sites in British Columbia, Islands Trust has not previously prioritized the protection of heritage sites and values. It also entails taking meaningful action to preserve and protect the Indigenous homelands on which Islands Trust resides and operates, while being mindful of our roles in these endeavors.

Throughout its work to advance Reconciliation the Islands Trust intends to foster meaningful connections and promote understanding.

## Purpose Statement

The purpose of this document is to guide and inform the use of heritage conservation area designations to protect the cultural heritage of the Islands Trust Area.

For decades, the Islands Trust Council and local trust committees have had the powers to recognize and protect the cultural heritage and historical significance of the area, but have generally failed to act. This has resulted in the cultural heritage of the region being desecrated, destroyed, and impacted as settler communities built on top of Indigenous village sites, and extracted resources from culturally significant areas. It has also resulted in heritage structures of those who came to this region more recently— the Chinese, European, Hawaiian, Japanese and others—being impacted and destroyed.

This document also outlines the organization's commitment to advancing Reconciliation by providing guidance that honours the Indigenous principle of "nothing for us, without us", and the organization's commitment to public engagement.

## What is a Heritage Conservation Area?

A Heritage Conservation Area (HCA) is a key heritage conservation tool outlined in the Local Government Act (section 614) that is available to local governments, regional districts, and Islands Trust. HCAs provide a legal and enforceable method for communities to identify, record, and ensure long-term protection of valued heritage sites. They offer flexibility for Local Trust Committees (LTCs) or island municipalities to achieve a variety of development and planning goals while prioritizing heritage conservation.

An HCA is implemented in a manner similar to a Development Permit Area, but focuses specifically on preserving heritage. Subdivisions, developments or land alterations in a Heritage Conservation Area may require a heritage alteration permit.

In collaboration with First Nations Indigenous Governing Bodies, Islands Trust staff planning staff recommend that LTCs/Bowen Island Municipality implement HCAs as a way to preserve and protect culturally and spiritually significant places on the islands.

## What heritage can be protected under a Heritage Conservation Area?

Heritage is a broad and multifaceted concept that holds different meanings for various groups and decision-makers. It encompasses not only physical resources like buildings and structures but also intangible elements such as stories, cultural values, and the use of landscapes and ecosystems. Heritage can reflect a wide array of historical, cultural, and ecological significance, making it essential to recognize both tangible and intangible forms of heritage.

An HCA can be used to protect special features or characteristics of an area such as sites, features, buildings or structures that have significant heritage value worthy of preservation. Each HCA can be

uniquely tailored to the specific island heritage it seeks to protect, and can be a crucially important tool for preserving the heritage of the islands for future generations.

By adding a well-drafted HCA designation, developed through engagement with Indigenous Governing Bodies, to an Official Community Plan, a local trust committee or Bowen Island Municipality can offer a needed layer of heritage protection beyond what is available through the provincial Heritage Conservation Act, which only protects archaeological sites. The Local Government Act permits a local trust committee or Bowen Island Municipality to designate any place with cultural heritage values, whether physical or not, as a heritage conservation area so long as it describes the special features or characteristics that justify the designation.

## What types of changes are required in an Official Community Plan to implement a Heritage Conservation Area?

The protections, restrictions and geographic boundaries that apply to an HCA must be described in the Official Community Plan, or as an addendum to a Official Community Plan. This includes:

- **Designation:** geographic designation described with text or shown on a plan (e.g. specific buffer areas such as 200m from high water mark; specific parcels; or an entire island).
- **Justification:** description of the overall heritage significance that justifies the designation
- **Objectives:** statement of the objectives of the designation
- **Description of special features and characteristics:** a list of the features or characteristics that contribute to the heritage value and character of the area
- **Guidelines:** a list of guidelines, that can be listed in the Land Use Bylaw, that clarify the objectives that are to be achieved (i.e. requirements that any subdivision, alteration of land, or construction must adhere to)
- **Exemptions from Permit Requirements:** a list of circumstances, that can be listed in the Land Use Bylaw, when a heritage alteration permit is NOT required (i.e. internal renovations; no ground disturbance; removal of trees smaller than xx cm; DBH etc)

## What are the benefits to using Heritage Conservation Area designations to protect First Nations cultural heritage sites?

- **Increased public awareness** of potential heritage values at risk from proposed subdivision, development or land alterations
- **Increased recognition and protection** of post-1846 places of significance to Indigenous Peoples including continuing cultural uses and significance of the islands (sites not well-protected under the Heritage Conservation Act)
- **Increased recognition and protection** of heritage structures of those who came to this region more recently— the Chinese, European, Hawaiian, Japanese, and others
- **Opportunities to work closely with Indigenous Governing Bodies** in formally reviewing HAPs using agreements which clarify roles and responsibilities of staff and elected officials in the issuance of heritage alteration permits
- **Encouraging a broad focus** on heritage protection vs. a narrow focus on boundaries of previously-documented archaeological sites

## What steps are needed for a local trust committee or island municipality to implement a Heritage Conservation Area?

To implement a Heritage Conservation Area (HCA), a Local Trust Committee (LTC) or Island Municipality should:

1. Request staff to engage with provincial Heritage Branch planners and legal counsel during drafting of the HCA. This ensures that the final HCA is legally sound and aligns with provincial guidelines.
2. Engage with Indigenous Governing Bodies to collaborate on drafting objectives, statements, guidelines, exemptions, and the geographic area to which the HCA will apply.
3. Engage with community members and organizations about proposed heritage conservation areas. This includes, at a minimum, holding a public hearing and giving notice to the owner of each property that is to be included in a Heritage Conservation Area.

Official Community Plan and Land Use Bylaw amendments about HCA designations must go through a series of routine bylaw development steps, including First Reading, referrals, public hearing, Second and Third readings, and Adoption.

Finally, within 30 days of adopting the bylaw, the local trust committee or island municipality must notify the Land Title Office and the Heritage Branch about the new Heritage Conservation Area.

# How does a Heritage Alteration Permit work?

A Heritage Alteration Permit is required when a property owner wishes to make alterations to a designated heritage site prior to subdivision, construction, or land modifications. The application must detail the proposed changes and can be submitted alongside other permits, such as building permits, siting and use permits, or development variance permit applications.

The Heritage Alteration Permit process does not allow for changes to the use or density provisions of the Land Use Bylaw, nor can it alter residential tenures or floodplain specifications. Once the application is submitted, the local trust committee or island municipality evaluates the proposed alterations and decides whether to approve or deny the issuance of the Heritage Alteration Permit. The local trust committee or island municipality may also choose to engage with Indigenous Governing Bodies or delegate the review authority to staff, who may work with an Indigenous Governing Body under a letter of understanding or protocol agreement for further review. The local trust committee or island municipality can also recommend to an applicant or property owner to take measures to mitigate impacts and/or require that applicants or property owners take mitigation measures as a condition of issuing a Heritage Alteration Permit.

The local trust committee or island municipality can deny the Heritage Alteration Permit if the proposed alterations are inconsistent with the heritage protection guidelines set out by the Heritage Conservation Area. However, local trust committee or island municipality cannot refuse to issue a Heritage Alteration Permit solely to prevent legitimate property development. If the permit is issued, a notice is registered with the Land Title Office, and if there is any conflict between the Heritage Alteration Permit and the Land Use Bylaw, the terms of the Heritage Alteration Permit will take precedence.

Should the property owner fail to comply with the conditions of the Heritage Alteration Permit, the local trust committee or island municipality has the authority to complete the necessary work to remedy the non-compliance, with the costs borne by the permit holder. In cases of serious contraventions, the local trust committee or island municipality may seek an order of compliance from the Supreme Court to enforce the permit conditions.

## Appendix

### Definitions

More information to come.

# Roles and Responsibilities

More information to come.

## Contact

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# WATER



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