



Gambier Island Local Trust Committee

Regular Meeting Agenda

Date: June 20, 2023
Time: 10:00 am
Location: Electronic Meeting

	Pages
1. CALL TO ORDER	10:00 AM - 10:05 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. REPORTS	10:05 AM - 10:20 AM
3.1 Trustee Reports	
3.2 Chair's Report	
3.3 Electoral Area Director's Report	
4. DELEGATIONS - none	
5. PUBLIC COMMENTS	10:20 AM - 10:30 AM
6. MINUTES	10:30 AM - 10:35 AM
6.1 Local Trust Committee Meeting Minutes dated March 14, 2023 - for adoption	3 - 9
6.2 Section 26 Resolutions-Without-Meeting Report dated June 13, 2023	10 - 10
6.3 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	10:35 AM - 10:50 AM
7.1 Follow-up Action List dated June 13, 2023	11 - 14
8. APPLICATIONS AND REFERRALS	10:50 AM - 11:00 AM
8.1 GM-DVP-2022.4 (Staats) - 900 Keats Road - Staff Report	15 - 49
9. LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 11:40 AM
9.1 Keats Shoreline Protection Project - memorandum	50 - 89

9.2	Official Community Plan and Land Use Bylaw Targeted Review Project – Endorsement of Revised Project Charter - Staff Report	90 - 94
10.	CORRESPONDENCE	11:40 AM - 11:45 AM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1	Email correspondence dated April 12 from C. Allevato regarding unauthorized glamping business operation	95 - 95
11.	NEW BUSINESS	11:45 AM - 11:50 AM
11.1	Freedom of Information Bylaw - request for decision	96 - 101
	~ BREAK 11:50 AM - 12:20 PM ~	
12.	REPORTS	12:20 PM - 12:40 PM
12.1	Trust Conservancy Report - none	
12.2	Applications Report dated June 13, 2023	102 - 105
12.3	Trustee and Local Expense Report dated April 2023	106 - 106
12.4	Adopted Policies and Standing Resolutions	107 - 110
12.5	First Nations Activities	
12.6	Local Trust Committee Webpage	
12.7	Approval of Gambier Island's LTC Section for 2022/23 Annual Report	111 - 113
13.	WORK PROGRAM	12:40 PM - 12:55 PM
13.1	Active Projects Report dated June 13, 2023	114 - 114
13.2	Future Projects Report dated June 13, 2023	115 - 116
14.	UPCOMING MEETINGS	
14.1	Community Information Meeting Scheduled for Friday, July 21, 2023 at 1:00pm at Gibsons Public Market, Coastal Room, 473 Gower Point Road, Gibsons, BC	
14.2	Next Regular Meeting Scheduled for Tuesday, August 29, 2023 at 11:00am at Gambier Island Community Centre	
15.	ADJOURNMENT	12:55 PM - 1:00 PM



Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: March 14, 2023
Location: Electronic Meeting

Members Present: Peter Luckham, Chair
 Kate-Louise Stamford, Trustee
 Joe Bernardo, Trustee

Staff Present: Renée Jamurat, RPP MCIP, Regional Planning Manager
 Marlis McCargar, Island Planner
 Margot Thomaidis, Planner 2 (part)
 Stephen Baugh, Planner 2 (part)
 Rob Pingle, Planning Team Assistant, Salt Spring Island
 Diane Corbett, Recorder

Others Present: There were approximately four (4) members of the public in attendance for part of the meeting.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:00 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 11.2 Freshwater Sustainability Strategy – Aquifer Conceptualization Project and Groundwater Recharge Mapping Project

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Bernardo indicated he had nothing to report.

Trustee Stamford noted most of her latest work was done at the regional level, and included:

- Salt Spring Island Fire Risk workshop
- Governance Committee work
- Attended March Trust Council in Nanaimo where the budget was approved.
- Met some members of Squamish Action Marine Group regarding New Brighton dock.
- Spoke with MLA Nicholas Simons about ways forward to provide funding support for dock.

3.2 Chair's Report

Chair Luckham reported on the adoption of the 2022-2023 budget at March Trust Council. There was generally a 2.06% increase across Islands Trust Area. Total budget: \$9.7 million. Thanked trustees for their input in this collective effort.

3.3 Electoral Area Director's Report

Trustee Stamford, Sunshine Coast Regional District (SCRD) Area F Director, reported the budget cycle of the SCRCD is from January to December. The SCRCD is in the midst of the budget process.

On February 7 the SCRCD held an electronic public information meeting for Keats Islanders, regarding the Eastbourne ground water investigation project.

A water sustainability workshop held March 13 was hosted by Sechelt Nation for all elected officials on the Sunshine Coast to consider a view of water across the region, a critical priority for the area.

At a recent meeting with the Ministry of Transportation and Infrastructure (MoTI), discussion focused primarily on the mainland and included information on how subdivision operates through MoTI. The LTC is arranging a meeting with MoTI for the end of April to talk more specifically about issues in the Gambier Local Trust Area.

4. DELEGATIONS – none

5. PUBLIC COMMENTS – none

6. MINUTES

6.1 Local Trust Committee Meeting Minutes dated January 31, 2023

The following amendments to the meeting minutes of January 31, 2023 were presented for consideration:

- Item 4.1, bullet 1 should read: “Acknowledged that the Committee was meeting on the Squamish, Musqueam and Tsleil-Waututh First Nations”;
- Item 4.3, bullet 1 should read: “Upcoming community engagement session with local residents in the SW Peninsula about the future of the New Brighton Dock currently owned by the Squamish Nation”;
- Item 6, paragraph 2, bullet 2: delete “Sechelt and”;
- Item 7.3, sentence 1: replace “legalities” with “legislative requirements”;
- Item 10.2, paragraph 4 should read: “A Trustee noted that, besides scientific rationale, a significant rationale for proposed amendments to the bylaw was that disturbances on the foreshore had had destructive impacts to neighbouring properties”;
- Item 10.2, paragraph 5, first part of sentence should read: "Trustees discussed the extent of public consensus with the Draft OCP and LUB Bylaws”.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated March 1, 2023

Received.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated March 7, 2023

Received.

There was discussion of the Follow-up Action List; once items are completed, they are listed at the following LTC meeting where the public and trustees can view them, after which time the items are archived.

7.2 Shoreline Erosion and Sea Level Rise

Areas Sensitive to Sea Level Rise in Átl'ka7tsem/Txwnéwu7ts/Howe Sound:

<https://oceanwatch.ca/howesound/wp-content/uploads/sites/2/2020/08/OceanWatch-HoweSoundReport2020-CC-ShorelineErosion.pdf>

Island Planner McCargar introduced the Shoreline Erosion and Sea Level Rise document:

- The document is specific to the Howe Sound area and outlines storm surges, impacts of climate change on shoreline erosion as well as provides an extensive list of resources. The map illustrates the areas in Howe Sounds that are sensitive to sea level rise.

Points from discussion included:

- The importance of public education: it should sensitize people to what may be coming in the future and what may be mitigated; it is important to explain the problem in concrete terms and its projected effects on property owners.
- In addition to sea level rise, other effects of climate change include more severe winter storms and storm surges that result in shoreline erosion. Thus, the importance of protecting the shoreline flora and fauna. In addition to beaches, bluffs may be compromised and fall into the ocean.
- Climate change also has an impact on water supply and changing water tables, and can impact risk of forest fires on the islands.

GM-LTC-2023-011

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee requests that staff prepare an annotation of the proposed amendments to Bylaws 153 and 154 that discloses the scientific findings of projected climate change effect that each of the proposed amendments is intended to mitigate, and other rationale for the amendment.

CARRIED

7.3 Business Case for Thormanby Island Foreshore Protection

Island Planner McCargar explained this item was added to provide clarification to staff on what needs to be included in the business case for the Thormanby Island Foreshore Protection Project. Staff need direction on the scope of the project. The Planner outlined the currently funded projects for the LTC and potential timelines for completion of any new projects.

There was extensive discussion on issues related to the Thormanby Island Foreshore Protection Project. Points included:

- Issues on Thormanby have been lingering for many years.
- Understanding the impacts of owners preserving their properties without causing deleterious impacts to the environment.
- Community education component possibly a Community forum.
- Recognizing the potentially complex geotechnical issues and non-conforming uses.
- Regulation of uses.
- Complexity of this project.
- Vulnerability of the properties.
- Approach Sechelt Nation on this issue.
- Don't want to see standing resolution lingering.
- Interim way forward is addressing variance requests to deal with the issues on a case-by-case basis.
- This is a huge and unique project. It existed before Islands Trust was established.
- Concern about the size of the project for the LTC and whether there are resources to present a solution.
- Desire for a site visit.
- Encourage Thormanby residents to make a collective variance application. Start to determine where the owners want to go.
- Useful to view historical aerial photos taken over time.
- Have staff work with residents in a pre-application meeting to provide property owners with information on in the requirements of a Development Variance Permit (DVP) application.
- Letter to property owners from staff proposing pre-application meeting.
- Concern about appearing to sponsor a variance application when, in the end, it is the LTC that would be objectively voting on it.

GM-LTC-2023-012

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee requests staff to prepare and circulate to the Gambier Island Local Trust Committee a draft letter to the Affected Owners that addresses the need for them to make a collective variance application to bring the Affected Owners into compliance with relevant bylaws.

CARRIED

8. APPLICATIONS AND REFERRALS

8.1 GM-SUB-2022.2 - Picante Community Holdings - 10% Lot Frontage Waiver Request - Staff Report

Planner 2 Thomaidis introduced the staff report outlining a request for a 10% lot frontage waiver for application GM-SUB-2022.2. The waiver requested for two lots would enable alignment with existing zone boundaries and reduce the road construction required for road access to an adjacent lot.

The applicant was present and indicated the staff report and its recommendations were consistent with the discussion he had had with staff. The applicant addressed the following points and responded to trustee inquiries. Points included:

- History of Cotton Bay subdivision development, including well drilling and road construction, and new owner group in 2021.
- Voice of community represented by the existing zoning, which is Rural Residential. Subdivision is an implementation of the current zoning.
- Existing Lots 2, 3, 4, and 5 not able to use community dock.
- Would talk to owners about: stationing fire fighting supplies and equipment where volunteers could provide fire-fighting support; and positioning water supply strategically.
- Road would not be built from Cotton Bay Road down to the water, but there would be a twenty metre public right-of-way, with a usable surface to allow the public to access Cotton Bay, the community lot, and the community dock that already exists.

A trustee reminded the LTC that the Cotton Bay area was not covered under the existing Official Community Plan. It was noted the following motion was a way of allowing these irregular lots to connect with roads without having to build out further.

GM-LTC-2023-013

It was MOVED and SECONDED

that, per Local Government Act Section 512(2), the Gambier Island Local Trust Committee waive Regulation 8.6(1) Gambier LUB requirement to meet the minimum 10% lot frontage on a highway, for “Proposed Lot 11” and the proposed “Community Lot” in the subdivision proposal sketch for GM-SUB-2022.2.

CARRIED

8.2 GM-DP-2020.2 Swain - Lot 28 Brigade Bay – Staff Report

Planner 2 Baugh gave an overview of an application to infill a trench, construct three decks and remove trees located within DPA 2 (Brigade Bay Area) and DPA3 (Riparian Areas), initiated retroactively to bring the property into DP compliance.

The applicant was in attendance and mentioned he would endeavour to work with the recommended suggestions of Islands Trust.

Points raised by trustees included:

- Concern about the impact of the deck sitting on a rock, and its viability considering sea level rise and storm surge concerns.
 - The applicant indicated the deck was 10' x 10', and positioned in a rocky area, in a pocket with little vegetation. The deck is non-permanent and could be removed to no detriment to the underlying vegetation. The worse storms do not come to where that deck is; the applicant was not concerned about it washing away.
- Concern that the boathouse not be used as a sleeping cabin.
 - Applicant indicated his family had camped on the property for at least fifteen years; the boathouse is very open as a structure. Sleeping cabin would not be put there.

GM-LTC-2023-014

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee approve issuance of Development Permit GM-DP-2020.2.

CARRIED

Chair Luckham called for a break at 12:40 pm, and recalled the meeting to order at 1:10 pm.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Climate Change Mitigation and Adaptation

The Local Trust Committee discussed background on inclusion of this topic as a standing item on the agenda. It was noted the topic often could be found within other agenda items.

The LTC unanimously agreed to remove “Climate Change Mitigation and Adaptation” as a standing new business item from the regular agenda.

11.2 Freshwater Sustainability Strategy – Aquifer Conceptualization Project and Groundwater Recharge Mapping Project

A trustee inquired about the availability of a water sustainability report that was a Trust Council initiative that was to be available in March. As no further information was available at this meeting, the trustee planned to follow up with the Freshwater Specialist.

12. REPORTS

12.1 Trust Conservancy Report dated February 2023

Received.

A trustee reported on a point of information for the new trustees: Gambier has a Land Acquisition Fund to help future land acquisition in this Local Trust Area. It was a bequest over ten years ago from a local community member to support any kind of conservation project on Gambier.

Sandy Beach on Keats is now a protected Island Trust Conservancy nature reserve. The nature reserve was transferred to the Islands Trust Conservancy as part of the District Lot 696 rezoning and subdivision application.

12.2 Applications Report dated March 7, 2023

Received.

There was discussion of the application for the Land Plan Group and potential impact of that subdivision on the volume of applications and the work of Islands Trust.

GM-LTC-2023-015

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee requests staff to provide the LTC with a status report regarding GM-DVP-2002.1.

CARRIED

- 12.3 Trustee and Local Expense Report dated January 2023**
Received.
- 12.4 Adopted Policies and Standing Resolutions**
Received.
- 12.5 First Nations Activities**
A Trustee noted they continue to work at different levels with Sechelt Nation, and hoped to interact with Squamish Nation.
- 12.6 Local Trust Committee Webpage**
The website is updated on a regular basis with business items. Resources are limited.
- 13. WORK PROGRAM**
 - 13.1 Active Projects Report dated March 7, 2023**
Received.
 - 13.2 Future Projects Report dated March 7, 2023**
Received.
- 14. UPCOMING MEETINGS**
 - 14.1 Next Regular Meeting Scheduled for Tuesday, June 20, 2023 at 10:00 am at Keats Camp – Chartroom – Keats Island, BC**
- 15. CLOSED MEETING – none**
- 16. ADJOURNMENT**

By general consent the meeting was adjourned at 1:39 pm.

Certified Correct:

Peter Luckham, Chair

Diane Corbett, Recorder



Resolutions Without Meetings Log

Gambier Island

Resolution Number	Action	Date
2023-003 Move June 20, 2023 regular meeting from in person to electronic and move CIM from June 20 to June 21, 2023 "That the Gambier Island Local Trust Committee request Staff move the June 20, 2023 regular meeting from in-person to electronic and move the Gambier Island community information meeting from June 20, 2023 to July 21, 2023."	Carried	13-Jun-2023
2023-002 That the Gambier Island Local Trust Committee distribute letter to property owners with seawalls on North Thorma That the Gambier Island Local Trust Committee request staff to distribute a letter to the property owners with seawalls on North Thormanby Island (Vaucroft) regarding options to resolve the current bylaw non-compliance issues.	Carried	25-Apr-2023
2023-001 (Standing) That the Gambier Island Local Trust Committee adopt the following Standing Resolution: Defer enforcement on existing seawalls on North Thormanby Island. The deferment of enforcement should not be interpreted as permitting any new additions or structures from requiring a permit or otherwise requiring compliance with the Gambier Associated Islands Land Use Bylaw No. 120."	Carried	22-Feb-2023

Follow Up Action Report

Gambier Island

01-Sep-2022

Activity	Responsibility	Dates	Status
<p>1 That the Gambier Island Local Trust Committee request staff amend the scope of the Gambier Official Community Plan Targeted Review Project Charter to include:</p> <ul style="list-style-type: none"> · Reconsider the zoning designation title 'Wilderness Conservation;' ·Add a definition for 'breakwater;' ·Consider policies and regulations regarding trams (tracks, funicular). ·Review Site specific water zoning; ·define Water tanks as structures within the LUB ·Identification of Crown reserves and properties in GM LTA: <p>Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area.</p>	Sonja Zupanec		In Progress

31-Jan-2023

Activity	Responsibility	Dates	Status
<p>1 request staff to create a work plan for LTC consideration that will outline the next steps in the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project.</p>	Sonja Zupanec		In Progress

Follow Up Action Report

Gambier Island

31-Jan-2023

Activity	Responsibility	Dates	Status
<p>2 provide a draft business case 2024/25 regarding Thormanby Foreshore Protection project.</p> <p><i>LTC has decided to send a letter to property owners regarding joint DVP to address immediate concerns.</i></p>	Marlis McCargar		Completed
<p>3 request staff to coordinate an introductory meeting with the SCRD Board and pertinent staff as soon as conveniently possible (extend the invite to the CAO to attend).</p> <p><i>Scheduled for April 24, 2023 2-4pm.</i></p>	Wil Cottingham		Completed
<p>4 set up an introductory meeting with MOTI as soon as possible via zoom.</p> <p><i>Wil to follow up in April 2023</i></p>	Wil Cottingham		In Progress

14-Mar-2023

Activity	Responsibility	Dates	Status
<p>1 request that Staff prepare an annotation of the proposed amendments to bylaws 153/154 that discloses the scientific findings of projected climate change effects that each of the proposed amendments is intended to mitigate and other rationales for the amendments</p>	Marlis McCargar	Target: 06-Jun-2023	Completed

Follow Up Action Report

Gambier Island

14-Mar-2023

Activity	Responsibility	Dates	Status
<p>2 The GM LTC requests staff to prepare and circulate to the GM LTC a draft letter to the Affected Waterfront Owners of the Vaucroft community of North Thormanby Island that addresses the need for them to make a collective DVP application to bring the properties into compliance with relevant bylaws.</p> <p>Letter to be approved by RWM before it is sent out. <i>Letters sent by mail April 25, 2023.</i></p>	<p>Chloe Straw Marlis McCargar Nadine Mourao Wil Cottingham</p>	<p>Target: 14-Apr-2023</p>	<p>Completed</p>
<p>3 That, per Local Government Act Section 512(2), the Gambier Island Local Trust Committee waive Regulation 8.6(1) Gambier LUB requirement to meet the minimum 10% lot frontage on a highway, for "Proposed Lot 11" and the proposed "Community Lot" in the subdivision proposal sketch for GM-SUB2022.2.</p>	<p>Margot Thomaidis Nadine Mourao</p>		<p>In Progress</p>
<p>4 Trustee Stamford to follow up with Fresh Water Specialist, William Shulba, about the Islands Trust Area Aquifer Conceptualization Project as it relates to Howe Sound.</p>	<p>Kate-Louise Stamford William Shulba</p>		<p>In Progress</p>
<p>5 remove item "climate change mitigation and adaptation" from New Business as a standing item on future Gambier Agendas.</p>	<p>Nadine Mourao</p>		<p>Completed</p>



Follow Up Action Report

Gambier Island

14-Mar-2023

Activity	Responsibility	Dates	Status
6 request that staff provide a status report update regarding GM-DVP-2002.1 <i>see email to LTC from Sonja Zupanec dated 03/21/2023 which provides update.</i>	Sonja Zupanec		Completed



DATE OF MEETING: June 20, 2023
TO: Gambier Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
SUBJECT: GM-DVP-2022.4
Applicant: Monte Staats
Location: DISTRICT LOT 696 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PLAN
EPP89532 (PID: 014-385-694)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2022.4.

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application GM-DVP-2022.2, which proposes to reduce the minimum setback to the natural boundary of the sea from 7.5 metres to 0 metres for a rock wall revetment. The primary purpose of the proposed rock wall revetment is to protect an existing dwelling that is located less than two metres from the present natural boundary of the sea.

Staff are recommending the LTC approve issuance of the DVP given that the rock wall revetment will be constructed upland of the natural boundary of the sea, will not adversely impact shoreline processes, and will not effect neighbouring properties or the Sandy Beach Nature Reserve.

RATIONALE FOR VARIANCE

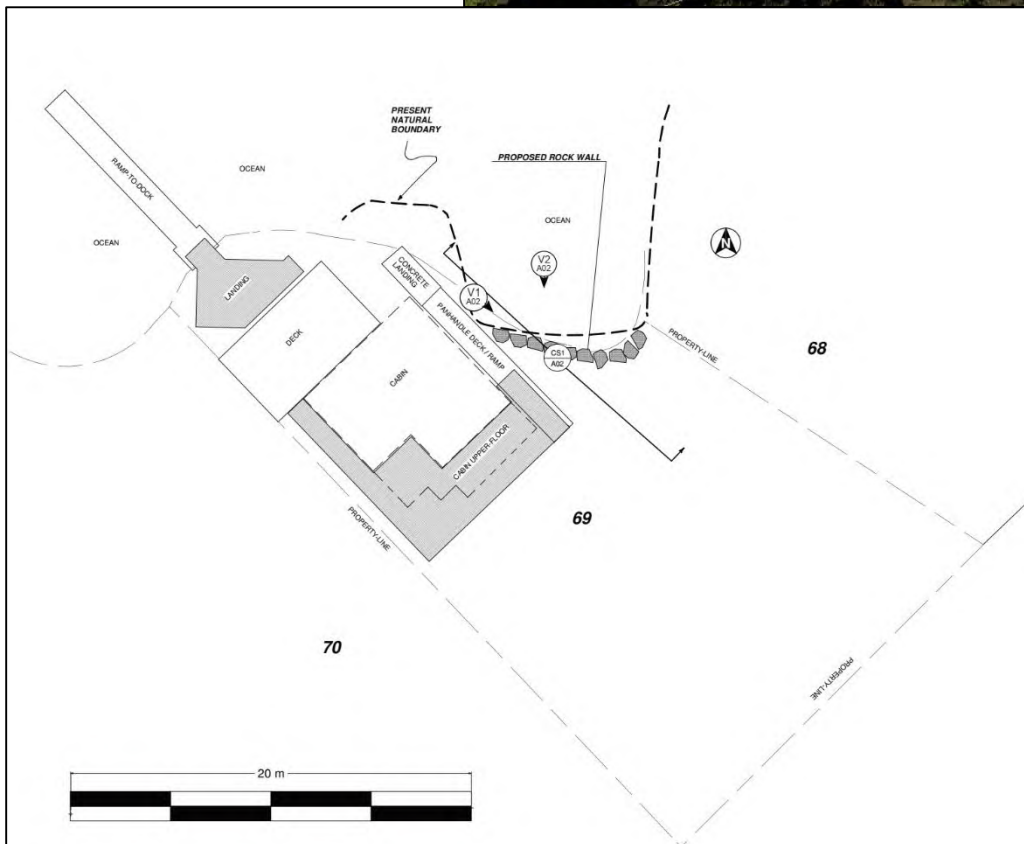
The applicant has indicated that the rock wall revetment is necessary in order to protect land, property and an existing cabin which is threatened by sea level rise.

BACKGROUND

The proposed location of the rock wall revetment is on leaseholder lot 69 of District Lot 696 which has an existing cabin, deck and landing located within the setback to the natural boundary of the sea. The applicant has provided a historical photo of the cabin showing that it existed as far back as the 1940s. The applicant has indicated they do not wish to include the cabin or any associated structures in the variance.

Two professional reports have been included with the application, an environmental review by a Registered Professional Biologist (Attachment 4, Schedule C) and an assessment by an engineer providing recommendations and designs for the boulder revetment to adhere to the intent of Green Shores for Homes Guiding Principles (Attachment 4, Schedule D). Both reports provide recommendations for the construction of

the rock wall revetment to ensure there is minimal environmental impact and the shoreline remains healthy which are included as conditions in the draft permit.



ANALYSIS

Intent of Regulations being varied

Setbacks to the natural boundary of the sea serve the purposes of:

- protecting sensitive ecosystems, archaeological resources and species at risk;
- ensuring development does not interfere with natural shoreline processes; and
- protecting development from hazardous conditions such as coastal flooding and erosion;

Potential impacts of granting the variance

In many cases shoreline armouring has the potential to create significant impacts on the natural environment and on adjacent shorelines which may impact neighbouring property owners. This application proposes a rock wall revetment that is designed to adhere to the intent of Green Shores for Homes Guiding Principles. The geotechnical report states that as designed the revetment should dissipate wave energy without any effect on the neighbouring properties and preserve the physical processes required to maintain healthy shorelines. The environmental report states that it would be possible for the rock revetment to be constructed without further significant environmental impact, however, this conclusion is conditional on the diligent and committed implementation of recommended mitigation measures including:

1. *The revetment design should not be vertical and designed to allow native shrub and ground cover plantings within the structure. Ideal plantings should mimic existing surrounding plantings and may include, but not limited to Salal, Oregon Grape, Nootka Rose and Oceanspray.*
2. *The shoreline revetments must meet all required Islands Trust building code/bylaws or Planning Department criteria.*
3. *The structure is generally toed into the ground starting at the highest high water and must be built upland away from the beach. No encroachment into the intertidal can occur.*
4. *All construction machinery used to build the revetment must be clean with no fuel or hydraulic leaks. There must be a spill kit on site at all times and no refueling of the excavator can occur near the beach.*
5. *Logs found on the beach surface can be relocated during construction. In particular those high on the beach. Wherever possible the wood must be returned to its original location.*
6. *Materials to be used for construction of the revetment must be clean and temporarily stored above the high tide mark or upland on the property.*
7. *No native beach material (rock or gravels) can be used for fill or construction, relocated or permanently removed in order to construct the new structure. Disturbance of rock below the tide line may be considered an impact under the Fisheries Act.*
8. *We recommend the property owner or contractor agree to have an Environmental Monitor inspect the project during construction. This person would be charged with ensuring works do not adversely impact the intertidal habits fronting the project site. The cost of the EM is the responsibility of the proponent or contractor.*

9. *The area upland of the revetment falls within the marine riparian. It is recommended that post revetment construction that a fringe of native shrubs be planted along the top of the revetment between the structure and the house. This will provide some level of remediation for the marine riparian area and may act as additional erosion protection under extreme conditions.*

Islands Trust Conservancy

Islands Trust Conservancy Board (ITCB) Policy 3.1 states that if a Development Variance Permit directly affects a property adjacent to an ITC owned property the application should be referred to the ITCB for comment. The proposed rock wall is on the property directly adjacent to the Sandy Beach Nature Reserve, although the development is approximately 370 metres away from the property boundary. This application has been sent to ITCB for comment. Their response (Attachment 2) states that they find their interests unaffected by the application.

Circulation

DVP Notices (Attachment 3) were circulated to surrounding property owners and residents within 100 metres. The notification period ends at 4:30 p.m. on June 19, 2023.

No correspondence has been received at the time this staff report was submitted, any submissions received following the preparation of this staff report will be forwarded to the Local Trust Committee (LTC) and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff are recommending approval of the Development Variance Permit given that the rock wall revetment will be constructed upland of the natural boundary of the sea, will not adversely impact shoreline processes and will not effect neighbouring properties or the Sandy Beach Nature Reserve.

ALTERNATIVES

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

- 1. Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request that the applicant submit to the Islands Trust

- 2. Deny the application**

The LTC may deny the application.

That the Gambier Island Local Trust Committee deny application GM-DVP-2022.4.

Submitted By:	Stephen Baugh, Planner 2	April 27, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 9, 2023

ATTACHMENTS

1. Site Context
2. Islands Trust Conservancy Board Response
3. Notice
4. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	DISTRICT LOT 696 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PLAN EPP89532 (SEE PLAN AS TO LIMITED ACCESS)
PID	014-385-694
Civic Address	Leaseholder Lot 69

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, Institutional Camp, Nature Conservation

HISTORICAL ACTIVITY

File No.	Purpose
GM-CL-2021.1	Closed - Private moorage
GM-CL-2021.2	Closed - Private moorage – Lot 69 of DL696
GM-CL-2021.3	Open - Floating dock
GM-DP-2008.1	Closed - Deck expansion
GM-DVP-2002.1	Open - Siting variances for cottage lots on DL696
GM-DVP-2003.2	Closed - For camp facilities
GM-DVP-2006.6	Closed - Variance of LUC
GM-DVP-2007.1	Closed - Siting of septic
GM-DVP-2008.2	Closed - Increase floor area of cottage
GM-DVP-2009.1	Closed - Construction of a cottage
GM-DVP-2010.5	Closed - Expand building
GM-DVP-2011.4	Closed - Replace an existing structure
GM-DVP-2016.1	Closed - Over height building
GM-DVP-2020.2	Closed - Retaining wall in setback
GM-RZ-2004.1	Closed - Keats Camp rezoning
GM-SUB-2000.1	Closed - Bare land strata subdivision
GM-SUB-2013.1	Closed - 9 lot subdivision
GM-SUB-2018.2	In Abeyance - 110 lot subdivision
18 Building Permit Referrals	Closed - For construction of various buildings since 2008.

POLICY/REGULATORY

Official Community Plan Designations	Land Use Contract (LUC)
Land Use Bylaw	Comprehensive Development 2 (CD2)
Covenants	CA8509277 (GILTC) – to ensure the use of water will be monitored and to ensure water conservation requirements are followed. CA8509281 (GILTC) – to protect groundwater on the lands from pollution.

	CA8509286 (GILTC) – restricted area where no further subdivision is permitted and limiting activities in that area
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	ITC Nature Reserve located on DL696
Regional Conservation Plan	The property is classified as a LOW or MEDIUM relative value in the Regional Conservation Plan. The Gambier LTA is classified as an area with a HIGH need for Eelgrass Shoreline Protection.
Species at Risk	None mapped
Sensitive Ecosystems	Areas of SEM Primary and Secondary Class Mature Forest
Hazard Areas	None Mapped
Archaeological Sites	Remote Access to Archaeological Data shows registered archaeological sites exist on the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Staff do not anticipate any greenhouse gas emission changes or climate change induced hazards arising from permit approval.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass meadows mapped in multiple places along Northwest shoreline of DL696



ISLANDS TRUST CONSERVANCY

Protecting Islands in the Salish Sea

March 20, 2023

Gambier Island Local Trust Committee
c/o Stephen Baugh, Planner 2
Sent by email to: sbaugh@islandstrust.bc.ca

Re: Development Variance Permit referral - GM-DVP-2022.4

Dear Stephen Baugh,

Thank you for your referral of Development Variance Permit Application GM-DVP-2022.4. The Islands Trust Conservancy Board met on March 14, 2023 and considered your memo regarding the application. The Board passed the following resolution:

ITC-2023-010

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to draft a letter to the Gambier Island Local Trust Committee regarding GM-DVP-2022.4 indicating that, based on the information provided, the Board does not believe that the project will negatively impact the Sandy Beach Nature Reserve and finds its interests to be unaffected by the application.

Should you have any questions regarding the Board's response, please feel free to contact me.

Sincerely,

Kate Emmings
Manager, Islands Trust Conservancy
250-405-5191
kemmings@islandstrust.bc.ca

NOTICE
GM-DVP-2022.4
GAMBIER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Keats Island Land Use Bylaw No.78 by:

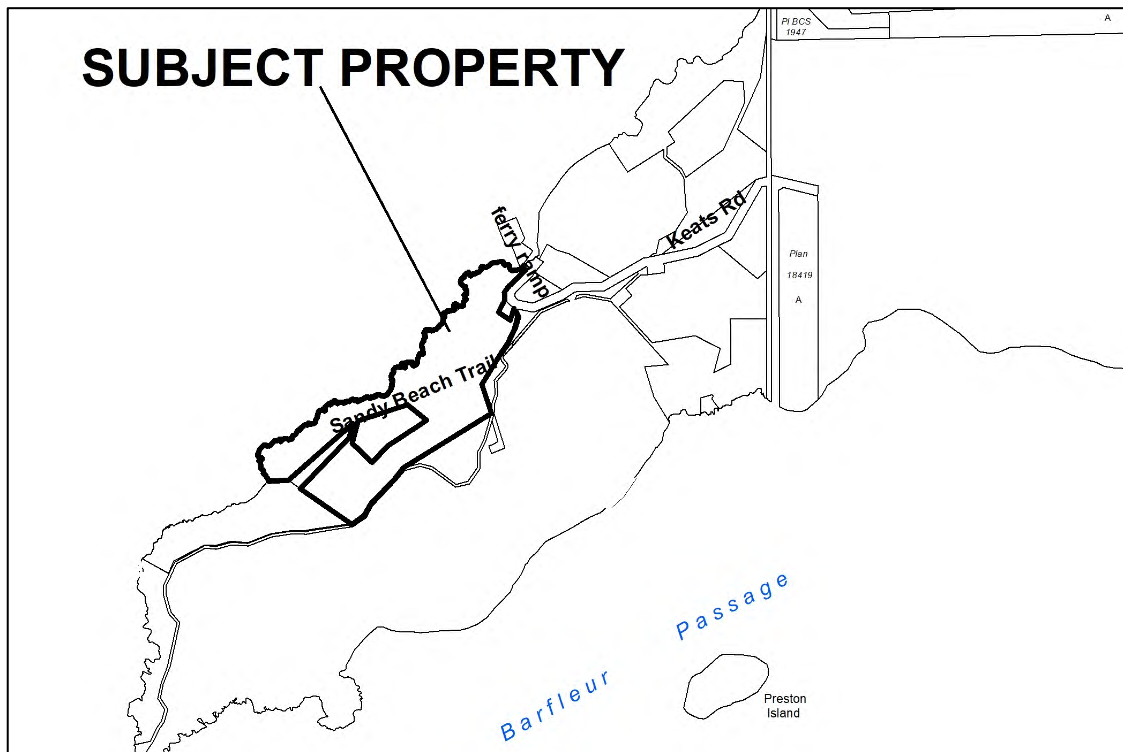
- Reducing the minimum setback to the natural boundary of the sea from 7.5 metres to 0 metres to facilitate the construction of a rock wall revetment

The property is legally described as:

DISTRICT LOT 696 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PLAN EPP89532 (SEE PLAN AS TO LIMITED ACCESS).

(PID 014-385-694)

The general location of the subject property is shown on the following sketch:




A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 5, 2023** and continuing up to and including **June 19, 2023** and is also available on the Islands Trust website here: <https://islandstrust.bc.ca/island-planning/gambier/current-applications/>

Enquiries or comments should be directed to Stephen Baugh, Planner 2 at (250) 247-2201, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **June 19, 2023**.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **June 20, 2023, Keats Camp, Chartroom, Keats Island**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

PROPOSED

 <p data-bbox="170 359 415 401">Islands Trust</p>	<p data-bbox="651 264 1341 296">GAMBIER ISLAND LOCAL TRUST COMMITTEE</p> <p data-bbox="570 323 1425 354">DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2022.4</p>
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TO: The Convention of Baptist Churches of British Columbia, INC.NO. S0000098

1. This Development Variance Permit (the “Permit”) applies to the land described below:

PID: 014-385-694

DISTRICT LOT 696 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PLAN EPP89532 (SEE PLAN AS TO LIMITED ACCESS)

2. Pursuant to Section 498 of the *Local Government Act*, the “*Keats Island Land Use Bylaw No. 78, 2002*” is varied as follows:

- a) Subsection 2.7.3 which states that “No building or structure except platforms not exceeding a combined floor area of 10 square metres, a permitted boathouse, pump/utility house, or stairs, or walkways required to access the foreshore or a permitted float, dock, wharf, or other permitted marine related structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.” is varied to permit a proposed Rock Wall Revetment.

Subject to the following conditions:

- i. All requirements of the Environmental Redevelopment Review Report in Schedule “C” attached, must be met; and
- ii. All requirements of the Engineer Foreshore Assessment and Revetment Design Report in Schedule “D” attached, must be met.

3. The development shall be consistent with the following Schedules, attached to and forming part of this permit:

- Schedule ‘A’ – Site Plan;
- Schedule ‘B’ – Rock Wall Revetment Elevation; and
- Schedule ‘C’ – Environmental Redevelopment Review Report
- Schedule ‘D’ – Engineer Foreshore Assessment and Revetment Design Report

4. This Permit is not a Building Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the “*Keats Island Land Use Bylaw No. 78, 2002*” including use and density, and to obtain other appropriate approvals necessary for the development, including approval of the Sunshine Coast Regional District.

PROPOSED

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 202X.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF XX, 202X (2 YEARS FROM DATE OF ISSUANCE), THIS PERMIT AUTOMATICALLY LAPSES.

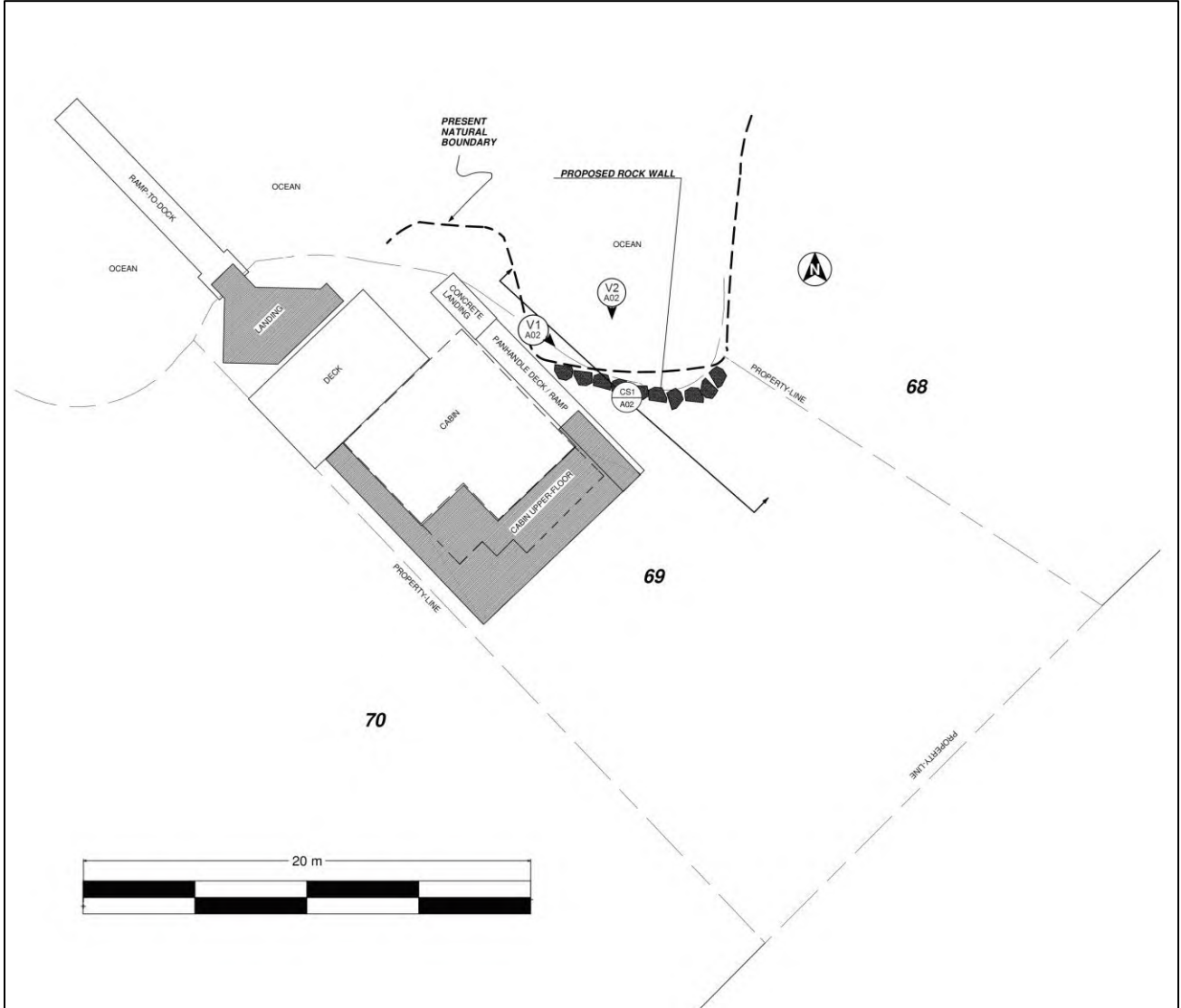
PROPOSED

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'A' – Site Plan

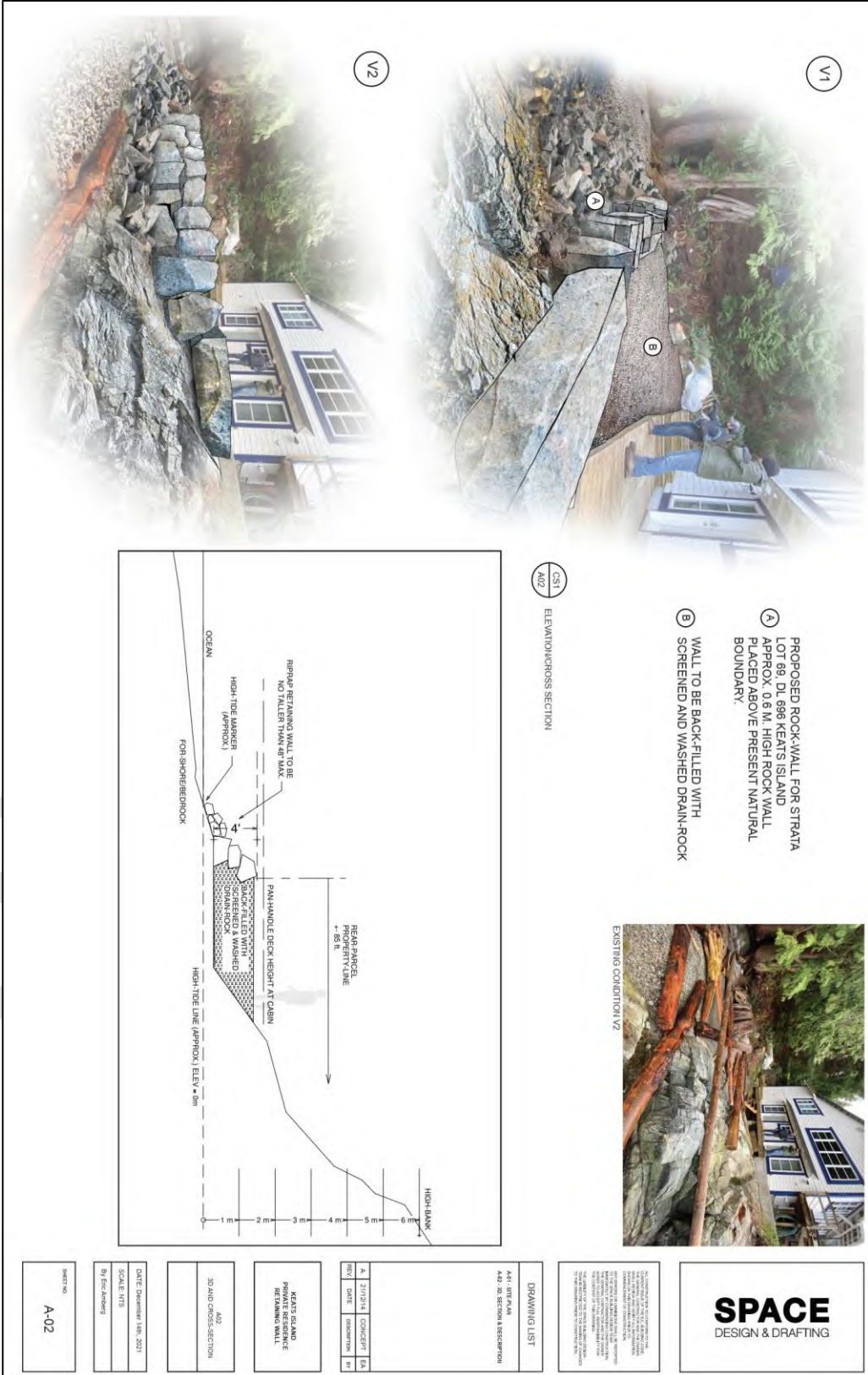


PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'B' – Rock Wall Retement Elevation



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'C' – Environmental Redevelopment Review Report

**Environmental Redevelopment Review of the Proposed Shoreline Revetment at Strata Lot 69, DL 696, Keats Island
(Finlay Property), dated May 5, 2022**

by David J. Bates of FSCI Biological Consultants

[report attached beginning on next page]

PROPOSED

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'D' – Engineer Foreshore Assessment and Revetment Design Report

Foreshore Assessment and Revetment Design, dated August 18, 2022

by John Hessels and Chris Hudec of Lewkowich Engineering Associates Ltd.

[report attached beginning on next page]

PROPOSED

PROPOSED



Islands Trust

GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2022.4

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PROPOSED

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 202X.

Deputy Secretary, Islands Trust

Date of Issuance

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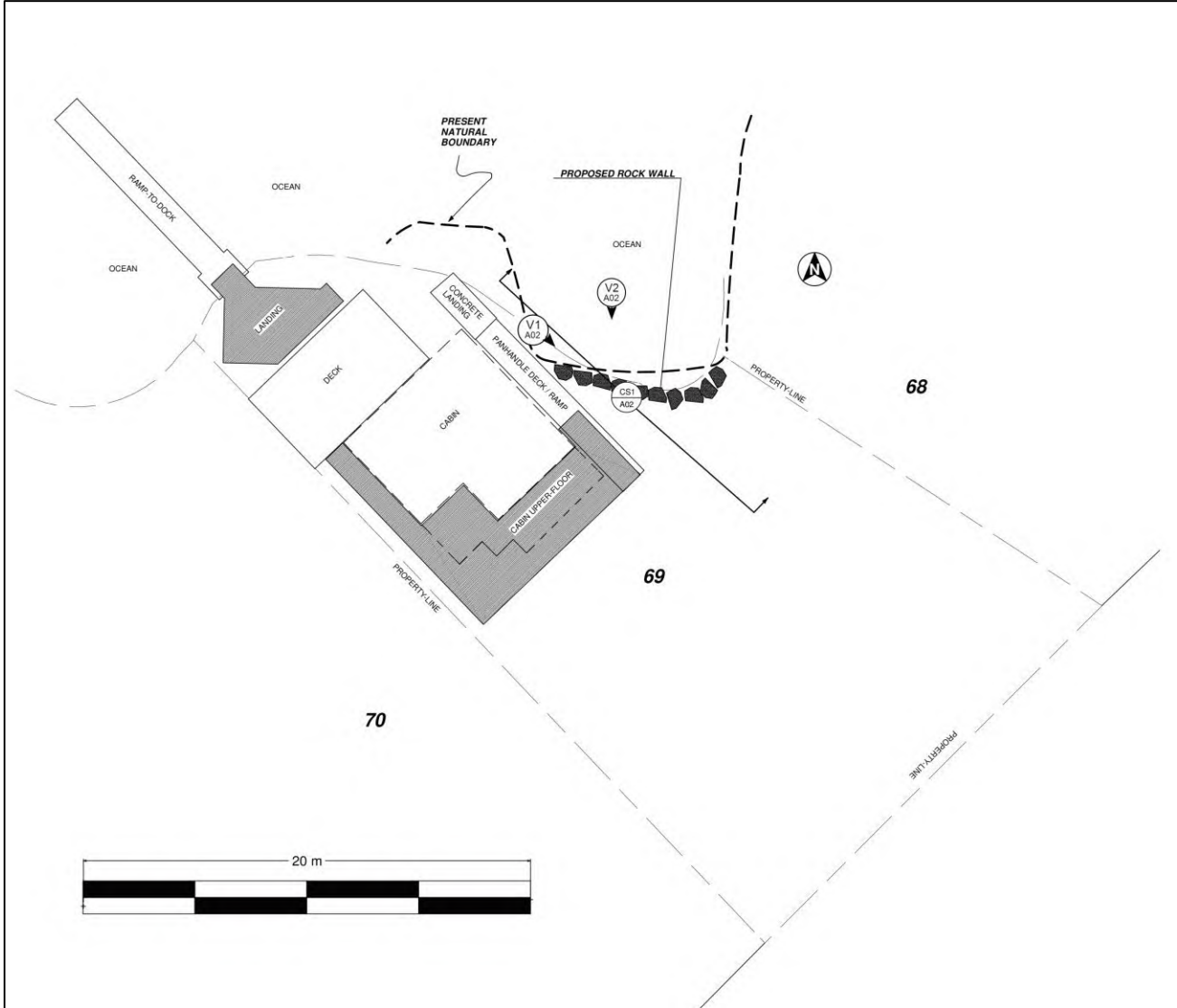
PROPOSED

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'A' – Site Plan

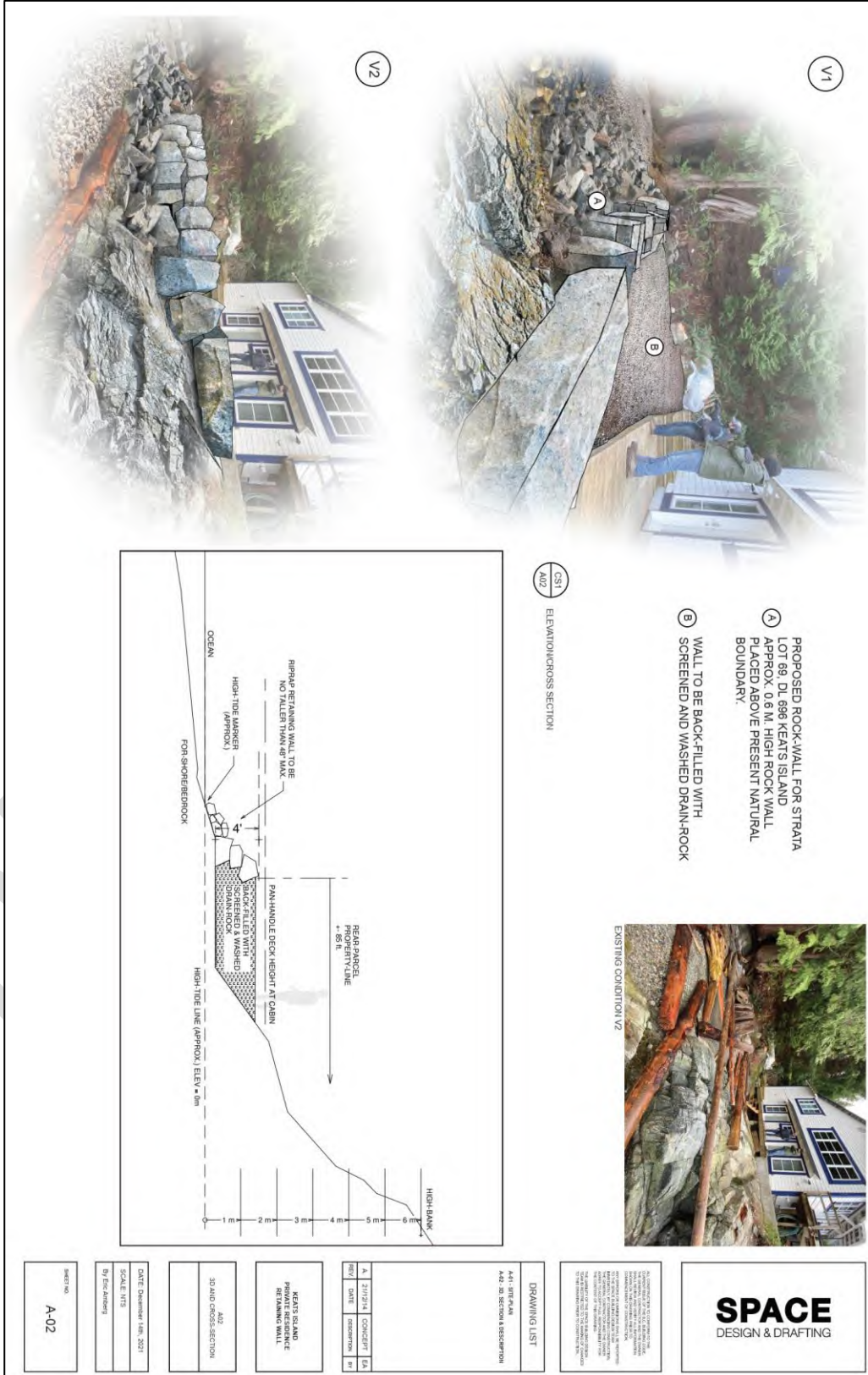


PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'B' – Rock Wall Retement Elevation



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'C' – Environmental Redevelopment Review Report

**Environmental Redevelopment Review of the Proposed Shoreline Revetment at Strata Lot 69, DL 696, Keats Island
(Finlay Property), dated May 5, 2022**

by David J. Bates of FSCI Biological Consultants

[report attached beginning on next page]

PROPOSED

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT GM-DVP-2022.4

Schedule 'D' – Engineer Foreshore Assessment and Revetment Design Report

Foreshore Assessment and Revetment Design, dated August 18, 2022

by John Hessels and Chris Hudec of Lewkowich Engineering Associates Ltd.

[report attached beginning on next page]

PROPOSED



May 5, 2022

Our File No.: FSCI-22-0021

Monte Staats
Gibsons, BC

Sent via email: monte.staats@gmail.com

Dear Mr. Staats:

**Re: Environmental Redevelopment Review of the Proposed Shoreline
Revetment at Strata Lot 69, DL 696, Keats Island (Finlay Property)**

This letter and attachments provide our environmental assessment of the proposed construction of a shoreline revetment at the above referenced property. The assessment is based on review of existing information available from the Islands Trust, BC Conservation Data Centre and a site visit on February 4th 2022.

The following describes our understanding of the project, existing biophysical conditions and potential sensitive environmental features. We have provided recommendations and/or suggestions for environmental protection and mitigation.

Project Description

The subject property is located on the northwest side of the island near Keats Camp and is a strata lot.

The proposed project entails the construction of a rock shoreline revetment that is intended to protect the existing cabin and upland from further shoreline erosion. The existing home is located within the marine riparian area. The details of the revetment and dock design have been prepared by the owner's representative (M. Staats).

The scope of this assessment is limited to the important biophysical aspects, in particular areas of important foreshore and marine riparian buffer.

Marine Riparian

In order to facilitate the environmental review a 15-m upland buffer is considered the marine riparian area for review purposes. It's recognized that this home is grandfathered and lies within this buffer.

The riparian is characterized as the zone from the highest highwater upland. This area has been previously altered/cleared to facilitate the house (**Photo 1**). Along

the shoreline edge the conifer canopy is primarily Western Red Cedar (*Thuja plicata*) and ground cover includes Salal (*Gaultheria shallon*) and Deer Fern (*Blechnum spicant*).

The proposed revetment will result in minimal shoreline vegetation disturbance.

There were no observed areas of upland sedge or salt grasses and no “suitable” trees near the planned project area that would provide suitable roosting or nesting opportunities for raptors or Great Blue Herons. In the event nesting activities within 50-100 are observed, a Qualified Professional should be consulted and a mitigation plan developed for the duration of the project.



Photo 1: The Finlay property on Keats Island. The marine riparian is dominantly Western Red Cedar with Salal and Deer Fern ground cover. The lot has been developed in the past to accommodate the house footprint.

Intertidal Foreshore

The intertidal area is the zone from the highest highwater to the zero datum. Observations were made at a low tide but not zero tide.

The substrate is primarily bedrock with pockets of accumulated gravels and angular cobble (**Photo 1 and 2**). The gravel accumulation is spatially limited and although size is suitable for forage fish use, the size of the patches and access may restrict use. The intertidal area will not be altered or impacted.

The lower portion of the intertidal had various marine algae's, including Fucus (*Fucus* spp) and Sea Lettuce (*Ulva* spp). It's assumed by the nature of the substrate that the area will limit bivalve distribution.

Large woody debris was observed collecting in this area where the shoreline contour creates a "pocket" and collection point for floating large wood debris (**Photo 3**)



Photo 2: *The area of intertidal fronting the Finlay property. The area has a pocket area where gravel accumulation occurs. The majority of the intertidal substrate is bedrock and broken cobble. The planned revetment, located upland from the highwater mark will protect the house from increased erosion created by wave action.*

Mitigation

As previously discussed, the planned redevelopment of this property includes the design and construction of a shoreline revetment. To minimize further environmental impact, the following provides suggested mitigation and design criteria intended to protect existing marine and marine riparian habitats.

Shoreline Revetment

The construction of a shoreline revetment is intended to stabilize and protect the



Photo 3: *The shoreline fronting the Finlay property at lower tide. The small pocket beach and bedrock sill fronting the home accumulated large wood debris. These materials, during high tide events, with appropriate winds and seas, is battering the home that has no shoreline protection.*

property from further erosion. The revetment design should be provided by a qualified professional with experience in revetment construction.

We offer the following comments and requirements to help mitigate for disturbance along the foreshore during construction of the shoreline revetment:

1. The revetment design should not be vertical and designed to allow native shrub and ground cover plantings within the structure. Ideal plantings should mimic existing surrounding plantings and may include, but not limited to Salal, Oregon Grape, Nootka Rose and Oceanspray.
2. The shoreline revetments must meet all required Islands Trust building code/bylaws or Planning Department criteria.
3. The structure is generally toed into the ground starting at the highest high water and must be built upland away from the beach. No encroachment into the intertidal can occur. Unauthorized encroachment seaward from the highest high-water point is a chargeable offence under the Federal Fisheries Act. If it's necessary to develop below the highwater mark, a request for review by fisheries is required. This would also require acceptable development of habitat offsetting.

In addition, encroachment below the highest highwater would require approval from the Province of BC. Its best to avoid this route.

Please note that the current high-water mark may differ from any historic shoreline delineation. Land lost to the sea cannot be reclaimed without seeking approvals from Fisheries and Oceans Canada and BC.

4. All construction machinery used to build the revetment must be clean with no fuel or hydraulic leaks. There must be a spill kit on site at all times and no re-fueling of the excavator can occur near the beach.
5. Logs found on the beach surface can be relocated during construction. In particular those high on the beach. Wherever possible the wood must be returned to its original location.
6. Materials to be used for construction of the revetment must be clean and temporarily stored above the high tide mark or upland on the property.
7. **No** native beach material (rock or gravels) can be used for fill or construction, relocated or permanently removed in order to construct the new structure. Disturbance of rock below the tide line may be considered an impact under the Fisheries Act.
8. We recommend the property owner or contractor agree to have an Environmental Monitor inspect the project during construction. This person would be charged with ensuring works do not adversely impact the intertidal habits fronting the project site. The cost of the EM is the responsibility of the proponent or contractor.
9. The area upland of the revetment falls within the marine riparian. It is recommended that post revetment construction that a fringe of native shrubs be planted along the top of the revetment between the structure and the house. This will provide some level of remediation for the marine riparian area and may act as additional erosion protection under extreme conditions.

Conclusions

Based on the results of this assessment, the existence of a home, falling shoreline and limited access to the property, it is my opinion that the planned installation of a rock revetment can be constructed without further significant environmental impact.

This conclusion is conditional on the diligent and committed implementation of the mitigation measures. In the event the redevelopment is impacting marine foreshore and intertidal habitats the project should be halted and a Qualified Environmental Professional consulted.

Closure

This document was prepared by **FSCI** Biological Consultants and represents professional judgment based on information available at the time of preparation and appropriate for the scope of the project. This document is for the private information and benefit of the client for whom it was prepared and the specific purpose for which it was developed. Third parties may not use content in this document without the prior written authorization from **FSCI** Biological Consultants.

Any use or reliance on this document by third parties is the responsibility of such third parties. **FSCI** Biological Consultants and the authors accept no responsibility for damages suffered by any third party as a result of decisions made or action based on this document.

We trust this report meets your needs. Should you have any questions or concerns, please contact the undersigned at your convenience.

Sincerely



D. Bates, PhD, RPBio
Habitat Biologist

/db

Cc: Jim Wilson, Sr. Technician, **FSCI**
File



GEOTECHNICAL REPORT

Seneca Consulting
monte.staats@gmail.com
Gibsons, BC

File: E1336.01
Date: August 18th, 2022

ATTENTION: Mr. Monte Staats
PROJECT: SHORELINE PROTECTION
STRATA LOT 69, DL 696, KEATS ISLAND, BC
SUBJECT: FORESHORE ASSESSMENT AND REVETMENT DESIGN

1.0 INTRODUCTION

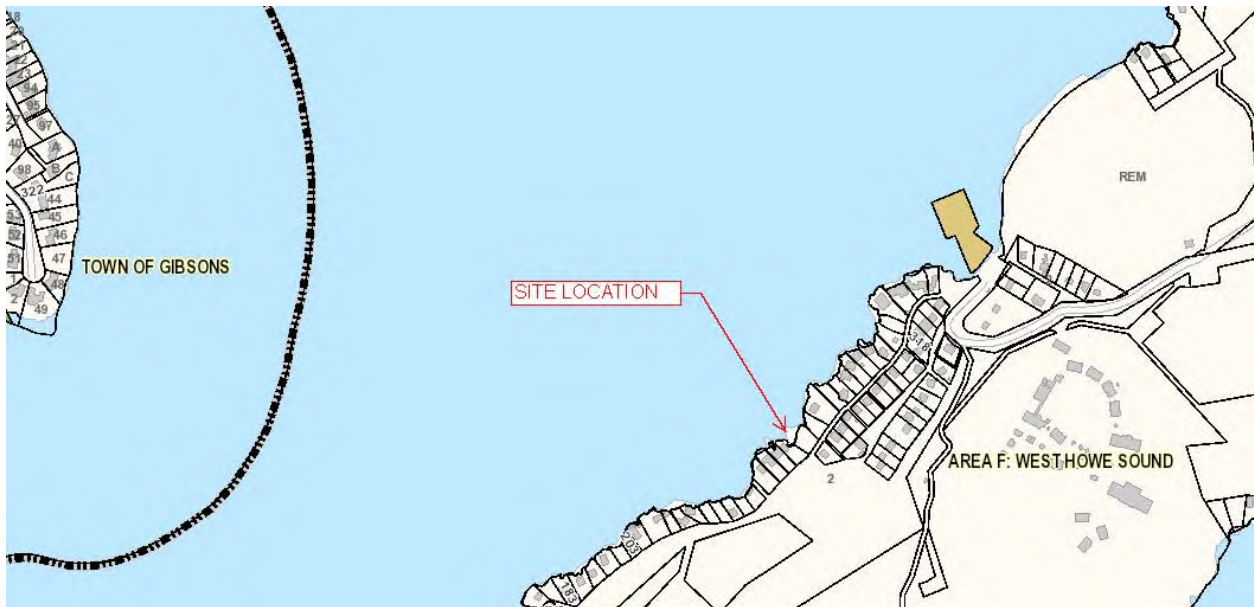
- a. As requested, Lewkowich Engineering Associates Ltd. (LEA) has conducted an assessment regarding the design and construction of shoreline protection for the property located at Strata Lot 69, DL 696 on Keates Island, BC.
- b. This letter summarizes the results of our assessment, observations and design and provides our comments, recommendations, and conclusions regarding the proposed construction of the shoreline protection.

2.0 OBJECTIVES

- a. The objectives of this report are to provide recommendations and designs regarding the protection of land and property utilizing a boulder revetment while adhering to the intent of the Green Shores for Homes Guiding Principles (GSH). These “Guiding Principles” consist of the following:
 - i. Preserve or restore physical processes to maintain healthy shorelines.
 - ii. Maintain or enhance habitat function and diversity along the shoreline.
 - iii. Prevent or reduce pollutants from entering the aquatic environment.
 - iv. Avoid or reduce cumulative impacts on the shoreline environments.

3.0 SITE CONDITIONS

The property is currently developed with a Cabin, dock and landscaping features throughout the site. In addition, there is a wooden walkway fronting the building. The subject site is in the southwestern portion of the island. See figure below for site location.



- b. In general, the foreshore can be characterized as a low-bank shoreline with a gently sloping intertidal zone facing the open waters of the Strait of Georgia / Salish Sea to the north. The total height of the shoreline bank was approximately 1.5m, and made up of granitic bedrock mantle at a steep inclination. Except for the subject area where the bedrock dips 1.0 to 1.5m. See picture below



- c. Recent storm events have brought significant flotsam (large logs) right up to the building and walkway where the bedrock dips lower. This lower area is 8-9 Lineal Metres and ends where the bedrock mantle rises at each end. Due to climate change and seal level rise there is much higher frequency of waves reaching within 3m of the building.
- d. There is an average 36 metre length of inter-tidal zone along this section of shoreline. The very gently sloping sea floor extends into the Strait of Georgia. This very gently sloping beach is primarily made up of smooth undulating sandstone bedrock with pockets of sand, pebbles, and boulders.
- e. The property owner is looking to reduce the potential for catastrophic damage to the building by constructing a shoreline revetment that is consistent with the existing natural bedrock. These works will help prevent waves from projecting water and flotsam toward the residence. Although the project is very small, it is a crucial step in preventing damage to the land and buildings as there is no other way to manage the risk without abandoning the property.
- f. Survey data for the present natural boundary was provided by the client, dated June 23, 2020.

4.0 FORESHORE REVETMENT DESIGN

- a. The wave climate at the site is influenced by several factors including bathymetry, tidal level, storm surge, wind speed and direction, as well as future sea level rise. A foreshore revetment following the GSH principles was considered the most suitable design for this site. To conform to GSH design criteria, the following design principles shall be included:
 - i. The finished gravel slope above the revetment shall not exceed 1H:1V (Horizontal, Vertical). The revetment shall be constructed by utilizing a minimum two layers of large 900mm to 1200mm boulders, smaller 100 to 300mm fractured rock infill and smaller voids filled completely with on-site well graded sand and gravel. The proposed revetment should be keyed into the natural substrate material a minimum of two galvanized pins per boulder. Prior to the placement of the underlying rock structure, a layer of geotextile is required to provide a barrier to the migration of insitu fine-grained material from wave and tidal action.
 - ii. This will provide a gentle transition from the shoreline to the subject property rear yard level and suitable growth medium for native shoreline species which will aid in reducing erosion of the finer soils. See Following Table 4.0 for typical gradation of revetment materials.

Revetment Materials	
Material Type	Diameter (mm)
Sand	0.125 to 4.75
Gravel	4.76 to 75
Cobble	76 to 256

Table 4.0 – Foreshore Revetment Materials

- iii. See attached LEA Drawing E1336-01 - Foreshore Revetment Design, for further details.

5.0 CONSTRUCTION RECOMMENDATIONS

- a. The bottom of the eroded area should be upland of the Present Natural Boundary and should be cleaned of loose debris to the bedrock mantle, which will provide the position of the foreshore revetment area and allow for the base row of each large boulders to be pinned with a minimum of two (2) galvanized 25mm dowels grouted 300mm into the existing rock. No disturbance past the PNB is permitted.
- b. A layer of non-woven geotextile filter fabric (Armtec-250 or equivalent) should be placed on the prepared base and extend to the top of the revetment against the insitu topsoils.
- c. The 900mm to 1200mm boulder structure should then be installed by placing them in a “tight” two-layer matrix, beginning with the largest rocks pinned to the base, then continuing to construct the revetment in a bottom-up sequence (i.e. from toe to crest), while being mindful of the maximum 1H:1V slope requirement.
- d. Smaller sized rocks (200mm to 300mm) shall be used to infill any larger gaps within the rock structure throughout construction.
- e. The overall slope of the revetment shall not exceed 1H:1V.
- f. The revetment at both the north and south ends should smoothly transition to existing bedrock. This will effectively guard against erosion of the natural slope face and help prevent waves/ debris over topping onto the upland area near the Cabin.

6.0 CONCLUSIONS AND RECOMMENDATIONS

- a. Based on our foreshore assessment and recommendations outlined below, we conclude the designed

foreshore revetment will help protect the foreshore from marine erosion by dissipating wave energy and providing stability to the foreshore bank.

- b. The proposed gently sloping (1H:1V) revetment should effectively dissipate wave energy without any effect on the neighbouring properties. The gentle transition to the foreshore revetment at each extent should prevent eddying effects from the revetment installation.
- c. The effects of sea level rise could reduce the effectiveness of the revetment in the long term. The design has incorporated a non-erodible matrix of boulders that will provide a stable base for the future expansion of the revetment both in height and depth if warranted to protect habitat, life, and property.
- d. The benefits of the design principles from the perspective of GSH are:
 - i. The proposed revetment preserves the physical processes required to maintain healthy shorelines, compared to more obtrusive concrete structures (i.e., concrete walls). Public access between the revetment and highwater mark is maintained throughout the shoreline at the rear of the subject property.
 - ii. The proposed design will maintain or enhance the habitat diversity and function in areas along the shoreline.
 - iii. The proposed revetment will prevent and/or reduce pollutants entering the aquatic environment.
 - iv. The design will reduce the cumulative impacts to the costal environment by reducing erosion and by providing a more stable growth medium for native species.

7.0 CLOSURE

- a. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further service, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.



John Hessels, ASCT
Senior Technologist



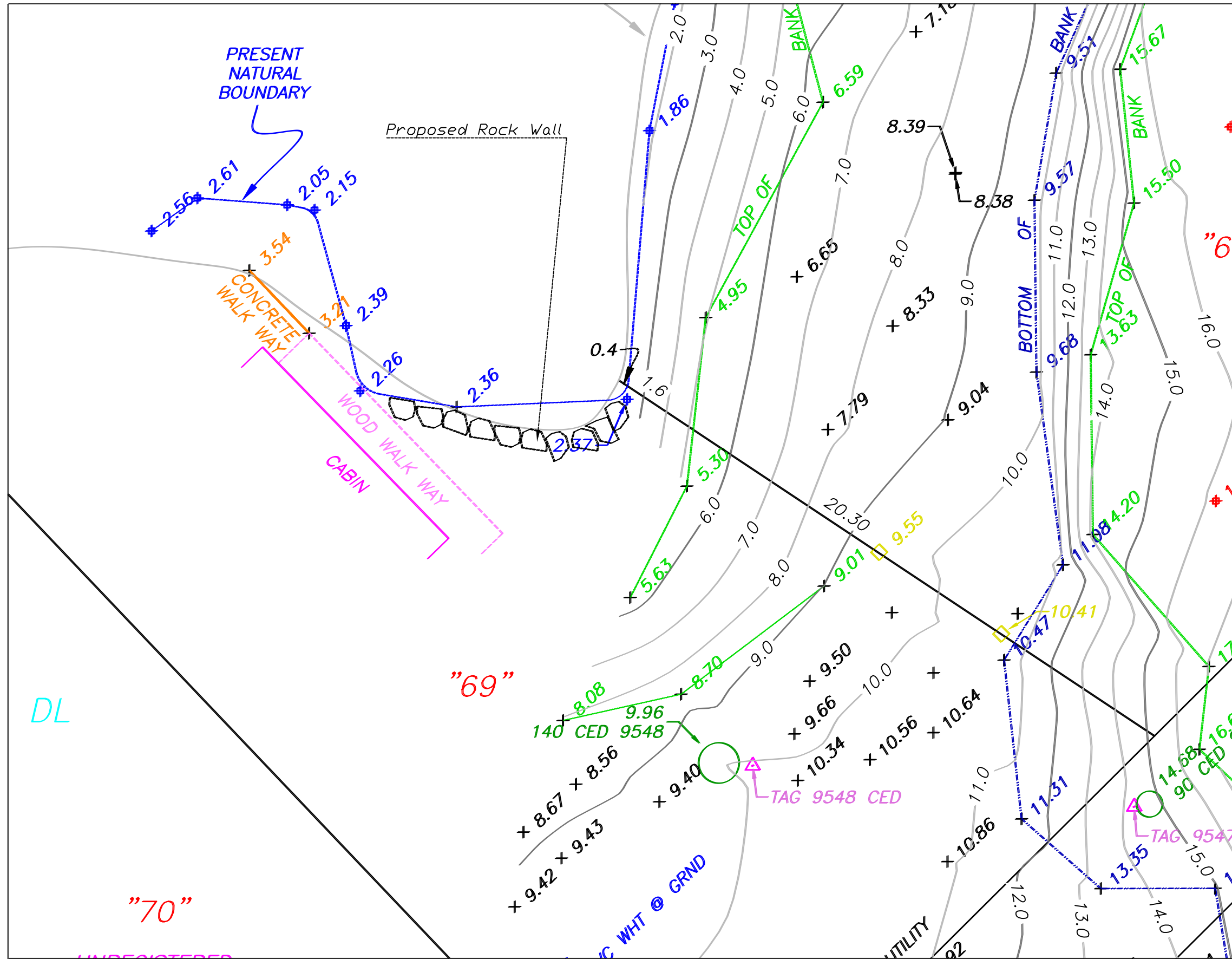
Chris Hudec, M.A.Sc., P.Eng.
Senior Project Engineer

8.0 ATTACHMENTS

1. KICAS Topographic Plan Lot 69 Keats Island, Dated June 23rd, 2020
2. LEA Drawing No. E1108-01 – Shoreline Revetment Design. Dated August 8th, 2022

9.0 REFERENCE:

1. Green Shores for Homes. December 2015.
2. Islands Trust, Gambier Island Area, Keats Island Shoreline Protection DPA.



General Notes

Proposed Rock wall for Strata Lot 69, DL 696 Keats Island. Approx. 0.6m high rock wall placed above the current and previous natural boundary.

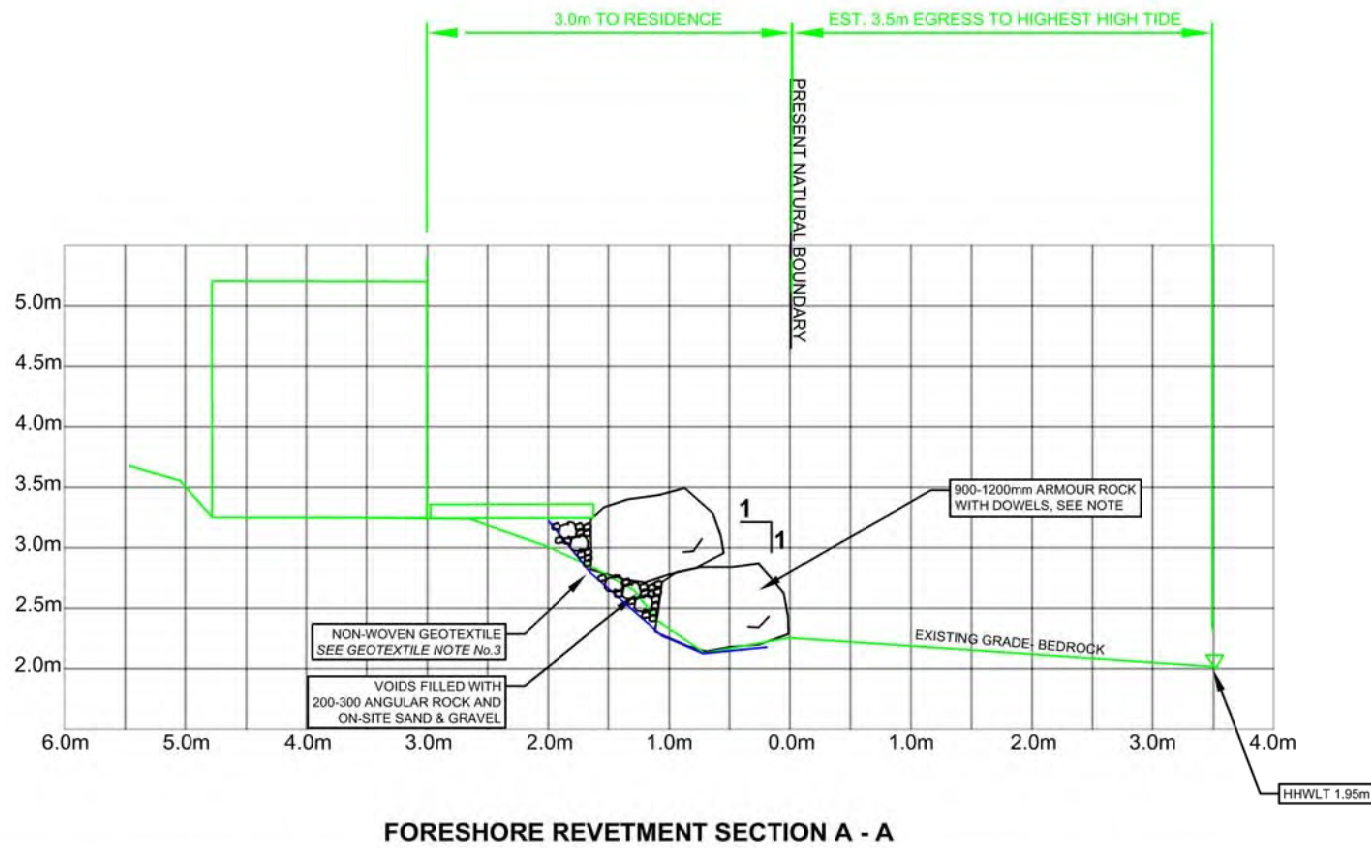
No.	Revision/Issue	Date

Firm Name and Address

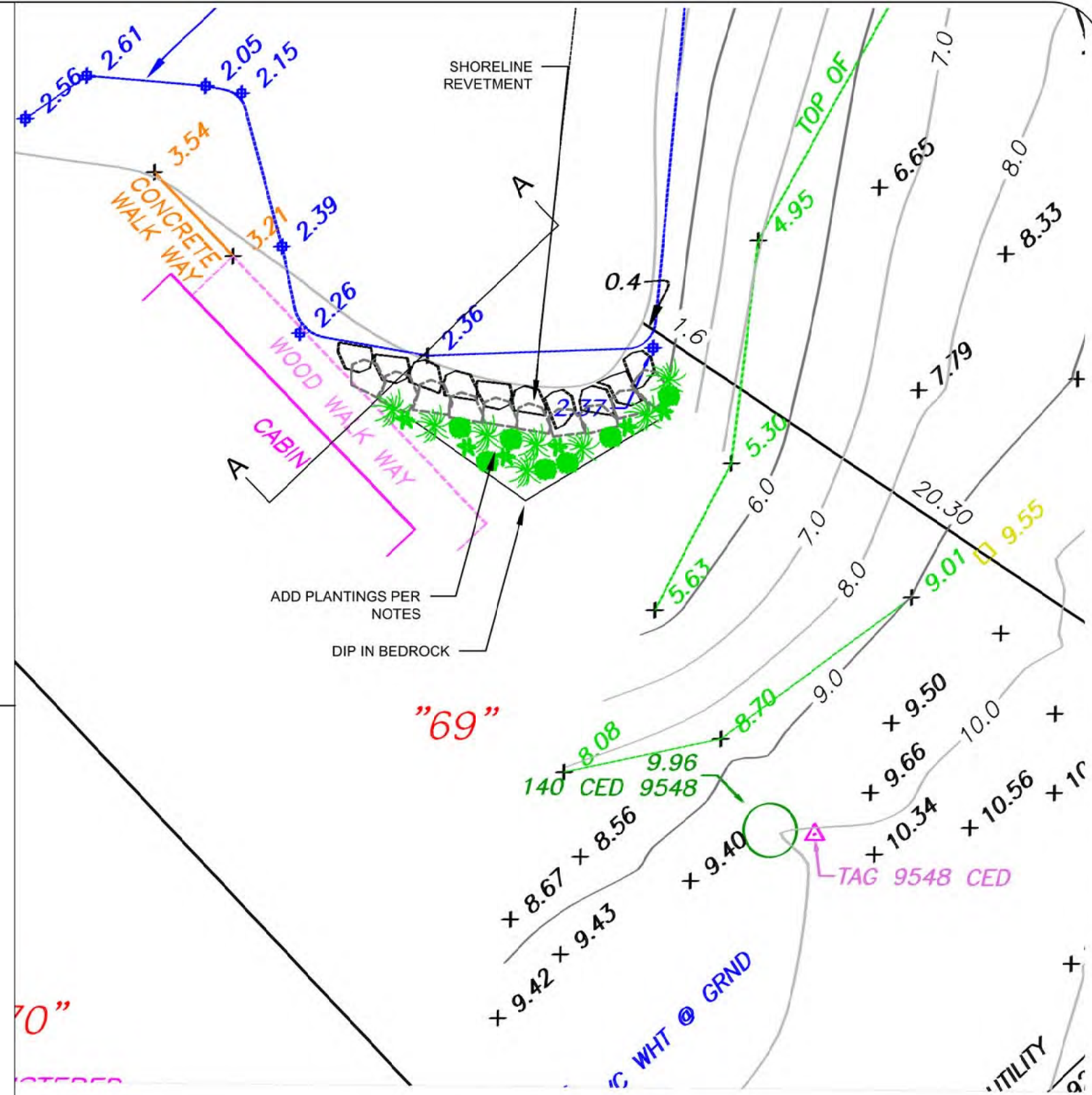
Project Name and Address

Finlay Rock Wall
Strata Lot 69
DL 696

Project	Sheet
Date 6/23/2020	1
Scale As Noted	



FORESHORE REVETMENT SECTION A - A



CONSTRUCTION NOTES:

1. REMOVE DEBRIS ALONG SLOPE FACE PRIOR TO PLACING GEOTEXTILE.
2. LIMIT DISTURBANCE AND LEAVE FORESHORE MATERIAL INTACT AS MUCH AS POSSIBLE.
3. TIE IN THE EAST AND WEST SIDE OF REVETMENT TO EXISTING GROUND.
4. ENSURE THE LARGEST BOULDERS ARE PLACED ALONG THE BOTTOM OF THE REVETMENT AND INCLUDE TWO 25MM EPOXY COATED DOWELS PER BOULDER WITH A 300mm GROUTED EMBEDMENT.

GEOTEXTILE NOTES:

1. ENSURE NON-WOVEN GEOTEXTILE DOES NOT "CREEP" UP TOWARDS THE TOE OF THE REVETMENT.
2. IT IS RECOMMENDED THAT THE NON-WOVEN GEOTEXTILE FABRIC HAVE A MINIMUM OVERLAP OF 30cm BETWEEN ROWS. SECURING PINS PLACED AT REGULAR INTERVALS, CAN ALSO BE USED TO HOLD THE GEOTEXTILE IN PLACE DURING INSTALLATION.
3. GEOTEXTILE: 250 g/m² NON-WOVEN (ARMTEC 250 OR EQUIVALENT).

PLANTING NOTES:

1. PLANTINGS MAY REQUIRE MAINTENANCE (POST HIGH WATER EVENTS) UNTIL VEGETATION IS FULLY ESTABLISHED.
2. NATIVE GRASSES AND SHRUBS TYPE AND INSTALLATION IS TO BE DETERMINED BY THE ENVIRONMENTAL CONSULTANT. "PLANTING MATERIAL" TO CONSIST OF ON-SITE (SAND AND GRAVEL) OR AS PER THE ENVIRONMENTAL CONSULTANT.

BOULDER SPECIFICATIONS:

1. ROCK SHAPE SHOULD BE EQUIDIMENSIONAL, BLOCKY, ANGULAR OR SUB-ANGULAR, WITH CLEAN EDGES AND FLAT FACES.
2. NO ROCKS SHOULD EXCEED AN A/C RATIO OF 3.5. WHERE ONE SIDE OF THE ROCK IS 3.5X LONGER THAN ANY OTHER SIDE OF THE ROCK.
3. ROCK DENSITY SHOULD RANGE FROM 2400kg/m³ TO 2800kg/m³.
4. ROCK MATERIAL TO BE USED SHOULD CONTAIN NO SILT OR FINE GRAINED MATERIAL THAT COULD POTENTIALLY WASH OUT AND DEGRADE THE AQUATIC HABITAT.
5. GRADATION OF THE ROCK MATERIAL WILL BE DETERMINED IN THE FIELD BY VISUAL INSPECTION.
6. ANY CHANGES TO THE DESIGN MUST BE APPROVED BY THE DESIGN ENGINEER.

REV No.	DATE	BY	P.Eng.	REVISION DESCRIPTION	LEGEND	DRAWING TITLE	ENGINEER'S SEAL	ENGINEER'S NAME	ENGINEER'S NO.	ENGINEER'S DATE	PLOT DATE	DRAWN BY	REVIEWED BY	SCALE	PROJECT No.	DRAWING No.	LEA Logo	Company Name	Page No.
						SHORELINE REVETMENT DESIGN		C.M. Brodeur	29249	2022-08-18	2022-08-07	JH	CH	AS NOTED	E1108	E1108-01		Lewkovich Engineering Associates Ltd.	49



MEMORANDUM

File No.: 6500-20 (Keats Island
Shoreline Protection Project)

DATE OF MEETING: June 20, 2023
TO: Gambier Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Keats Island Proposed Bylaw Nos. 153 (OCP) and 154 (LUB)

PURPOSE

To update the Gambier Island Local Trust Committee (LTC) on the status and next steps of the Keats Shoreline Protection Project. In particular, to provide more context and rationale behind the changes proposed in Bylaw Nos. 153 and 154.

BACKGROUND

The purpose of the Keats Island Shoreline Protection Project is to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions. Work was initiated with Phase 1 of the Keats Shoreline Protection Project in 2018. The project is currently in Phase 3.

Proposed Bylaw No. 153, that would amend the Keats Island Official Community Plan Bylaw No. 77 (OCP), and Proposed Bylaw No. 154, that would amend the Keats Island Land Use Bylaw No. 78 (LUB), were given first reading at the July 22, 2021 LTC meeting. First reading of Proposed Bylaw No. 154 was rescinded at the October 14, 2021 LTC meeting, amended by the LTC, and then given first reading at that same meeting.

Three Community Information Meetings (CIMs) were held September 29, 2021 (online), following the LTC meeting October 14, 2021 (in person) and on September 15, 2022 (online).

At their regular business meeting held September 1, 2022, the LTC recommended amendments to Proposed Bylaw Nos. 153 and 154 and gave second reading. At that meeting, the LTC passed the following resolutions:

GM-2022-042

It was **MOVED** and **SECONDED**

that the Gambier Island Local Trust Committee Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” be amended as follows:

- a. Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, item “k”, replace “This may require an environmental assessment” with “This will require an environmental assessment”.

CARRIED

GM-2022-043

It was MOVED and SECONDED

that Bylaw No. 154 Schedule 1 be amended so that wherever there is reference to 36 square metres it will read 47 square metres; and that wherever it refers to 25 square metres it will read 30 square metres; and that wherever it refers to 85 square metres it will read 105 square metres; and that where it reads 1000 square metres, it will read 1500 square metres, with appropriate square footage noted as well.

CARRIED

GM-2022-044

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', as shown in Attachment 1 of the staff report dated September 1, 2022, be read a second time as amended.

CARRIED

GM-2022-045

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be read a second time as amended.

CARRIED

GM-2022-046

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to refer Proposed Bylaw No. 154 as amended to Skwxwú7mesh (Squamish) Nation.

CARRIED

GM-2022-047

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to schedule a Public Hearing for Proposed Bylaw Nos. 153 (Official Community Plan) and 154 (Land Use Bylaw).

CARRIED

At their regular business meeting held January 31, 2023, the LTC passed the following resolutions:

GM-LTC-2023-005

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee rescinds the scheduling of a Public Hearing on Bylaw Nos 153 and 154 and requests staff to schedule a Community Information Meeting to take place after the Local Trust Committee meeting scheduled to take place on Keats Island on June 20, 2023 in person.

CARRIED

GM-LTC-2023-011

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee requests that staff prepare an annotation of the proposed amendments to Bylaws 153 and 154 that discloses the scientific findings of projected climate change effect that each of the proposed amendments is intended to mitigate, and other rationale for the amendment.

A [public mail-out](#) titled “Frequently Asked Questions about the Keats Island Shoreline Protection Project” was sent to property owners on Keats Island on March 10, 2022. It was also sent out to all those who have signed up to receive Gambier Island Local Trust Committee email updates on March 11, 2022.

Reports and associated information for the Keats Island Shoreline Protection project are available on the Islands Trust website, under [Gambier Projects](#).

Changes to Proposed Bylaw No. 153

In response to the LTCs request, staff have reviewed Proposed Bylaw No. 153 and highlighted major changes that have been proposed. Proposed Bylaw No. 153 will amend the Keats Island Official Community Plan Bylaw No. 77 (OCP). An OCP provides a vision, goals, objectives, and policies for how the community will manage change. The OCP guides the planning and decision making about land use and related community priorities. As a result, the proposed changes are largely high level and include justification and objectives.

The primary proposed change to the OCP is the creation of a Shoreline Development Permit Area (DPA) measured 15 metres upland from the foreshore and 100 metres seaward from the foreshore. This will require that a Development Permit (DP) be obtained for certain types of new development in the DPA.

A [paper](#) from the Department of Fisheries and Oceans (DFO) suggests that British Columbia develops setback values based on a study produced by [Chilbeck et al. 1993](#), which in turn interprets options laid out in the report by the [American Forest Ecosystem Management Assessment Team](#).

The following table (DFO) lays out setbacks and their basis in literature:

Table 1. Land use classification scheme and associated setback distances currently used by Fisheries and Oceans Canada. Source acronyms are the same as those in the text. HHW=High high water line, and refers to the maximum annual tidal height.

Adjacent land use	Current setback Standard	Source
Urban commercial /industrial/high density residential	30m from HHW	Chilbeck et al. (1993)
Urban low density residential	15m from HHW	Chilbeck et al. (1993)
Undisturbed crown foreshore adjacent to “sensitive habitats”*	100m +windfirm buffer	CSSP (1995)
Other undisturbed crown foreshore	50m +windfirm buffer	CSSP (1995)

* Sensitive marine fish habitats used for the purpose of applying a 100 m marine riparian setback standard on crown forest foreshores include the following: estuaries, eelgrass meadows, kelp beds, herring and forage fish spawn areas, salt marshes, mudflats, rocky reefs providing rockfish spawning or rearing habitat, salmon spawning areas, and nursery/rearing and adult holding areas

Many Local Trust Areas and surrounding municipalities have established Shoreline DPAs. Attachment 3 provides a comparison table that looks at regulations in other Local Trust Areas and nearby municipalities and districts.

Changes to Proposed Bylaw No. 154

Land use bylaws facilitate implementation of OCP policies and establish what is allowed on specific lots.

The amendments to the Land Use Bylaw No. 78 (LUB) leave the setback for a development at 7.5 metres, except on two large undeveloped lots in the centre of the island, where it is proposed that the setback be 15 metres.

Highlights of the Land Use Bylaw changes are:

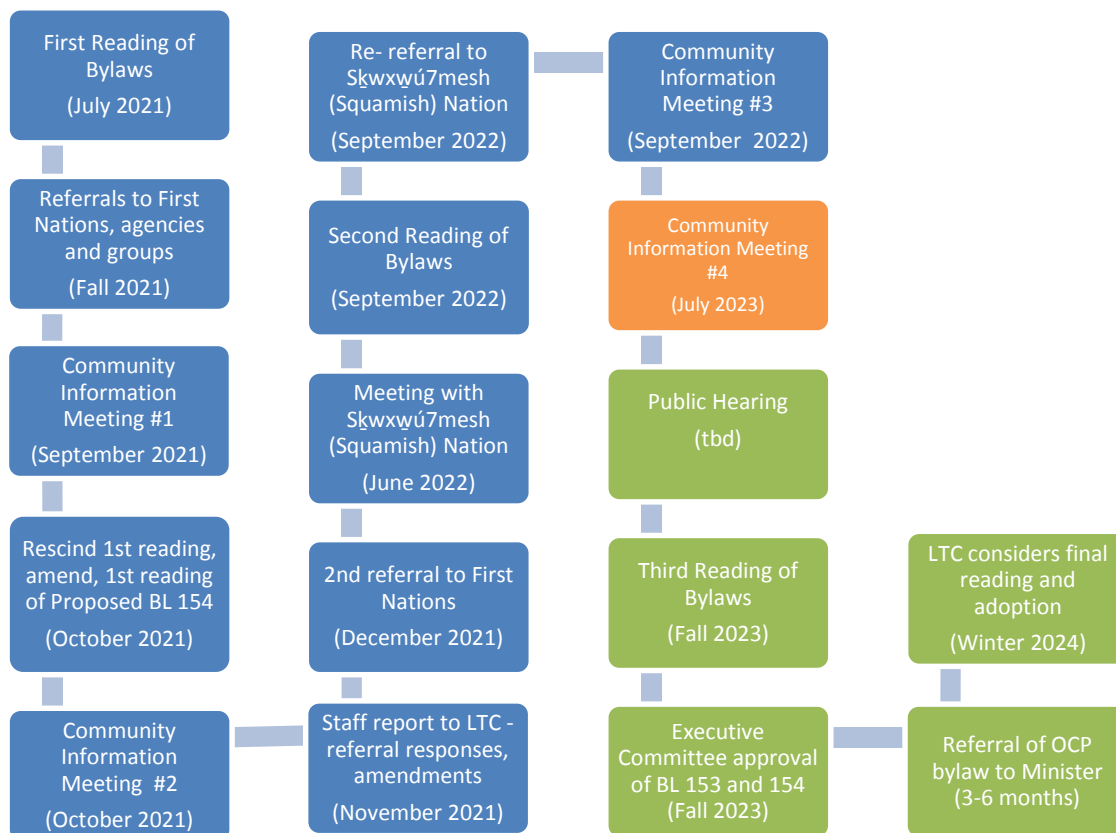
- a) Reduction in the size of “platforms” in the setback from the natural boundary of the sea from 10 square metres to 5 square metres;
- b) Removal of some structures from “permitted” structures in the setback from the natural boundary of the sea including boat houses;
- c) Increase in the setback from the natural boundary of the sea to 15 metres in the Rural Comprehensive Zone (Lots 876 and 1829);
- d) Introduction of a minimum distance between docks of 10 metres;
- e) Reductions in the maximum size of docks and ramps to docks;
- f) Introduction of guidelines for the Development Permit Area.

Attachment 2 highlights some of the proposed changes and provides links to relevant Federal and Provincial legislation to justify the proposed change. It also includes links to relevant scholarly articles and studies that illustrate the importance of marine foreshore protection.

An Aquatic/Terrestrial Biologist from Madrone Environmental Services was retained to review Proposed Bylaw No. 154 and provided high level analysis of the proposed changes as well as outlined relevant provincial and federal legislation congruent with changes (see Attachment 4).

Timeline:

The following timeline outlines the bylaw amendment process milestones to date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment such as this is processed. The blue steps identify completed milestones, the orange identifies the current stage, and the green identifies potential next steps or milestones in the process.



Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing.

NEXT STEPS

The next steps will be to hold a Community Information Meeting in July after which, the LTC can decide if they would like to request staff to proceed with scheduling a Public Hearing.

Submitted By:	Marlis McCargar, Island Planner	May 29, 2023
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	June 5, 2023

ATTACHMENTS

1. Annotated Proposed Bylaw No. 153
2. Annotated Proposed Bylaw No. 154
3. Comparison Table
4. Letter from Madrone Environmental Services – Biological Benefits of Marine Foreshore Areas

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule “1”

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
 - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION**, is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
 - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES**, is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
 - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
 - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

The Shoreline DPA (DP-3) is designated as an area for which development approval information may be required as authorized by Section 484 of the *Local Government Act*.

Location

The Shoreline Development Permit Area (DP-3) includes all land designated on **Schedule E – Development Permit Areas** of this plan.

The Shoreline Development Permit Area applies to all land measured **15 metres** upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

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

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

Commented [MM1]: Many Local Trust Areas and surrounding municipalities have established Shoreline DPAs (see Attachment 3 of Staff Report).

https://salmonwatersheds.ca/libraryfiles/lib_252.pdf#page=68

<https://naturefoundationsxm.org/wp-content/uploads/2022/04/Indigo-Hotel-Terrestrial-Assessment-report.pdf>

See BC Ministry of Environment Guidelines for Management of Coastal Flood Hazard Land Use:

https://www.env.gov.bc.ca/wsd/public_safety/flood/pdfs_word/guidelines_for_mgr_coastal_flood_land_use-2012.pdf

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- the protection of public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments; and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and to direct development away from such hazards.

Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions, cultural heritage and aesthetic values. The shoreline has environmental and cultural significance for forage fish, eelgrass, shorebirds and shellfish, marine mammals such as seals and many other marine organisms, as well as values that define the character of the Keats Island community. The Keats shoreline has been the location of cultural sites, canoe landings and gathering places for First Nations since time immemorial. The shoreline also includes area that are transition zones of uplands and wetlands that may be susceptible to erosion or flooding.

Commented [MM2]: <https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/gambier/current-projects/Keats%20Island%20Shoreline%20Protection/6.%20Other%20Information/Shoreline%20Maps%20for%20Keats%20Island.pdf>

Development activities on the upland such as land clearing and increasing impermeable surfaces can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas, shading of intertidal areas critical for fish habitat and cultural and heritage sites.

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were over 120 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified to have been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alter the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation.

Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.

Commented [MM3]: <https://www.ipcc.ch/site/assets/uploads/2019/09/srocc-P51-press-release.pdf>

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY, AND ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

- OBJ 3.2** TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;
- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
- OBJ 3.4** TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;
- OBJ 3.5** TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;
- OBJ 3.6** TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw.”

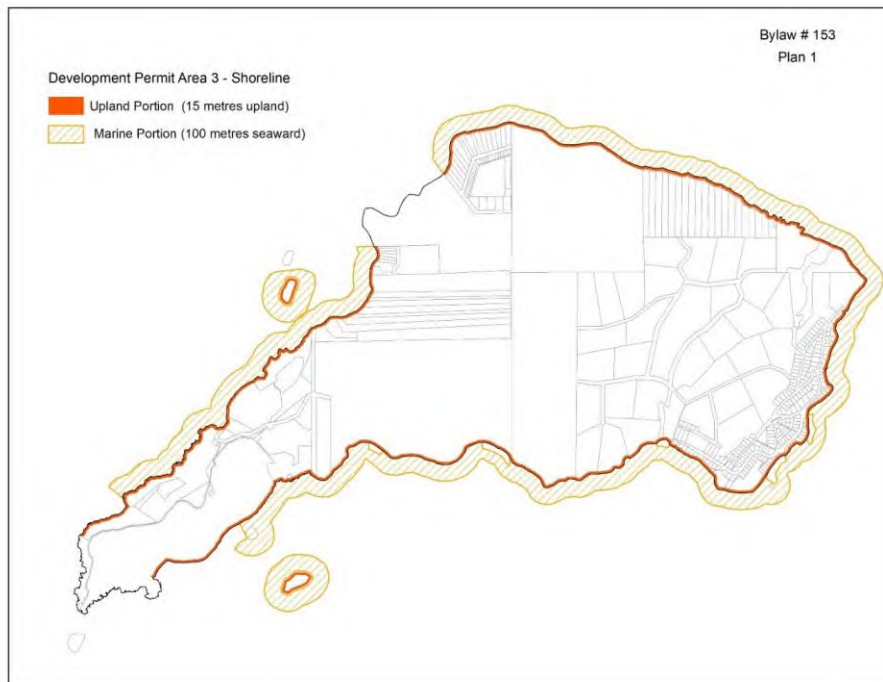
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule "2"

1. **Schedule "E" – DEVELOPMENT PERMIT AREAS**, is amended by designating a new Development Permit Area 3: Shoreline as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "E" of Bylaw No. 77 as are required to effect this change.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Plan No. 1



Keats Island Shoreline Protection - Comparison Table

*THE FOLLOWING TABLE INCLUDES RESIDENTIAL ZONE CONSIDERATIONS ONLY

Number	Region	Setbacks to NBS	Maximum height of structures within NBS?	Exemptions for structures allowed within NBS?	Shoreline DPA?	DPA Application Area (Upland from NBS)	Maximum size of floats or docks?	Sea level rise or climate change considerations?	Resources
1	Keats Island	7.5 m	Yes: 4.6 m (boathouses)	Yes	No	n/a	Yes: 65 m ²	Yes: OCP Policy	Keats Island Official Community Plan Bylaw No. 77,
2	Ballenas-Winchelsea Islands	15 m	Yes: 8.0 m within 30 m of NBS	Yes	Yes	30 m	Yes: 40 m ²	Yes: OCP Policy	Policies for marine and shoreline uses (Section 3.8, Ballenas-Winchelsea Islands Official Community Plan Bylaw No. 27).
3	Bowen Island Municipality	30 m	None specified	Yes	No	30 m	Yes: 37 m ²	Yes: OCP Policy	Bowen Island Municipality Official Community Plan Bylaw No. 282, 2010
4	Hornby Island	15 m	Yes: 7.0 m within 100 m of NBS	Yes	No	n/a	Not permitted	Yes: OCP Policy	Hornby Island Official Community Plan Bylaw No. 149, 2014
5	Salt Spring Island	15 m	Yes: 4.5-10 m (buildings)	Yes: Geoenvironmental report required	Yes	10 m	Yes: 35 m ²	Yes: OCP Policy	Salt Spring Island Official Community Plan Bylaw No. 434 - Volume 2
6	Campbell River	30 m	None specified	No: Apply for DVP	Yes	30 m	Not permitted	Yes: OCP Policy	Sea Level Rise Primers, Studies, and Anticipated Climate Change and Sea Level Rise Affecting Future City Projects.
7	Regional District of Nanaimo	8.0 m	None specified	No: Apply for DVP	Yes	15 m	Not permitted	Yes: OCP Policy	Floodplain Management Bylaw No. 1469
8	District of Sechelt	15 m	Yes: 4.5 m (buildings)	Yes	Yes	15 m	Yes: none specified	Yes: OCP Policy	District of Sechelt Official Community Plan Bylaw No. 492
9	Metro Vancouver Regional District	15 m	Yes: 1.2 m (for fences)	Yes	No	n/a	Not permitted	Yes: OCP Policy	Metro Vancouver Regional District Electoral Area A Official Community Plan Bylaw 1250, 2017
10	District of West Vancouver	15 m *	Yes: 1.2 m (fences)	Yes	Yes	15 m	Yes: Max width of 2.4 m.	Yes: OCP Policy	District of West Vancouver Official Community Plan Bylaw 4985, 2018
		* The greater of 15 metres from the future estimated natural boundary of the ocean at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100 Flood Construction Level (FCL), calculated by a Professional Engineer, using the Provincial guidelines							

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

1. Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as per Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 14TH DAY OF OCTOBER , 2021

READ A SECOND TIME THIS 1ST DAY OF SEPTEMBER , 2022

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Schedule “1”

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:
 - 1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”
 - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:
 - a) No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.
 - b) Notwithstanding subparagraph a), for properties zoned Rural Comprehensive (Lot 876 and Lot 1829) the setback set out above shall be 15 metres (49.2 feet).”
 - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
 - 1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“**2.7.6** Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
 - 1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
 - 1.6 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks” and before “and stairs”.
 - 1.7 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
 - 1.8 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by replacing “47 square metres (500 square feet)” with “30

Commented [MM1]: Decrease in size from 10m

Commented [MM2]: Building setback is staying the same as current bylaw.

Commented [MM3]: Added specifically as it is the remaining undeveloped land on Keats Island.

Commented [MM4]: For navigational purposes (see Navigable Waters Protection Act)

Commented [MM5]: For navigational purposes (see Navigable Waters Protection Act)

square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”.

- 1.9 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.10 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”.
- 1.12 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.13 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.
- 1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.17 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 metres (16,145 square feet)”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is a8
- 1.19 ended by replacing “dock floats” with “a wharf float”.
- 1.20 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

Commented [MM6]: Provincial “General Permission” Requirements: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/private_moorage_general_permission.pdf

Commented [MM7]: The following references are related to the reduction in dock sizes Section 1.7-Section 1.17.

M.C. Wright and Associates. (2018). “Impacts of docks in Pender Harbour: Phase 2 assessment.” Prepared for BC Ministry of Forests, Lands, and Natural Resource Operations and Rural Development
<https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/crown-land-uses/regional-initiatives/envirostudy.pdf>

To the extent that this can reduce total dock sizes, it is in line with strategies to increase marine species abundance. In a study of Pender Harbour “an approximately 50% increase in the number of docks resulted in a 21% decrease in the number of fish” (M.C. Wright and Associates, 2018).

The fragmentation of eel grass beds can lead to “large scale declines” (Burdick & Short, 1999).

Effects of Docks on Eelgrass Beds
<https://pubmed.ncbi.nlm.nih.gov/9852189/>

Parks Canada gives the following size limits:

Combined maximum surface area of dock and fingers is 45m². Must fit within 8m x 10m area adjacent to the shore.
parks.canada.ca/docs/r/polip/page01

Kelty & Bliven. (2003). “Environmental and aesthetic impacts of small docks and piers.” NOAA Coastal Ocean Program.
www.researchgate.net/publication/237539922_Environmental_and_aesthetic_impacts_of_small_docks_and_piers_workshop_report_Developing_a_science-based_decision_support_tool_for_small_dock_management_phase_1_Status_of_the_science

Logan et al. (2021). “A Review of Habitat Impacts from Residential Docks and Recommended Best Management Practices with an Emphasis on the Northeastern United States.” Estuaries and Coasts. www.mass.gov/doc/a-review-of-habitat-impacts-from-residential-docks-and-recommended-best-management-practices-with-an-emphasis-on-the-northeastern-united-states/download

Sanger, D.M. & Holland, A.F. (2002). “Evaluation of the impacts of dock structures on South Carolina estuarine environments.” Marine Resources Research Institute. South Carolina Department of Natural Resources.
mri.coifc.edu/pdf/tr90s/Techreport99.pdf

Scyphers, S.B. et al. (2015). “Natural shorelines promote the stability of fish communities in an urbanized coastal system.” PLoS ONE 10(6).
journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0118580&type=printable

- 1.22 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation (a) is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “105 square metres (1130.2 square feet)”.
- 1.23 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** as shown on Appendix 1 attached to and forming part of this bylaw.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Appendix 1

9.3 DP-3 SHORELINE

Applicability

- .1** The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:
- construction of, addition to or alteration of a building or structure;
 - land alteration, including vegetation removal and disturbance of soils; and
 - subdivision of land.

Exemptions

- .2** The following activities are exempt from the requirement to obtain a development permit for DP-3:
- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
 - b) Repair and maintenance of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing building or structure footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of 'structure' in the Keats Island Land Use Bylaw;
 - c) The installation of a mooring buoy;
 - d) Construction, reconstruction or repair of the following structures sited within the setback from the natural boundary of the sea:
 - i. A platform not exceeding 5 square metres in area;
 - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
 - e) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
 - f) Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
 - g) The construction of a trail if all of the following apply:
 - i. Trail design and location must minimize vegetation disturbance;
 - ii. No native trees are removed;
 - iii. The trail is 1 metre wide or less;
 - iv. The trail is for personal, non-vehicular use only;
 - v. The trail is constructed of soil, gravel, mulch or other pervious surface;
 - vi. The trail is designed to prevent soil erosion where slopes occur;
 - h) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;

- i) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- j) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
- k) The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property;
- l) Vegetation removal to prevent wildfire or other potential emergencies;
- m) Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
- n) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- o) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- p) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- q) Subdivision involving lot consolidation;
- r) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

Guidelines

- .3 Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development, and the following guidelines apply:

General Guidelines:

- a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
- b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
- c) New, or additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.
- d) New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.

Commented [MM8]: Shoreline stabilization, particularly "harder" protection measures, can be harmful as it can: transform the shore, encroach onto the sea bed, disrupt fish habitat and life cycles, alter current patterns, disturb sediment, and remove native vegetation (Parks Canada, 2022).

"Along coastlines, natural habitats support high biodiversity and valuable ecosystem services", with natural shorelines supporting the most "stable" marine ecosystems when compared with engineered shorelines (Scyphers et al., 2015).

Commented [MM9]: <https://islandstrust.bc.ca/document/you-r-marine-waterfront-guide/>

- e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
- f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
- g) Where this Development Permit Area includes critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.
- h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- i) All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.

Commented [MM10]: <https://www.canada.ca/en/environment-climate-change/services/water-overview/pollution-causes-effects/erosion-sedimentation.html>

Guidelines for the Construction and Replacement of Docks and Ramps

- j) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.
- k) Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question.
- l) Docks must be designed to ensure that public access along the shore is maintained.
- m) Decking materials must allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.
- n) To allow for the maximum amount of light penetration to the water surface.
- o) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
- p) All docks shall be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. Dock and float design shall allow the free flow of water beneath it.
- q) Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted.
- r) The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
- s) Preference is given to mooring buoys that are considered “seagrass-friendly” and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Commented [MM11]: Importance of eelgrass <https://gibsons.ca/wp-content/uploads/2017/12/eelgrassfacts.pdf>

“The presence of small docks leads to fragmentation of eelgrass beds—primarily through shading of the grasses” as well as to increased erosion (Kelty & Bliven, 2003).

In Pender Harbour, eel grass is almost never observed growing under docks, and “often not” observed where boats moore. When it is observed in these contexts, the grass has fewer and smaller shoots (M.C. Wright, 2018).

“Narrow docks with a north-south orientation can best ensure the long-term survival of eelgrass under and near the dock” (Burdick & Short, 1999).

Commented [MM12]: Recommendation from a report for BC Ministry of Land and ... “Docks should be constructed with light-transmitting materials that have a minimum of 43% open space” (M.C. Wright, 2018)

Grated decking significantly reduces the impact of deck shading on light saturation. However, spacing between planks does not appear to alter impact (Kelty & Bliven, 2003).

Commented [MM13]: Light levels of 50-60% are necessary for healthy grass beds (Kelty & Bliven, 2003).

Areas not oriented North-South are particularly sensitive to shading as, even without any docks, light saturation is not optimal for eel grass growth in these locations (M.C. Wright, 2018).

Commented [MM14]: Solid-core piers: “Habitat impacts are higher for a solid-fill structure, which displaces considerably more area than a pile-supported structure” (Logan, et al, 2021)

Commented [MM15]: “The most common contaminant-related concern related to docks is leaching from preservatives applied to pilings or floats in locations that come into regular contact with water”. “Wood pressure-treated with a chromated copper arsenate (CCA) is the most commonly used material for pilings and decking for small docks” but studies have shown that leachate from this wood “can be toxic to estuarine species” (Kelty & Bliven, 2003)

Guidelines for Shoreline Modifications

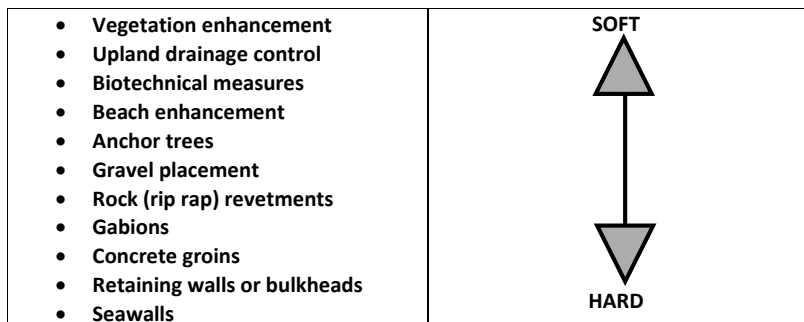
- t) Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback regulations in the Land Use Bylaw or for reclaiming land lost due to erosion.
- u) Shoreline protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- v) Applications for shoreline protection or stabilization works may be considered to protect existing structures and shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows:
 - i. The need for the proposed modification to protect existing structures;
 - ii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iii. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
 - iv. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
 - v. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.
- w) Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with experience in coastal and/or geotechnical engineering, and:
 - i. Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Apply the 'softest' possible shoreline protection measure that will still provide satisfactory protection;
 - iii. Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land;
 - iv. Address compatibility with adjacent shoreline protection works.

Commented [MM16]: Shoreline stabilization, particularly 'harder' protection measures, can be harmful as it can: transform the shore, encroach onto the sea bed, disrupt fish habitat and life cycles, alter current patterns, disturb sediment, and remove native vegetation (Parks Canada, 2022).

"Along coastlines, natural habitats support high biodiversity and valuable ecosystem services", with natural shorelines supporting the most "stable" marine ecosystems when compared with engineered shorelines (Scyphers et al., 2015).

Commented [MM17]: The most common contaminant-related concern related to docks is leaching from preservatives applied to pilings or floats in locations that come into regular contact with water". "Wood pressure-treated with a chromated copper arsenate (CCA) is the most commonly used material for pilings and decking for small docks" but studies have shown that leachate from this wood "can be toxic to estuarine species" (Kelly & Bliven, 2003)

Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' or 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:



In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.

- x) Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
- i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
 - ii. It is not feasible to instead construct a retaining wall that meets the land use bylaw setback;
 - iii. The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iv. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - v. Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - vi. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vii. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- y) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:
- i. The replacement structure is of the same size and footprint as the existing structure;
 - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure;
 - iv. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.
- z) Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters.
- aa) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering.
- bb) Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals

Commented [MM18]: <https://islandstrust.bc.ca/document/our-marine-waterfront-guide/>

Commented [MM19]: See reference above (.3q)

below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.

- cc) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Guidelines for Vegetation Management, Restoration and Enhancement

- dd) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- ee) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- ff) If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.
- gg) Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable.
- hh) All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

Commented [MM20]: Assessing the influence of root reinforcement on slope stability by finite elements
<https://link.springer.com/article/10.1186/s40703-015-0012-5>

Guidelines for Subdivision

- ii) All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.
- jj) New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.



#201-470 Trans Canada Hwy.
Duncan, BC V9L 1V2
p. 250.746.5545

#1 – 30435 Progressive Way
Abbotsford, BC V2T 6Z1
p. 604.504.1972

info@madrone.ca
www.madrone.ca

May 24th, 2023

Ms. Marlis McCargar, MEdes
Island Planner
Islands Trust
700 North Road
Gabriola, BC VOR 1X3

By email to: mmccargar@islandstrust.bc.ca

Dear Ms. McCargar

Re: Biological Benefits of Marine Foreshore Areas – general context for proposed Keats Island Land Use Bylaw Amendments

Introduction

I understand that Islands Trust are proposing amendments to Bylaw No. 86 that has been implemented to oversee development activities in marine foreshore zones in recognition of the sensitive nature of habitat found in such areas. I hope to provide general information that will help articulate important functions that are provided by marine foreshore habitat, including ecosystem services that benefit both the natural environment and people. This information can be used to help provide reasoning as to why reduced footprints and sensitive approaches to development proposals are required in marine foreshore areas.

General Overview of relevant Federal and Provincial Legislation

Prior to discussing biological values, it is worth outlining general provincial and federal regulatory requirements associated with developments in marine foreshore areas. In addition to local government mechanisms that help control development proposals (e.g., proposed Bylaw No. 154), both the provincial and federal governments implement legislation that helps protect sensitive marine foreshore habitat:

Federal Legislation - Fisheries and Oceans Canada (DFO)

For projects in or near water, DFO is obligated to protect fish and fish habitat as part of the Fisheries Act. Under the Fisheries Act, it is unlawful to cause the death of fish, or cause a harmful alteration, disruption, or destruction (HADD) of fish habitat. Development activities in marine foreshore zones, such as vegetation removal, dock placement, or construction activities have potential to cause death of fish or a HADD of fish habitat. Information related to protection of fish and fish habitat is contained in DFO's "Projects Near Water" website.¹ Projects are subject to DFO review and subsequent approval unless the following measures can be implemented:

- Prevent the death of fish.
- Maintain riparian vegetation (including marine foreshore vegetation).
- Carry out works, undertakings, and activities on land.
- Maintain fish passage.
- Ensure proper sediment control.
- Prevent entry of deleterious substances in water.

Using dock construction as an example, most proposed docks would be subject to a DFO project review because there is an unavoidable requirement for working in water. For most small-scale projects, DFO provides a letter of approval with specific conditions that need to be met as part of the review process. In recognition that some larger scale projects cannot avoid death of fish or a HADD, authorizations can be provided by DFO for death of fish or a HADD. Most docks would likely not trigger the requirement for a death of fish/HADD authorization, but some larger scale projects such as foreshore armouring, retaining structures, and large-scale vegetation removal would likely require an authorization. Obtaining an authorization from DFO is a lengthy process that requires habitat offsetting to compensate for impacted habitat.

It is important to note that DFO does not provide established minimum setbacks in terms of marine foreshore vegetation buffers. DFO does, however, recognize the importance of marine foreshore riparian vegetation regarding benefits to fish: spawning habitat (related to forage fish – see below); rearing and migration habitat for juvenile salmonids; food production (nutrient input); temperature regulation; wave energy absorption, which maintains a natural beach slope; and structure (shelter for fish and invertebrates)². While there may be no specific DFO buffers for protection of marine

¹ <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

² https://publications.gc.ca/collections/collection_2015/mpo-dfo/Fs70-5-2001-109-eng.pdf

foreshore riparian vegetation, removal of marine foreshore riparian vegetation could constitute a HADD, in consideration of the benefits provided.

In the current Bylaw, there is a minimum building setback of 7.5 m from the natural boundary of the sea. Depending upon the development proposal, site conditions, and types of habitats present, this buffer may or may not be sufficient to prevent a HADD or protect biological functions associated with marine foreshore riparian zones. In the absence of a specific buffer, DFO has suggested a site-specific approach to ensure that buffers maintain values of marine foreshore zones³. In my opinion, a buffer of 7.5 m for buildings appears too narrow as a default value. Although intended for freshwater, the minimum freshwater setback for lentic systems (lakes and wetlands) is 15 m, as per the provincial Riparian Areas Protection Regulation. The minimum setback increases to 30 m adjacent to southern shorelines in recognition of the importance of shading (temperature regulation) over the adjacent waterbody. By implementing a precautionary principle and in lieu of marine guidance, it might be prudent to adopt a minimum buffer of 15 m for buildings, in keeping with freshwater requirements that are implemented to protect similar biological functions.

For context, it is worth noting the following examples of recommended buffer zones for marine riparian areas in BC, Washington, coastal northeast USA, and Alaska:

- Clayoquot Sound, BC: riparian reserve on low shores adjacent to open waters extending 150 m from the seaward edge of forest vegetation, or to the inland limit of shore-associated features (e.g., overgrown sand dunes), whichever is greater (BC Ministry of Forests 1996).
- Clayoquot Sound, BC: riparian reserve of 100 m inland from the top of the coastal slope or bluff on cliffs for steep shores adjacent to open waters (BC Ministry of Forests 1996).
- Saanich Inlet, BC: “The sensitivity of nearshore habitats should be recognized by the establishment of a sensitive habitat buffer zone extending a minimum of 100 m (wider if necessary) from the high tide mark and covering areas of the inlet watershed with steep upland slopes (Saanich Inlet Study, 1996).
- Washington, USA: a buffer zone of “one-half-site-potential tree height, or 30.3 m (whichever is greater) along lakes and marine shorelines (Anon, 2001).
- Chesapeake Bay, USA: forest buffers of 35 to 125 feet are generally recommended to remove nutrients and other chemical contaminants, depending on pollutant loading and site conditions (Palone and Todd, 1997). Buffers 50 to 100 feet wide are usually recommended

³ https://publications.gc.ca/collections/collection_2015/mpo-dfo/Fs70-5-2001-109-eng.pdf

to trap sediments, with buffers expanding where there are steep slopes or high sediment loads (Palone and Todd, 1997).

Provincial Government Legislation

With regard to use of aquatic Crown Land for docks or other structures, the provincial government requires that several conditions are met to enable a dock to qualify under “General Permission.” Structures that do not meet General Permission requirements may be permitted under “Specific Permission”, which requires a lengthy application process involving leasing aquatic Crown land. General Permission requirements⁴ are included as an attachment, but a summary of pertinent aspects that relate to marine foreshore habitat and spacing is provided here:

- The dock is not located over areas of eel grass, ecological reserves, parks, or protected areas.
- There is only one dock fronting the property and no boat ramps or stand-alone boat lifts.
- A marine habitat assessment report is required before construction of a new marine dock.
- A dock must be oriented at right angles to the general trend of the shoreline and must not interfere with the riparian rights of an adjacent property.
- The offshore end of the dock, including boat lifts and anchor lines, must be at least 30 metres from navigation channels.
- The dock (including boat lift) must be at least five metres from the side property lines (six metres from the side property line if adjacent to a dedicated public beach access or park), and at least ten metres from any existing dock or structure on the foreshore.
- A dock platform or float, and walkway, must be either floating or suspended above the water.
- A dock may not have crib foundations or solid core structures made of cement or steel sheeting.
- No new fill may be used in the construction or maintenance of a dock.
- The only improvements authorized to be part of a dock are those improvements necessary for mooring a boat (including non-overhead boat lifts, pilings, and anchor lines,) and a walkway. No beach houses, storage sheds, boathouses, roofs, sun decks, hot tubs or other similar improvements are permitted.

⁴ https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/general_permission_checklist_and_interpretive_guide.pdf

- A dock in a marine environment must be no more than: a) 60m distance from the present natural boundary, measured perpendicular from the general trend of the shoreline b) 14m for the length of the float c) 3.7m for the width of the float d) 1.8m wide for the walkway connecting the float to the shore.
- Construction in or around water must only take place during the appropriate timing window specified by Fisheries and Oceans Canada.
- Do not use construction materials containing toxic substances.
- The dock must not unduly obstruct public access along the foreshore or beach.

Ecosystem Services

Degraded foreshore areas are less effective at providing natural ecosystem services that prevent or decrease processes such as wave erosion or bank instability. By removing vegetation or disturbing foreshore areas, property owners inadvertently remove benefits provided by functioning marine foreshore areas that naturally protect against loss of land. To address such losses, landowners can be forced into expensive solutions, sometimes involving engineered erosion protection structures. By maintaining functioning ecosystem services, landowners can avoid financial repercussions involving loss of property and/or implementation of engineered solutions. Other services provided by foreshore areas that benefit people include flood control, maintenance of air and water quality, soil production, carbon sequestration, and noise buffering.

It is important to recognize the financial value of ecosystem services because failure to consider the value of these services has led to widespread disappearance of ecosystems (Barbier *et al* 2011). However, it is equally important to recognize that assigning a notional monetary value should not be taken to imply that these services are therefore tradeable or replaceable (Spash 2008). The global decline of coastal and estuarine ecosystems due to human activities is intense and increasing, affecting several services provided by these ecosystems. Some of the impacts to services provided include a reduction in the number of viable fisheries, a decrease in the provision of nursery habitats for juvenile fish, reduced coverage of seagrass beds and wetlands and a reduction in the filtering and detoxification services provided by submerged vegetation, suspension feeders, and wetlands. Considering the economic value provided by these ecosystem services, destruction of ecosystems for economic development can no longer be viewed as “costless” by those responsible for managing and approving such developments (Barbier *et al.* 2011).

Maintaining ecosystem services in marine foreshore areas will become extremely important in the near future, based on sea level rise induced by climate change. A recent special report produced by

the United Nation's Intergovernmental Panel on Climate Change (IPCC) in September 2019 established a sea level rate of rise trend of 2.1 mm per year between 1970 and 2015. Between 1993 and 2015, the rate of rise trend increased to 3.2 mm per year and between 2005 and 2015, the trend increased to 3.6 mm per year. These trends suggest that sea level rise will have significant impacts upon most coastal areas around the globe in the coming years.

Fish and Wildlife Habitat

Interface habitat that exists between the marine ecosystem and upland areas provides important habitat for fish and wildlife. For example, such areas provide roosting, foraging, and nesting opportunities for raptors such as Bald Eagles and Ospreys and specific nesting requirements that are required by Great Blue Heron colonies. Such habitat can be negatively impacted by disturbance activities and development also has potential to disturb critical wildlife breeding behaviour. Vegetated marine foreshore interface habitat also provides important travel corridors for wildlife and can support unique vegetation assemblages.

Shallow intertidal areas that can be affected by development activities tend to support critical habitat such as eelgrass beds, while deeper foreshore zones provide habitat for kelp beds. Both eelgrass and kelp beds support a range of fish and wildlife. In terms of ecosystem services, eelgrass and kelp beds provide functions such as sediment stabilization, wave energy dissipation, carbon sequestration, and water filtration.

With regard to specific dependence upon marine foreshore areas, it is worth discussing habitat preferences of marine forage fish. Surf Smelt and Pacific Sand Lance are a component of the BC coast beach-spawning "forage fish" population, which also includes Pacific Herring. These fish form a critical part of the marine ecosystem, linking marine zooplankton to the production of predatory fish, birds, and mammals in the upper food web (de Graaf 2017). The ocean-phase life period of Pacific salmon (especially chinook salmon and coho salmon) depends upon forage fish (de Graaf 2017). Because Surf Smelt and Pacific Sand Lance spawning habitat is in the upper intertidal zone, both species depend upon functioning marine riparian vegetation to reduce erosion/transportation of sediment, reduce surface run-off of potential pollutants and provide shade to incubating eggs. Shade from marine riparian vegetation helps prevent desiccation of incubating eggs from sunlight and increased temperatures (Penttila 2007). Vegetation also reduces the drying effect of wind, and Surf Smelt and/or Pacific Sand Lance eggs that occur in beaches adjacent to exposed marine riparian areas generally have a higher potential for desiccation from wind (de Graaf 2017).

The natural supply/transportation of sediment along a beach and clean water are also extremely important to the integrity of forage fish spawning habitat (de Graaf 2017). Modifications such as

piping storm drainage can lead to erosion of suitably sized sediment (both on the beach and in the backshore zone), bank instability, and the concentration of pollutants. Larger shoreline modifications may interfere with along-shore transportation of sediments that create Surf Smelt and Pacific Sand Lance spawning habitat.

Because it is located in the upper intertidal zone, spawning habitat for forage fish is extremely susceptible to anthropogenic modifications to both the foreshore and vegetated marine riparian areas. Considering the current general decline of salmon stocks throughout the Pacific Northwest, the integrity of forage fish populations is extremely important. In addition, the apparent decline of species such as the Endangered Northeast Pacific southern resident killer whale that rely significantly upon chinook salmon is also a concern that has links to the general health of the forage fish population.

General Discussion

Ecosystem services and habitat values associated with marine foreshore habitat have the potential to be eroded over time due to anthropogenic disturbance. Attitudes towards development that potentially exacerbate coastal erosion must become more sympathetic to protection of marine foreshore zones and associated ecosystem services. Using shoreline areas as an example and specifically the benefits of preserving marine riparian vegetation, public outreach would be beneficial in addressing impacts such as clearing of trees and plants to accommodate ocean views. The public should be aware of the critical importance of shoreline and backshore vegetation and hardened versus soft shorelines.

In terms of management of marine riparian areas, it is important to consider values of restoration to re-vegetate or complement existing vegetation by implementing restoration programs. In many cases, once established, vegetation will colonize new areas if space is available, and no disturbance occurs.

Incentives for restoration (*e.g.*, tax break incentives) would help to create positive reasons for converting poorly functioning or non-existent ecosystems into areas that provide biological function and ecosystem services. Such incentives would also help to curb encroachment into currently functioning ecosystems.

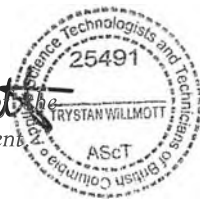
Through proposed Bylaw No. 154, Islands Trust are proactively implementing mechanisms to address development activities in sensitive areas, which are perhaps more important than other higher levels of provincial and federal legislation in controlling local issues. Forward-thinking initiatives that continue to restrict impacts on sensitive and vulnerable habitat types will help to ultimately provide education as to the importance of protecting marine foreshore areas and the ecosystem services

provided. However, a cultural shift is also required to change development attitudes and instill more of an understanding of ecosystem services and associated human benefits.

Sincerely,

**This is a digitally signed duplicate of the official manually signed and sealed document.*

Trystan Willmott



Trystan Willmott, B.Sc., A.Sc.T., R.B.Tech.

References

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**Attachment – Provincial General Permission Requirements Checklist
and Interpretive Guide (docks)**

GENERAL PERMISSION REQUIREMENTS CHECKLIST and INTERPRETIVE GUIDE

The following checklist and guide, including web-links, is intended to aid proponents in determining whether their existing or proposed waterfront dock satisfies requirements of the General Permission (GP). It is important that the requirements are properly interpreted to ensure that your dock is in compliance.

Some of the required information listed below can be found by utilizing an online mapping program or combination of programs (see links below) to identify other authorizations or relevant designations on the land base. These tools, along with general instructions are available through the following links: Resource Online Services Explore Tool; Integrated Land & Resource Registry (ILRR) and iMapBC. In addition to these web-links, a set of instructions specific to private moorage general permissions has been prepared utilizing iMapBC (see the Private Moorage iMapBC Online Mapping Instructions). If you have any difficulty utilizing these tools or interpreting the information, contact FrontCounter BC.

Definitions for red highlighted terms are provided in the General Permission document.

GP Sctn #	REQUIREMENTS	INFORMATION SOURCE	Requirement met? YES / NO
2.1a	<p>ELIGIBILITY - DOCKS The owner of the dock is the owner or Crown lessee of the Upland Property.</p>		
2.1c	<p>GENERAL LOCATION The dock is not located over an Area of Special Interest, including:</p> <ul style="list-style-type: none"> • Known archaeology sites • Areas of eel grass • Ecological reserves, parks, or protected areas 	<p>Known archaeology sites: Information is determined by using the <u>Integrated Land & Resource Registry (ILRR)</u> tool. You will need to acquire a business BCeID as described in the link to generate a “public report” for the proposed area of the dock. If the report indicates the presence of an archaeology site in the vicinity, the general permission will not be valid,</p>	

GP Sctn #	REQUIREMENTS	INFORMATION SOURCE	Requirement met? YES / NO
		<p>instead you will have to apply for a tenure through FCBC.</p> <p>Eel grass mapping: https://islandstrust.bc.ca/programs/ecosystem-inventories/#eelgrass-inventory-maps</p> <p>Ecological reserves, park and protected area designations: Link to General Permission iMap instructions</p>	
2.1d	<p>The Crown land over which the dock has been or will be installed is not a:</p> <ul style="list-style-type: none"> • designated application-only area, or • an area that has been designated as a reserve or withdrawal under sections 15, 16 or 17 of the Land Act as prohibiting authorization of a dock 	<p>Application-only area will be identified as Notations of Interest (NOI). Maps of these areas <u>may be available</u> on the Private Moorage website.</p> <p>If maps are not available on the policy website for your area refer to one of the online mapping programs to identify if there is an NOI in place.</p> <p>If an NOI is present and it is unclear whether it is for private moorage application-only areas contact FCBC.</p> <p>Reserve or withdrawal designations may restrict dock development. These areas will be identified as Land Act sections 15, 16 or 17's on digital maps.</p>	

GP Sctn #	REQUIREMENTS	INFORMATION SOURCE	Requirement met? YES / NO
2.1e	There are no other authorizations for use of the Crown land which would prevent an overlapping permission on that land	Link to General Permission iMap instructions Other authorizations: Link to General Permission iMap instructions	
2.1f	There is only one Dock fronting the Upland Property, and no boat ramps or stand-alone boat lifts.		
6.4	MARINE HABITAT ASSESSMENT – Marine waters only Before construction of a new marine dock the owner must obtain a Marine Habitat Assessment Report for the site, completed by a qualified registered professional biologist. This report must be provided to the Authorizing Agency upon request.	Marine Habitat Assessment Report process: talk to a qualified professional biologist for information; see members listing at: https://www.cab-bc.org/ . Dock builders will often be familiar with these assessments.3	
4.1	DOCK PLACEMENT and LOCATION A dock must be oriented at right angles to the general trend of the shoreline and must not interfere with the riparian rights of an adjacent property.		
4.2	The offshore end of the dock, including boat lifts and anchor lines, must be at least 30 metres from navigation channels.	For more information on navigable waters refer to Transport Canada’s “ Navigation Protection Program – Overview ”	
4.3	The dock (including boat lift) must be at least five meters from the side property lines (six meters from the side property line if adjacent to a dedicated public beach access or park), and at least ten meters from any existing dock or structure on the foreshore.	Refer to diagrams at bottom of this document	
3.1	DOCK CONSTRUCTION A dock platform or float, and walkway, must be either floating or suspended above the water.		
3.2	A dock may not have crib foundations or solid core structures made of cement or steel sheeting.		

GENERAL PERMISSION REQUIREMENTS CHECKLIST

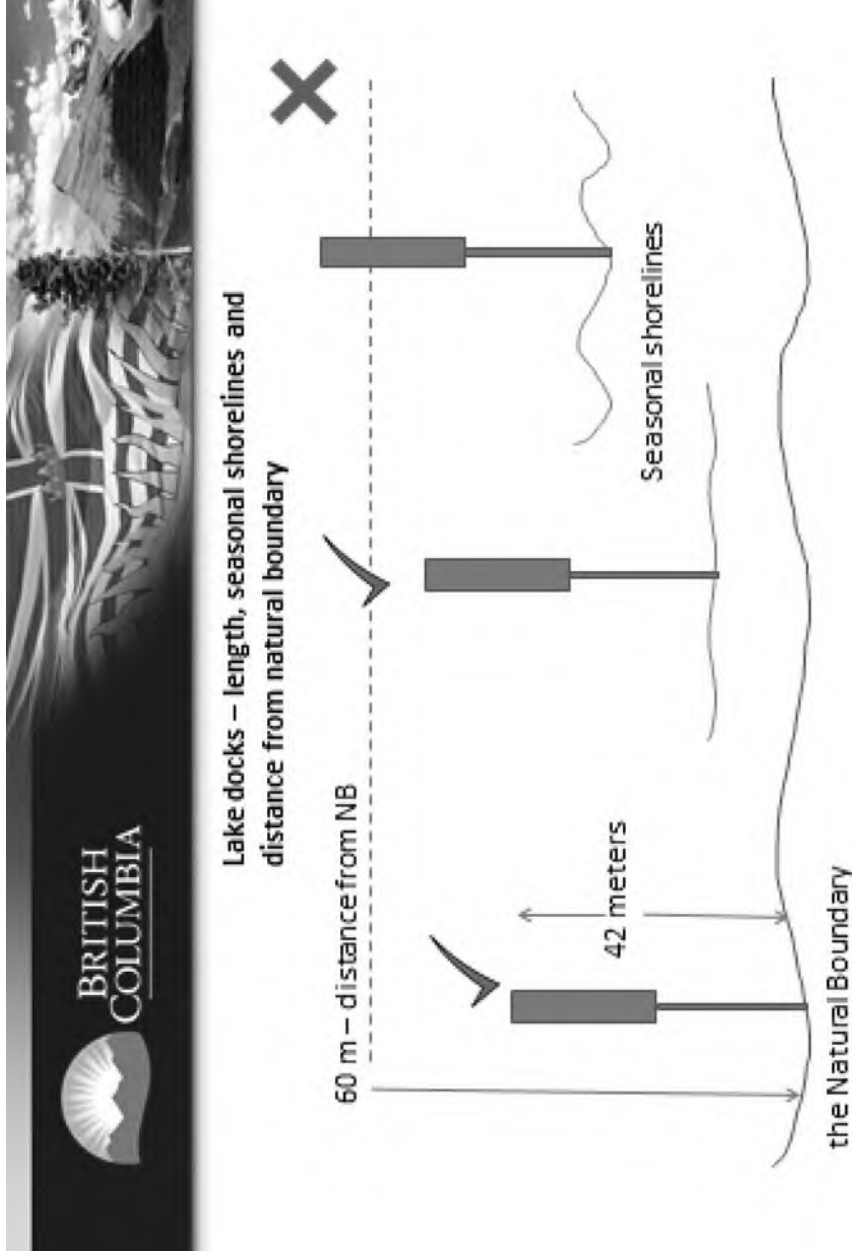
GP Sctn #	REQUIREMENTS	INFORMATION SOURCE	Requirement met? YES / NO
3.3	No new fill may be used in the construction or maintenance of a dock.		
3.4	No dredging may occur on Crown land.		
3.5	Riparian vegetation on Crown land shall not be unduly disturbed.		
3.6	A dock must be connected to the shore and the connection must provide pedestrian access to the dock.		
3.7	The only improvements authorized to be part of a Dock are those improvements necessary for mooring a boat (including non-overhead boat lifts, pilings and anchor lines,), and a walkway . No beach houses, storage sheds, boathouses, roofs, sun decks, hot tubs or other similar improvements are permitted.		
3.8	A dock in a freshwater environment must <u>not</u> : a. extend beyond a distance of 42m from the point where the walkway begins, measured perpendicular from the general trend of the shoreline; b. have more than a 3m wide moorage platform or float ; or c. have more than a 1.5m wide walkway connecting the platform or float to the shore; and d. for mobile docks located in waterbodies that have seasonally fluctuating water levels, the outermost extent of the dock must not be more than a distance of 60m from the present natural boundary. <i>Exception: If this is for an existing freshwater dock which satisfies an historical standard as per section 6.5 of the General Permission</i>	Refer to diagrams at bottom of this document	
3.9	A dock in a marine environment must be no more than: a. 60m distance from the present natural boundary , measured perpendicular from the general trend of the shoreline b. 14m for the length of the float c. 3.7m for the width of the float d. 1.8m wide for the walkway connecting the float to the shore	Refer to diagrams at bottom of this document	

GENERAL PERMISSION REQUIREMENTS CHECKLIST

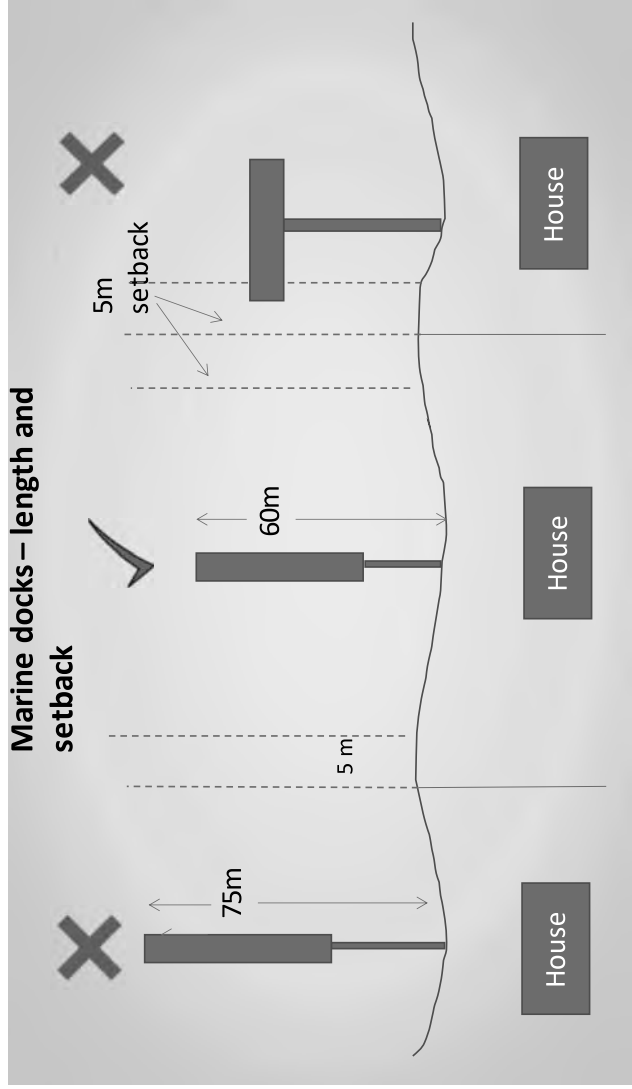
GP Sctn #	REQUIREMENTS	INFORMATION SOURCE	Requirement met? YES / NO											
3.10	Construction in or around water must only take place during the appropriate timing window specified by Fisheries and Oceans Canada	Refer to Fisheries and Oceans website, which also includes links to regional freshwater timing windows: http://www.dfo-mpo.gc.ca/pnw-ppw/timing-periodes/index-eng.html												
3.11	Construction “in and about a stream” (including a lake or river) must only take place in accordance with a <i>Water Sustainability Act</i> , section 11 Notification or Approval.	Refer to the website at: Activity Search - Natural Resource Online Services (gov.bc.ca)												
3.12	Do not use construction materials containing toxic substances.													
6.3	The dock must not unduly obstruct public access along the foreshore or beach.	A member of the public must be able to readily cross over or go around any dock structures along the foreshore. Stairs may be necessary in some cases to accommodate crossing a walkway. Walkway railings should not be restricting to pedestrian access.												
6.5	<p>Subject to the following schedule, within the Thompson Okanagan and Kootenay Boundary regions only, a Dock that was built or altered during the periods indicated may have different standards apply, in place of the current setback, width and length provisions of this permission. If requested, the owner must provide proof of when the Dock was built and/or altered.</p> <p>SCHEDULE OF HISTORICAL STANDARDS</p> <table border="1" data-bbox="1166 1066 1385 1801"> <thead> <tr> <th data-bbox="1166 1528 1279 1801" rowspan="2">Structural Element</th> <th colspan="2" data-bbox="1166 1066 1279 1528">Construction Year</th> </tr> <tr> <th data-bbox="1166 1367 1279 1528">2007 - 2009</th> <th data-bbox="1166 1066 1279 1367">2010 Onwards</th> </tr> </thead> <tbody> <tr> <td data-bbox="1279 1528 1349 1801">Property Line Setback</td> <td data-bbox="1279 1367 1349 1528">≥3m/6m*</td> <td data-bbox="1279 1066 1349 1367">≥5m/6m*</td> </tr> <tr> <td data-bbox="1349 1528 1385 1801">Walkway Width</td> <td data-bbox="1349 1367 1385 1528">≤3.7m</td> <td data-bbox="1349 1066 1385 1367">≤1.5m</td> </tr> </tbody> </table>	Structural Element	Construction Year		2007 - 2009	2010 Onwards	Property Line Setback	≥3m/6m*	≥5m/6m*	Walkway Width	≤3.7m	≤1.5m		
Structural Element	Construction Year													
	2007 - 2009	2010 Onwards												
Property Line Setback	≥3m/6m*	≥5m/6m*												
Walkway Width	≤3.7m	≤1.5m												

GP Sctn #	REQUIREMENTS				INFORMATION SOURCE	Requirement met? YES / NO
	Moorage Platform / Float Width	≤3.7m	≤3.7m	≤3m		
	Maximum distance from shore	≤42m	≤42m	≤42m		
* 6m setback required if adjacent to a dedicated public beach access or park						
SITE AND STRUCTURE MAINTENANCE						
5.1	The owner of the Dock keeps the dock structures and the Crown land beneath the structures in a safe, clean and tidy condition.					
5.2	The owner of the Dock will not commit any wilful or voluntary waste, spoil or destruction of the Crown land beneath or in the vicinity of the Dock or do anything on that Crown land that may be or become a nuisance or annoyance to an owner or occupier of land in the vicinity of the Crown land.					
USE RESTRICTION						
2.1b	A Dock shall be used for private residential moorage purposes only and the owner of the dock must not use the dock for commercial purposes or make the dock available to others for a fee.					
OTHER REQUIREMENTS						
6.1	A Dock will be subject to any other restrictions, requirements or specifications which the Minister may impose from time to time.					
6.2	An owner of a Dock must comply with all laws that apply to the installation and use of a Dock as contemplated by this permission.					
9.3	Without limiting the Dock owner's obligations or liabilities the dock owner must, at their expense, effect and keep in force a Homeowner's Insurance Policy or other insurance policy which expressly covers the use of the dock, including Comprehensive Personal Liability in an amount of not less than \$2,000,000 per occurrence.					
For DEFINITIONS and OTHER PROVISIONS refer to the General Permission document.						

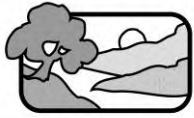
GENERAL PERMISSION: DOCK DIMENSION AND DISTANCE DIAGRAMS



19



2



DATE OF MEETING: June 20, 2023

TO: Gambier Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Office

SUBJECT: Official Community Plan and Land Use Bylaw Targeted Review Project – Endorsement of Revised Project Charter

RECOMMENDATION

1. That the Gambier Island Local Trust Committee endorse the revised Project Charter v. 2.0, dated June 16, 2023 for the Official Community Plan and Land Use Bylaw Targeted Review project.

REPORT SUMMARY

The purpose of this report is to provide the Gambier Island Local Trust Committee (LTC) with an updated draft Project Charter and status update for the Official Community Plan (OCP) and Land Use Bylaw Targeted Review project.

The project charter is ready for endorsement and staff is seeking the following direction from the LTC:

- Confirm which stage(s) the APC may be involved in the project.
- Comment and confirm on the format and frequency of community engagement and communications during the project, including any additional opportunities it wishes to be reflected in the workplan and budget at this time as it may impact the project completion by end of this fiscal.

BACKGROUND

The following resolutions were passed by the LTC in January 2023:

GM-LTC-2023-003 It was **MOVED and SECONDED**, that the Gambier Island Local Trust Committee request staff to create a work plan for Local Trust Committee consideration that will outline the next steps in the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project. CARRIED

Attachment 1 outlines the proposed workplan for the 2023/2024 fiscal year. The priority is to confirm Squamish First Nation capacity to participate in a comprehensive review.

GM-LTC-2023-004 It was **MOVED and SECONDED**,

that the Gambier Island Local Trust Committee forward the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Engagement Summary Report, dated January 12, 2023 to Squamish First Nation Staff. CARRIED

A copy of the engagement summary report was sent to the staff at Squamish First Nation earlier this year with requests to discuss next steps.

First Nations Engagement: Staff have reached out to Squamish First Nation staff on several occasions through the Squamish Connect portal to determine staff capacity to consult on the OCP/LUB review project. No confirmation from the Nation has been received at the time of report writing. An updated project budget will be prepared to reflect capacity funding earmarked for the Nation once we have received confirmation of their intent to participate. The new Islands Trust intergovernmental policy advisor is scheduled to begin in July and the Gambier OCP/LUB project has been identified as a high priority project to support communications with the Nation on next steps in 2023/2024.

Advisory Planning Commission: The LTC should determine at which stage(s) the APC may be involved in the project. Staff do not anticipate any referrals to the APC for this project in this fiscal year.

Community Consultation: The LTC should specify the format and frequency of community engagement and communications during the project. The LTC should specify any additional opportunities it wishes to be reflected in the workplan and budget at this time as it may impact the project completion by end of this fiscal.

Rationale for Recommendation: **The project charter is ready for endorsement by the LTC so that staff can continue to seek clarification from Squamish First Nation on their capacity to assist in the review.**

ALTERNATIVES

1. **Amend the Project Charter:** If the LTC wishes to re-visit the project deliverables and engagement topics or methodology, the project charter will need substantial amendments. A resolution of the LTC would be required to request staff to prepare changes to the project charter for the LTC to consider. Suggested wording for a resolution is: *“That the Gambier Island Local Trust Committee request staff to amend the project charter by (specify new purpose, scope, objectives, in-scope and/or out of scope) for LTC review at the next business meeting.”*

NEXT STEPS

The Regional Planning Team will work with the Senior Intergovernmental Policy Advisor this summer to confirm Squamish Nation participation in the OCP/LUB review. An update to the LTC can be provided during the regular business meeting on August 29, 2023. Staff will include specific project options to advance the OCP/LUB review if First Nations are unable to participate in comprehensive consultation during this fiscal year.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	June 5, 2023
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	June 5, 2023

ATTACHMENTS

1. Project Charter v.2.0 June 2023

Gambier Island OCP and LUB Targeted Review Project Charter v.2.0

Gambier Island Local Trust Committee

Date: **FOR LTC ENDORSEMENT** June 20, 2023

Purpose: To conduct a review of the Gambier Island Official Community Plan policies and Land Use regulations pertaining to forest protection, conservation of the Douglas-fir and associated ecosystems, protection of archaeological and cultural sites, shoreline protection and marine designations across the Plan area.

Background: The LTC identified this project as a Top Priority in February 2015. The project was put on hold in 2018 and recommenced in 2021. In 2022, Squamish First Nation staff indicated to Islands Trust staff a desire to participate in comprehensive engagement, review and update of targeted OCP policies and LUB regulations. In 2023 the project was transferred to the Islands Trust Regional Planning Team and the top priority action is to confirm First Nations participation and capacity funding for the 2023/2024 fiscal year.

Objectives

- Amend the Gambier OCP & LUB with regards to:
 - First Nations Perspectives;
 - Archaeological and cultural site protection;
 - Forest Ecosystem Protection;
 - Shoreline Protection;
 - Public docks;
 - Technical amendments.
- Develop the style and structure of the OCP document as an Islands Trust model.

In Scope

- Amendments to the OCP and LUB that include:
 - Language and policies that reflect First Nations perspectives;
 - Policy and schedule updates regarding land and marine use designations, including new or amended use designations;
 - Development Permit Areas to protect forests and shorelines;
 - Heritage Conservation Areas to protect archaeological and cultural sites;
 - Advocacy policies;
 - Technical amendments;
 - Developing a pilot model OCP bylaw in terms of style and structure.
- Include Cotton Bay lots that were excluded from OCP Bylaw No. 73.

Out of Scope

- OCP and LUB amendments regarding:
 - Economic development;
 - Services for island residents;
 - Private institutional policies;
 - Parks and trails.

Deliverables

- One OCP Amendment Bylaw
- One LUB Amendment Bylaw

Work Plan Overview

Phase 1: Project Initiation	Date
LTC endorses project charter - COMPLETED	May 27 2021
Planning research & information gathering (early engagement with First Nations, discussion paper prep, community outreach) - COMPLETED	Spring - Summer 2021
Formation of a project Working Group & development of Terms of Reference - COMPLETED	June - July 2021
Analysis of data/mapping for priority setting & develop criteria to identify target areas (UBC team) - COMPLETED	Summer - Fall 2021
Development of discussion paper templates - COMPLETED	Fall 2021
Development of a community mapping tool - COMPLETED	Winter 2022
Development of Engagement and Communications Framework - COMPLETED	Winter 2022
Phase 2: Consultation and Bylaw Development	Date
Retain a consultant to provide limited support to help build the engagement plan - COMPLETED	Spring 2022
Development of discussion papers - COMPLETED	Spring - Summer 2022

LTC consideration of updated project charter/endorsement of Engagement Plan recommendations	June 2023
Comprehensive First Nations Consultation	2023/2024
Develop draft bylaws, Advisory Planning Commission referral and public consultation	2024
Phase 3: Legislative Process and Implementation	Date
First Nation, key interested and affected parties and public engagement as per Plan – cont.	2024
Bylaw readings, public hearing, approvals, adoption	2024
Bylaw consolidation, post bylaw adoption communications	2024/2025

Project Team	
Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Island Planner/Planner 2	Planning & technical support (limited)
Senior Intergovernmental Policy Advisor	First Nation liaison support
GIS Technician	Mapping support
TAS Program Coordinator/Communications	TAS coordination/Communications support (limited availability)
ITC Ecosystem Specialist	Protection/conservation planning support (limited availability)
Senior Freshwater Specialist	Watershed ecology support (limited availability)
OAA, PTA, LC	Admin support
RPM Approval: Date: 2021-05-18; 2021-07-13; 2021-10-05; 2022-03-29	LTC Endorsement: Resolution #: GM-021-038 Date: 2021-05-27 Resolution #: GM-2021-058 Date: 2021-07-22 Resolution #: GM-2021-078 Date: 2021-10-14 Resolution #: GM-2022-018 Date: 2022-03-31

Budget		
Budget Sources: 2021-22: GM LTC OCP: \$4,000.00; RPC OCP: \$8,500.00; First Nations: \$2000.00 2022-23: GM LTC OCP: \$15,000; First Nations: \$2000.00 2023-24: GM LTC OCP: \$16,000;		
Fiscal	Item	Cost
2021-2022	Phase 1: Project Initiation • First Nation engagement • Development of Engagement & Communications Framework • Analysis of data and mapping for priority setting & developing criteria to identify target areas	\$14,500
2022-2023	Phase 2: Consultation and Bylaw Development • Undertake Engagement & Communications Plan • Analysis of data and mapping for priority setting & developing criteria to identify target areas	\$16,000
2023-2024	• First Nation engagement	
2024-2025	Phase 3: Legislative Process • Engagement, referrals • Legal review • In-person public hearing • Bylaw amendment communications	TBD Pending Funding
Total		TBD

From: Carmela Allevato
Sent: Wednesday, April 12, 2023 8:59 AM
To: jbernardo@islandstrust.bc.ca; kstamford@islandstrust.bc.ca; pluckham@islandstrust.bc.ca
Cc: Warren Dingman <wdingman@islandstrust.bc.ca>; Jim Quail <jquail@aqrlaw.ca>
Subject: unauthorized glamping business operation on Gambier Island -file GM-BE-2023.1
Importance: High

Dear Trustees,

I am writing to you in your capacity as the Gambier Island Local Trust Committee. Our family has been on Gambier Island for nearly 40 years and since 2020 live full time at 700 Andy's Bay Road. We have been in communication with Mr. Dingman regarding the expansion of what initially was an air&b operation, including a "glamping" tent, next door to us which later started to advertise itself as Gambier Resorts. There is now significant activity going on clearing land and setting the stage for expansion of the business which we understand is to have tents on platforms ("glamping") and other structures throughout the six or seven cleared acres of land. We have been informed by one of the workers on the site that they are working on building a 10 person sauna and shower facility. As well a large amount of building materials are apparently being shipped to the site.

Our neighbour appears to be under the impression that she can continue with her plans and continue to operate the business despite the fact that it is not allowed under the bylaw. Mr. Wingman has advised us that non-compliant property owners are free to operate if they are pursuing compliance with the Land Use ByLaw through a planning application and that Gambier has not adopted a policy that states that users must cease the unauthorized use during the permitting process. He has told us that our neighbour has 90 days to make a rezoning application.

While our primary concern is about the impact of the development on the island and on surrounding neighbours including ourselves, we are also concerned that our neighbour appears to be spending a lot of money which may in the end come to naught.

As well, we are concerned that allowing non-compliant development to proceed could establish a defacto legitimacy to the unauthorized development which will make it difficult to cease. We ask that you review the policy and amend it accordingly.

Thank you for your consideration and we look forward to your response.

Carmela Allevato
Senior Counsel (Ret'd)
(778)903-5646 | callevato@aqrlaw.ca

I live and work on the unceded territory of the x^wməθk^wəyəm (Musqueam (Musqueam), Skwxwú7mesh Úxwumixw (Squamish), and Tsleil-Waututh Nations. Acknowledging Indigenous sovereignty is a first step in the work of reconciliation and decolonization.

This message is directed exclusively to its intended recipient(s) and may subject to legal privilege. If you receive it in error, please notify the sender and delete it. Thank you.



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** June 20, 2023
From: David Marlor, Director, Legislative Services **Date Prepared:** June 8, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That Gambier Island Local Trust Committee Bylaw No. 157, cited as “Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023” be given first, second and third reading.
2. That the Gambier Island Local Trust Committee Bylaw No. 157, cited as “Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. Gambier Island Local Trust Committee – Freedom of Information and Protection of Privacy Bylaw No. 157

Alternative:

1. That draft Bylaw No. 157 be amended, and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.

2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 6, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 8, 2023

PROPOSED

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
BYLAW NO. 157**

A Bylaw to designate the head of the Gambier Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Gambier Island Local Trust Committee the authority to designate a person as the head of the Gambier Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Gambier Island Local Trust Committee the authority to set any fees the Gambier Island Local Trust Committee requires to be paid under section 75 of the Act,

THE GAMBIER ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Gambier Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

PROPOSED

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Gambier Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Gambier Island Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 57, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this _____ DAY OF APRIL , 2023

READ A SECOND TIME this _____ DAY OF APRIL , 2023

READ A THIRD TIME this _____ DAY OF APRIL , 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ ,20__

ADOPTED THIS _____ DAY OF _____ ,20__

Chairperson

Secretary

PROPOSED

**Gambier Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 157 - Schedule 'A'**

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
	(i)	floppy disks	\$2 per disk
	(ii)	CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii)	computer tapes	\$40 per tape, up to 2 400 feet
	(iv)	microfiche	\$3 per fiche
	(v)	microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi)	microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii)	photographs, colour or black and white	\$5 to produce a negative
			\$12 each for 16" x 20" photograph
			\$9 each for 11" x 14" photograph
			\$4 each for 8" x 10" photograph
			\$3 each for 5" x 7" photograph
	(viii)	photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix)	dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x)	dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi)	scanned electronic copy of a paper record	\$0.10 per page
	(xii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3 each

PROPOSED

		(xiii)	slide duplication	\$0.95 each
		(xiv)	audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
		(xv)	video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2			the actual cost to the public body of providing that service



Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2022.1	Philip, Carolyn & David	14-Feb-2022	PID: 026-162-890 To bring structures into compliance with setbacks. Civic address: Lot 27 Mount Artaban Road, Gambier Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 14-Jun-2022

Notified applicant of DFO/ MoTI restrictive covenant. LTC cannot consider application without written confirmation that DFO is agreeable to waive or amend the covenant restrictions.

Status Date: 02-May-2022

File reassigned

Status Date: 23-Feb-2022

File opened, assigned and waiting for etransfer.

Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 10-Apr-2008

still on hold pending rezoning

Status Date: 13-Aug-2007

on hold pending rezoning application

Status Date: 16-May-2006

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



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2022.1	Philip, Carolyn & David	14-Feb-2022	PID: 026-162-890 To bring structures within compliance with setbacks. Civic address: Lot 27 Mount Artaban Road, Gambier Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 16-Jun-2022

Applicant contacting DFO. Staff provided contact information for Vancouver Regional Headquarters and Steveston regional office (Fishing areas 28, 29).

Status Date: 14-Jun-2022

Notified applicant of DFO/ MoTI restrictive covenant. LTC cannot consider application without written confirmation that DFO is agreeable to waive or amend the covenant restrictions.

Status Date: 14-Jun-2022

Applicant advised to contact DFO office.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2022.3	Pedersen, Kenneth & Joan	14-Jun-2022	PID: 010-892-567 To permit existing seawall within 25 foot setback. Civic address: 123 Esplanade Road, Eastbourne, Keats Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 16-Sep-2022

Requested and awaiting additional information from applicants.

Status Date: 14-Jul-2022

Planner reviewing file.

Status Date: 17-Jun-2022

File opened & assigned. Waiting for etransfer.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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GM-DVP-2022.4	Convention of Baptist Churches of BC (Seneca)	30-Aug-2022	PID: 014-385-694 Construct a rock wall within setback to boundary of the sea. Civic address: 900 Keats Road, Gambier Island, BC.
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Planner: Stephen Baugh

Planning Status

Status Date: 10-May-2023

Mailed out notice and proposed permit

Status Date: 20-Mar-2023

ITCB Response recieved, next GM LTC meeting June 20.

Status Date: 09-Feb-2023

On ITCB agenda for March 14.

File Number	Applicant Name	Date Received	Purpose
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GM-DVP-2023.1	Robitaille, Patrick	01-May-2023	PID: 009-414-908 request for variance to Bylaw no. 120, 5.1(6) in order to construct a deck that is sited partially within the front lot line setback and the side lot line setback, as well as siting of the garden shed partially in the side lot line setback at 578 Vaucroft Rd on North Thormanby Island
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Planner: Stephen Baugh

Planning Status

Status Date:



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2023.2	Delane & Cumming, Stephen & Sarah	10-May-2023	PID: 013-387-031 request for variance to riparian setback requirement at Lot 62, West Bay Rd on Gambier Island.
Planner: Marlis McCargar			
Planning Status			
<u>Status Date:</u> 24-May-2023 Refund Memo to finance forwarded to RPM.			
<u>Status Date:</u> 24-May-2023 Signed Refund Memo forwarded to finance.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GM-TUP-2023.1	Kim, Jinyoung	01-May-2023	PID: 012-825-948 temporary use of land for short-term accommodation and campgrounds at 670 Andy's Bay Rd on Gambier Island.
Planner: Marlis McCargar			
Planning Status			
<u>Status Date:</u>			

Islands Trust

LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending April 2023

630 Gambier	Invoices posted to Month ending April 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	254.00	0.00	254.00
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	1,488.00	0.00	1,488.00
65210-630	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	277.00	0.00	277.00
TOTAL LTC Local Expense		<u>2,348.00</u>	<u>0.00</u>	<u>2,348.00</u>
Projects				
73001-630-2016	Gambier OCP/LUB	16,000.00	0.00	16,000.00
73001-630-4094	Gambier Keats Island Shoreline Protection Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>0.00</u>	<u>20,000.00</u>

Gambier Island Local Trust Committee Policies & Standing Resolutions

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; • Availability, and willingness to travel between local trust areas.
2.	March 26, 2015	GM-2015-018	Amend APC appointment guidelines	<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>

No	Meeting Date	Resolution No.	Issue	Policy
3.	October 26, 2017	GM-2017-065	Development Permit Area (DPA) No. 3: Riparian Areas administration	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt a Standing Resolution which directs staff to administer Development Permit Area (DPA) No. 3: Riparian Areas in the interim before formal amendments are made to the DPA, as follows:</p> <ul style="list-style-type: none"> a. The “Designated Area” provisions of Section 12.3.1 of Gambier Island Official Community Plan No. 73 should be used to determine whether or not a proposed development is subject to DPA No. 3: Riparian Areas; b. When development is proposed within the “Designated Area”, applicants shall be required to have a Qualified Environmental Professional assess the water feature to determine whether or not it is subject to the Riparian Areas Regulation; c. When development is proposed within the “Designated Area” of a water feature which is determined to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall be required; d. When development is proposed within the “Designated Area” of a water feature which is determined not to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall not be required.
4.	December 11, 2017	GM-2017-078	Adding item to agenda	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee request staff to add to each agenda “First Nations Activities” under the Reports section.</p>
5.	January 25, 2018	GM-2018-009	First Nations Words, Phrases and Place Names	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> a) That staff incorporate First Nations’ words, phrases, and place names in Local Trust Committee communications, as appropriate.
6.	July 25, 2019	GM-2019-031	Model Cell Tower Consultation Process	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the model strategy for antenna systems.</p>

No	Meeting Date	Resolution No.	Issue	Policy
7.	November 21, 2019	GM-2019-061	First Nations Reconciliation engagement	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavors to:</p> <ul style="list-style-type: none"> a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
8.	July 23, 2020	GM-IC-2020-001	Bylaw Enforcement investigation	<p>It was MOVED and SECONDED that the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a principal use and both parcels are held under common ownership.</p>

No	Meeting Date	Resolution No.	Issue	Policy
9.	February 10, 2023	GM-RWM-2023-001	Bylaw Enforcement deferral	Defer enforcement on existing seawalls on North Thormanby Island. The deferment of enforcement should not be interpreted as permitting any new additions or structures from requiring a permit or otherwise requiring compliance with the Gambier Associated Islands Land Use Bylaw No. 120.'



REQUEST FOR DECISION

To: Gambier Island LTC **For the Meeting of:** June 20, 2023
From: Trust Area Services **Date Prepared:** April 19, 2023
SUBJECT: **2022/23 ANNUAL REPORT – APPROVAL OF GAMBIER ISLAND LTC SECTION**

RECOMMENDATION: That the Gambier Island LTC approves the attached text for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

1 PURPOSE: Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2023 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council’s [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2022/23 Annual Report at its meeting on February 22, 2023.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council’s Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 27- 29, 2023 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council’s Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and circulate it as indicated in Trust Council’s policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

3 RELEVANT POLICY(S): Trust Council’s Annual Report policy 6.10.i; *Islands Trust Act*

RESPONSE OPTIONS

Recommendation: That the Gambier Island LTC approves the attached text for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

Alternative: That the Gambier Island LTC approves the attached text for inclusion in the 2022/23 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Renée Jamurat, RPP MCIP, Regional Planning Manager / May 18, 2023

Gambier Island Local Trust Committee

The Gambier Island Local Trust Committee (GM LTC) held four regular business meetings in the 2022/23 fiscal year, two Community Information Meetings (CIM), two special meetings and one virtual Community Engagement Session.

Work for this period focused on advancing the Gambier Island LTC priorities and key projects, including a targeted review of the Gambier Island Official Community Plan and Land Use Bylaw, and a continuation of the work initiated in 2019 to implement shoreline protection measures as part of the Keats Island Shoreline Protection project.

From April 1, 2022 to March 31, 2023, the Gambier Island LTC received and considered applications for three development variance permits, two development permits, 23 building permit referrals, three Crown lease referrals, and two subdivision referrals.

Active Projects Report

Gambier Island

1. *Gambier OCP & LUB Targeted Review*

Responsible

Dates

Conduct a review of the Gambier Island Official Community Plan policies and Land Use regulations pertaining to forest protection, protection of archaeological and cultural sites, shoreline protection and marine designations across the Plan area.

Marlis McCargar
Sonja Zupanec

Rec'd: 12-Feb-2015

Including:

- Reconsider the zoning designation title "Wilderness Conservation;"
- Add a definition for "breakwater;"
- Consider policies and regulations regarding trams (funicular tracks, etc.);
- Review site specific water zones on Gambier;
- Define water tanks as structures within the Land Use Bylaw

2. *Keats Island Shoreline Protection Project - Phase 3*

Responsible

Dates

Review of OCP and LUB to implement shoreline protection measures. Establish Shoreline DPA and updates marine structure regulations.

Jaime Dubyna
Marlis McCargar

Rec'd: 31-Jan-2019

Future Projects Report

Gambier Island

1. <i>Administrative</i>	Responsible	Date Received
<ul style="list-style-type: none"> - Development Approval Information Bylaw: Develop and adopt a D.A.I bylaw for the Gambier Trust Area. - Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area. 		01-Sep-2022
2. <i>OCP & LUB</i>	Responsible	Date Received
<ul style="list-style-type: none"> - Pump out stations: develop advocacy policies - Thormanby Island Foreshore Protection: Review of setback regulations and designation of a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions. - Consider adoption of a Heritage Conservation Area 		01-Sep-2022
3. <i>LUB</i>	Responsible	Date Received

Future Projects Report

Gambier Island

Gambier LUB:

01-Sep-2022

- Recreational Camp and Private Institutional Regulation Review:

Keats LUB:

- Update definition of 'dwelling' in the Keats Island Land Use Bylaw No. 78.

May 2020: clarification around water storage tanks as structures, requirements for screening, and the need for setback placement as part of their use as community amenities in fire protection.

4. <i>OCP</i>	Responsible	Date Received
N/A		01-Sep-2022
5. <i>Advocacy and Communications</i>	Responsible	Date Received
N/A		01-Sep-2022
6. <i>Bylaw Enforcement</i>	Responsible	Date Received
N/A		01-Sep-2022