



Gambier Island Local Trust Committee

Regular Meeting Agenda

Date: October 17, 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 10:20 AM - 10:30 AM	
4.1 Connected Coast Project Presentation- Christina Owen and Cheryl Katnick	4 - 19
5. PUBLIC COMMENTS 10:30 AM - 10:45 AM	
6. MINUTES 10:45 AM - 10:55 AM	
6.1 Local Trust Committee Meeting dated August 29, 2023 - for adoption	20 - 30
6.2 Section 26 Resolutions-Without-Meeting Report dated October 10, 2023	31 - 31
6.3 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES 10:55 AM - 11:05 AM	
7.1 Follow-up Action List dated October 10, 2023	32 - 34
8. APPLICATIONS AND REFERRALS 11:05 AM - 11:30 AM	
8.1 GM-DVP-2023.1 (Robitaille & Dawson) - Staff Report	35 - 67
8.2 GM-DVP-2023.3 (Wong) - Staff Report	68 - 89

9.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 12:15 PM	
9.1	Major Project: Gambier Island Official Community Plan and Land Use Bylaw Review Project - verbal update		
9.2	Minor Project: Keats Shoreline Protection Project - Staff Report		90 - 122
~ BREAK 12:15 PM - 12:45 PM ~			
10.	CORRESPONDENCE - none		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
11.	NEW BUSINESS	12:45 PM - 1:00 PM	
11.1	Sunshine Coast Regional District Regional Growth Framework Baseline Research Report - Trustee Stamford		123 - 166
12.	REPORTS	1:00 PM - 1:20 PM	
12.1	Trust Conservancy Report - none		
12.2	Applications Report dated October 10, 2023		167 - 170
12.3	Trustee and Local Expense Report dated August, 2023		171 - 171
12.4	Adopted Policies and Standing Resolutions		172 - 175
12.5	First Nations Activities		
12.6	Local Trust Committee Webpage		
12.7	Freedom of Information and Protection of Privacy Bylaw - Request for Decision		176 - 181
13.	WORK PROGRAM	1:20 PM - 1:35 PM	
13.1	Active Projects Report dated October 10, 2023		182 - 182
13.2	Future Projects Report dated October 10, 2023		183 - 184
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for Tuesday, November 21, 2023 at 12:00 pm at Delbrooke Community Recreation Centre, 851 Queens Road W, North Vancouver, BC		
15.	CLOSED MEETING	1:35 PM - 1:55 PM	

15.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering:

- *(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

and that the Recorder and Staff attend the meeting.

15.2 Recall to Order

16. ADJOURNMENT

1:55 PM - 2:00 PM

CONNECTED COAST



Bringing high-speed internet to rural and remote communities along the BC coastline, Haida Gwaii and Vancouver Island.

Date: 22-11-2024

Introduction

The Connected Coast Project is a joint venture between the Strathcona Regional District and CityWest.

The Connected Coast Project

More than an infrastructure project...

Brings back-bone infrastructure to communities with anchor institutions that currently have little to no service.



Potential to connect an estimated 175,000 British Columbians living in approximately 90,000 households.



Allows residents in rural and remote communities access to essential services, participation in the modern economy and civic life.



"Broadband has the power to transform Rural Canada. Connectivity is now as important as roads and bridges to the sustainability of rural and remote communities, and to the success of rural institutions and organizations."

- Federation of Canadian Municipalities, 2014

Broadband Declared a Basic Service



CRTC has a universal service objective that Canadians in all communities should have access to voice services and broadband internet services on fixed and mobile wireless networks with a target speed of 50 Mbps down/10 Mbps up and unlimited data allowance

Provincial and Federal programs were developed to help fund projects:

- Connect to Innovate Program (Dec 2016)
- CRTC
- Universal Broadband Fund
- Economic Recovery Intake

March 2022 –The provincial and federal governments announce \$830 million to expand high-speed internet services to underserved rural, remote and First Nations communities located in British Columbia.



CONNECTED
COAST



- \$47M project
- Federal Government – ISED (CTI Program)
- Department of Indigenous Services Canada (DISC)
- Province of BC/NDIT (Connecting BC)
- CityWest
- Strathcona Regional District

Connected Coast Project

- Through federal and provincial funding, as well as funding from the partners, the Connected Coast project (a partnership of Strathcona Regional District and CityWest) is permitting and installing a marine cable system.
- The 3400 km of cable will connect approximately 139 coastal communities along the BC coast.
- NRCan and Coast Guard funding connections to light houses and to new earthquake early warning sensors.
- Fibre provides the highest quality connectivity.
- Bringing future proof backbone fibre infrastructure to communities
- Allow residents in rural and remote communities access to many essential services such as online education, health and e-commerce

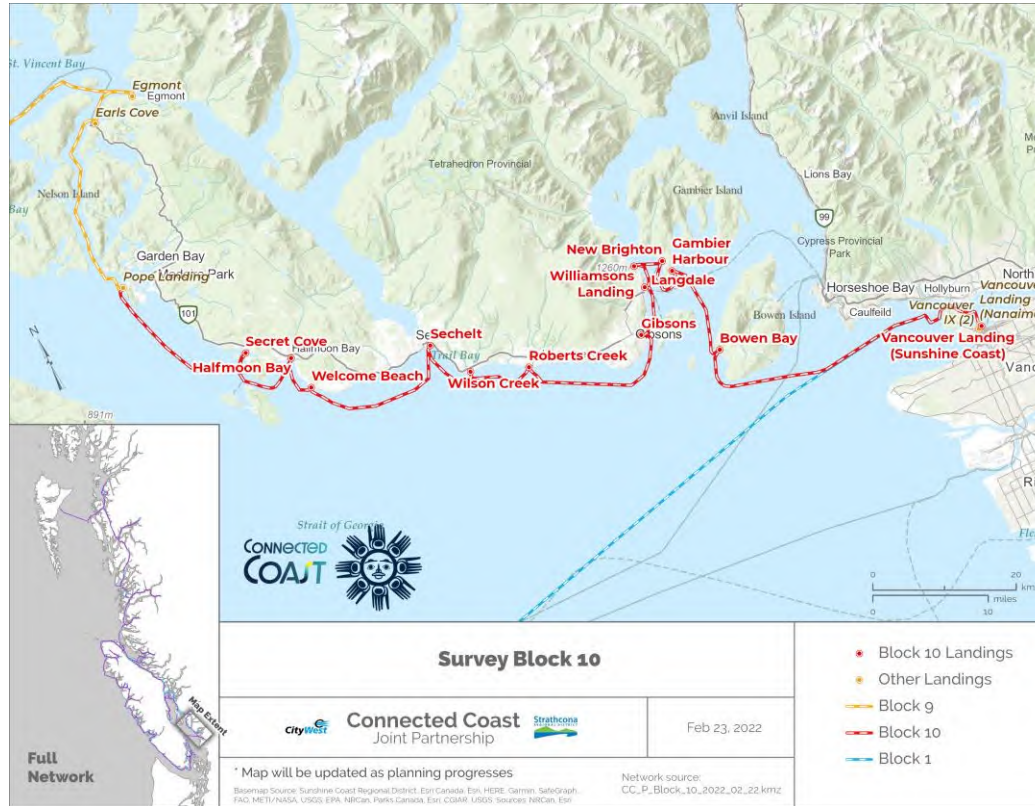


Regulatory approvals

- Cable is being planned, permitting and installed by “block” through 2021 and 2023
- Impact assessments for cable sections within federal seabed / land
- Approval under *Navigable Waters Act* for some cable sections, including from Vancouver to Bowen Bay due to the cable on Port of Vancouver seabed
- BC tenure for placement on seabed
- Other permits for other sections



Connected Coast Landings within Island's Trust



Joint Venture Partnership Between CityWest & SRD

- Joint Venture true partnership that includes the entire network
- Mutual benefit, true partnership leveraging strengths of an ISP with Local Government
- Benefit of full redundancy within the Connected Coast network

Strathcona Regional District

- Inter-governmental relations
- Community engagement
- Open procurement
- Permitting processes

CityWest

- Founded in 1910
- Owned by the City of Prince Rupert
- Serve communities across the north of BC
- Internet, TV, phone, data
- > 18,000 customers
- > 120 employees



Engagement

- 70 First Nations – numerous letters of support received
 - Regional Districts, municipalities and local communities
 - Tenure holders
 - Pacific Pilotage Authority and BC Coast Pilots
 - Fishing associations and groups
 - Local Harbour Authorities
 - Council of BC Yacht Clubs
-
- We have received input on cable routing including key areas to avoid
 - Have heard interest regarding improved communications for vessels on the water and interest in future connections

Fiber and subsea deployment

- Cable is 13.5 mm x 6.3 mm
- Placed on the seabed by vessel with a splice every 10 km
- Most of Vancouver to Prince Rupert and related connections now installed
- Cable added to marine charts and are making as-build files available
- Cable will break at 4400 kg force
- Will have a call-in number for mariners who believe they may have snagged the cable
- Have redundancy built into most of the cable route
- Quick repairs



Shore landings

- Working around sensitive habitat
- Place split pipe over cable for protection
- Install in soft substrate, where possible
- Cable connects to a vault and then cabinet for distribution
- Planning to avoid important habitat, where possible
- Mitigation and monitoring



Key Accomplishments

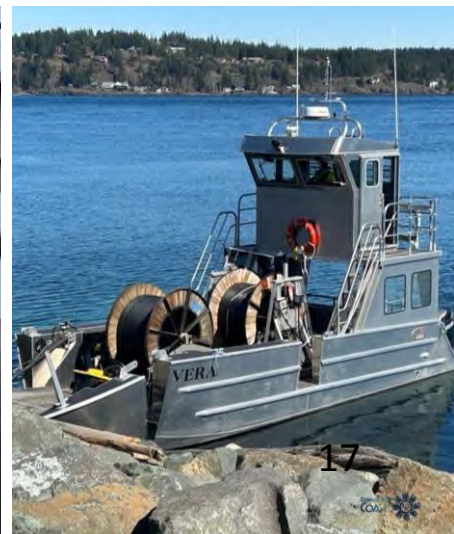
- > 1,200 km of subsea cable deployed
- > 70 landing sites constructed
- Active service to Lax Kw'alaams and network testing at Haida Gwaii

Additional Partners

- 12 Canadian Coast Guard (CCG) sites
- 25 Earthquake Early Warning System (EEWS) locations



Fibre, Subsea Deployment & Shore Landings



Backbone vs Last Mile



Questions?

CONNECTED
COAST





Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: August 29, 2023

Location: Gambier Island Community Centre
Andy's Bay Road, Gambier Island, BC

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

Staff Present: Renée Jamurat, Regional Planning Manager
Marlis McCargar, Island Planner
Sonja Zupanec, Island Planner (attended electronically)
Warren Dingman, Manager, Compliance & Enforcement (attended electronically)
David Marlor, Director, Legislative Services (attended electronically)
Diane Corbett, Recorder

Others Present: There were approximately thirty-five (35) members of the public in attendance during the morning session, and thirty-one (31) members of the public in attendance during the afternoon session.

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Luckham called the meeting to order at 11:03 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported on the following activities:

- Eastbourne Community Association Annual General Meeting.
- Gambier Community Association concerns regarding wildfires, especially in Halkett Bay Provincial Park and unauthorized beach fires.

- Trust Council meeting on Pender Islands in September will focus on strategic planning.

Trustee Bernardo remarked that he would reserve his comments to the discussion of the agenda item on the proposed bylaws for the Keats Island Shoreline Protection Project.

3.2 Chair's Report

Chair Luckham indicated he was impressed with the Gambier fire prevention brigade, fire storage area and water supply, and expressed thanks to fire prevention brigade participants for being on-call.

Getting ready for Trust Council at the end of September on North and South Pender. Prior to that, staff and elected officials will meet at the annual Union of BC Municipalities (UBCM) Conference.

3.3 Electoral Area Director's Report

Electoral Area F (West Howe Sound) Director Stamford reported on the following:

- SCR D focus has been on water issues. Joint application to the federal government with Sechelt Nation for a reservoir above the District of Sechelt.
- Docks: Hopkins Landing dock is closed; there is a budget to have it fixed, hopefully within a year. New Brighton dock situation is awaiting the water lease from the province.
- Emergency services planning is an issue across Area F. Trustee had asked that specific areas be brought forward as priorities, including Fircom plateau near public access. It will be an individual responsibility.
- Looking to expand fire service beyond YMCA camp and Williamsons Landing. If this goes through, service would be provided by Gibsons fire service. Not an option provided for the islands.

4. DELEGATIONS – none

5. PUBLIC COMMENTS

Chair Luckham described this section of the agenda and invited those in attendance to comment.

The Chair noted there was a Temporary Use Permit (TUP) on the agenda, and that lot of correspondence regarding the TUP application had been received. People adjacent to the property were invited to comment, followed by others located further away from the property.

A resident from a neighbouring property noted he was most affected, living beside a shared easement the applicant was using to access their lot. His observations included: many people coming and going; sewage coming down the lane; people smoking, looking into windows and acting disrespectfully. Islands Trust was not acting promptly in allowing the operation to continue all summer. He is strongly opposed.

Another immediate neighbour, remarked the applicant had operated an unlawful business for almost a year and that it was past time to shut it down. He requested that the LTC pass a resolution that the applicant proceed no further. Issues included: opposition from the community; insufficient infrastructure to support the operation in terms of waste, fire suppression, and medical services; the proposal does not offer benefits to the community; the proponents have not taken steps to mitigate issues, such as the installation of signage to redirect customers up another route instead of the neighbouring property; the proponent did not meet customers on the dock; proponent had not participated in training sessions to help with house fires on the island, nor installed any fire suppression capacity. There was no cap on the number of customers on the site at one time.

A third immediate neighbour commented that Islands Trust, once it heard about what was going on at the site, had given the proponent the opportunity to continue their operation while they filed an application and developed plans for septic water and waste; this should have been figured out before the project began. A ramping up of marketing was observed, and had been going on for the past eight months. The neighbour requests that the LTC direct staff to inform the applicant they must cease to operate outside the law immediately. Shut it down, say no to the application, and enforce the regulations. However, if the operation were to continue, impose five customers at any one time, and 24/7 site supervision with persons trained in first aid and fire suppression. Customers should be redirected off neighbours' property, and perimeter fencing should be constructed.

Another adjacent resident commented on feeling "like hostages of the enterprise," and outlined calculations of the number of trips by customers who go by the resident's property on a daily basis, looking into their windows.

A long-time resident noted she was disappointed the area was now clear-cut. Concerned about having a lot of people coming to the island, about the environment and safety, with people coming in and out and trespassing, and no fire service.

Another resident questioned the policy and process that led to the TUP application and wondered if the LTC could have stopped this right away.

Other concerns expressed included:

- the operation isn't a home occupation and does not comply with the Land Use Bylaw (LUB).
- the applicant is advertising watercraft rental which is not permitted in the LUB.

6. MINUTES

6.1 Local Trust Committee Meeting dated June 20, 2023 - for adoption

By general consent the Local Trust Committee meeting minutes of June 20, 2023 were adopted.

6.2 Local Trust Committee Special Meeting dated July 21, 2023 - for adoption

By general consent the Local Trust Committee Special meeting minutes of July 21, 2023 were adopted as presented.

By general consent the minutes were adopted as amended.

6.3 Section 26 Resolutions-Without-Meeting Report dated August 22, 2023
Received.

6.4 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 22, 2023
Received.

Regarding GM-SUB-2022.2, it was confirmed that the community dock at Cotton Bay was not open to the public, but there would be a right of way cleared for access to Cotton Bay.

7.2 Gambier Freedom of Information and Protection of Privacy Procedure Bylaw No. 157 - Request for Decision

Director of Legislative Services Marlor gave an overview on the Gambier Freedom of Information and Protection of Privacy Procedure Bylaw No. 157. The current FOI bylaw, adopted in 1994, required updating to ensure compliance with current legislation.

GM-2023-023

It was MOVED and SECONDED

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 given first reading.

CARRIED

GM-2023-024

It was MOVED and SECONDED

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 read a second time.

CARRIED

GM-2023-025

It was MOVED and SECONDED

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 read a third time.

CARRIED

GM-2023-026

It was MOVED and SECONDED

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.

CARRIED

7.3 Policy Options for Bylaw Enforcement Compliance on Unlawful Uses

Manager of Compliance & Enforcement Dingman reviewed the staff report on policy options for bylaw enforcement on unlawful uses, and recommended that “enforcement continue where there are unlawful land uses on properties subject to complaint, even if an application has been made, unless the use ceases or an applicant has received permission from the Local Trust Committee to continue operating.”

The Manager responded to Trustee inquiries for clarification. Discussion ensued.

GM-2023-027

It was MOVED and SECONDED

that Gambier Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:

- a) Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased.
- b) The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.
- c) Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue.
- d) In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether

the applicant has suspended the prohibited land use pending a decision on the application.

CARRIED

Chair Luckham recessed the meeting at 12:15 pm and reconvened the meeting at 12:45 pm.

8. APPLICATIONS AND REFERRALS

8.1 Temporary Use Permit Short Term Vacation Rental - GM-TUP-2023.1 (Kim)

Island Planner McCargar provided an overview of the staff report on an application for a Temporary Use Permit (TUP) that would allow short-term vacation rentals within a single family dwelling, an accessory dwelling, two tent sites and a Recreational Vehicle (RV) on a 7.5 acre property. The applicant had also proposed a small concession and the rental of non-motorized watercrafts at 670 Andy's Bay Road.

Staff noted that seventy (70) items of correspondence received were opposed, and one (1) was in support of the application.

Agents for the applicant were invited to comment, and made the following points:

- Acknowledged communication issues which could have been much better, and could have included talking to neighbours directly
- Have been trying to be as compliant as possible
- Scheduled an engineer to repair the sewerage system
- Prohibited guests from smoking on the property
- Plan to have another staff on site; already have one staff on site 24/7
- Stopped taking additional bookings via Airbnb and VRBO until completely compliant
- Acknowledged islanders' concerns of fire safety, noise and privacy issues
- Happy to take additional comments from islanders
- Agree with staff recommendation as outlined in the staff report

Trustees queried the applicant and raised the following points:

- Claim of benefit to community in supporting young peoples' employment
 - Youth working as manager on site, from off island
- Lack of information at this meeting needed by staff and the LTC for TUP application to move forward ; concerns around granting an extension for the applicant
 - The applicant responded there have been some unexpected delays in getting the required information to the planner. Requested an extension before the LTC makes the final decision on the application.
- The LTC would want to see significant quantity of water stored on site for fire fighting purposes

Trustee Stamford acknowledged how difficult the situation had been for everyone and how there had not been clarity of process for public engagement and action on behalf of the Islands Trust. The Trustee hoped the motions passed in item 7.3 would help mitigate these issues in the future. Thanks were extended to those who submitted

correspondence on the application. The Trustee acknowledged that the proponents did scale down the proposal and had plans to manage the health and safety concerns around septic and water.

The Trustee noted that Gambier's home-based business Land Use bylaws were developed separately from the rest of the LUB almost 20 years ago and the Advisory Planning Commission at the time deliberated earnestly about how to manage temporary overnight accommodation. It was seen that some type of accommodation was needed on the island – not just for vacationers, but also for workers and temporary guests of residents. Recommendations eventually passed by the LTC at the time were deliberately wide to encourage a realistic home-based business despite the remote location. Gambier's short-term vacation rental regulations are generous in comparison to regulations of other jurisdictions in the region.

Within the current bylaws, there is opportunity to support a reasonable temporary accommodation business for a resident wanting to benefit commercially from their property. As a result, Gambier's accommodation opportunities have mostly stayed at a scale that works for the small community.

It was further noted that:

- The proposal does not demonstrate a benefit to the community to warrant an expanded operation beyond what the bylaws currently permit;
- The New Brighton area currently does not have the appropriate infrastructure in terms of public access and emergency services, including fire suppression, to support another commercial business (other than the store) that caters to off-island visitors beyond what is considered a home-based business within the current bylaws;
- To date, the proponents had not conducted the operation with adequate consultation and consideration of neighbouring properties or the local community as a whole;
- Based on feedback received, the proposal is not supported by the community.

GM-2023-028

It was MOVED and SECONDED

that Gambier Island Local Trust Committee proceed no further with application TUP-2023.1 and that Islands Trust bylaw staff proceed to enforce the Gambier Land Use Bylaws.

CARRIED

Chair Luckham announced that the application would be closed. The applicant could re-apply after a twelve-month period.

It was recommended to the proponents, if they planned to continue to provide temporary overnight accommodation within the current bylaws, to consider: not having paying guests until the septic has been repaired to the standard of Vancouver Coastal

Health; constructing an alternate access point to the property for guests that is not disruptive to neighbours; and connecting with the community and working with the Fire Equipment Group to develop and implement a fire protection plan for the home-based business.

Trustee Bernardo registered disagreement with the staff report comment indicating the application had the potential to meet the general conditions for short-term commercial use TUP applications, in light of opposition from the community and because the scale of what would be required was inconsistent with the OCP.

GM-2023-029

It was MOVED and SECONDED

that Gambier Island Local Trust Committee add Temporary Overnight Accommodation bylaw review to the future projects list with regards to short-term vacation rentals with particular consideration to guests per-room limits and fire prevention protocols.

CARRIED

Members of the Public left the meeting at 1:55pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project: Gambier Island Official Community Plan and Land Use Bylaw Review Project

Island Planner Zupanec provided the Gambier Island Local Trust Committee (LTC) with a status update for the Gambier Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review Project. The planner indicated that these were the types of updates that would be provided throughout the project.

9.2 Minor Project: Keats Shoreline Protection Project

Island Planner McCargar discussed the staff report on the Keats Shoreline Protection Project that summarized the comments heard at the community information meeting of July 21, 2023. Staff recommended that a community information meeting (CIM) and Public Hearing be scheduled for Proposed Bylaw Nos. 153 and 154.

Discussion on the proposed bylaws ensued. Points included:

- Staff did good job of summarizing public comments.
- Most CIM questions concerned how bylaws would affect construction, use, and sizing of docks. These are issues that need to be examined.
- Ideally, have a formula regarding scale of repair that counts as a replacement versus repair for nonconforming docks.
- Clarify “legal nonconforming”.
- For new or replacement docks, to minimize the shade created so that eelgrass populations are not adversely affected, require smaller surface area if docks are not transparent than if they are transparent, to allow greater flexibility in the bylaw.

- Encourage sharing docks; need to build in more incentives to build those.
- Issue: everything is being focused on the property owners who have docks. There are other people concerned about how the ocean is protected. Foreshore is a priority. It is important to protect it the best way you can. Docks should be transparent and smaller.
- Concern about rejection of the bylaws by Squamish First Nation.
- Concern about watering down the bylaws.
- Define “water access only.”

GM-2023-030

It was MOVED and SECONDED

that Trustee Bernardo work with Island Planner McCargar to review the information obtained from the public information meeting, as itemized on page 2 of the staff report, and propose such amendments to the draft bylaws as may be required, and to bring that revised draft of the bylaws to the Local Trust Committee for consideration at the October 17, 2023 meeting.

CARRIED

GM-2023-031

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB) for the November Local Trust Committee meeting.

CARRIED

10. CORRESPONDENCE

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

- 10.1 Department of Fisheries and Oceans Canada Consultation check-in – Schedule 1 of the Species at Risk Act**
Received for information.

11. NEW BUSINESS

- 11.1 Sunshine Coast Regional District Regional Growth Framework Baseline Research**
Trustee Stamford clarified that there was an inconsistency in the approach to Islands Trust in this SCRD research framework, and that she had asked that this be a referral. The Trustee indicated she could provide a more general statement for consideration by the LTC at the next LTC meeting that asks that the Regional Growth Plan include a specific statement that clarifies the role of Islands Trust.

By general consent, the Local Trust Committee asked that the report be brought back to next LTC meeting.

11.2 Census Infographics – Briefing

The briefing on Census Infographics was provided to Local Trust Committees to provide information regarding trends in Local Trust Areas and the Islands Trust Area. Received for information.

12. REPORTS

12.1 Trust Conservancy Report dated June, 2023

The Trust Conservancy news release dated June 20, 2023 was received for information regarding a new Conservation Area on Lasqueti Island that protects mature forest for Species at Risk. It was noted this came through after many years of consideration.

12.2 Applications Report dated August 22, 2023

Received.

12.3 Trustee and Local Expense Report dated June, 2023

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 First Nations Activities

No update.

12.6 Local Trust Committee Webpage

No update.

13. WORK PROGRAM

13.1 Active Projects Report dated August 22, 2023

Received.

13.2 Future Projects Report dated August 22, 2023

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, October 17, 2023 at 10:00 am and will be held electronically

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:45 pm.

Peter Luckham, Chair

Certified Correct:

Diane Corbett, Recorder

DRAFT

**Resolutions Without Meetings Log****Gambier Island**

Resolution Number	Action	Date
2023-004 Move November 21, 2023 regular meeting from electronic at 10:00 am to in-person at 12:00 pm. "that the Gambier Island Local Trust Committee request Staff move the November 21, 2023 regular meeting from electronic at 10:00 am to in-person at 12:00 pm".	Carried	14-Sep-2023
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
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: · 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; · 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. · Identification of Crown reserves and properties in GM LTA: Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area.	Sonja Zupanec		In Progress

31-Jan-2023

Activity	Responsibility	Dates	Status
1 set up an introductory meeting with MOTI as soon as possible via zoom. <i>Wil to follow up with Trustee Stamford for contact information.</i>	Wil Cottingham		In Progress

Follow Up Action Report

Gambier Island

14-Mar-2023

Activity	Responsibility	Dates	Status
1 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.	Kate-Louise Stamford William Shulba		In Progress

20-Jun-2023

Activity	Responsibility	Dates	Status
1 Staff to provide public communication regarding the GM OCP/LUB project that reviews past and future opportunities for public input as well as an outline for FN engagement (to differentiate between FN and community engagement) to be sent out via email to GM residents. Update the website to include new communication materials.	Sonja Zupanec		In Progress

29-Aug-2023

Activity	Responsibility	Dates	Status
1 Add Temporary Overnight Accommodation bylaw review to the future projects list with regards to short-term vacation rentals	Marlis McCargar		Completed

Follow Up Action Report

Gambier Island

29-Aug-2023

Activity	Responsibility	Dates	Status
2 Review the information obtained at the CIM, as itemized on page 2 of the staff report, and propose amendments to the draft bylaws. Bring the revised draft to the LTC for consideration at the Oct. 17 meeting.	Marlis McCargar	Target: 17-Oct-2023	Completed
3 schedule an in-person Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB) after the LTC meeting on November 21.	Marlis McCargar Nadine Mourao Wil Cottingham		Completed
4 Include the Sunshine Coast Regional District Regional Growth Framework Baseline Research report on the Oct. 17 meeting agenda. Trustee Stamford to provide a response. Review RDN Growth Strategy wording for information on working with other levels of government and municipalities on page 8-9.	Kate-Louise Stamford Nadine Mourao		In Progress



DATE OF MEETING: October 17, 2023

TO: Gambier Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: GM-DVP-2023.1
Applicant: Patrick Robitaille
Civic: 578 Vaucroft Rd, North Thormanby Island (the "Property")
Legal: LOT 27 BLOCK A DISTRICT LOT 1017 PLAN 10306
Area: 0.08 ha

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2023.1 to reduce the minimum setback to a lot line abutting a highway or private road ("front" lot line) of the Gambier Associated Islands Land Use Bylaw No. 120, 2013 from 6 metres to 3.63 metres to allow siting of an existing deck and stairs.

REPORT SUMMARY

This staff report introduces Development Variance Permit (DVP) application GM-DVP-2023.1 for consideration by the Gambier Island LTC. The application seeks to reduce the minimum setbacks on the Property for the Small Rural Residential (SRR) Zone as set out in the [Gambier Associated Islands Land Use Bylaw No.120, 2013](#) (the "LUB") for a lot line abutting a road (the "front" lot line), from 6.0 metres to 3.63 metres for a deck and stairs, and for an interior side lot line from 1.5 metres to 0.43 and 0.17 metres for a deck and accessory building ("storage shed"), respectively (the "Proposal"). The draft DVP is presented in Attachment 1.

The structures are all existing/as-built and the application seeks retroactive authorization for their siting within the setback areas. The neighbouring property owner to the north against whose interior side lot line the deck and storage shed are located, has indicated support for the Proposal (Attachment2).

Staff recommends approval of the front lot line variance only and recommends refusal of the interior side lot line reduction requests.

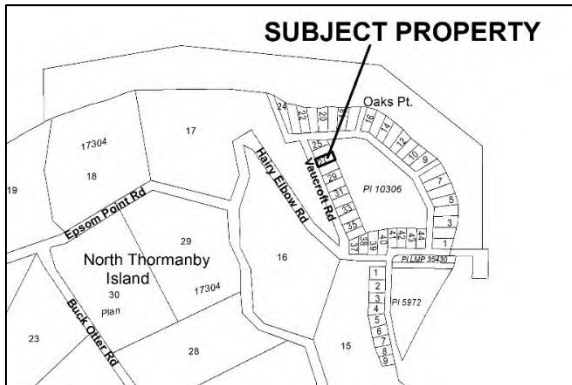


Figure 1 - Subject Property Neighbourhood Context

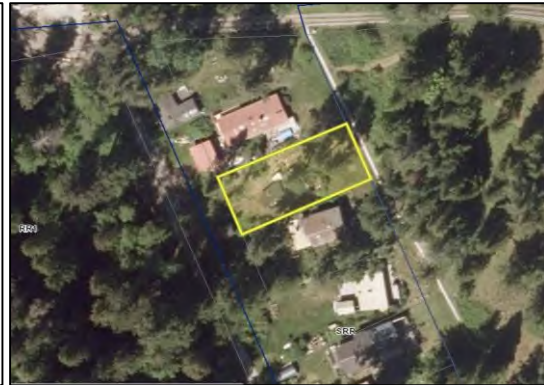


Figure 2 - Subject Property Air Photo

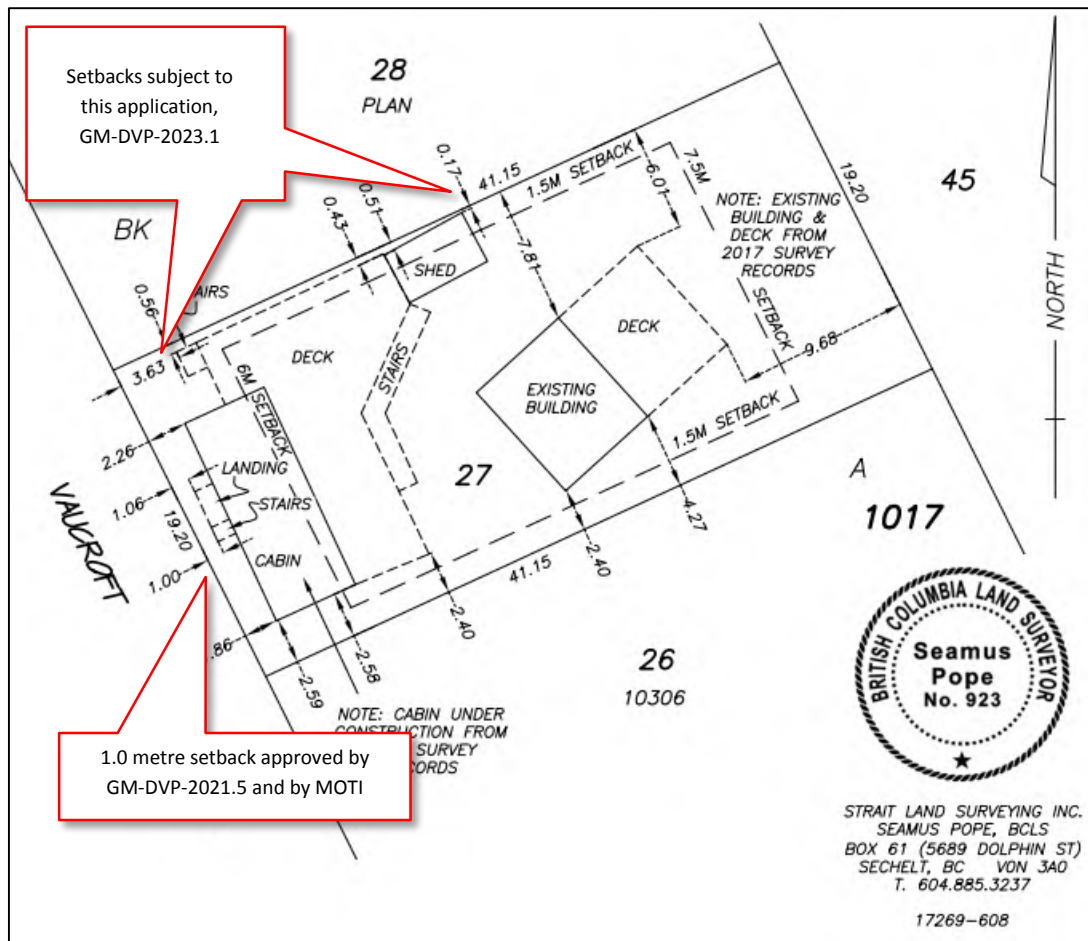
APPLICANT RATIONALE FOR VARIANCE

The Applicant has provided a letter of rationale for the Proposal (Attachment 3) which includes the following points:

- The Applicant submits they misunderstood that all decks must meet setback requirements;
- The Applicant submits that they were distracted by a family emergency during the construction period and that they relied on a contractor to facilitate the work and ensure compliance with Islands Trust regulations.

BACKGROUND

In 2021, the property owners applied for and received GM-DVP-2021.5, allowing the construction of an accessory building (the “sleeping cabin”) within the minimum LUB setback for a front lot line. The DVP reduced the setback from 6.0 metres to 1.0 metres and the owners also obtained a setback permit from the Ministry of Transportation and Infrastructure (“MOTI”) for the same (Attachment 4). When construction was complete and on final inspection, the Sunshine Coast Regional District (“SCRD”) Building Inspector noticed that the as-built structures appeared inconsistent with the plans attached to the issued permit. Specifically, a large deck was added that encroaches into the northern interior side lot line setback and a garden shed had been relocated from the south-eastern area of the Property to the northern boundary, also within the required 1.5 metre setback. The Applicant subsequently contacted Islands Trust staff with amended plans which revealed the need for the owners to apply for a DVP to address the encroachments.



ANALYSIS

Policy/Regulatory

Attachment 6 addresses the Property site context and Islands Trust policies in greater detail. The following is a summary.

Official Community Plan (OCP)

The as-built development on the Property is consistent with the R - Rural land use designation in the Gambier Island Associated Islands Official Community Plan Bylaw No. 109, 2009 and is not within any currently enacted Development Permit Areas ("DPAs") for North Thormanby Island.

Land Use Bylaw (LUB)

Section 5.1 Small Lot Rural Residential – (SRR)

Siting and Size

(6) The minimum setback for any building or structure in the SRR zone is:

(a) Residential 6.0 metres (19.6 feet) from any lot line abutting a highway or

private road;
(b) 1.5 metres (5 feet) from any interior or exterior side lot line; and

Section 3.3(5) of the LUB provides the following setback exemptions:

*Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades and similar features may project into a required setback area, except a setback from the natural boundary of the sea, a watercourse or a wetland, **provided they do not project more than 0.6 metres (2 feet) into the required setback area.*** (Emphasis added)

The structures under application project more than 0.6 metres into both the front and interior side lot line setbacks and so the variances are required for the structures to remain lawfully sited on the Property.

Potential impacts of granting the variances

The Applicant is requesting variances to both the front and interior side slot line setbacks. Front lot line setbacks are intended to ensure that buildings and structures are sited sufficient distance from a road and contribute to maintaining a consistent pattern of development between parcels in the same neighbourhood. An interior side lot line setback ensures that structures and their uses on adjacent properties are a minimum distance apart, allowing for a reasonable degree of privacy and to mitigate disturbance issues which might impinge upon an owner/resident's peaceful enjoyment of a property.

In this case, the potential impact of siting the deck within the front lot line setback is relatively minor, particularly because Vaucroft Road has limited traffic and the deck is farther from the road than the sleeping cabin itself (including its landing stairs) as previously authorised by GM-DVP-2021.5 and the accompanying MOTI setback permit. The Applicant has received a new MOTI permit in 2023 (Attachment 6) for the deck and stairs that are the partial subjects of this application, GM-DVP-2023.1.

It is the opinion of staff that reducing the interior side lot line setback is more significant due to the proximity of the structures to the northern neighbouring property boundary. The Applicant submits that the deck has been built to incorporate the storage shed building and to allow access to the front of the lot, that it is part of the deck railing design/installation itself and further, that the shed is used solely for storage and does not itself overlook the neighbouring deck. Staff was not able to conduct a site visit to confirm the above assertions; in lieu the Applicant has provided photographs of the area as shown in Attachment 7.

As stated in the Report Summary, the northern neighbouring property owners have indicated support in writing for the variance requests and raise no issue with the siting of the structures against the shared property boundary. However, it is not possible to ascertain the position of potential future property owners on this matter. The LTC has adopted LUB setback regulations for the purposes as stated above. While the position of the Applicant is understandable as presented in the Rationale Letter, staff cannot recommend approving the side lot line variances to remedy the as-built structures in this case. Applicant has provided photos of the area (Attachment 7).

If the LTC does not approve the interior side lot lines setback requests and a complaint is received in the future, the Applicant may be required to remedy the encroachment issues through a bylaw enforcement process by removing part of the deck and relocating the storage shed outside of the setback area.

Consultation

No consultation is necessary for the Application beyond the statutory Public Notice as required by the *Local Government Act* (Attachment 8) which was distributed to neighbouring property owners and tenants within 100

metres of the Property. No correspondence was received prior to distribution of the Notice or at the time of preparing this report, but may be received before or during the LTC meeting on October 17, 2023. All correspondence received on or before the LTC meeting will form part of the public record and will be presented to the LTC as part of the application file materials. Correspondence may be sent to northinfo@islandstrust.bc.ca.

First Nations

The structures under application are in close proximity to a documented archeological site (within 100 metres) as indicated by the provincial Remote Access to Archaeological Data (RAAD) system. At the time the application file was opened, the Applicant was provided with information on the Islands Trust Cultural Protocol and BC provincial Chance Find Procedures¹ that contain information about what actions must be undertaken if previously unrecorded archaeological material is encountered during development. In such a case, all work must cease and the provincial Archaeology Branch contacted immediately. A *Heritage Conservation Act* permit may be required before further development is undertaken. The Applicant was also provided this information at the time of their previous SCRD building permit referral and 2021 Islands Trust DVP application.

Rationale for Recommendation

The applicant has received a permit from MOTI to reduce the building setback for the deck and stairs adjacent to Vaucroft Road, from 4.5 metres to 3.63 metres along the front lot line. The road is relatively little travelled and is unimproved, the deck and stairs within Right of Way are set back farther than the sleeping cabin itself (1.0 metres from the front lot line), and no significant impact to neighbouring properties is expected in granting this variance specifically.

Although the northern neighbouring property owners have provided support for the interior side lot line variance requests, staff is concerned about the impact that formalizing the siting of the as-built structures within the setback may have on future property owners. For these reasons, staff recommends approval of the front lot line setback reduction but refusal of the interior side lot line reductions as noted on page 1 of this report.

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 it requires 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. Approve the application as proposed

The LTC may approve the Draft DVP as proposed by the applicant, including the front and side lot line variance requests. The implications of this alternative have been presented in the Analysis section of this staff report.

¹ [L2 \(islandstrust.bc.ca\)](https://islandstrust.bc.ca)

That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2023.1 to reduce the front setback for the lot line abutting a road from 6.0 metres to 3.63 metres, and reduce the interior side lot line from 1.5 metres to 0.43 and 0.17 metres.

3. Deny the application

The LTC may deny issuance of the DVP altogether. Staff advise that the implications of this alternative could be the possible initiation of bylaw enforcement action to remedy the encroachment issues.

That the Gambier Island Local Trust Committee refuse application GM-DVP-2023.1

Submitted By:	Ian Cox, Planner 2	September 25, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	September 27, 2023

ATTACHMENTS

1. Draft DVP
2. Letter of Support
3. Applicant Rationale Letter
4. MOTI Permit (2020)
5. Site Context
6. MOTI Permit (2023)
7. Site Photographs
8. Statutory Public Notice

DRAFT



GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.1

TO: Patrick Robitaille & Susan Dawson

1. This Development Variance Permit applies to the land described below:

PID: 009-414-908

Lot 27, Block A, District Lot 1017, Plan 10306

2. Pursuant to Section 498 of the *Local Government Act*, the *Gambier Associated Islands Land Use Bylaw No. 120, 2013* is varied as follows:

1. PART 5 ZONES, Section 5.1 SMALL LOT RURAL RESIDENTIAL (SRR), Subsection 5.1(6) SITING AND SIZE
“The minimum setback for any building or structure in the SRR zone is:”, Article 5.1(6)(a)
“Residential 6.0 metres (19.6 feet) from any lot line abutting highway or private road”; is varied:

- To reduce the setback for a deck from 6.0 metres to 3.63 metres.

2. PART 5 ZONES, Section 5.1 SMALL LOT RURAL RESIDENTIAL (SRR), Subsection 5.1(6) SITING AND SIZE
“The minimum setback for any building or structure in the SRR zone is:”, Article 5.1(6)(b) “1.5 metres (5 feet) from any interior or exterior side lot line...”; is varied:

- To reduce the setback for a deck from 1.5 metres to 0.43 metres.
- To reduce the setback for an accessory building (“storage shed”) from 1.5 metres to 0.17 metres

3. The proposed development shall be consistent with **Schedule “A” – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gambier Associated Islands Land Use Bylaw No. 120, 2013 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2023.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2025,
THIS PERMIT AUTOMATICALLY LAPSES.**

Schedule "A" – Site Plan



From: Ian Cox
Sent: Monday, September 11, 2023 8:37 AM
To: 'David Robitaille'
Subject: RE: Lot 27, North Thormanby Island

David,
Received, thank you. This letter will be added to the file material for GM-DVP-2023.1.

Sincerely,

Ian Cox

Planner II

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2207 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Protecting islands in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəḡən məsteyəxʷ, Scia'new, səliiwətaḡ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṪÁUTW, Stz'uminus, ʔaʔəmen, toq qaymuxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁŁP, WSIKEM, Xeláitxw, Xwémalhkwxuʔop qaymuxʷ, and xʷməḡkʷəyəm.

From: David Robitaille <dfr@me.com>
Sent: Sunday, September 10, 2023 3:28 PM
To: Ian Cox <icox@islandstrust.bc.ca>
Subject: Lot 27, North Thormanby Island

Dear Mr. Cox:

My wife, Rosanna Robitaille, and I are the joint owners of Lot 26 on North Thormanby Island. We bought our lot and cabin in 1978, and we strongly support owners' efforts to maintain the character of the island. My son, Patrick Robitaille, and his wife, Susan Dawson, the current owners of Lot 27, love the island as least as much as we do; and they too strongly support efforts to maintain and ameliorate the prevailing character of the island.

As next-door neighbors, we have watched the ongoing redevelopment of Lot 27 since they recently purchased it, and we strongly support what they have done. The lot and its cabin have suffered from a kind of "benign neglect" over the past 20 years or more, during which period the lot has changed hands several times. Several other lot owners have told us that they too are pleased with the upgrades proposed.

My wife and I are happy with new building for which they are seeking approval. We find the proposed additions to the building to be tasteful, and consistent with the character of the island—as compared to some other recent rebuilds. We have no concerns about any imagined

negative impact these changes might have on our continued enjoyment of Lot 26 or of the island in general.

Please feel free to contact me for any additional information you might require. You can contact me by email or by calling me at 604-230-4545.

Sincerely,

David F. Robitaille
Professor Emeritus, UBC

and

Rosanna Robitaille

Question from Islands Trust: Finally, I also recommend that you send a written rationale for the variance request. It would be helpful to understand some of the background for this application such as, why your construction plans changed after you received the previous DVP in 2021? Why you didn't seek a variance prior to construction? And what other alternatives for the siting of the structures were considered?

Response:

We write to provide you with a history of the project and the reasons the build departed from the plans submitted for approval.

In 2020, Richard Shallard, as our builder and agent, submitted plans to the Sunshine Coast Regional District (SCRD) for an auxiliary building, 40 ft by 16 ft, with a deck extending the length of the building (40 ft.), with a width of approximately 10ft. At the time, we were not certain of the size or dimensions of the deck we would want, but we had understood, perhaps incorrectly, that as long as the deck was no more than 2 ft. high, it did not require approval. Specifically, we understood that a deck no more than 2 feet high did not count towards lot coverage, was not a structure and was not subject to approval by Islands Trust or the SCRd. On this basis, we understood that we would be free to depart from the plans, and build a deck of any size that suited us once the building was complete.

The plans also called for the building to sit on concrete blocks, not a concrete perimeter foundation. As we were about to start construction, however, Richard Shallard suggested that we use a concrete perimeter foundation, instead of concrete blocks. He recommended it because a perimeter foundation provided increased insulation and protection from insect/rodent infestation, and could be done at the same cost as using concrete blocks. We agreed to proceed with a concrete foundation on that basis. Unfortunately, we were not advised, and were therefore unaware, that a concrete foundation increased the height of the building and resulted in the deck being over 2 feet off the ground.

When we submitted the plans for approval, there was already an auxiliary building on the site. The home inspector at the time we purchased the building told us this auxiliary building was not well built, and should be repaired or removed. On that basis, we had intended to demolish the building. However, Richard Shallard advised that the building was actually well built and that it would be a shame to demolish it. In an effort not to waste a perfectly good building and either burn it or demolish it and remove the debris, we decided to repurpose it for a storage shed. As it was located within the footprint of the new auxiliary building, and because of the size of the lot and location of the primary building on the lot, we decided to move the building from its location on the east side of the lot to the west side of the lot. Unfortunately, we were not on site the day the building was moved, and we were surprised to discover that Richard Shallard placed it within the side lot setback. He advised that the building had been more difficult to move than expected, and it could not be relocated.

We then decided to build the deck to join the storage auxiliary building that we had moved with the new auxiliary building and to have the deck wrap around the side of the new auxiliary building to allow for access to the front of the lot. We remained unaware that the height of the deck exceeded 2 ft. until after we planned and built the deck, as depicted in the new plans. It was at the time when the deck was completed that we were advised that since the deck was over 2 ft. high, railings would be required. By joining the deck with the railing to the storage building, the deck also is, we now understand, considered a structure that is within the side lot setback.

You have asked why we did not halt construction and return to Islands Trust for approval once we realized the build had departed from the approved plans. It is difficult to explain why it did not occur to us to do so, but it did not. In hindsight, it seems clear that we should have known that as the deck was over 2 ft. high, it both required approval and was not permitted to be within the side lot setback without a variance. Similarly, when we saw that the auxiliary storage building (the shed) had been placed within the side lot setback, we should have known that a variance was required. Neither of these things occurred to us. We called for final inspection from the SCRD without any understanding that the deck and the auxiliary storage building/shed were non-compliant. We relied completely on our builder to ensure that our build adhered to the plans and to the by-laws. We understand that it was and is our responsibility; however, at that time we were under enormous personal stress as our son was in the United States undergoing medical treatment from October 2021 until September 2022. Our son spent three months in hospital in Boston (November 2021 to January 2022) and then nine months in residential treatment in Los Angeles (from February until September 2022). We obviously were distracted and consumed with concern for his health and we simply were not thinking clearly about the build. The building permit was issued by the SCRD in July 2021 at a time when we were distracted with our son's health and the construction began in earnest that Fall, overlapping with the time when we were travelling to and from the United States a significant amount to deal with his health issues. Rather than the build being something to look forward to with hope, it turned into a bit of an administrative disaster, and we are hopeful that we can rectify this with Islands Trust.

We take full responsibility for our error, and ask for your understanding in providing us with a variance to allow for the deck and auxiliary building.

Sincerely,

Patrick & Susan



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Sechelt Area Office
Box 356
Sechelt, BC V0N 3A0
Canada

("The Minister")

AND:

Patrick David Robitaille
Susan Elizabeth Dawson
3969 Blantyre Place
North Vancouver, British Columbia V7G2G5
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a 59 square meter sleeping cabin within the 4.5m setback from, Vaucroft Road, located at Lot 27 Block A District Lot 1017 Plan 10306 (578 Vaucroft Road, Thormanby Island), as shown on drawings A000, A100, A200 dated February 6, 2020.
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. The rights granted under this permit are for an indefinite period.



Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted.

5. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
6. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or III. the operation of the Highways;
7. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
8. It is the responsibility of the permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
9. Permittee to be responsible for the supply of all labour, equipment, materials in connection with these works.
10. A copy of this permit must be on site at all times during the said works.
11. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
12. **The layout shown on the submitted drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.**
13. It is the permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 7 of the Water Act, for works in or around any natural water-course, as and if required.
14. The Permittee shall ensure all equipment working on or hauling material on to and from the Site does not damage or deposit material onto any part of an existing roadway. Materials spilled onto the public roadways or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads and driveways caused by its construction equipment and/or operations.
15. No gates are to be placed within Ministry of Transportation and Infrastructure Right of Way.
16. **No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.**
17. Any damage to the Ministry of Transportation and Infrastructure right-of-way as a direct result of the permitted works shall be repaired and maintained by the Permittee in perpetuity.
18. If the Permittee proceeds on this permit, it is deemed that all terms and conditions have been accepted.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Sechelt, British Columbia, this 5 day of March, 2020

Kattia Woloshyniuk,
Development Officer and Operations Technician
On Behalf of the Minister

EXISTING SITE & PROPOSAL DESCRIPTION

The current buildings include a main dwelling cabin, with a small sleeping cabin (accessory building) that are both used for private residential use only, primarily in the summer seasons. The proposed sleeping cabin will replace and retain the same use as the existing sleeping cabin on site. Both of the existing cabins and the proposed one do not have foundations; the buildings are raised off the ground on piles.

The proposed sleeping cabin is applying for a development variance permit to receive a variance on the Islands Trust Bylaw No. 120, 5.1.6 which requires a 6.0m setback on a lot line bordering a "highway". The construction of this sleeping cabin proposal proves difficult to remain within the setback primarily due to the existing structures and infrastructure, including the existing septic field and main dwelling. The field is located ten feet behind the existing main dwelling, causing the proposed sleeping cabin to be pushed further back closer to the lot line, to stay clear of this obstruction.

A number of neighboring properties have built structures or installed gardens with fences, with a similar proximity to the property line along Vaucroft Road as the existing sleeping cabin on our site. Although Vaucroft Road is legally the "highway" bordering this site, there is very limited traffic past this lot, as most people walk or ride bikes along the boardwalk on the opposite side of the property. The road is used infrequently, and most often by persons driving small vehicles such as a golf cart to and from the dock to their cabin. It is not a major traffic area, and single lane road access is plenty for the limited use by the community. Even with the current sleeping cabin structure on lot 27 and the other immovable buildings or fences on neighboring properties, there has never been any issue with access along Vaucroft Road for larger vehicles when needed. We note that this includes the recent construction on lots 23 and 24. This proposed sleeping cabin is proposing to site itself in a similar location as the existing sleeping cabin to retain privacy from the majority of traffic on the boardwalk side of the site and to retain adequate distance from the main dwelling on site, and would not infringe on the road access in any manner that is additional to what is currently the case with the existing sleeping cabin.



Thormanby
Island

Address: 578 Vaucroft Road,
Thormanby Island, BC

Legal Description: Lot 27,
Block A, District Lot 1017,
Plan 10306

Project
Information

Date	20/02/06
Drawn by	NP
Checked by	-

A000

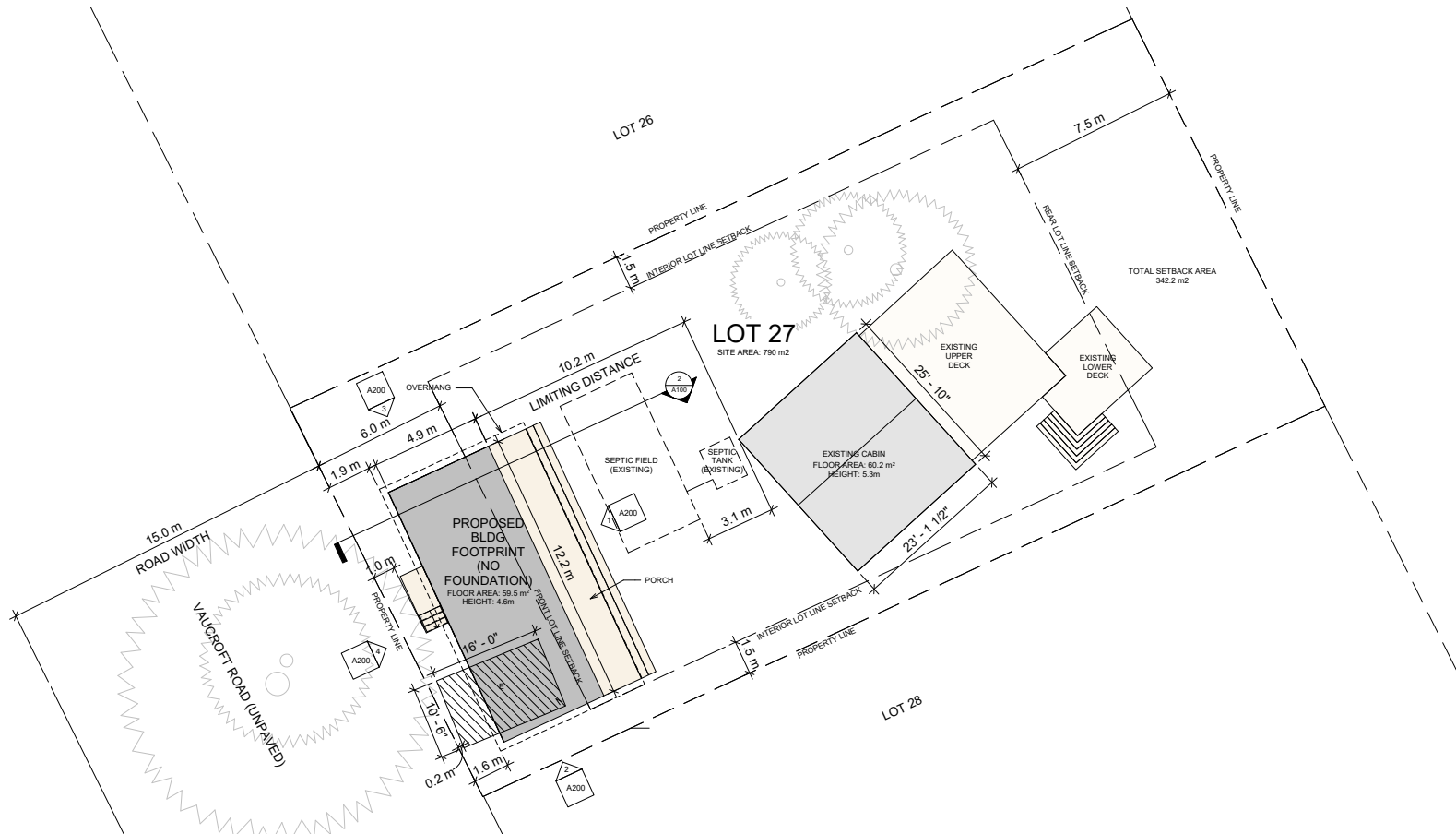


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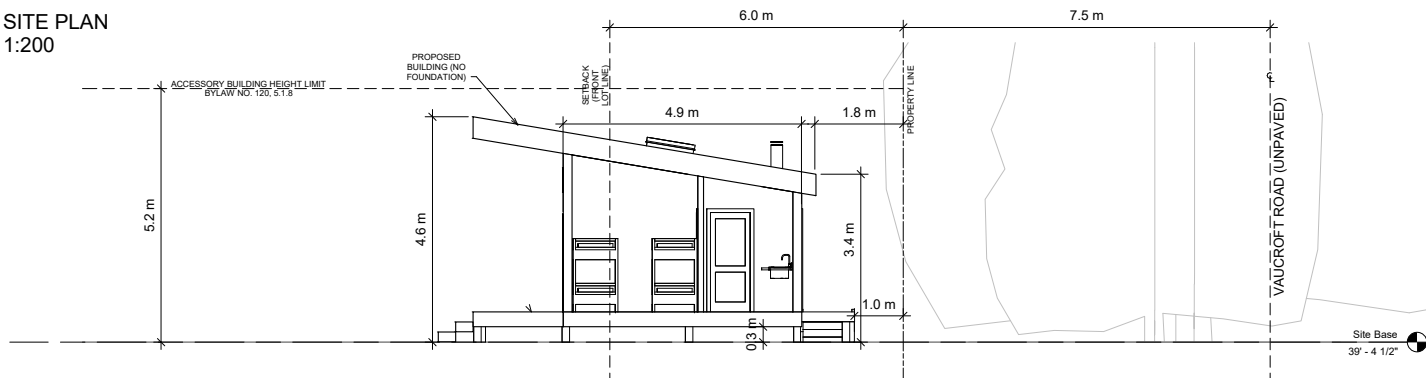
Thormanby Island

Address: 578 Vaucroft Road,
Thormanby Island, BC

Legal Description: Lot 27,
Block A, District Lot 1017,
Plan 10306



SITE PLAN
1:200



SITE SECTION
1:100

Site Plan & Section

Date	20/02/06
Drawn by	NP
Checked by	-

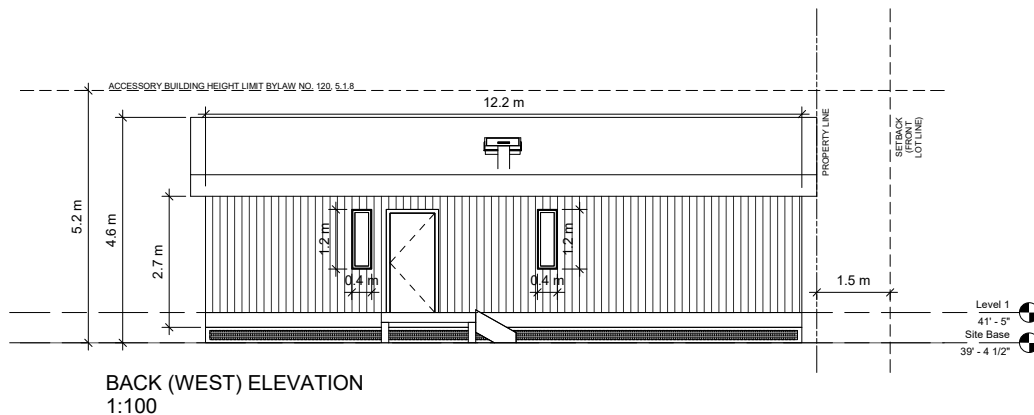
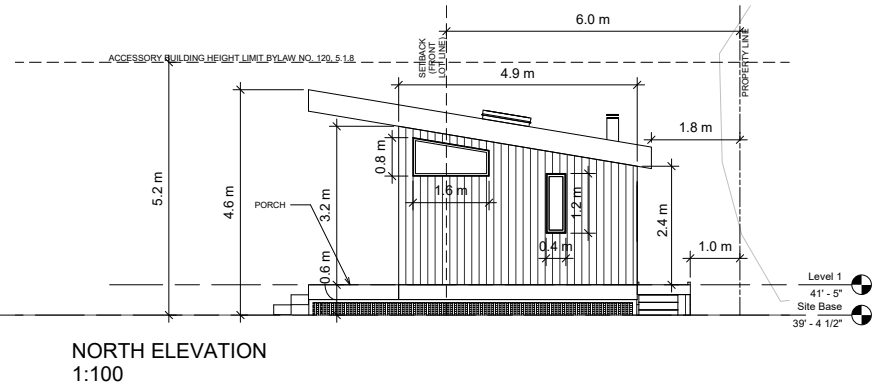
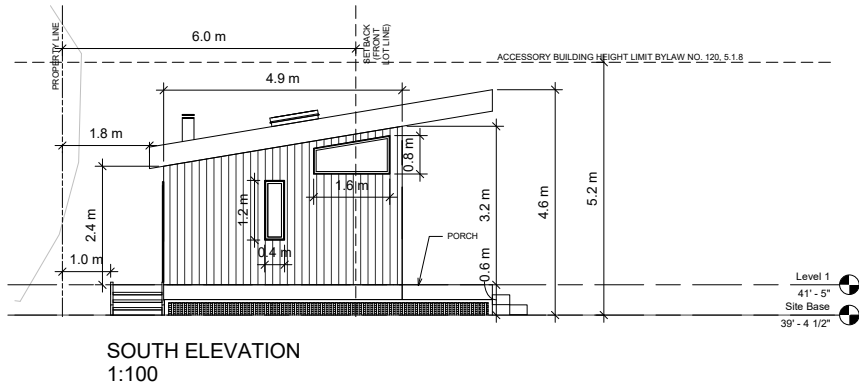
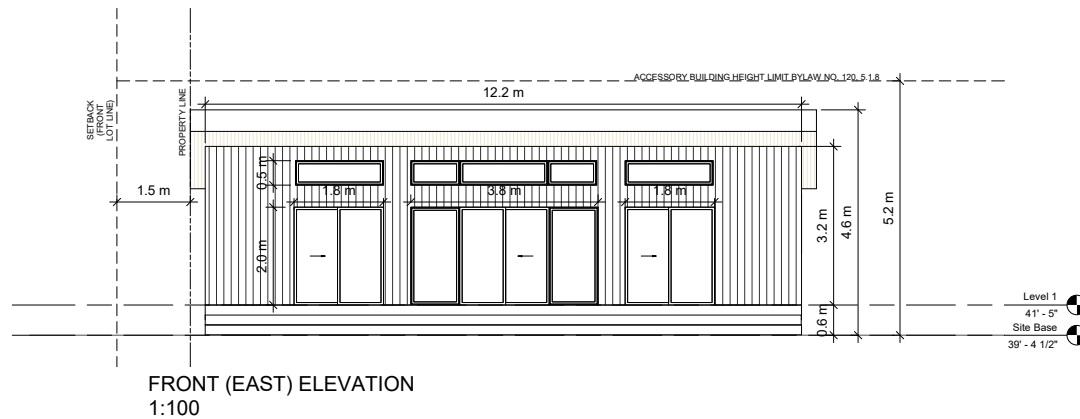
A100



Thormanby Island

Address: 578 Vaucroft Road,
Thormanby Island, BC

Legal Description: Lot 27,
Block A, District Lot 1017,
Plan 10306



Elevations

Date 20/02/06
Drawn by NP
Checked by -

A200

ATTACHMENT 5 – SITE CONTEXT

LOCATION

Legal Description	LOT 27 BLOCK A DISTRICT LOT 1017 PLAN 10306
PID	009-414-908
Civic Address	578 Vaucroft Rd, North Thormanby Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential (North, South, West), Park (East)

HISTORICAL ACTIVITY

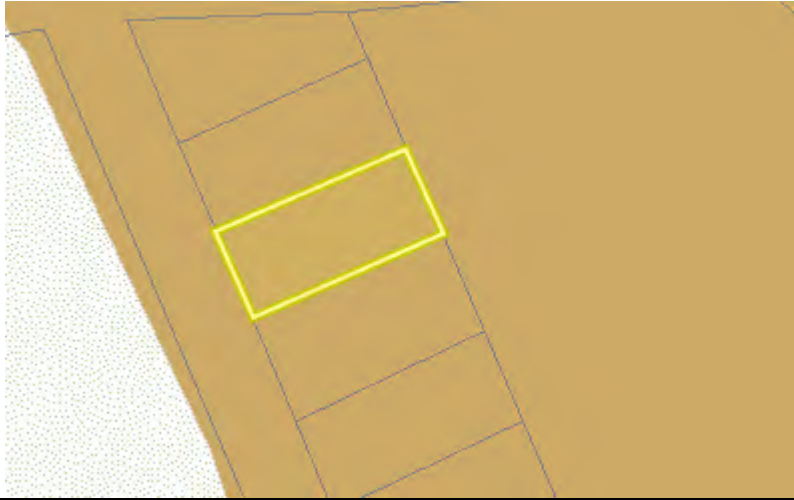
File No.	Purpose
GM-DVP-2021.5	To site an accessory building in lot line setbacks
GM-BP-2021.1	To build and accessory building

POLICY/REGULATORY

Official Community Plan Designations	Residential (R)
Land Use Bylaw	5.1 Small Lot Rural Residential (SRR) 5.1(3) The maximum lot coverage in the SRR zone is 25 percent. 5.1(5) The maximum number of accessory buildings permitted in the SRR zone is two (2) per lot. 5.1(6) The minimum setback for any building or structure in the SRR zone is: (a) Residential 6.0 metres (19.6 feet) from any lot line abutting a highway or private road (b) 1.5 metres (5 feet) from any interior or exterior side lot line; and (c) 7.5 metres (24.6 feet) from any rear lot line.
Covenants	Restrictive Covenant R130987 – This is a private covenant held by Pacific Resorts Ltd. for the purpose of creating a Building Scheme. The LTC has no obligations related to this covenant.
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant.
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Regional Conservation Plan	n/a – This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	No Species at Risk data identified.
Sensitive Ecosystems	ITC Sensitive Ecosystem Mapping identifies the subject property as “sand” ecosystem. 
Hazard Areas	None identified.
Archaeological Sites	Upon review of the Remote Access to Archaeological Data (RAAD) information, the subject property is within 100 metres of known archaeological site: DjRx-34. 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 the BC 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	No anticipated climate-change induced hazards on the proposed development.



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Sechelt Area Office
Box 356
Sechelt, BC V0N 3A0
Canada

("The Minister")

AND:

Susan E Dawson
3969 Blantyre Place
North Vancouver, British Columbia V7G 2G5
Canada

("The Permittee")

Patrick D Robitaille
3969 Blantyre Place
North Vancouver, British Columbia V7G 2G5
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a building and deck, located at 578 Vaucroft Road, Thormanby Island legally described as Lot 27 Block A District Lot 1017 Plan 10306, as shown on drawing A100 dated 23/08/13, attached to this permit.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or



incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.

4. The rights granted under this permit are for an indefinite period.
Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted.
5. The Permittee will at all times indemnify and save harmless His Majesty the King in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
6. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or III. the operation of the Highways;
7. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
8. It is the responsibility of the permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.

Additional Conditions

9. Permittee to be responsible for the supply of all labour, equipment, materials in connection with these works.
10. All works are to be completed in accordance with drawing no. A100 dated 23/08/13.
11. A copy of this permit must be on site at all times during the said works.
12. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
13. The layout shown on the submitted drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
14. It is the permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 7 of the Water Act, for works in or around any natural water-course, as and if required.
15. The Permittee shall ensure all equipment working on or hauling material on to and from the Site does not damage or deposit material onto any part of an existing roadway. Materials spilled onto the public roadways or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads and driveways caused by its construction equipment and/or operations.
16. No gates are to be placed within Ministry of Transportation and Infrastructure Right of Way.
17. No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.
18. Any damage to the Ministry of Transportation and Infrastructure right-of-way as a direct result of the permitted works shall be repaired and maintained by the Permittee in perpetuity.
19. If the Permittee proceeds on this permit, it is deemed that all terms and conditions have been accepted.



BRITISH
COLUMBIA

Ministry of
Transportation

Permit/File Number: 2023-02675

Office: Sechelt Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Sechelt, British Columbia, this 1 day of September, 2023

On Behalf of the Minister

Legal Description: Lot 27,
Block A, District Lot 1017,
Plan 10306



A100















NOTICE
GM-DVP-2023.1
GAMBIER ISLAND LOCAL TRUST COMMITTEE

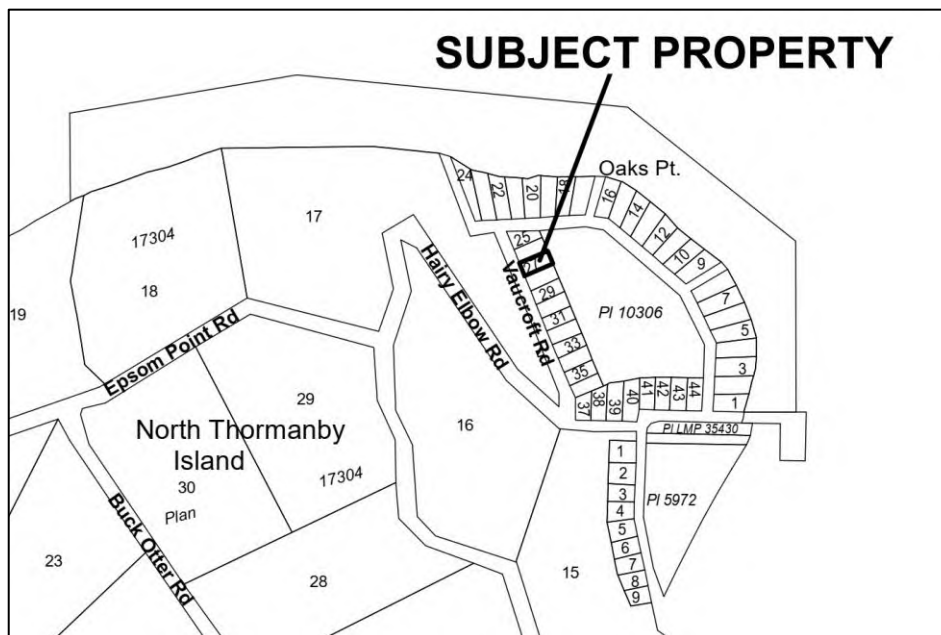
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gambier Associated Islands Land Use Bylaw, 2013 by:

- Reducing the minimum setback to a lot line abutting a highway or private road ("front" lot line) from 6 metres to 3.63 metres to allow siting of an existing deck and stairs;
- Reducing the minimum setback to an interior side lot line from 1.5 metres to 0.43 metres to allow an existing deck; and
- Reducing the minimum setback to an interior side lot line from 1.5 metres to 0.17 metres to allow an existing accessory building ("storage shed").

The property is legally described as:

LOT 27 BLOCK A DISTRICT LOT 1017 PLAN 10306
(PID 009-414-908)

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 **September 29, 2023** and continuing up to and including **October 16, 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 Ian Cox, Planner 2 at (250) 247-2207, 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, **October 16, 2023**.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:00 am, October 17, 2023, Electronic Regular Meeting – Zoom Webinar**.

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



GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.1

TO: Patrick Robitaille & Susan Dawson

- 1.** This Development Variance Permit applies to the land described below:

PID: 009-414-908

Lot 27, Block A, District Lot 1017, Plan 10306

- 2.** Pursuant to Section 498 of the *Local Government Act*, the *Gambier Associated Islands Land Use Bylaw, 2013* is varied as follows:

1. PART 5 ZONES, Section 5.1 SMALL LOT RURAL RESIDENTIAL (SRR), Subsection 5.1(6) SITING AND SIZE
“The minimum setback for any building or structure in the SRR zone is:”, Article 5.1(6)(a)
“Residential 6.0 metres (19.6 feet) from any lot line abutting highway or private road”; is varied:
 - To reduce the setback for a deck from 6.0 metres to 3.63 metres.
2. PART 5 ZONES, Section 5.1 SMALL LOT RURAL RESIDENTIAL (SRR), Subsection 5.1(6) SITING AND SIZE
“The minimum setback for any building or structure in the SRR zone is:”, Article 5.1(6)(b) “1.5 metres (5 feet) from any interior or exterior side lot line...”; is varied:
 - To reduce the setback for a deck from 1.5 metres to 0.43 metres.
 - To reduce the setback for an accessory building (“storage shed”) from 1.5 metres to 0.17 metres

- 3.** The proposed development shall be consistent with **Schedule “A” – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gambier Associated Islands Land Use Bylaw No. 120, 2013 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

PROPOSED

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2023.

Deputy Secretary, Islands Trust

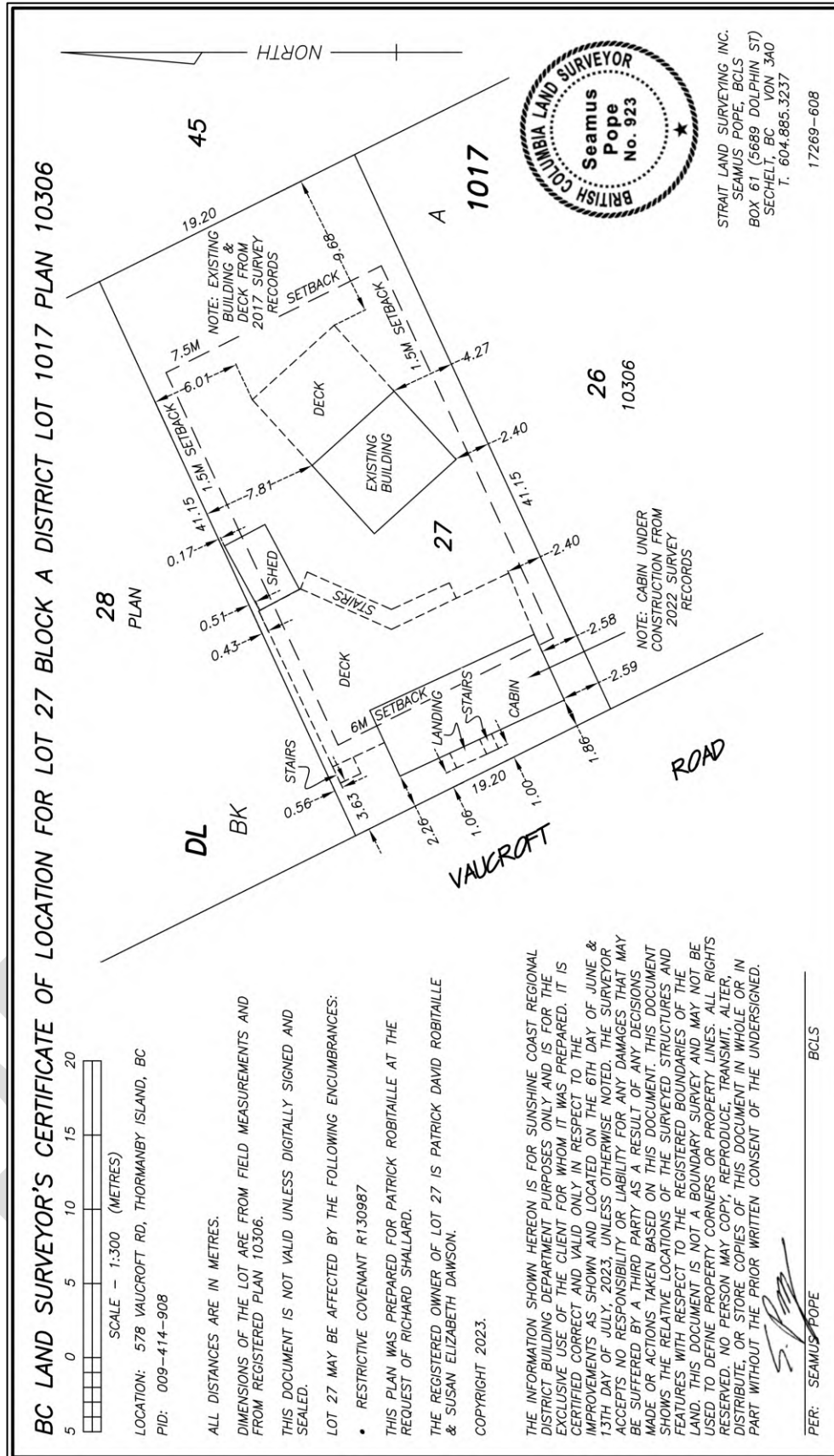
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2025, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A" – Site Plan

PROPOSED

PROPOSED



DATE OF MEETING: October 17, 2023

TO: Gambier Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: GM-DVP-2023.3
Applicant: Bryn Wong
Civic: 2431 Austin Road, Gambier Island; PID 011-643-439;
LOT 5 OF LOT 2 BLOCK B DISTRICT LOT 1409 PLAN 4275

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2023.3

REPORT SUMMARY

This staff report introduces Development Variance Permit (DVP) application GM-DVP-2023.3 for consideration by the Gambier Island LTC. The application seeks to reduce the minimum setbacks on the property for the Settlement Residential (SR) Zone as set out in the [Gambier Island Land Use Bylaw No.86, 2004](#) (LUB) for a lot line abutting a road (the “front” lot line) from 7.5 metres to 0.23 metres for an addition to the single family dwelling. The draft DVP is presented in Attachment 4.

Three neighbouring property owners have indicated support for the proposal (Attachment 3).

Staff are recommending issuance of GM-DVP-2023.3, as per the rationale provided on page 4 of this report.

BACKGROUND

The subject property, shown in Figure 1 below, is a 0.16 hectare (0.41 acre) lot located within the southwest (New Brighton) area of Gambier Island and is zoned Settlement Residential (SR).

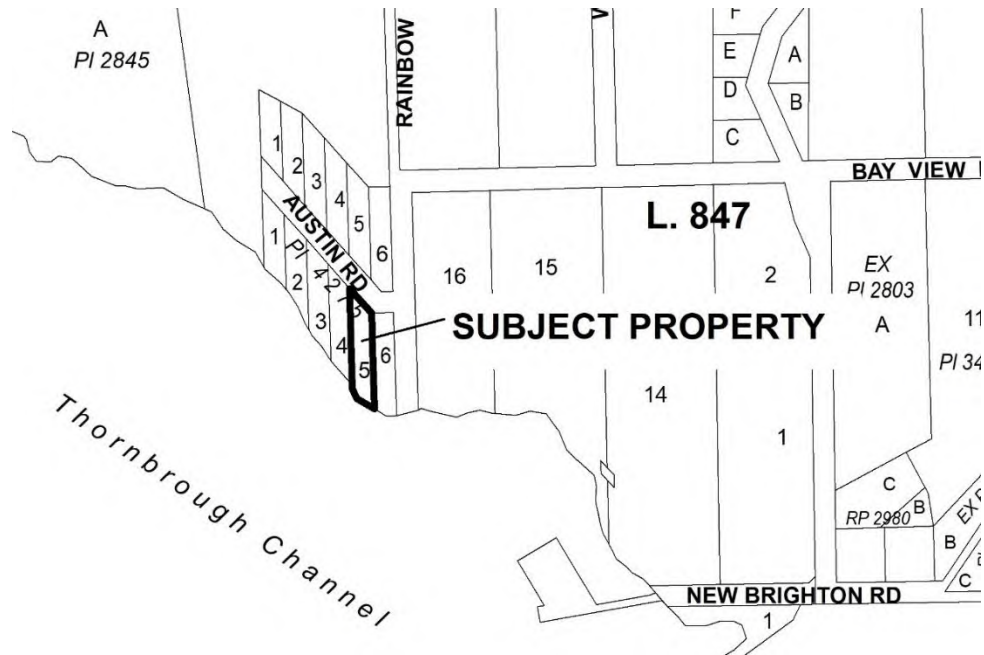


Figure 1. Subject property map



Figure 2: Subject property air photo

The applicant is proposing to construct a three floor addition with a building footprint of 856 ft² (total square footage of all three floors is 2568 ft²) to the existing 800 ft² single family dwelling. Due to site constraints such as the location of the existing dwelling, location of the well and the location of an easement on the property, the applicant is proposing to build the addition within the setback to the front lot line.

APPLICANT RATIONALE FOR VARIANCE

The applicant has provided a letter of rationale for the proposal (Attachment 2) which includes the following:

- There are no other options for expansion of the existing dwelling due to site constraints.
- They have discussed the proposal with their adjacent neighbours to the east, to the west and across the street and the neighbours have no concerns. They have each provided letters of support included as Attachment 3.
- The existing principal dwelling was previously used as a vacation home; however, it is now being used as the full-time principal residence. The applicants are proposing an addition to accommodate visiting family.
- Austin Road is a dead-end road with very little vehicular traffic.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

Official Community Plan:

The principal dwelling on the subject property is consistent with the Settlement Residential (SR) land use designation in the Gambier Island Official Community Plan No. 73, 2001. The subject property is within Development Permit Area No. 3 – Riparian Areas. However, the proposed development is an exempted activity as it is taking place greater than 30 metres from a watercourse.

Land Use Bylaw:

The subject property is zoned **Settlement Residential (SR)** in the Gambier Island Land Use Bylaw No. 83. Single family residential is a permitted use in that zone. The existing dwelling complies with the LUB regulations. However, the proposed addition does not comply with Section 5.1.9(a), the siting and setback regulation for buildings and structures from the front lot line. Thus, it is regulation 5.1.9(a) that requires a variance for the siting of the proposed addition.

The proposed development is exempt from the requirement for a development permit as per Section 9.3(3) of the LUB.

The following activities are exempt from any requirement for a development permit in Development Permit Area No. 3:

- a. development taking place outside of the areas described below in 9.3(3)(a)(i) though 9.3(3)(a)(iv):*
 - i. For a watercourse that is not located in a ravine, a 30 metre strip on both sides of the watercourse measured from the high water mark;*
 - ii. For a watercourse located within a ravine that is less than 60 metres wide, a strip on both sides of the watercourse measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;*

- iii. *For a watercourse located within a ravine that is 60 metres wide or greater, a strip on both sides of the watercourse measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;*
- iv. *For a wetland, the area within 30 metres of the high water mark of the wetland;*

Issues and Opportunities

The applicant is requesting a variance to the front lot line setback. Front lot line setbacks are intended to ensure that buildings and structures are sited sufficient distance from a road and contribute to maintaining a consistent pattern of development between parcels in the same neighbourhood.

In this case, the potential impact of siting the addition within the front lot line setback is relatively minor, particularly because Austin Road has very limited traffic and there is a significant shoulder area. During a site visit, on July 21, 2023, staff measured from the gravel edge of the road to the northwest corner of the property line (the shoulder area) as 9.3 metres. The shoulder area is highlighted in yellow below (see Figure 3). Site photos of the area are included in Attachment 4.

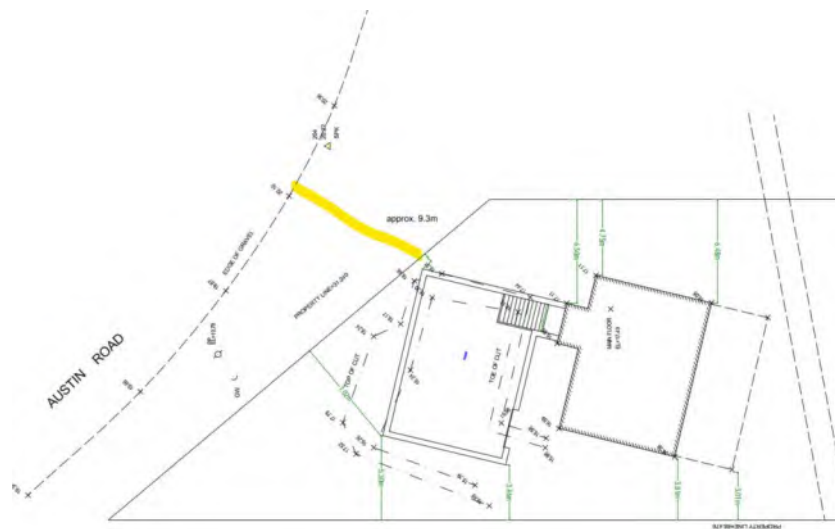


Figure 3: Shoulder area

As shown on Figure 3, the front lot line does not run directly parallel to the proposed addition and as a result, the addition would be sited 0.23 metres from the front lot line at the northeast corner and 7.02 metres from the front lot line at the northwest corner of the lot.

The Ministry of Transportation and Infrastructure (MOTI) manages provincial highways and has authority to make decisions about what may take place on highway right-of-ways. Property owners with structures located within 4.5 metres from the property line fronting a highway right-of-way must apply for a permit to reduce the setback. The applicant is in process of contacting MOTI to determine whether a MOTI setback permit is required for this proposed addition.

As stated in the Report Summary, three neighbouring property owners have indicated support in writing for the variance request and raise no issue with the siting of the proposed addition in the front lot line setback.

Consultation

In accordance with Section 499 of the *Local Government Act* (LGA) and Section 8 of the Gambier Island Development Procedures Bylaw No. 50, notification of this DVP application (Attachment 3) was distributed to neighbouring property owners and tenants within 100 metres. No correspondence was received prior to distribution of the Notice or at the time of preparing this report, but may be received before or during the LTC meeting on October 17, 2023. All correspondence received on or before the LTC meeting will form part of the public record and will be presented to the LTC as part of the application file materials. Correspondence may be sent to northinfo@islandstrust.bc.ca.

First Nations

The structures under application are in close proximity to a documented archeological site (within 100 metres) as indicated by the provincial Remote Access to Archaeological Data (RAAD) system. At the time the application file was opened, the Applicant was provided with information on the Islands Trust Cultural Protocol and BC provincial Chance Find Procedures that contain information about what actions must be undertaken if previously unrecorded archaeological material is encountered during development. In such a case, all work must cease and the provincial Archaeology Branch contacted immediately. A *Heritage Conservation Act* permit may be required before further development is undertaken.

Rationale for Recommendation

Given that this is not a through road and has very little traffic and the location of the proposed addition will have little to no impact on neighbouring properties, staff are recommending approval of this variance request, as noted on page 1 of this report.

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. If this alternative is selected, the LTC should state the reasons for denial. Note, if the decision is to deny a development permit application, the decision MUST be accompanied by reasons. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee deny application GM-DVP-2023.3 for the following reasons [insert reasons, e.g. the proposed variance to permit a seawall within the setback to the natural boundary of the sea is contrary to Official Community Plan marine foreshore protection objectives].

NEXT STEPS

Subject to concurrence with the staff recommendation, staff will issue Development Variance Permit GM-DVP-2023.3 as drafted in Attachment 4.

Submitted By:	Marlis McCargar, Island Planner	September 28, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	October 10, 2023

ATTACHMENTS

1. Site Context
2. Applicant Rationale
3. Letters of Support
4. Site Photographs
5. Draft Development Variance Permit
6. Statutory Public Notice

ATTACHMENT #01 – SITE CONTEXT

LOCATION

Legal Description	LOT 5 OF LOT 2 BLOCK B DISTRICT LOT 1409 PLAN 4275
PID	011-643-439
Civic Address	2431 AUSTIN RD GAMBIER ISLAND BC V0N 1V0

LAND USE

Current Land Use	Residential – 800 square-foot single family dwelling on property
Surrounding Land Use	Single family residential uses on lots to the East and West. Austin Road to North, with more residential lots on other side of road. Thornbrough Bay to the South.

HISTORICAL ACTIVITY

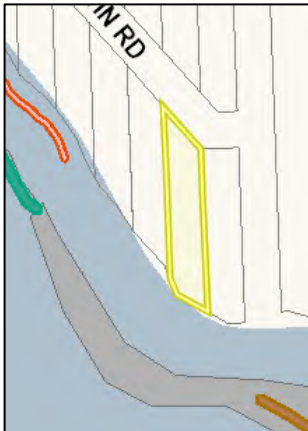
File No.	Purpose
GM-BP-2016.2	Construction of new cabin and deck
GM-BP-2023.8	Companion file – construction of addition adding shop and studio space

POLICY/REGULATORY

Official Community Plan Designations	Settlement Residential (SR) Development Permit Area 3: Riparian Areas
Land Use Bylaw	This property is zoned Settlement Residential (SR)  From the Gambier Island Land Use Bylaw No. 86: 5.1 Settlement Residential (SR) Zone (3) On a lot 0.4 hectares or greater in area, one single family dwelling and one associated secondary dwelling are permitted, in addition to buildings and structures accessory to residential and domestic agriculture use.

	(5) Maximum lot coverage for all buildings and structures: (a) Lots less than 1 hectare in area: 25%; (9) The minimum setback for any building or structure: (a) 7.5 metres from any front or rear lot line; (b) 3 metres from any interior side lot line; (c) 4.5 metres from any exterior side lot line. 9.3 Development Permit Area No. 3 (Riparian Areas) (2) The following activities shall require a Development Permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3(3): (a) removal, alteration or destruction of vegetation (b) disturbance of soils (c) construction of, addition to, or alteration of a building or other structure (d) creation of non-structural, impervious or semi-impervious surfaces (e) subdivision of land
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant.
Regional Conservation Strategy	This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	Eelgrass meadows mapped 40m off coast of the property. 

Sensitive Ecosystems	None mapped
Hazard Areas	None mapped
Archaeological Sites	The subject property is within 20 metres of two known archaeological sites. 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 the BC 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	No anticipated climate-change induced hazards on the proposed development.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble

May 8, 2023

To: Kate-Louise Stamford, Islands Trust Trustee

Re: Variance Application 2431 Austin Road, Gambier Island, BC, VON IVO

Islands Trust;

We are requesting that the Islands Trust approve our proposal of building an addition to our home allowing a variance from the property line adjacent to the road on the grounds that we have no other options for expansion, and the proposed building will not impede our neighbours use of the road.

In 1916, my Great-Grandfather bought 10 Acres of land on Gambier Island. For 106 years, 5 generations of my family have made New Brighton their home away from home. We've seen the community grow and evolve as more people discover and love what we call "paradise". We appreciate and respect the Islands Trust and what it stands for, in preserving the beauty of Gambier Island through conservancy and community planning. On Gambier, every lot is unique and presents its own set of circumstances and challenges to the owner when making improvements.

We are Rick and Lorrie Barnett, we purchased a 1/2 acre lot, with an 800 square foot home in New Brighton in 2018 to use as a vacation home. We have since retired and followed our dream to live on Gambier Island full-time. We would like to make room for our family to be able to visit and make the dwelling suitable to pass on to our children to share.

The layout of our lot poses very few options for improvement. South (water side) of the existing home, is an easement where the water line from the shared well on the lot East of us, runs across our property to the lot on the West of us. South of that is the gravity fed septic field. The North side (road side) of the existing home is the only location on the lot that can be built on.

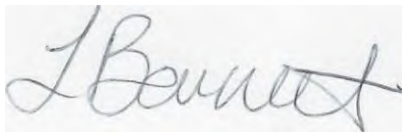
Austin Road is a dead-end road with very little traffic. There are only 8 lots beyond our home.

Beside the roadside property line, there is a pullout on the side of the road that allows room for a vehicle to park on the side of the road with plenty of room for vehicles to pass.

We have shared our plans with our closest neighbours and they have no objections to a variance being granted from their perspective. Three letters are attached from our neighbours to the West, East, and North of us voicing their support.

Thank you for reviewing our application,

Rick and Lorrie Barnett

Handwritten initials 'LA' in cursive script, with a small star or asterisk to the right of the 'A'.Handwritten signature 'L Barnett' in cursive script.

Re: Neighbour support for a residential addition

Rick and Lorrie Barnett

2431 Austin Road

To: Kate-Louise Stamford

Islands Trust Trustee

I am Carly Errico and I reside at 2432 Austin Road (across the street from 2431 Austin Road)

I don't oppose the construction of an addition to Rick and Lorrie's home.

Rick and Lorrie are full-time residents with visiting family.

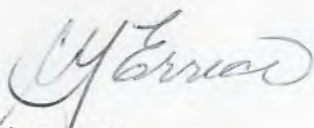
There is plenty of room for the little bit of traffic we get on our dead-end road.

There is no danger to Riparian areas.

The addition will fit in the existing excavation and not encroach on my property or the roadway.

I support this improvement.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carly Errico', written in dark ink.

Carly Errico

To: Kate-Louise Stamford

From: Doug Buckle and Wendy Cathcart

Date: May 7, 2023

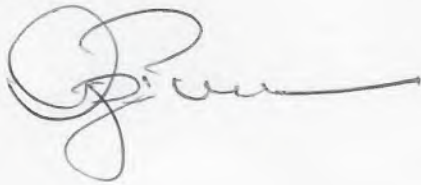
Re: Variance for 2431 Austin Road Rick and Lorrie Barnett

We live at 2425 Austin Road; our lot is adjacent to and on the East side of the Barnett property. We understand that Rick and Lorrie Barnett are applying for a variance from the road allowance to build an addition to their home. We support their project and do not have any opposition to the granting of the variance.

Wendy Cathcart

A handwritten signature in black ink, appearing to be 'Wendy Cathcart', with a stylized, cursive script.

Doug Buckle

A handwritten signature in black ink, appearing to be 'Doug Buckle', with a stylized, cursive script.

To Kate-Louise Stamford

May 8, 2023

I am Paige Larson.

My home is 2437 Austin Road and is located on the West property line of Rick and Lorrie Barnett.
(2431 Austin Road)

I am aware they are applying for a variance with regards to the road set-back and do not oppose it, so long as the set-back between our properties is respected.

Their addition will not affect the enjoyment of my property.

Thank you

Paige Larson

Diane

Paige Larson

778-773-6511

ATTACHMENT #04 – SITE PHOTOS, JULY 21, 2023



Photo 1: View from the property edge.



Photo 2: View from the property edge.



Photo 3: View from east side lot line.



Photo 4: View towards the road (truck parked on road shoulder).



Photo 5: View from road shoulder.



Photo 6: Road shoulder.

PROPOSED



GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.3

TO: Lorrie and Richard Barnett

1. This Development Variance Permit applies to the land described below:

PID: 011-643-439

LOT 5 OF LOT 2 BLOCK B DISTRICT LOT 1409 PLAN 4275

2. Pursuant to Section 498 of the *Local Government Act*, the *Gambier Island Land Use Bylaw No. 86, 2004* is varied as follows:

1. PART 5 ZONE REGULATIONS, Section 5.1 SETTLEMENT RESIDENTIAL (SR) ZONE, Subsection 5.1(9) SITING AND SIZE "The minimum setback for any building or structure:", Article 5.1(9)(a) "7.5 metres from any front or rear lot line"; is varied:

- To reduce the setback for an addition to the existing dwelling from 7.5 metres to 0.23 metres.

3. The proposed development shall be consistent with **Schedule "A" – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gambier Island Land Use Bylaw No. 86, 2004 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

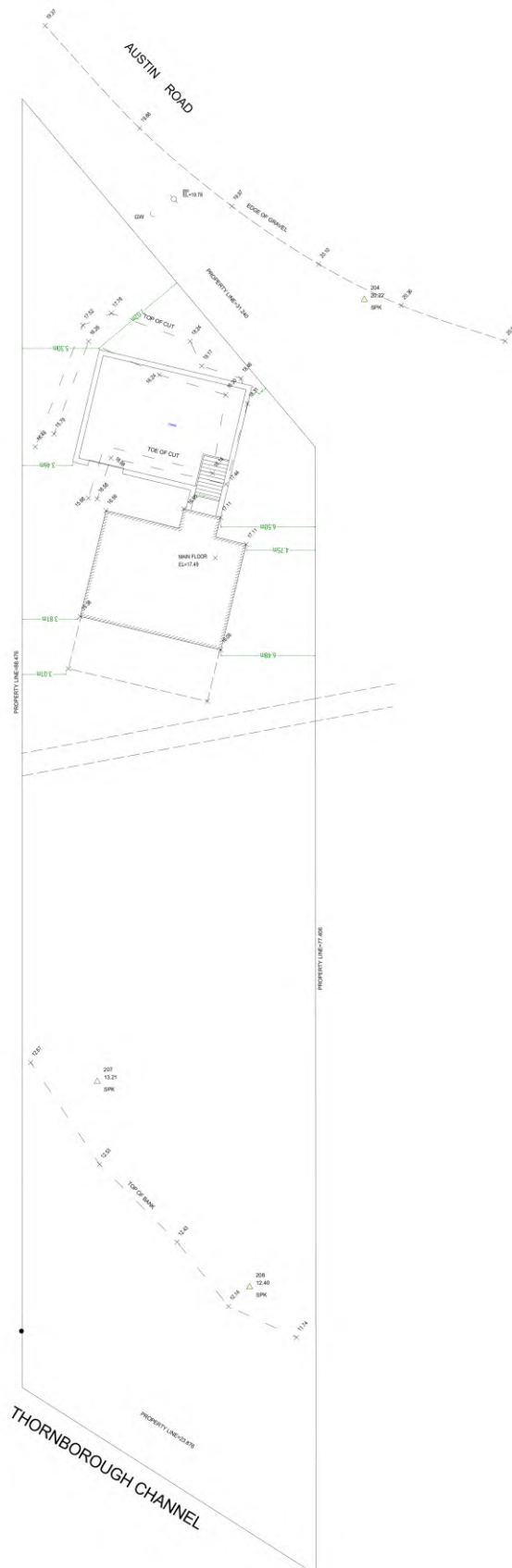
AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2023.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2025, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A" – Site Plan



NOTICE
GM-DVP-2023.3
GAMBIER ISLAND LOCAL TRUST COMMITTEE

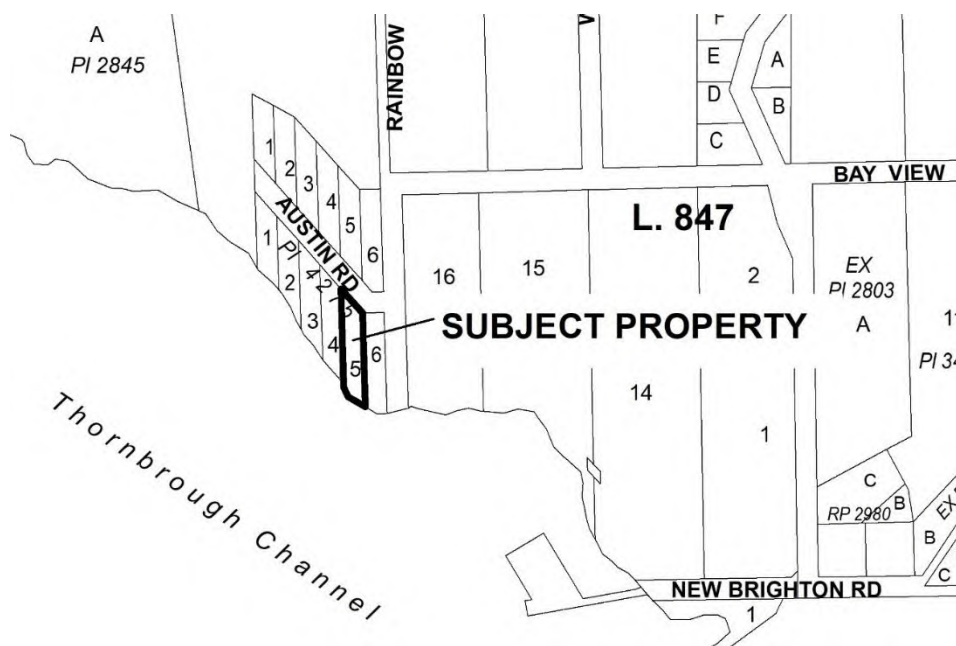
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gambier Island Land Use Bylaw No. 86, 2004 by:

- Reducing the minimum setback to a lot line abutting a highway or private road ("front" lot line) from 7.5 metres to 0.23 metres on the northeast corner of the lot to allow siting of an addition to the existing dwelling.
- Reducing the minimum setback to a lot line abutting a highway or private road ("front" lot line) from 7.5 metres to 7.02 metres on the northwest corner of the lot to allow siting of an addition to the existing dwelling.

The property is legally described as:

LOT 5 OF LOT 2 BLOCK B DISTRICT LOT 1409 PLAN 4275
(PID 011-643-439)

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 **September 29, 2023** and continuing up to and including **October 16, 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 Marlis McCargar, Island Planner at (250) 247-2210, 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, **October 16, 2023**.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:00 am, October 17, 2023, Electronic Regular Meeting – Zoom Webinar**.

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



GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.3

TO: Lorrie and Richard Barnett

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PID: 011-643-439

LOT 5 OF LOT 2 BLOCK B DISTRICT LOT 1409 PLAN 4275

2. Pursuant to Section 498 of the *Local Government Act*, the *Gambier Island Land Use Bylaw No. 86, 2004* is varied as follows:

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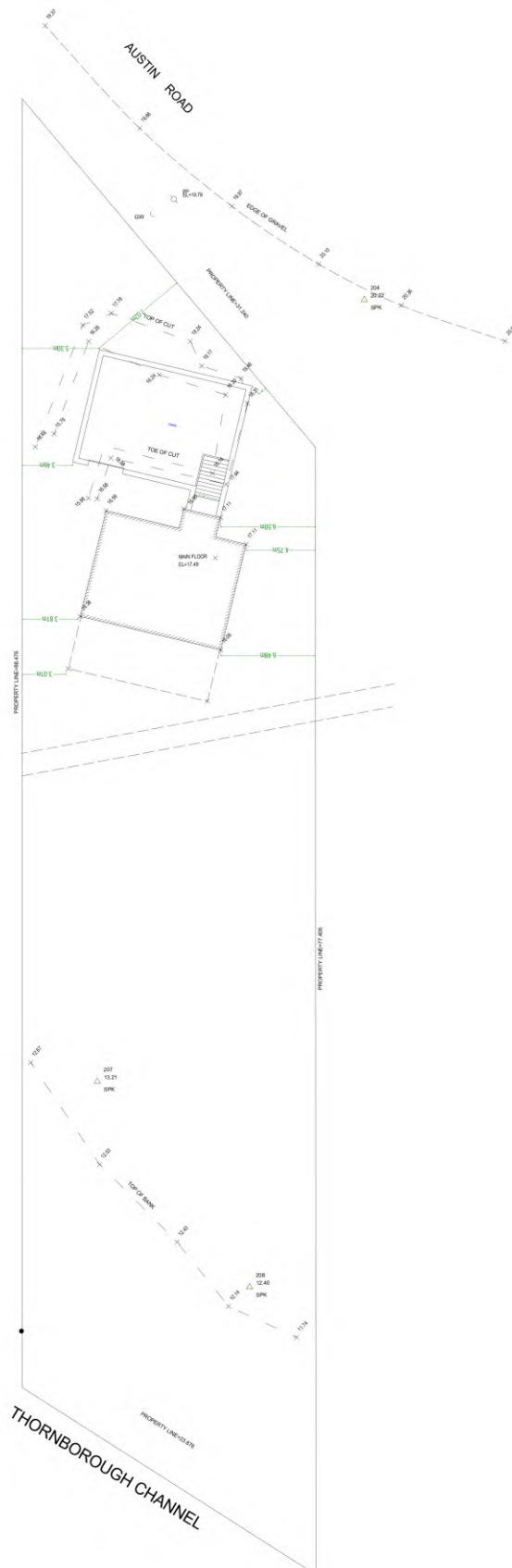
3. The proposed development shall be consistent with **Schedule "A" – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gambier Island Land Use Bylaw No. 86, 2004 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2023.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2025, THIS PERMIT AUTOMATICALLY LAPSES.



DATE OF MEETING: October 17, 2023
TO: Gambier Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Keats Shoreline Protection Project – Proposed Bylaws Nos. 153/154

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to schedule an electronic Special Meeting to discuss and give direction for additional amendments to Proposed Bylaw No. 154.
2. That the Gambier Island Local Trust Committee request that staff defer the Public Hearing scheduled for November 21, 2023 to a date in 2024.

REPORT SUMMARY

This staff report provides the Gambier Island Local Trust Committee (LTC) with an update on the Keats Shoreline Protection Project. Staff are recommending the LTC schedule a Special Meeting to further discuss the issues and additional amendments related to Proposed Bylaw No. 154. A Special Meeting will give the LTC time to deliberate and give direction to staff on additional amendments related to shared dock sizes, shoreline modification exemptions and other possible issues, to be determined. The Special Meeting will give the LTC an update on discussions to date between Trustee and staff and will identify the key issues requiring direction from the whole LTC. Staff have proposed some amendments, in response to community feedback as well as to amend grammatical and formatting changes noted by staff, but understand that there may be more amendments requested by the LTC.

The Gambier Island LTC passed a resolution at the August 29, 2023 LTC regular business meeting that requested staff amend Proposed Bylaw No. 154. Staff has worked with a Trustee to amend the proposed bylaws according to the community feedback received. No changes are being proposed to Bylaw No. 153; however, it is attached for information to this report (Attachment 1).

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 which involved the Keats Island Shoreline Protection Working Group. At that time, staff drafted a Discussion Paper as a means for providing baseline information to the LTC and the Keats Island Shoreline Protection Working Group with respect to options for shoreline protection regulations and policies on Keats Island. At that time, the LTC and Working Group decided to move forward with a Development Permit Area.

The project is currently in Phase 3 which has involved bylaw amendments, community, stakeholder and First Nations engagement, bylaw review with a Qualified Environmental Professional (QEP) specializing in Aquatic Biology and further staff review resulting in an annotated version of the proposed bylaws Nos 153/154. At their regular business meeting on June 20, 2023, the LTC reviewed a Staff Memo which included the requested annotated proposed bylaws Nos. 153 and 154 as well as, a letter from Madrone Environmental Services discussing the Biological Benefits of Marine Foreshore Areas.

Four Community Information Meetings (CIMs) were held September 29, 2021 (online), October 14, 2021 (in person), on September 15, 2022 (online) and July 21, 2023 (in-person).

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. Proposed Bylaw Nos. 153 and 154 were given second reading at the September 1, 2022 LTC meeting.

At their regular business meeting held August 29, 2023, the LTC passed the following resolutions:

GM-2023-029

It was MOVED and SECONDED

that Trustee Bernardo work with Island Planner McCargar to review the information obtained from the public information meeting, as itemized on page 2 of the staff report, and propose such amendments to the draft bylaws as may be required, and to bring that revised draft of the bylaws to the Local Trust Committee for consideration at the October 17, 2023 meeting.

CARRIED

GM-2023-030

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB) for the November Local Trust Committee meeting.

CARRIED

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

ANALYSIS

Issues and Opportunities

Amendments to Proposed Bylaw No. 154

The proposed amendments to bylaw No. 154 are a result of community feedback, Trustee discussions and minor staff edits to clean up grammatical errors, formatting and omissions.

At the Community Information Meeting held on July 21, 2023, the LTC heard feedback and concerns from the community. The main topics included:

- Considerations for additional DPA exemptions for sewerage systems, eco-friendly dock materials and greenshores approaches;
- Clarification around what is considered repair and maintenance for works that qualify for an exemption;
- Concerns around the impracticality of the proposed dock regulations for the small lots on Keats Island;
 - In particular, dock sizes, distances between docks and the measurement of setbacks for docks; and
- Clarification on legal non-conforming status and seasonal use of docks and dwellings.

The amended copy of Proposed Bylaw No. 154 is found in Attachment 2, and the LTC is asked to consider second reading of the bylaw, as amended.

Staff have included a “track changes” copy of the proposed bylaw in Attachment 3. The “track changes” copy provide a reference of the proposed bylaws at second reading and highlight the latest amendments in red.

Dock Sizes

There are no provincial guidelines regulating dock float sizes. However, the provincial government requires that several conditions are met to enable a dock to qualify under “[General Permission](#).” As long the dock is constructed in accordance with the terms and conditions contained in the General Permission it will be deemed authorized. Docks that do not meet General Permission requirements may be permitted under “Specific Permission”, which requires a much lengthier and onerous application process. The dock size related aspects of the General Permission requirements are:

- Dock must be located 30m from navigation channels
- Dock must be 5m from side property lines (6m if adjacent to a dedicated public beach access or park)
- Dock must be no more than 60m from the present natural boundary of the sea, 14m for the length of the float, 3.7m for the width of the float and 1.8m for the walkway

The maximum float area sizes, as currently in Proposed Bylaw No. 154, are based in part on the General Permissions outlined by the provincial government as well as informed by the BC Stewardship Centre’s Green Shores program¹, which provides science-based tools and best practices for sustainable shoreline development. The BC Stewardship Centre’s Green Shores program recommends 35 square metres as a maximum float area for individual residential docks. Proposed Bylaw No. 154 currently proposes a maximum float area of 47 square metres.

The intent of reducing the maximum float area is to reduce the size of overwater structures, which limit light availability to the sea floor, and to increase the space between docks. Staff note that policies in the Islands Trust Policy Statement and the Keats Island Official Community Plan Bylaw No. 77 encourage communal or shared docks to limit the proliferation of docks along the foreshore. Dock sizes have been increased by the LTC throughout this process at the November 18, 2021 LTC Meeting and again, at the September 1, 2022 LTC Meeting.

Section 14(b) of the *Canadian Navigable Waters Act* states that docks must be “situated more than 10 m from any work that is situated in, on, over, through or across the navigable water and is not owned by the owner of the dock or boathouse”. This federal legislation does create a barrier for waterfront properties with small lots; it may be

¹ https://stewardshipcentrebcc.ca/PDF_docs/greenshores/reports/GSPolicyandRegulatoryToolsLocalGovtsReport2016.pdf

impossible for each property to have its own private dock. The intent of the Land Use Bylaw is to incentivize shared and communal docks by allowing an increased float size.

Staff are recommending that the maximum float area for docks that are accessory to a residential dwelling unit in the Private Institutional (PI2) zone be decreased from 150 square metres to 47 square metres to keep in line with residential dock float area sizes in the other zones.

Staff are also recommending that the maximum float area for the site specific zone (M2b) in the Communal Moorage (M2) zone be decreased from 3000 square metres to 1500 square metres. This decrease ensures that the maximum float area is kept consistent for communal moorage. Staff believe this was not reduced during previous amendments as an oversight.

Exemptions

Exemption 9.3.2(a) regarding what would be considered “repair and maintenance” was discussed at the CIM. Repair and maintenance is generally considered to be minor works for preventative and routine upkeep, and/or preservation of an existing building or structure. The exemption is clear that it only applies to a pre-existing lawful building and must not involve any alteration or disturbance of land or vegetation. In addition, it may not expand or alter the building footprint. As always, it is suggested that property owners contact Island Trust staff before doing any work in a Development Permit Area to determine if their proposal would fall under an exemption. The LTC has the option to get more prescriptive in what would be considered repair and maintenance; however, there are many unique scenarios and it may be difficult to include them all. Staff have amended the exemption for clarity as follows:

- a) Minor repair and maintenance of lawful buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation and are entirely within the footprint of the existing building or structure;*

At the CIM, staff heard that requiring a Development Permit for the replacement or upgrade of a septic system is an extra hurdle for property owners seeking to improve their system. Staff recommend DP-3 Exemption 9.3.2 be amended by adding the following exemption:

- b) Repair or replacement of a septic field site in the same location as the existing septic field;*

Grammatical, Formatting and Clarification Changes

Without changing the intent of Proposed Bylaw No. 154, staff have proposed a variety of minor grammatical and formatting changes. These changes are to aid in clarity and interpretation of the proposed bylaw.

Other Considerations

Shoreline Modifications

Proposed Bylaw No. 154 stipulates that shoreline protection measures must be designed by a Qualified Professional; this includes non-structural or ‘soft’ shoreline protection measures. Given the sensitive shoreline ecosystem, it is important that the development permit guidelines require that trained, experienced Qualified Professionals assist with the design of any shoreline project. Depending on the site, it may need a coastal/shoreline engineer or geologist, biologist, geotechnical expert whether using a structural or non-structural approach. The guidelines state that when feasible, a non-structural shoreline protection measure is preferred; however, at this

time, no exemptions for the use of non-structural shoreline modifications are being proposed. The LTC may want to consider discussing this further.

Legal Non-Conforming

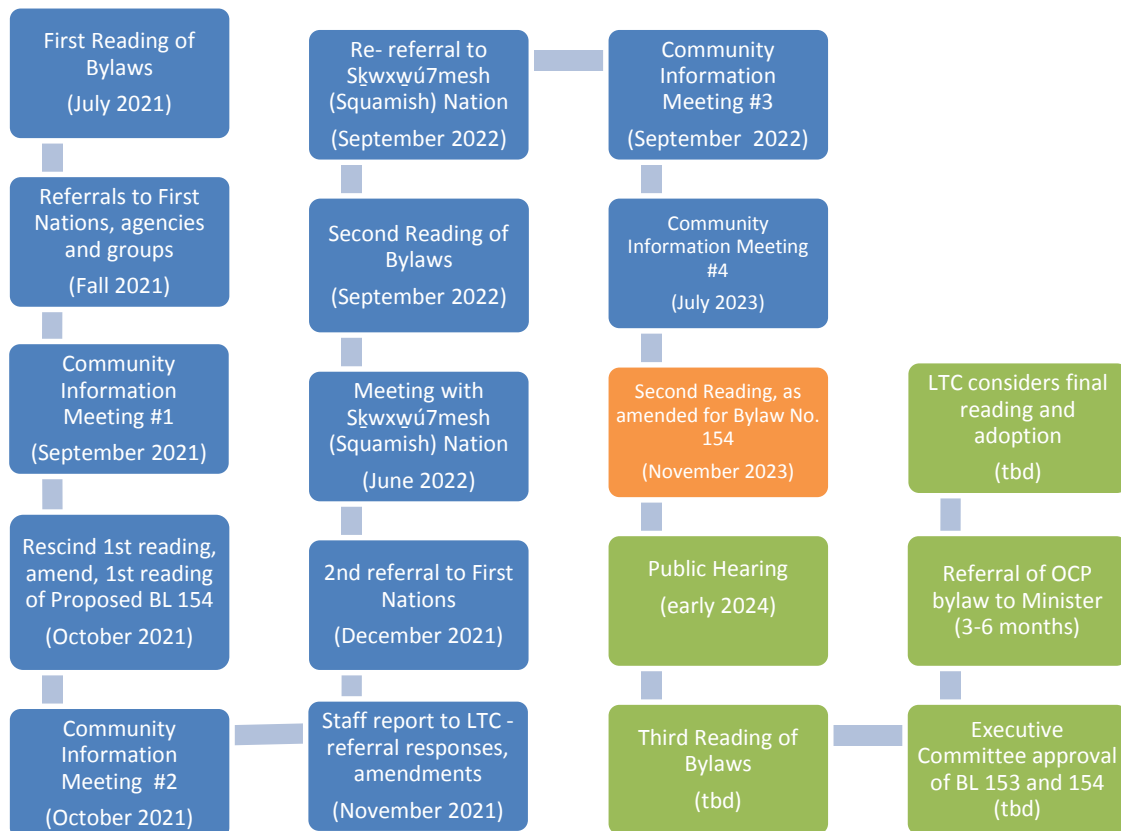
At the CIM, staff heard some confusion around Legal Non-Conforming Status as it relates to seasonal use. At the time a new land use bylaw is adopted, if an existing use of land or a building is lawful but does not conform to the new bylaw, then it may continue as a legal non-conforming use under the *Local Government Act*. Legal non-conforming buildings, structures or spaces may be maintained, extended or altered only if this does not result in further contravention of the land use bylaw. In the case of the cabins, that means they can be repaired or altered as long as the existing footprint and gross floor area stays the same. Generally, a building or structure can lose legal non-conforming status if:

- The use is discontinued for a period of six months (subject to normal seasonal and agricultural practices)
- More than 75% of the value of the building or structure above its foundation is damaged or destroyed.

One suggestion for LTC consideration is to create an educational brochure that outlines the *Local Government Act* legal non-conforming status and how that applies to docks and buildings once the new bylaw is adopted. Staff will not be able to get into all the nuances of each unique situation, but can explain legal non-conforming status in general terms.

Timeline

Preliminary research, scoping and drafting was initiated with Phase 1 of the project in 2018. 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.



Rationale for Recommendation

The amendments made to Proposed Bylaw No.154 were recommended by staff in response to discussions at the Community Information Meeting on July 21, 2023, a local Trustee as well as staff edits to clean up grammatical and formatting errors and minor omissions. However, at this time, staff are recommending that more time be given to the LTC to carefully consider the proposed amendments as well as to address additional issues that have been left unresolved. A Special Meeting will give the LTC time to deliberate and give direction to staff.

The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

Offer feasible alternatives to the staff recommendation, noting any significant implications and recommended resolution wording. [For example] The LTC may consider the following alternatives to the staff recommendation:

1. Proceed with amendments as proposed

The LTC may amend the proposed bylaw as is detailed in this report and give second reading. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” as shown in Attachment 1 of the staff report dated October 17, 2023, be read a second time as amended.

2. Further Amend Proposed Bylaw 154, give Second Reading

The LTC may further amend the proposed bylaw beyond what is detailed in this report and give second reading. If selecting this alternative, the LTC should include specific wording in the resolution wording based on the recommendations on page 1 of this report.

3. Proceed without amendments

The LTC may consider no additional amendments to the proposed bylaw is warranted. If choosing this option, the proposed bylaw would not be amended and no further resolution is needed.

4. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC's work plan timeline in the Project Charter. 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 the following information [list].

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will proceed to schedule a Special Meeting and defer the Public Hearing.

Submitted By:	Marlis McCargar, Island Planner	October 10, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	October 11, 2023

ATTACHMENTS

1. Proposed Bylaw No. 153 – for information
2. Proposed Bylaw No. 154, amended (clean copy) – for consideration of 2nd reading
3. Proposed Bylaw No. 154, amended (track changes)

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 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. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY, 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

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

**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:

- 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.

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.

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."

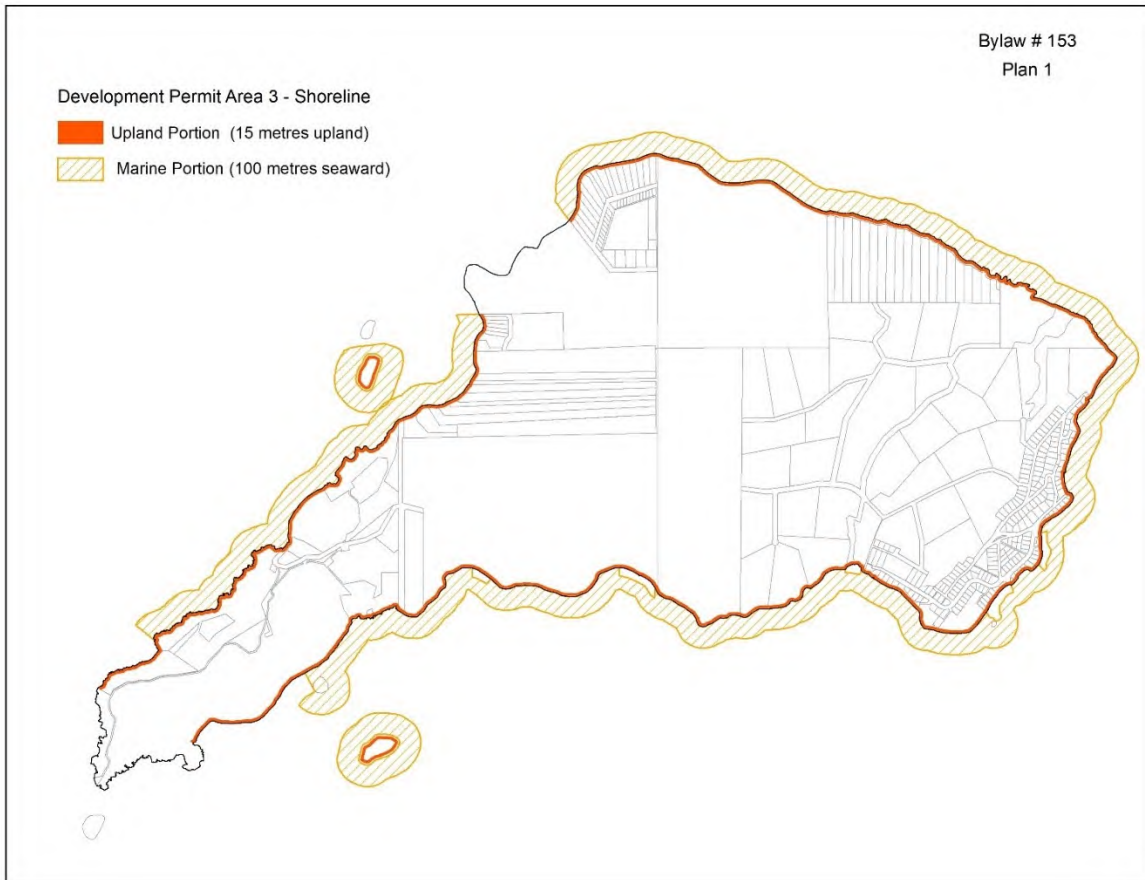
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

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



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.”

“Shoreline Protection Measure means development comprised of hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. Structural protection measures referred to as ‘hard’ include solid, hard surfaces, such as concrete bulkheads, and ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.”

Range of measures varying from soft to hard include:

• Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls	 SOFT HARD
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- 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 may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, 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.
- b) Notwithstanding subsection 1.2a), for properties zoned Rural Comprehensive the setback 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 2 – GENERAL LAND USE REGULATIONS, Section 2.9 SITING COMPLIANCE**, Subsection .1 is amended by inserting the words “and development permit” after “development variance permit”.
- 1.7 **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”.
- 1.8 **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)”.
- 1.9 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following: “Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks.”
- 1.10 **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)”.
- 1.11 **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)”.
- 1.12 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following: “Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks. “
- 1.13 **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)”.

- 1.14 **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”.
- 1.15 **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)”.
- 1.16 **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)”.
- 1.17 **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)”.
- 1.18 **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 square metres (16,145 square feet)”.
- 1.19 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “150 square metres” with “47 square metres (500 square feet)”.
- 1.20 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.22 **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)”.
- 1.23 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) 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)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 square metres (16,145 square feet)”.
- 1.24 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** attached to and forming part of this bylaw.

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

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a development permit for Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- new construction, addition or alteration of a building or structure;
- repair, maintenance or alteration of shoreline protection measures;
- 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) Minor repair and maintenance of lawful buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation and are entirely within the footprint of the existing building or structure;
- b) Repair or replacement of a septic field site in the same location as the existing septic field;
- c) The installation of a mooring buoy;
- d) Construction 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, non-mechanical, removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices for removal;
- f) Construction of a fence so long as no trees or 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 subject to satisfying the following:
 - i. trail design and location must minimize vegetation disturbance;
 - ii. shall not remove native trees;
 - iii. the trail is less than 1 metre wide;
 - iv. the trail is for personal, non-vehicular use only;
 - v. the trail is constructed of soil, gravel, mulch or other pervious surface; and
 - 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 and no creation of additional impervious surfacing, including pavement, asphalt 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 pose an immediate threat to life or property, as determined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing;
- l) 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.
- m) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- n) 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*;
- o) The subdivision of parcels that hold a conservation covenant on title and registered in favour of the Islands Trust for the maintenance of natural drainage and protection of environmentally sensitive areas;
- p) Consolidation of legal lots by subdivision;
- q) 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.

General 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 permit, and the following guidelines apply:
- a) Development in the shoreline area should minimize negative impacts on the ecological health and disruption to coastal sediment transport processes.
 - b) Shall not impede public access to the shoreline.
 - c) New construction and, additions to: upland buildings or structures should be located and designed to avoid the need for shoreline protection measures throughout the life of the structure.
 - d) New development on steep slopes or bluffs shall be set back sufficiently from the top of the slope or bluff to prevent erosion to the shoreline and to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis by a Geotechnical Engineer or Professional Geoscientist.
 - e) Sea level rise and storm surges should be addressed.
 - f) Development design shall prevent the release of sediment to the shore and to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan that includes actions to be taken prior to land clearing and site preparation may be required.
 - g) Areas that include critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a rare species has been identified by Islands Trust mapping, should be left undisturbed. If disturbance cannot be avoided, then development and mitigation measures shall be undertaken under the supervision of a Registered Professional Biologist with advice from applicable government 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 below the natural boundary of the sea should minimize degradation of water quality and disturbance of the substrate.

Construction and Replacement of Docks and Ramps

.4

- a) Docks, floats and ramps should avoid sensitive ecosystems such as eelgrass beds, forage fish habitat to avoid interference with natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- b) 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.
- c) 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 greater distance between pilings over increasing the number of pilings.
- d) 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.
- e) Docks materials should be constructed from:
 - i. biodegradable and stable materials that will not degrade water quality; and
 - ii. Creosote-free pilings.
- f) 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.

Shoreline Modifications

.5

- a) 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.
- b) 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.
- c) Shoreline protection measures may be considered to protect existing structures as provided by a report, prepared by a Qualified Professional(s), which describes the following:
 - i. need for the proposed modification to protect existing structures;
 - ii. any natural hazards, erosion, or interruption of geohydraulic processes that may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iii. cumulative effect of shoreline protection along the drift sector where the works are proposed; and
 - iv. whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification.
- d) Shoreline protection measures shall be designed by a Qualified Professional and shall:
 - i. limit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;

- ii. use non-structural shoreline protection measures when feasible;
 - iii. be designed to avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
 - iv. address compatibility with adjacent shoreline protection works.
- e) Structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered when a geotechnical and biophysical analysis provided by a Qualified Professional demonstrates the following:
 - i. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves;
 - ii. erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iii. all possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - iv. non-structural shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - v. the shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vi. all shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced 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;
 - 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; and
 - iv. replacement structures should utilize a non-structural approach and should abut the existing shoreline protection structure.
- g) Materials used for shoreline protection measures should consist of the following:
 - i. inert materials; and
 - ii. non-contaminated materials.
- h) 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. Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- i) 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, as allowed by the appropriate provincial and/or federal authorities.
- j) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Vegetation Management, Restoration and Enhancement

.6

- a) 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.

- b) 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.
- c) In areas previously cleared of native vegetation, or during development, replanting requirements and a security deposit to restore or enhance the natural environment or control erosion, may be required.
- d) Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas may not require planting.
- e) Vegetation species used in replanting, restoration or enhancement should be suitable to the soil, light and groundwater conditions of the site, native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed.

Where a security deposit is taken, the amount of security shall be 100% of the cost estimate provided by a Qualified Professional and 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, in the next regular planting season.

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.”

“Shoreline Protection Measures means development comprised of hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. Structural protection measures referred to as ‘hard’ include solid, hard surfaces, such as concrete bulkheads, and ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.”

-Range of measures varying from soft to hard include:

• Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls	SOFT  HARD
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- 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 may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, 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 subsection 1.2a~~, 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 2 – GENERAL LAND USE REGULATIONS, Section 2.9 SITING COMPLIANCE, Subsection .1** is amended by inserting the words "and development permit" after "development variance permit".

1.6.1.7 **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".

1.7.1.8 **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)".

1.8.1.9 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following: Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks.

1.9.1.10 **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)".

1.10.1.11 **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)".

1.11.1.12 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following: Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served up to a maximum float size of 105 square metres (1130.2 square feet), provided a restrictive covenant, subject

to Section 1.2.4, is registered on the title of the benefiting parcels to limit the total number of private docks.

1.121.13 **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)”.

1.131.14 **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”.

1.141.15 **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)”.

1.151.16 **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)”.

1.161.17 **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)”.

1.18 **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 square metres (16,145 square feet)”.

1.19 **PART 4 – ZONE REGULATIONS, Section 4.6 PRIVATE INSTITUTIONAL 2 (PI2) ZONE,** Subsection 4.6.5 is amended by replacing “150 square metres” with “47 square metres (500 square feet)”.

1.20 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE,** Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.

~~**PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE,** Subsection 4.10.6 is a8~~

~~1.17
ended by replacing “dock floats” with “a wharf float”.~~

1.181.21 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE,** Subsection 4.10.7 is amended by replacing “dock” with “wharf”.

1.191.22 **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)”.

1.201.23 **PART 4 – ZONE REGULATIONS, Section 4.12 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE,** Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) 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)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1500 square metres (16,145 square feet)”

1.211.24 **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~~ for Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- new, construction, ~~of~~, addition ~~to~~ or alteration of a building or structure;
- repair, maintenance or alteration of shoreline protection measures;
- 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;~~
- ~~a) Minor r~~Repair and maintenance of ~~pre-existing~~ lawful buildings, structures or ~~utilities, except for shoreline protection structures, provided~~ utilities provided there is no alteration of undisturbed land or vegetation and ~~that they are~~ entirely within the footprint of 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;~~
- b) Repair or replacement of a septic field site in the same location as the existing septic field;
- c) The installation of a mooring buoy;
- d) ~~Construction, reconstruction or~~ Construction 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, non-mechanical, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices for removal;
- f) Construction of a fence so long as no trees ~~or~~ 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 subject to satisfying the following: if all of the following apply:
 - i. ~~t~~Trail design and location must minimize vegetation disturbance;
 - ii. ~~No native trees are removed shall not remove native trees;~~
 - iii. ~~t~~The trail is less than 1 metre wide ~~or less;~~
 - iv. ~~t~~The trail is for personal, non-vehicular use only;
 - v. ~~t~~The trail is constructed of soil, gravel, mulch or other pervious surface; and
 - vi. ~~t~~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 ~~pavingpavement,~~ asphalt~~ing~~ 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 pose an immediate threat to life or property, as determined 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)l)~~ 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)m)~~ A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- ~~o)n)~~ 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)o)~~ The subdivision of ~~land~~ parcels ~~that hold a where a~~ conservation covenant ~~on title and registered satisfactory to and~~ in favour of the ~~Gambier Island Local Trust Committee or the Islands Trust Conservancy BoardIslands Trust~~ ~~has already been registered~~ for the maintenance of natural drainage and protection of environmentally sensitive areas;
- ~~q)p)~~ ~~Subdivision involving lot consolidation~~ Consolidation of legal lots by subdivision;
- ~~r)q)~~ 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.

General 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 permit, and the following guidelines apply:

General Guidelines:

- ~~a) In general, d)Development of the in the shoreline area should be limited, should area should minimize negative impacts on the ecological health of the immediate area, should not and disruption to coastal sediment transport processes, and should not impede public access.~~
- ~~a)b) Shall not impede public access to the shoreline.~~
- ~~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 ~~construction and, or~~ additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection ~~works-measures~~ throughout the life of the structure.
- d) New development on steep slopes or bluffs ~~should-shall~~ be set back sufficiently from the top of the slope or bluff ~~to prevent erosion to the shoreline and~~ 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.
- e) Sea level rise ~~and~~, storm surges ~~and other anticipated effects of climate change~~ should be addressed ~~in all development permit applications~~.
- f) ~~All development design within this Development Permit Area is to be undertaken and completed in such a manner as to shall~~ prevent the release of sediment to the shore ~~or and~~ to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan ~~that includes actions to be taken prior to land clearing and site preparation, may be required, 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 Areas that~~ 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, ~~then~~ development and mitigation ~~and/or compensation~~ measures shall be undertaken ~~only~~ under the supervision of a Registered Professional Biologist with advice from applicable ~~governmentsenior 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.

Guidelines for the Construction and Replacement of Docks and Ramps

.4

- ~~a) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.~~
- ~~b)a)~~ 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 Environmental Professional ~~Biologist to identify such features and processes on the site in question.~~
- ~~c) Docks must be designed to ensure that public access along the shore is maintained.~~
- ~~d)b)~~ 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.
- ~~e) To allow for the maximum amount of light penetration to the water surface.~~
- ~~f)c)~~ 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 spansgreater distance between pilings~~ over ~~more increasing the number increasing the number of pilingsof pilings.~~

- ~~g)d)~~ 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.
- e) Docks ~~materials should be constructed from:~~
~~i. biodegradable and stable materials that will not degrade water quality; and~~
~~—should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time~~
~~i.ii. —Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated~~ Creosote-free pilings ~~is not permitted.~~
- ~~h)f)~~ The access ramps, piers, walkways and stairs for docks ~~should not exceed a maximum width of 1.5 metres.~~
- ~~i)g)~~ 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.

Guidelines for Shoreline Modifications

.5

- a) 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.
- b) 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.
- c) ~~Applications for s~~Shoreline protection ~~or stabilization works measures~~ may be considered to protect existing structures ~~and shall include as provided by~~ a report, prepared by a Qualified Professional ~~(s) Engineer with experience in coastal and/or geotechnical engineering~~, which describes the following: 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 that 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; and;
 - iv. ~~w~~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.~~
- d) ~~Where s~~Shoreline protection ~~or stabilization~~ measures ~~are proposed, they~~ shall be designed by a ~~Professional Engineer with experience in coastal and/or geotechnical engineering~~ Qualified Professional, and shall:
- i. ~~L~~imit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. ~~Apply the ‘softest’ possible~~ use non-structural shoreline protection measures that will still provide satisfactory protection when feasible;
 - iii. ~~Not be expected to be designed to cause erosion~~ avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
 - iv. ~~A~~address compatibility with adjacent shoreline protection works.

- e) ~~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 provided by a Qualified Professional demonstrates ~~that the following:~~
- i. ~~An~~ 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. ii. ~~The~~ erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iv. iii. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - v. iv. Non-structural ~~or 'soft'~~ shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - vi. v. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vii. vi. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) 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; and in such cases, the
 - iii. iv. replacement structures should utilize a non-the 'softest' approach structural approach possible and should abut the existing shoreline protection structure; ~~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.~~
- g) Materials used for shoreline protection or stabilization should measures should consist of the following:
- i. inert materials; and M
 - iv. ii. ~~aterials should not consist of debris or non-~~ contaminated materials ~~that could result in pollution of tidal waters.~~
- g) h) 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. 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.~~
- h) i) 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, as allowed by the appropriate, typically as part of a beach nourishment design. All fill proposals below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.

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

Guidelines for Vegetation Management, Restoration and Enhancement

6

- a) 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.
- b) 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.
- ~~c)~~ c) ~~In areas~~~~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 and a security deposit to restore or enhance the natural environment or control erosion, may be required.
- ~~d)~~ d) Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas ~~should not~~may not require planting.
- ~~e)~~ e) ~~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.~~
- ~~d)~~ e) Vegetation species used in replanting, restoration or enhancement should be ~~selected to suit~~suitable to 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.~~
- ~~e)~~ e) ~~All~~ Where a security deposit is taken, the amount of security shall be 100% of the cost estimate provided by a Qualified Professional and 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.~~

Guidelines for Subdivision

- ~~f)~~ f) ~~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.~~
- ~~g)~~ f) ~~New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.~~

Sunshine Coast Regional District

Regional Growth Framework

Phase 3 Report
Data Synthesis and Strategy
Recommendations

January 11, 2023



Licker
Geospatial
Consulting



MODUS

prepared by

The Sunshine Coast Regional District is located within the traditional and unceded territories of the shíshálh and Skwxwú7mesh nations, whose people have inhabited these lands for time immemorial.

Table of Contents

INTRODUCTION 4

1 | PROCESS..... 6

2 | GOALS AND OUTCOMES 7

3 | JURISDICTION 8

CONTEXT..... 9

1 | KEY STATISTICS..... 10

2 | POLICY REVIEW 11

3 | GROWTH MANAGEMENT PRINCIPLES 12

CONSTRAINTS AND OPPORTUNITIES..... 13

1 | ENVIRONMENT..... 14

2 | HAZARDS..... 16

3 | LAND USE 18

4 | POPULATION DENSITY 20

5 | TRANSPORTATION 24

6 | COMMUNITY SERVICES 26

7 | POTENTIAL FOR GROWTH 28

RECOMMENDATIONS 30

1 | CROSS JURISDICTIONAL COORDINATION 31

2 | INDIGENOUS RIGHTS & HERITAGE 32

3 | FOCUSSED & FITTED DEVELOPMENT 33

4 | NATURAL ASSET RESTORATION 34

5 | WATER CONSERVATION & AQUIFER HEALTH 35

8 | CLIMATE RESILIENCE 36

5 | CLIMATE MITIGATION..... 37

8 | LAND USE & INFRASTRUCTURE 38

9 | DIVERSE HOUSING 39

10 | HEALTHY & SOCIAL COMMUNITIES..... 40

11 | INCLUSIVE & ACCESSIBLE PLANNING..... 41

CONCLUSION..... 42

INTRODUCTION

Introduction

The Sunshine Coast is a picturesque region defined by its mountainous, coastal landscapes and attractive towns and villages that dot the shores of the Salish Sea. These lands have been home to the shíshálh and Skwxwú7mesh First Nations for time immemorial and the stunning natural setting has been sought after by many other peoples for generations. Residents and tourists alike have much to enjoy and celebrate in this location.

Nonetheless, water supply, infrastructure, natural asset management, housing affordability, the climate crisis, equity, and other issues are all top of mind as residents, elected officials, and local governments within the Sunshine Coast Regional District (SCRD) contemplate how to accommodate growth.

Consisting of three member municipalities (Town of Gibsons, District of Sechelt, and shíshálh Nation Government District) and five rural electoral areas (Egmont/Pender Harbour, Halfmoon Bay, Roberts Creek, Elphinstone, and West Howe Sound), the SCRD has a strong interest in collaborating and coordinating its efforts in managing the pressures of growth.

At the same time, the global COVID-19 pandemic has wrought tremendous uncertainty to the future of communities, both big and small, urban and rural. Anecdotally, the new found ability to work from home and away from major provincial employment centres like Vancouver and Victoria is placing immense pressure on smaller towns, villages, and rural communities of the Sunshine Coast.

In 2011, the Sunshine Coast Regional District adopted a new Sustainability Plan titled “We Envision”. It is a call to action for an economy that supports a high quality of life, social and cultural development, and personal fulfillment, while recognizing nature is not infinite in its resources.

The document sets out a vision for regional land use which calls for “complete, compact, low environmental impact communities based on energy-efficient settlement patterns, in harmony with the natural environment in which they are set.” Paired with the vision are two key actions:

- Adopt a set of sustainable land-use principles to guide future development decisions
- Create a Land-Use Classification System and Map

This Baseline Research Report is the culmination of work completed to set the foundation for **future research on regional growth**. It consolidates a significant amount of data and information across all four participating local governments and has identified principles and recommendations to consider in the creation of an RGS.

1 | Process

To develop the Regional Growth Framework - Baseline Research, a three phase process is being followed.



2 | Goals & Outcomes

The creation of a Regional Growth Framework is an exciting opportunity to build upon a strong collaborative spirit among the SCRD's local and First Nation governments.

With this report in hand, the SCRD and its partners have a baseline of information resources with which to convene informed and meaningful dialogue with local government staff about regional planning opportunities. This information is supported by a set of maps synthesizing the data inputs into constraints and opportunities, and a set of strategic recommendations for future planning efforts.



3 | Jurisdiction

Regional Districts & Incorporated Municipalities

Regional District and incorporated municipality powers come primarily from the provincial Local Government Act and Community Charter.

Regional Districts provide services, including land use planning and regulation, emergency management, planning for solid waste management, and governance for electoral areas. Regional Districts have no role in roads and policing, as these services are municipal or provincial responsibilities. That said, Regional Districts can and do choose to provide a broader range of services, but can only do so by way of support from the electors or taxpayers.

Regional Districts are able to regulate land use and development in electoral areas using generally the same planning and land use management processes and tools available to incorporated municipalities, including zoning and official community plans. Regional Districts differ from incorporated municipalities insofar as they do not have a direct role in approving the subdivision of land (a provincial responsibility in non-municipal areas).

Incorporated municipalities like the District of Sechelt & the Town of Gibsons have more powers delegated to them than Regional Districts. Some of these powers — such as those related to transportation infrastructure, subdivision approvals, and business license requirements — are especially pertinent to planning for future growth and development. They provide greater influence on how growth and development takes shape.

First Nations & the shíshálh Nation Government District

The shíshálh and Skwxwú7mesh nations represent the two First Nations whose lands overlap with the study area of this report. Both nations have territories extending beyond the study area and over which they have broad decision making authority, for example, authority as acknowledged in the BC-shíshálh Foundation Agreement (2018).

The Skwxwú7mesh nation holds reserve sites that are bound to the Federal Government's Indian Act, which is the predominant legislation governing matters pertaining to on reserve activities.

The shishalh Nation is a self-governing Nation under the federal 1986 Self-Government Act. Under the Act, the shishalh Nation Government District (sNGD) was created to manage shishalh-owned lands within their swiya ("Territory"), similar to a municipality. The sNGD is responsible for enacting bylaws, levying property taxes, and purchasing services such as fire protection, road maintenance, sewer management, and garbage collection and recycling services. shishalh Nation governs their whole swiya via the Stewardship and Territorial Land Management Division and the BC-shishalh

Foundation Agreement (2018). Both of these Divisions are led by shishalh's elected Chief and Council, who participate in the Sunshine Coast Regional Government by appointing a Council member to the SCRD Board.

Beyond reserves and sNGD lands, both nations hold rights and title to their territories. Section 35 of the Canadian Constitution Act recognizes and affirms Aboriginal Rights and Title by the Canadian government. These Constitutional rights drive court decisions, land claims agreements, provincial government duty to consult responsibilities and modern treaty settlements. In the case of the shíshálh nation, these traditional territories are called the *swiya*.

Context

1 | KEY STATISTICS*

The Sunshine Coast Regional District (SCRD) is a growing region with a land area of 3767.43km² and a population density of 8.5 people per square kilometre in 2021. In particular, the population of the SCRD has grown from 29,970 in 2016 to 32,170 in 2021, representing a 7.3% population increase between 2016 and 2021.

The median age of the SCRD in 2021 is 56.0 years old. This indicates that half of the population in the SCRD is over 56.0 years old. This represents an increase from the SCRD’s median age of 54.9 in 2016 and it is much higher than the 2021 provincial median age of 42.8. If these trends continue, the SCRD can expect to see a growing and ageing population in the future. In 2021, there were 14,935 private dwellings occupied by usual residents out of a total of 17,982 private dwellings and an average household size of 2.1. Average household sizes for Electoral Areas, Gibsons and Sechelt are expected to decrease between 2020 and 2025. A majority of households (79.8%) in the SCRD live in single-detached homes.

Projected population growth is not expected to be evenly distributed throughout the SCRD. Electoral areas are expected to experience slow and steady population growth between 2020 and 2025. In particular, Electoral areas are projected to see an additional 106 new people between 2020 and 2025 or a population increase of 0.73% or 0.15%, per year. All SCRD Electoral Areas are projected to see a 1.2% increase in the number of households between 2020 and 2025 or a 0.24% increase per year. Since projected household growth for the Electoral areas is expected to be relatively higher compared to projected population growth, new households in the Electoral areas may be smaller than in the past, which may be indicative of the SCRD’s ageing population.

On the other hand, both Gibsons and Sechelt are projected to experience slow and steady increases in their population between 2020 and 2025. Specifically, Gibsons is expected to see an additional 254 people between 2020 and 2025, which is a 5.24% increase in population (or a 1.05% increase per year), while Sechelt is expected to see an additional 340 people in the same time period, resulting in a 3.2% increase in population (or a 0.64% increase per year). Gibsons is projected to see an 8.2% increase in new households (a 1.64% increase per year), with 197 new households between 2020 and 2025. Sechelt is projected to see a 4.3% increase in new households (a 0.86% increase, per year), with 223 new households in the same time period. Similar to the Electoral Areas, both Gibsons and Sechelt, have projected household growth that is relatively higher than projected population growth, which may be indicative of the SCRD’s ageing population and smaller household sizes.

KEY STATISTICS AT A GLANCE

Land Area in km² 3767.43	Population Density per km2 8.5
Population in 2021 32,170	% Population Change 2016-2021 7.3% (1.46% per year)
SCRD Median Age in 2021 56.0	BC Median Age in 2021 42.8
Occupied Private Dwellings 14,935	Average Household Size 2.1

*Projections on this page were sourced from the SCRD’s 2020 Housing Needs Assessment, founded on data from the 2016 Census. Other key statistics were sourced from the 2021 Census. All statistics include the extent of the Sunshine Coast Regional District Census Division as determined by Statistics Canada.

2 | Policy Review

Vision and goal statements found in policy documents are articulations of each community's aspirations and intent as it relates to growth. Understanding where member jurisdictions' align, or not, is instructive for shaping the SCRD's policy direction for the Regional Growth Framework Documents relating to growth management, such as Official Community Plans, housing strategies and other land-use related plans, from the following member jurisdictions have been reviewed and are summarized in the subsequent sections.

- **Town of Gibsons**

- Key findings from the document review demonstrate that the Town of Gibsons values protecting its natural environment, and supports growth patterns that align with Smart Growth principles, ie. compact and complete communities.

- **District of Sechelt**

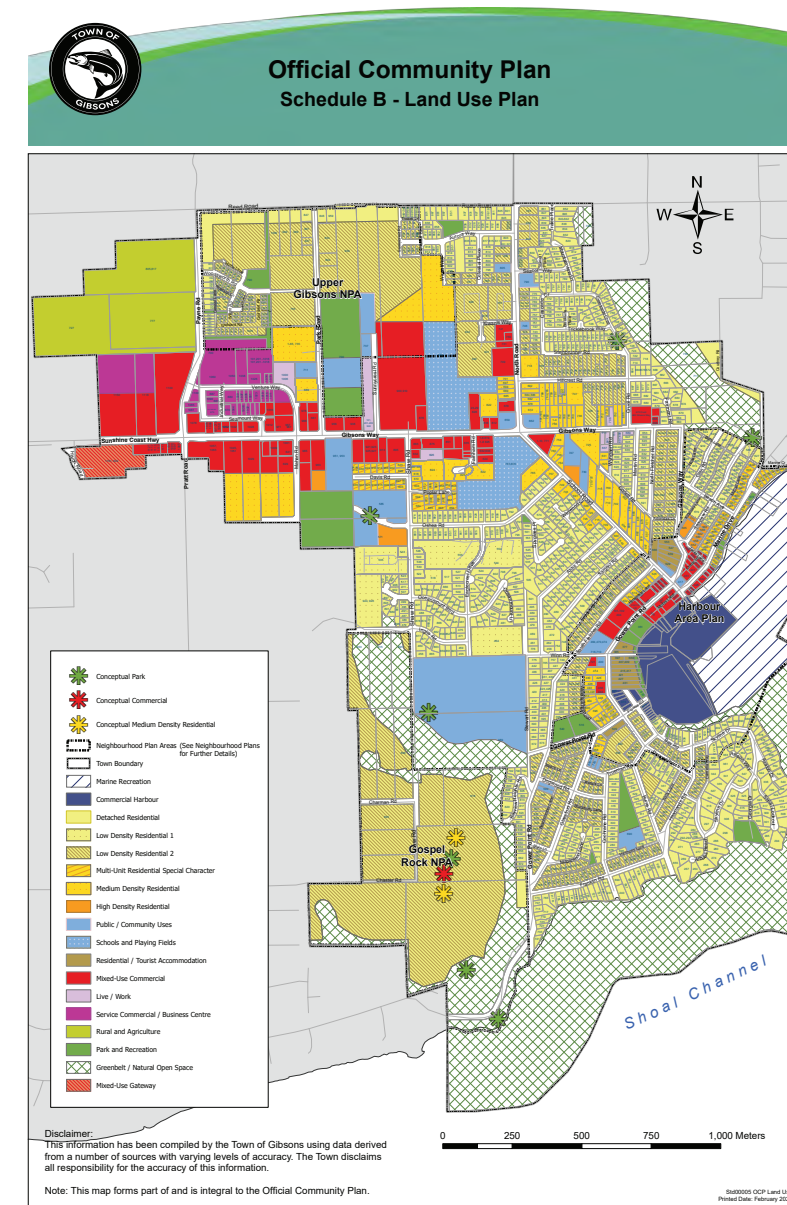
- Key findings from the review of relevant District of Sechelt documents indicate that new growth is to be focused within the Urban Containment Boundary. In particular, growth is to be targeted for higher density residential developments close to Downtown. Environmentally sensitive areas, hazardous areas, and agricultural lands are not intended for urban development.

- **shíshálh Nation Government District**

- Key findings from a review of relevant shíshálh Nation documents show that development is to be prohibited or restricted in areas identified as cultural resources and sites, wildlife habitats, important hunting and gathering grounds, water sources and watersheds, and lands that contribute to overall biodiversity. Important types of habitat to be protected include wetlands, riparian forests, ungulate winter range, calving areas and security habitats.
- Some areas are permitted to have industrial or commercial activities but must do so in a way that protects cultural and ecological values.

- **Electoral Areas (Egmont/Pender Harbour, Elphinstone, Roberts Creek, Halfmoon Bay, West Howe Sound)**

- Key findings from the review of OCPs for each of the SCRD's Electoral Areas highlight the importance of protecting rural character and the natural environment. Commercial and community-oriented uses, and denser forms of housing to be located in village centre/ areas identified as community hubs. Certain electoral areas, such as Egmont/Pender Harbour, are open to more economic and industrial land uses.



3 | Growth Management Principles

The following proposed 11 principles build upon the goals of the SCRD's 'We Envision' Sustainability Plan and translate initial staff input into a set of priorities. The principles were developed through a set of interviews with staff across all participating local governments. Then, a workshop was held and staff helped refine the initial draft into its final form. These principles form the basis for recommended strategies and actions and help inform the constraints and opportunities mapping.

Growth and development should...

- *be coordinated across jurisdictions and supported by investments from other levels of government.*
- *respect and protect Indigenous rights and heritage.*
- *be focused in existing developed areas, reduce environmental impacts, and fit with surrounding natural settings.*
- *complement natural asset restoration at a watershed scale and protect biodiversity.*
- *enhance water conservation measures while maintaining aquifer health.*
- *ensure settlements are resilient to climate impacts and emergency events.*
- *reduce greenhouse gas emissions and energy consumption.*
- *be shaped by climate-informed land use and infrastructure plans.*
- *diversify housing types and tenures to meet the needs of current and future residents.*
- *foster healthy communities, social connectivity and wellbeing.*
- *be managed through inclusive and accessible planning processes.*

CONSTRAINTS & OPPORTUNITIES

1 | Environment

The natural environment is both a constraint and an opportunity in relation to future growth. Sensitive ecosystems, species at risk, groundwater, old growth forests and other key ecological assets require protection measures and should be categorized as constraints. Additionally, access to nature attracts people to the Sunshine Coast (i.e. is a driver of population growth), benefits our physical and mental health, and helps residents gain awareness and appreciation for the natural environment. To this end, proximity to natural spaces, trails, and parks are important to foster a high quality of life.

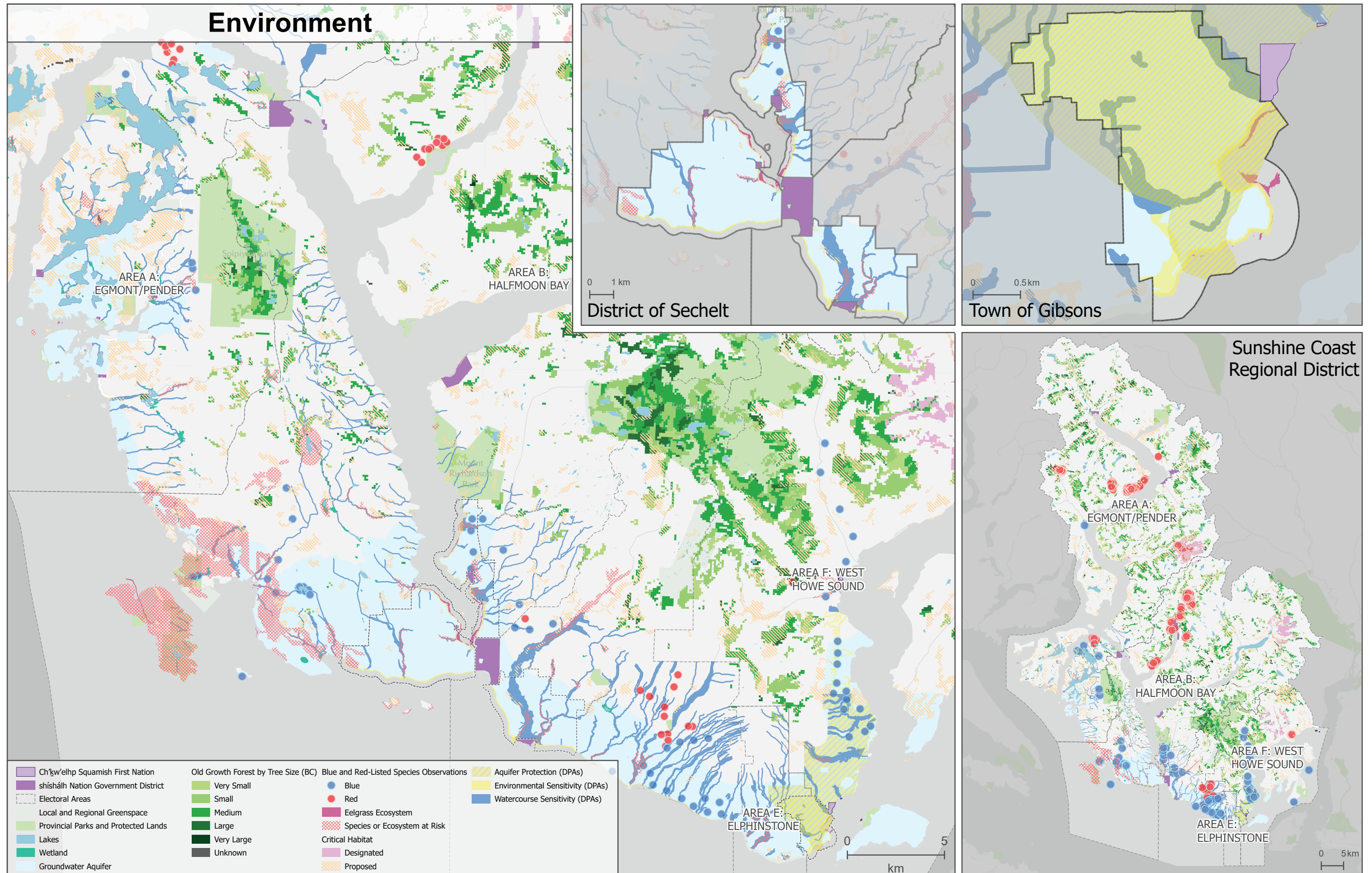
Nonetheless, conflict can arise if too much human presence — whether through tourism, residential, or economic activities — begins to encroach on these natural spaces. For example, shíshálh fear that hunting and other activities may be compromised with increased growth on and near their swiya.

The Environment map shown on the next page consolidates several layers of environmental information from across the Sunshine Coast to illustrate a complex system of overlapping natural assets, including:

- Critical Habitat (Province of BC, BC Conservation Data Centre, downloaded October 2022) – excludes Marine habitat
- Old Growth Forest (Province of BC 2021, received from SCRD Sept 2022)
- Blue and Red-listed species observations (Province of BC, BC Conservation Data Centre, downloaded October 2022)
- Wetlands (Province of BC, downloaded 2022)
- Species or Ecosystems at Risk (Province of BC, downloaded 2022)
- Groundwater Aquifer (Province of BC, downloaded 2022) – this dataset has information on substrate type, vulnerability (low, moderate, high), productivity, demand, water use (domestic, multiple), and quality concern (local, isolated, regional, none)
- Eelgrass Ecosystem (provided by SCRD, received October 2021)

It also includes three types of Development Permit Areas where specific conditions and requirements must be met to accommodate new development. These include:

- Aquifer Protection – DPA 9 from Gibsons, DPA 5 from SCRD Area F (provided by SCRD, received October 2021)
- Environmental Sensitivity – DPA 2 from Gibsons, DPA 3 from District of Sechelt, DPA 1,5 and 6 from SCRD (provided by SCRD, received October 2021)
- Watercourse Sensitivity – DPA 2 (Riparian Area) from Gibsons, DPA 2 (Watercourse Habitat/ Hazard) from District of Sechelt, DPA 2B, 2A, 4, GAA 4, from SCRD (provided by SCRD, received October 2021)



2 | Hazards

In contrast to natural assets, natural hazards present a serious threat to human life and activities. The climate crisis is only enhancing the potential for and intensity of hazards, especially those related to flooding and wildfires. This means growth should be avoided in areas where natural hazards are known to be present.

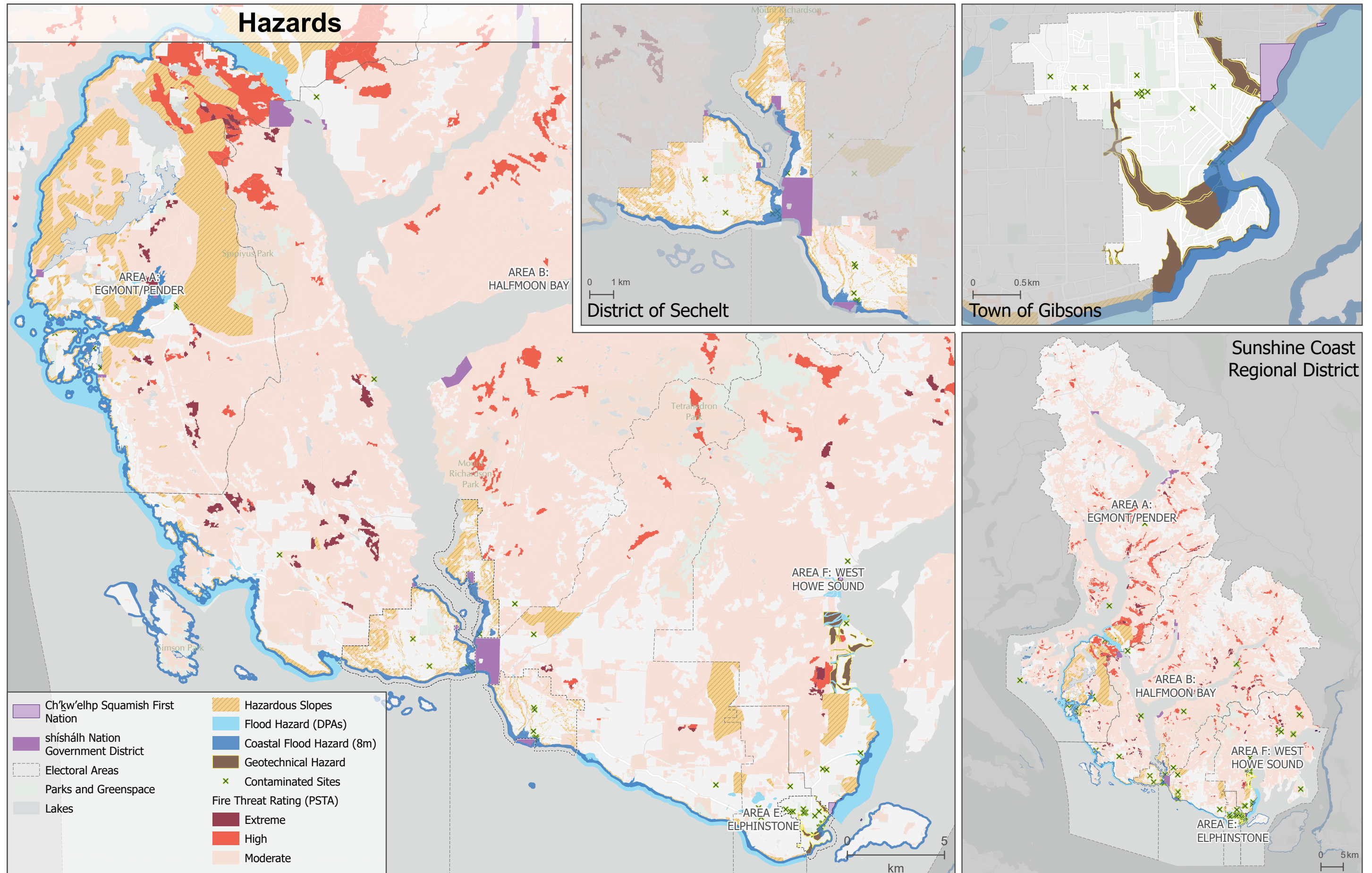
Several different hazards are identified in the Hazards map. They include:

- Coastal Flood Hazard (8m, based on SCRD's geotechnical hazard report) produced from contours using 2018 lidar data from the Province of BC
- Hazardous Slopes – DPAs 4 and 5 from District of Sechelt, and DPAs 1B and 3 from SCRD (received October 2021)
- Flood Hazard – DPA 1A, 2C, 2D, and GAAs 1.2 and 3 all from SCRD
- DPA 1 from Gibsons (Low and High Geotechnical Hazard and Adverse Fill Areas), DPA 4R (Rockfall Hazards) from District of Sechelt, and GAA 3 and 4 from SCRD
- Contaminated Sites (Province of BC)
- Fire Threat Rating (from Province of BC, Provincial Safety Threat Analysis, 2021)
- Inland flooding data is not available. An 8m buffer can be produced from inland waterways, but was not produced for this mapping as it was difficult to see at these scales.

In the case of wildfire threats, three different ratings are depicted based on the severity of the threat:

- Extreme
- High
- Moderate

Hazards data is not available in areas governed by the Island Trust.



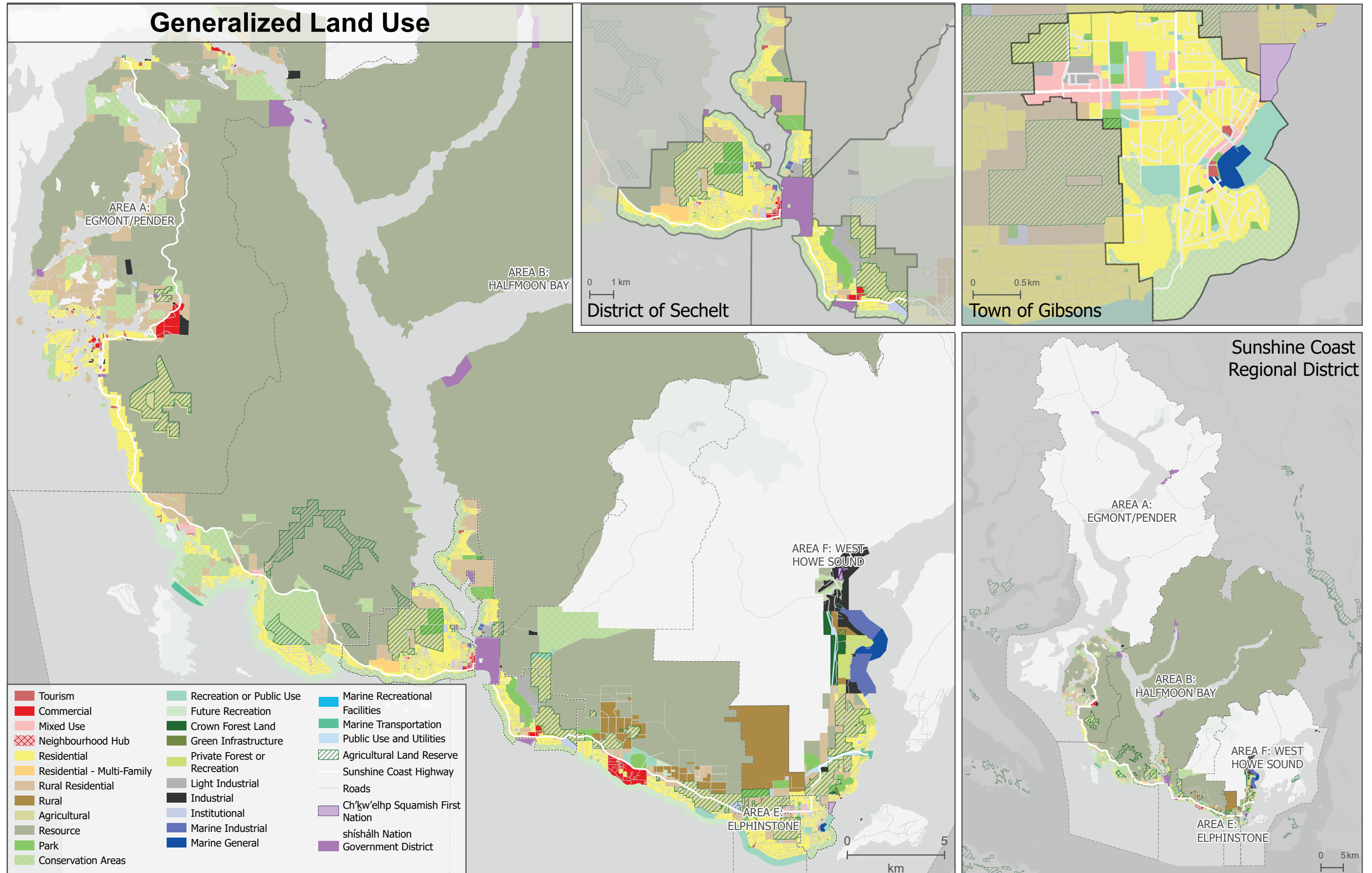
3 | Land Use

Across the Sunshine Coast, each municipality and electoral area has a set of land use designations in their Official Community Plans. These depict the communities' desires for how land should be used in the future and at what densities buildings can be built. Paired with the current density of a property (based on BC Assessment data) we can determine the "density gap" between what exists on a property today and what the community envisions for the future. It is a potent indicator of potential growth.

Additionally, the land use designations were determined through Official Community Plan update processes that would have engaged the local community, studied servicing and infrastructure, and understood constraints and opportunities related to many different factors. As such, areas that are already slated for specific types of land uses, notably residential, commercial and industrial ones are more likely to be well-suited for future growth.

Focusing future growth in areas that have already been developed has the added benefit of preventing further erosion of natural, rural, and agricultural environments while creating more compact and climate-friendly neighbourhoods. Though redevelopment comes with its own set of challenges — notably neighbourhood opposition to change — it is a more economical and sustainable approach to accommodating growth.

shishalh Nation's Strategic Land Use Plan has overlaying land use areas such as "Conservation Areas" and "Cultural Emphasis Areas" that can inform land use strategies of other jurisdictions.



4 | Population Density

Closely linked to land use is population density. Land use designations will engender certain types of housing forms which in turn impact the amount of people who live within a certain geographic area (ie. population density).

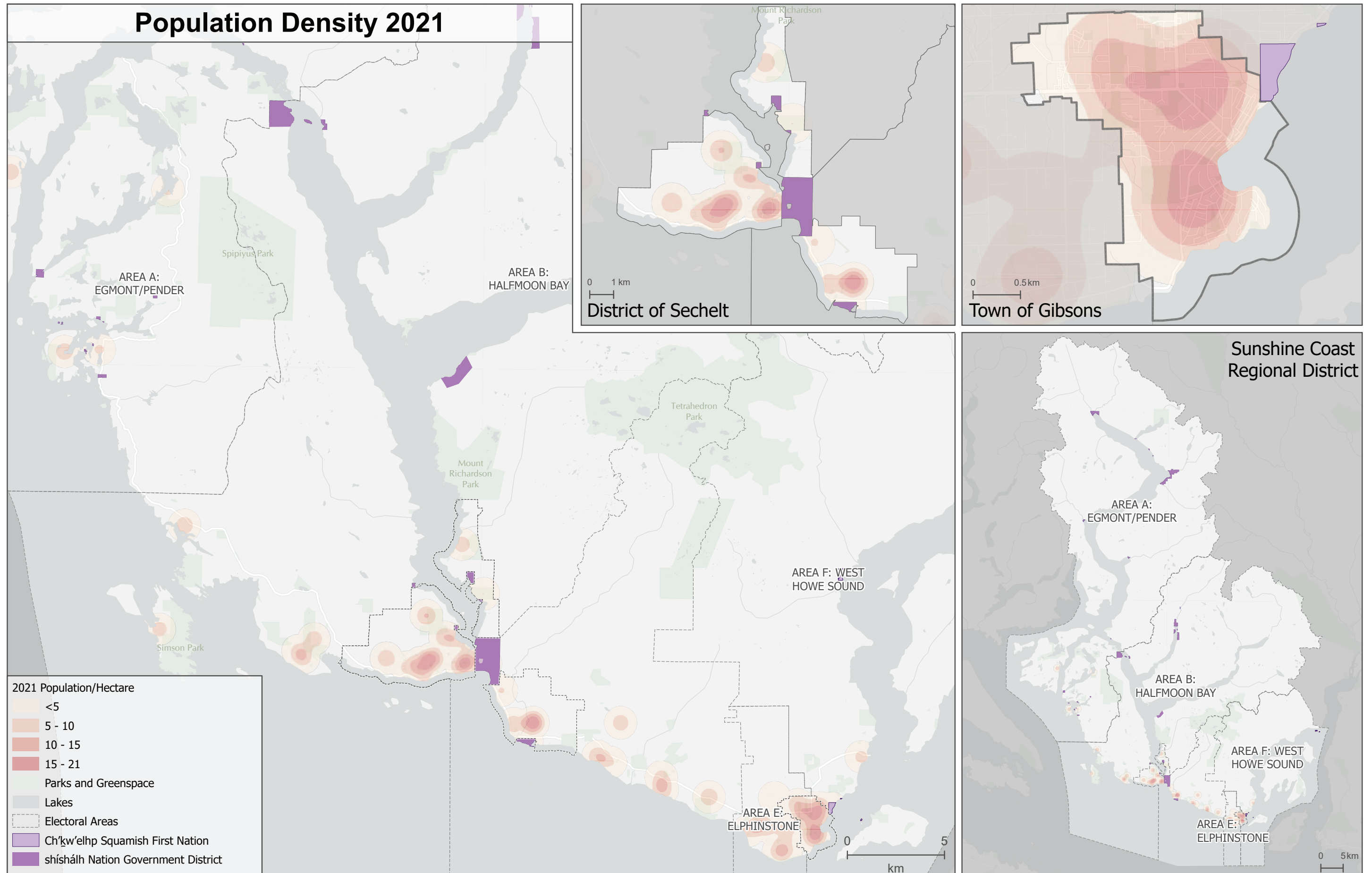
As is expected, the Sunshine Coast's highest population densities can be found in its two incorporated municipalities of Sechelt and Gibsons. Only a few areas reach a population density of approximately 15-21 people per hectare:

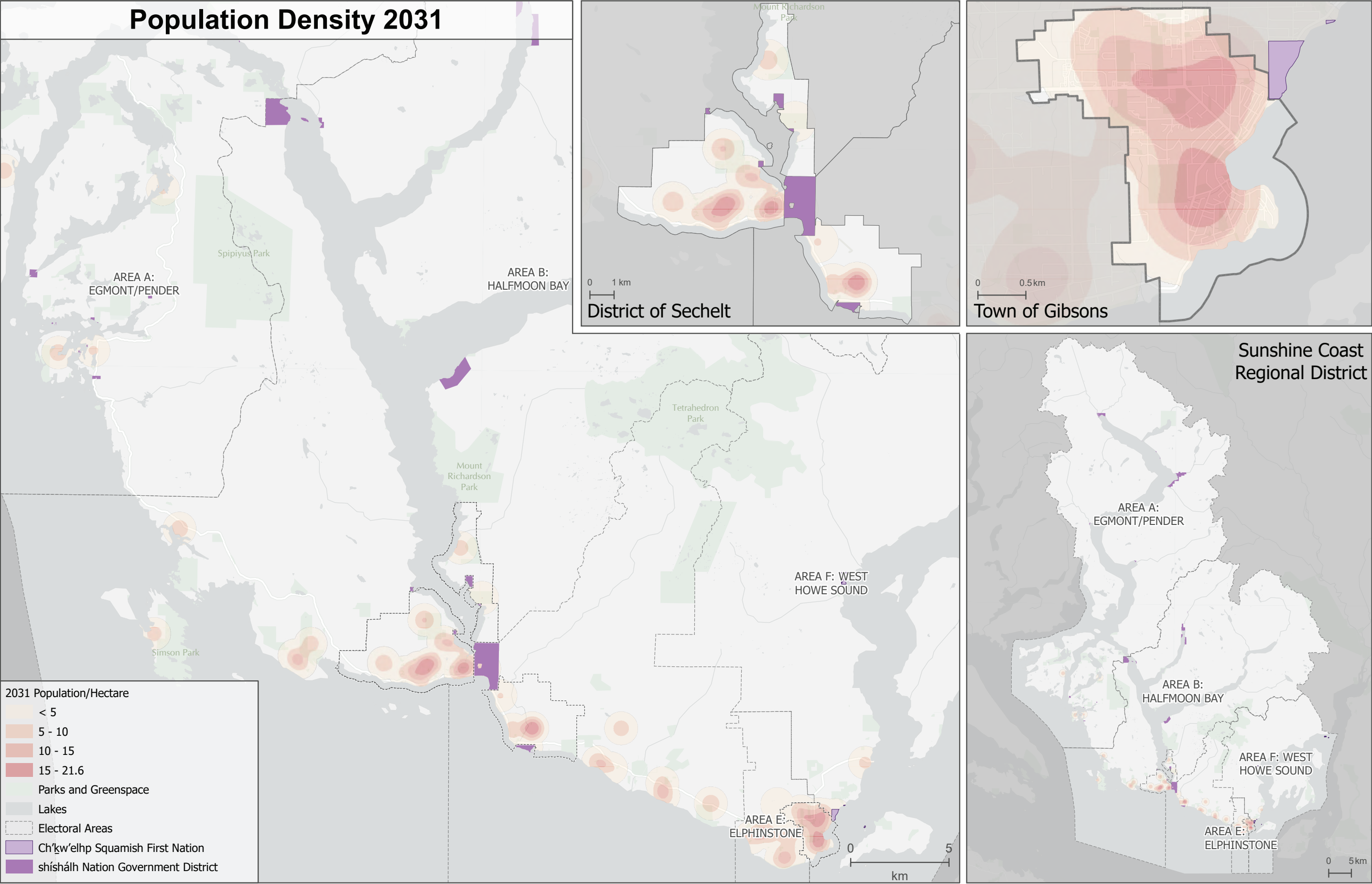
- West Sechelt
- Downtown Sechelt
- Field Road/ts'ukw'um Creek
- Upper Gibsons
- Lower Gibsons

These are all areas that are well serviced with urban infrastructure and amenities that support higher populations.

Using Environics data projections, which looks at past trends and forecasts Canadian census data out to 2031, we can see how density is expected to shift over a ten year period. Though the differences are subtle, the data illustrates population density increases in West Sechelt and in parts of Roberts Creek.

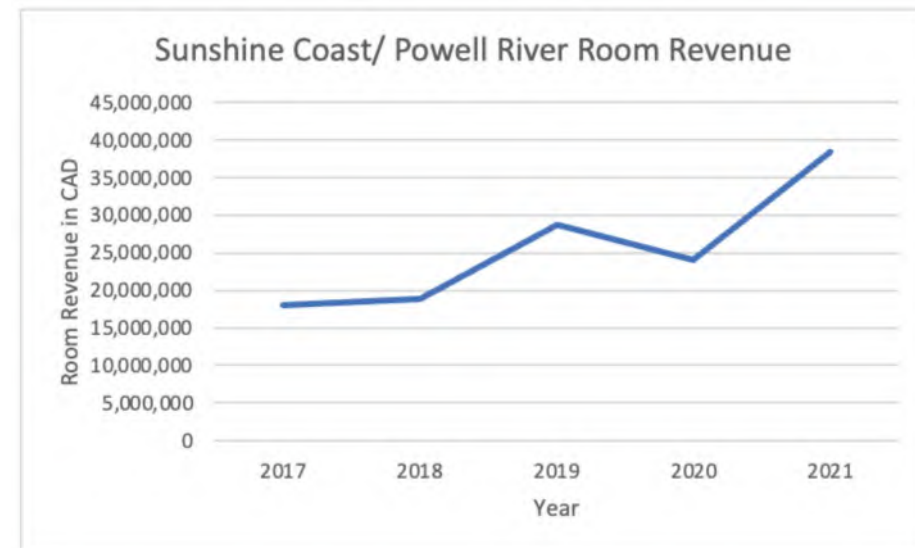
It's important to note that this is not a fixed outcome. With potential **further research on** regional growth and subsequent updates to Official Community Plans, density, people, and growth can be directed elsewhere.



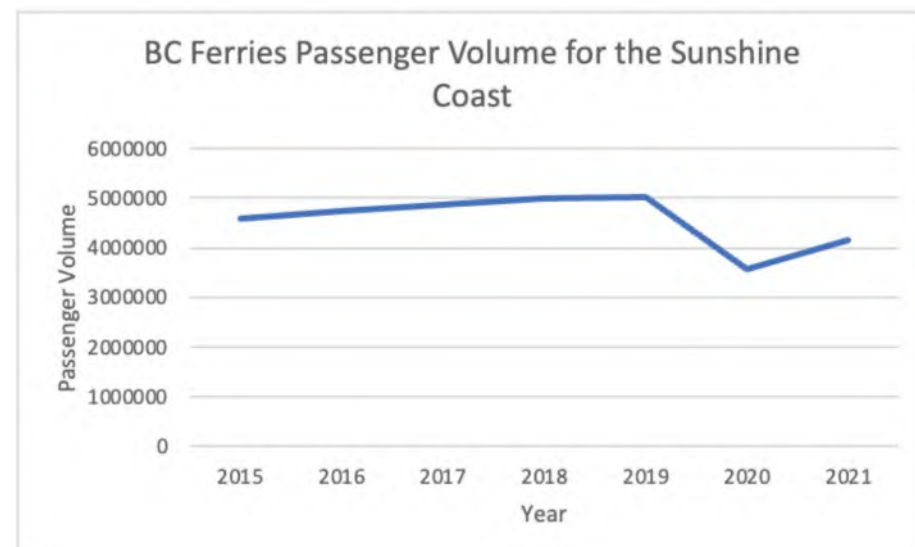


Seasonal Fluctuations in Population

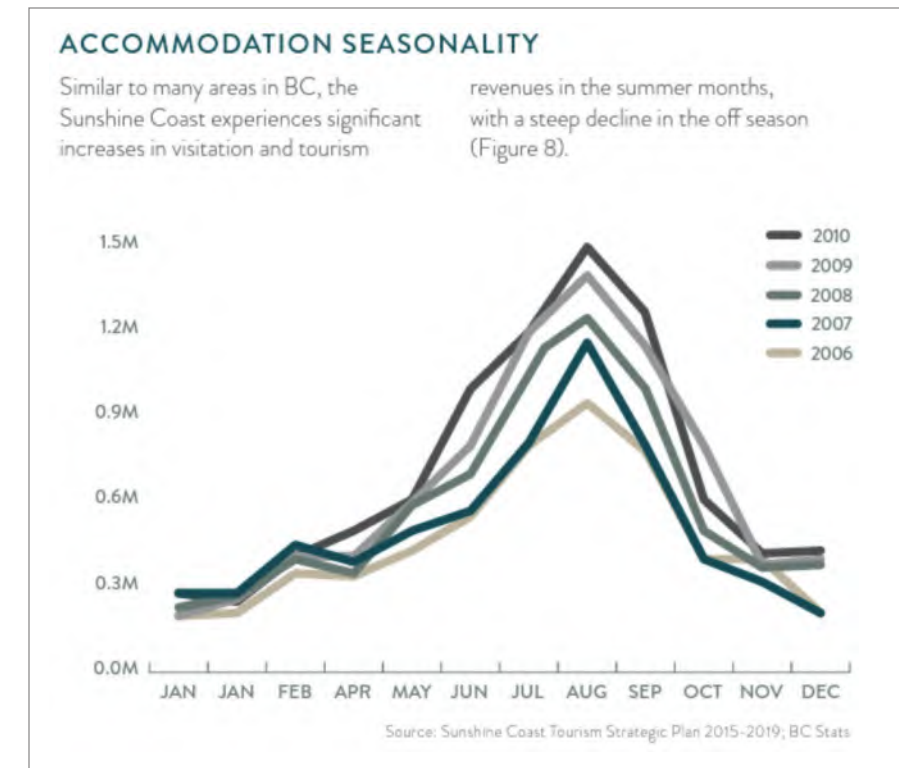
Tourism is an important component of the Sunshine Coast Regional District's local economy, as visitors are attracted by its unique coastal communities, inlets and waterways, trails, art galleries and cultural festivals. As of 2021, the Sunshine Coast Regional District had a population of 32,1701 residents. However, the District also experiences a seasonal influx of tourists that have important implications for infrastructure, housing, transportation and the local economy. One indicator of tourism flows into the District are room revenues. As seen in the chart below, the combined Sunshine Coast/Powell River room revenue has been increasing since 2017, with a noticeable dip in 2020, and a corresponding increase in 2021.



Another indicator of tourism flows is BC Ferries passenger volumes for the Sunshine Coast. An important note is that the data does not separate visitors from resident passengers. However, the data should reflect significant changes to visitor volumes. A majority of visitors to the District arrive through the Horseshoe Bay Ferry Terminal. As seen in the next chart, BC Ferries passenger volumes have been steadily increasing between 2015 and 2019, with a decrease in 2020 and a recovery in 2021.



As mentioned previously, the District experiences seasonal fluctuations in tourism-related visits. In particular, the District experiences peak visitation in the summer months, and a steep decline in the off season, as seen in the monthly room revenue chart below.



SOURCES

Statistics Canada. 2022. (table). Census Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-316-X2021001. Ottawa. Released September 21, 2022. <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E> (accessed October 14, 2022).

Tourism Industry dashboard - Destination BC. Destination BC - Official Destination BC Website. (2021, May 4). Retrieved October 14, 2022, from <https://www.destinationbc.ca/tourism-industry-dashboard/>

Sunshine Coast Tourism Strategic Business Plan 2015-2019. Sunshine Coast Tourism. (n.d.). Retrieved October 14, 2022, from <https://sunshinecoastcanada.com/app/uploads/2017/07/SCT-Strategic-Business-Plan-2015-2019.pdf>

5 | Transportation

Transportation is a key component of how growth is planned. Any new development needs access to the local transportation network. Even better is when growth is located near public transportation, bike lanes, and sidewalks or trails to encourage active transportation as opposed to car dependency.

The Sunshine Coast Highway is the main road that connects most communities in the area. It follows the coastline and extends from the Langdale ferry terminal to Earls Cove ferry terminal. As the only road that connects the major population centres of Gibsons and Sechelt, it is a crucial piece of transportation infrastructure that is increasingly popular with tourists and commuters alike. However, very few options exist to increase the capacity of the highway and accommodate more vehicles. Nor is this a particularly sustainable approach to transportation if the intent is to reduce greenhouse gas emissions.

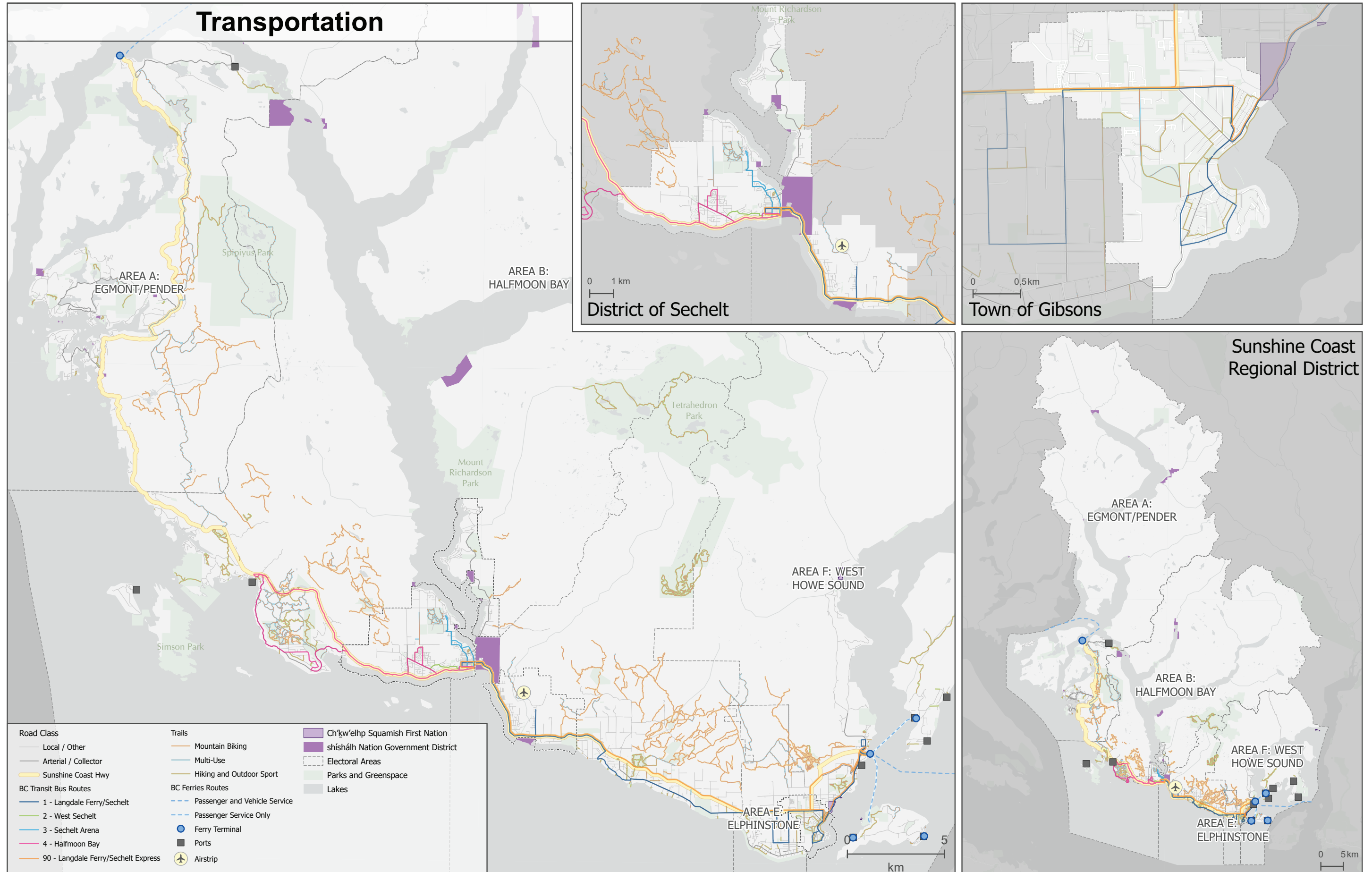
Instead, convenient and frequent public transit could be key to solving challenges related to growth and traffic congestion. Five bus routes operated by BC Transit service the Sunshine Coast:

- 1 - Langdale Ferry/Sechelt
- 2 - West Sechelt
- 3 - Sechelt Arena
- 4 - Halfmoon Bay
- 90 - Langdale Ferry/Sechelt Express

Locating future growth near these existing transit routes and potential future routes, while investing in more transit amenities and frequent service has the potential to shift residents’ preferred mode of transportation.

Data used on the following map include:

- Airstrip – registered aerodrome within the SCRD (Province of BC, 2022)
- Ports (provided by SCRD September, 2022)
- Ferry Terminal (BC Ferries, downloaded 2022)
- BC Ferries Routes (BC Ferries, downloaded 2019)
- Bus routes (BC Transit, downloaded 2022)
- Trails (provided by SCRD, received October 2021)
- Roads (provided by SCRD, received October 2021)
- Sunshine Coast Highway (provided by SCRD, received October 2021)



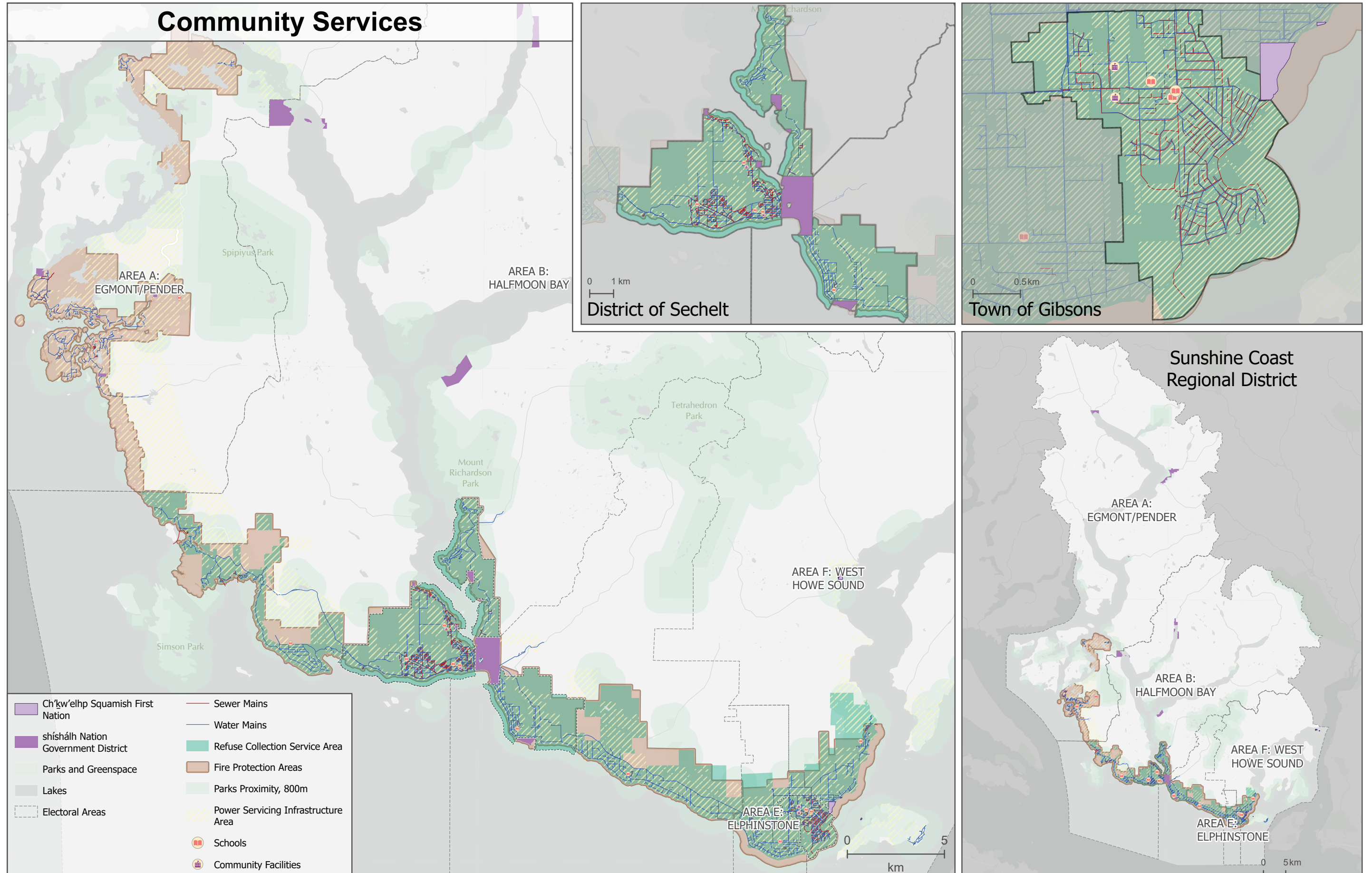
6 | Community Services

Much like transportation, any future growth should also be connected to a range of community services. Ensuring new development is located within current refuse collection and fire protection areas, and connecting it to existing sewer and water mains makes more efficient use of these services. Otherwise, service areas need to expand which often requires greater operating and maintenance costs and higher taxes.

Taking advantage of the infrastructure that exists is a more economical and sustainable approach to growth. The following map shows where these services overlap and thus, where future growth may be the most opportune in relation to these important community services.

The services mapped include:

- Schools (Province of British Columbia, 2022)
- Community Facilities (SCRD website list of recreation facilities, 2022)
- Power Infrastructure (BC Hydro via SCRD, received October 2021)
- Water Servicing Infrastructure (provided by District of Sechelt. Gibsons and SCRD, received October 2021)
- Sewer Servicing Infrastructure (provided by District of Sechelt. Gibsons and SCRD, received October 2021)
- Refuse Collection Service Area (provided by SCRD, received October 2021)
- Fire Protection Areas (provided by SCRD, received May 2022)
- Parks proximity buffer 800m, produced from parks base layers



7 | Potential for Growth

When reviewed together, the opportunities for and constraints to growth can be assigned a score factor and mapped. This helps us understand the potential for growth at the parcel scale. Once tabulated, the scores for each parcel are associated with a colour ranging from red (little to no opportunity for growth) to dark green (high opportunity for growth).

Features that are considered **opportunities** are given a positive score. These include:

- Community Services
 - Proximity to transit (within 800m)
 - Proximity to commercial uses (within 1200m)
 - Proximity to community facilities (within 1200m)
 - Proximity to ferry terminals (within 1000m)
 - Proximity to parks (800m)
 - Proximity to schools (1200m)
 - Proximity to roads
 - Fire protection areas
 - Refuse collection service areas
 - Sewer servicing infrastructure
 - Water servicing infrastructure
- Land Use
 - Gap between current density (BC Assessment) and envisioned density (OCP)
 - Residential designated land

The map illustrates some of the greatest opportunities for growth are located within:

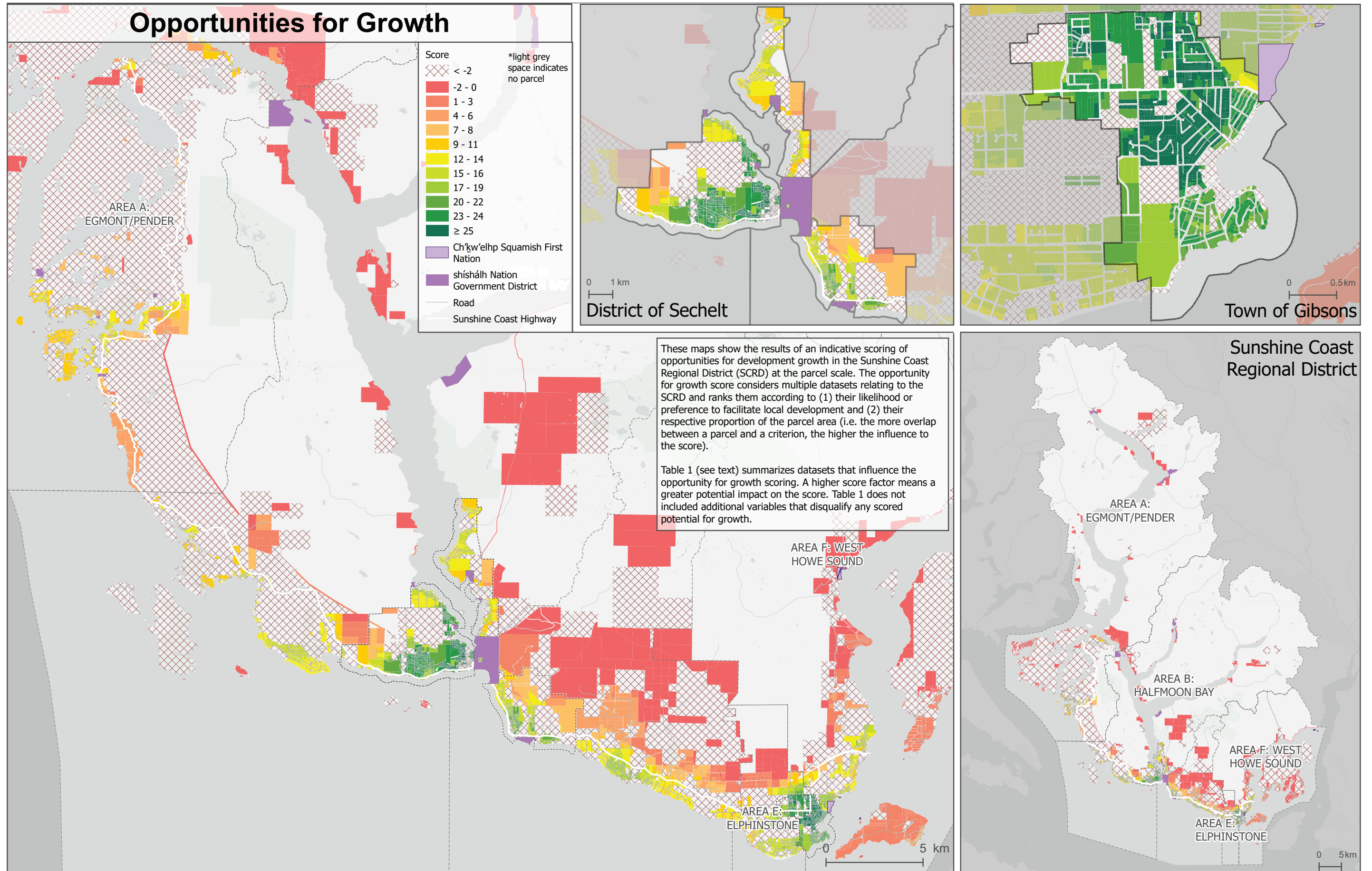
- most of downtown and western Sechelt;
- the Davis Bay and ts’uḷw’um Creek areas;
- most of the Town of Gibsons; and,
- to a lesser degree, the Roberts Creek village area.

Features that are considered **constraints** are given a negative score. These include:

- Environmental Assets
 - Environmental sensitivity (DPA)
 - Riparian areas (DPA)
 - Groundwater aquifer
- Hazards
 - Geotechnical hazard (DPA)
 - Slopes hazard (DPA)
 - Flood hazard (DPA and Coastal 8m vertical)
 - BC fire threat rating (moderate and higher)

Certain features preclude parcels from consideration. These include:

- shíshálh Nation Government District lands
- Skwxwú7mesh First Nation reserves
- Agricultural Land Reserve
- Critical habitat
- Old growth forest
- Parks
- Red and blue listed species observations
- Species and ecosystems at risk, including Coastal Douglas Fir and Arbutus tree habitats



RECOMMENDATIONS

future research on regional growth should consider...

1 | Cross-Jurisdictional Collaboration

Growth should be coordinated across jurisdictions and supported by investments from other levels of government.

First Nations

- Co-create engagement protocols, reconciliation agreements, and/or memorandums-of-understanding (MOUs) to foster greater collaboration with the shíshálh and Skwxwú7mesh nations

Federal Government

- Work with the federal government on matters such as:
 - Protecting watercourses and establishing modernized policies for marine and foreshore environments with the Department of Fisheries and Oceans; and,
 - Protecting species at risk and enhancing natural assets by building on and expanding the federal SARA safety net with the Ministry of Environment.

Provincial Government

- Work with the provincial government on matters such as:
 - Reducing car dependency and providing safe and sustainable transportation options with the Ministry of Transportation & Infrastructure (MoTI);
 - Building more affordable, non-market housing options with BC Housing;
 - Ensuring a sustainable supply of potable water that meets the needs of SCRD residents into the future; and,
 - Following sustainable forestry practices that protect watersheds and local water supplies with the Ministry of Forests, Lands, Natural Resources Operations (MFLNRO);

Electoral Areas & Incorporated Municipalities

- Support the continued collaboration between Electoral Areas and Incorporated Municipalities in ensuring regional alignment, especially on issues that cross boundaries:
 - ecological integrity and watershed management
 - aquifer health
 - affordable housing
 - infrastructure services
 - transportation
 - and more...



2 | Indigenous Rights & Heritage

Growth should respect and protect Indigenous rights and heritage.

UNDRIP & TRC

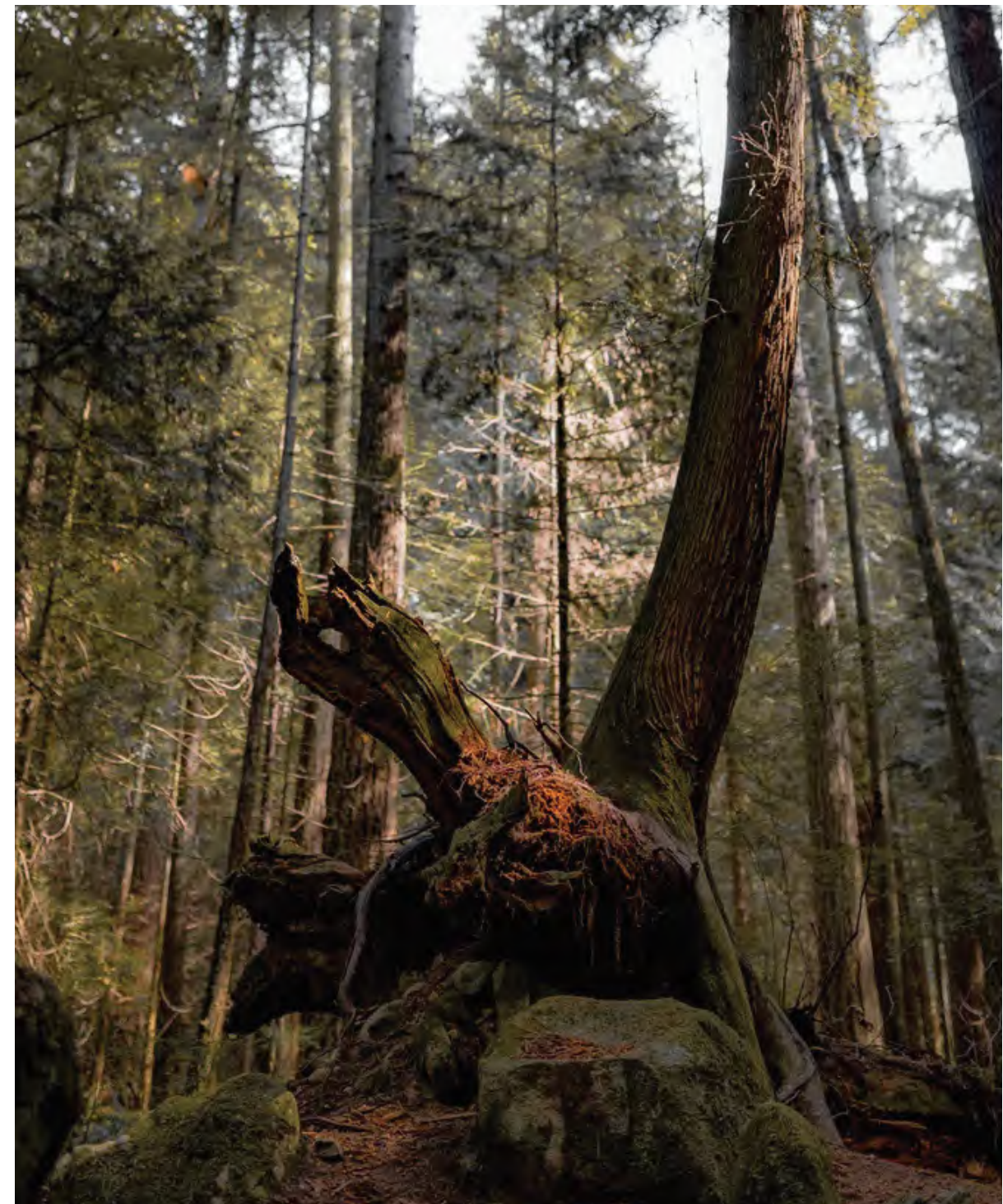
- Integrate the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation of Canada Calls to Action.
- Implement BC's Declaration of the Rights of Indigenous Peoples Act (DRIPA) goals, which could include greater First Nation participation in regional district governance, reviewing the principles and processes that guide place naming and evolving practices to foster reconciliation in local processes.

Environment

- Prevent growth and tourism on lands where Indigenous communities practice culturally significant activities (e.g. hunting, collecting cedar bark)
- Encourage and support the revitalization of plant species that are culturally important to shíshálh and Skwxwú7mesh nations
- Explore legal "personhood" for natural assets important to shíshálh and Skwxwú7mesh nations

Archaeology

- Work collaboratively with First Nations to protect significant shíshálh and Skwxwú7mesh cultural and archaeological sites
- Advocate for the province to update its archaeological database in a timely manner



3 | Focussed & Fitted Development

Growth should be focussed in existing developed areas, fit with natural settings and reduce environmental impacts.

Incorporated Municipalities

- Absorb the majority of the SCRD's future growth within the incorporated municipalities of the District of Sechelt and the Town of Gibsons, where elected Councils have the tools to shape growth in more sustainable ways and where opportunities for growth have the potential to more effectively achieve broader regional objectives.
- Encourage infill of low density, single use, car dependent areas to improve community vitality and resilience, and lessen the impacts of sprawl and deterioration of rural and natural environments

Electoral Areas

- Focus development in close proximity to established centres or hubs, where commercial services and infrastructure servicing already exist
- Reduce development footprint and ecological impact by clustering buildings closely together



4 | Natural Asset Restoration

Growth should complement natural asset restoration at a watershed scale and protect biodiversity.

Natural Asset Management

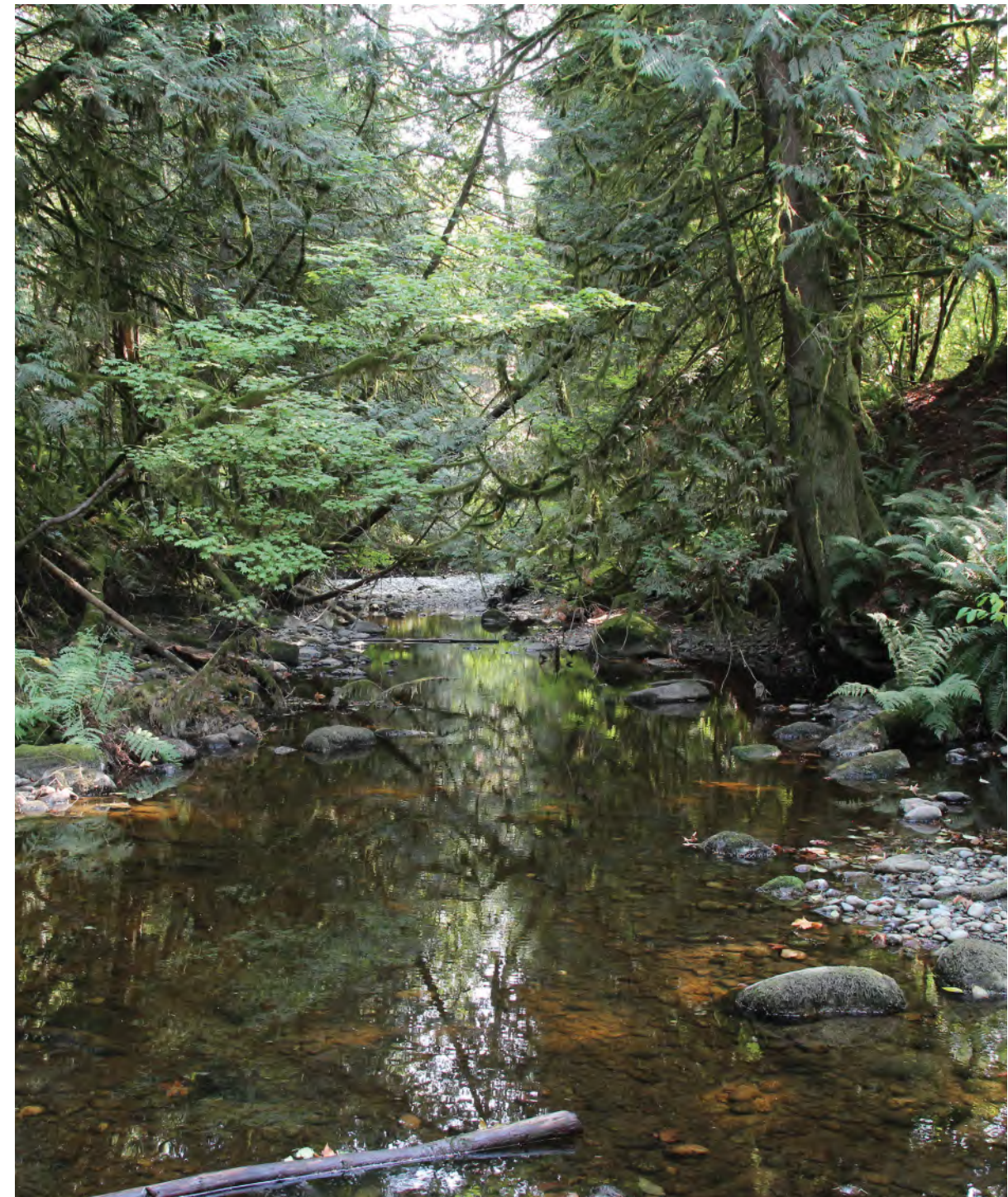
- Develop a natural asset management strategy at a regional scale that builds off of the Town of Gibsons' program and Indigenous communities' knowledge and policies. Specifically, the shíshálh Strategic Land Use Plan and Lands and Resources Decision-Making Policy provide direct guidance for this subject.
- Carry-out ecological restoration strategies at the watershed scale in collaboration with First Nations
- Strengthen environmental impact studies, especially as they relate to groundwater sources

Coastal & Riparian Environments

- Protect and restore coastal and riparian environments to enhance biodiversity and mitigate the impacts of sea level rise and flooding hazards
- Explore marine use policies that protect the integrity of the coastline

Forests & Tree Canopies

- Protect Coastal Douglas-fir and Arbutus tree habitats throughout the region
- Develop invasive plant strategies to defend the ecological integrity of terrestrial environments in collaboration with First Nations



5 | Water Conservation & Aquifer Health

Growth should enhance water conservation measures while maintaining aquifer health.

Water Conservation

- Investigate innovative ways to conserve water, including the re-use of grey water and rainwater harvesting
- Invest in new or expanded potable water sources to support long-term, sustainable growth, and prevent future emergency restrictions related to water use

Aquifer Health

- Apply a consistent approach to aquifer protection, such as Development Permit Areas, across local government boundaries to prevent contamination of drinking water sources
- Require detention tanks in new development over sensitive aquifers to safeguard aquifer health

Water Rights

- Collaborate with the shíshálh and Skwxwú7mesh nation on joint water projects to ensure long-term supply of potable water for all communities



6 | Climate Resilience

Growth should ensure settlements are resilient to climate impacts and emergency events.

Sea Level Rise & Flooding

- Conduct a flood and foreshore risk assessment to better understand the impacts of the climate crisis at a regional scale
- Consider impacts from more severe atmospheric river events on creek health

Wildfire Threat

- Prevent growth in wildfire interface areas and in areas that are outside of the SCRD's fire emergency response capacity
- Explore the creation of Community Wildfire Protection Plans in at-risk areas

Emergency Preparedness

- Use the Climate Risk Assessment Tool in land use and planning decision-making
- Coordinate and integrate partner emergency plans to address priority risks, with an expectation of joint decision-making, unified communications and resource sharing



7 | Climate Mitigation

Growth should reduce greenhouse gas emissions and energy consumption.

GHG Emissions

- Establish regional greenhouse gas emission targets within a climate crisis mitigation strategy that models the impacts of actions and charts a path to achieving the targets

Building Emissions

- Support the retrofitting of older buildings and green construction of new buildings to achieve energy efficiency and a reduction in GHG emissions
- Aim to reduce the use and distribution of wood stoves and natural gas as a heat source and support more robust electrical grids and renewable energy alternatives

Transportation Emissions

- Work with MoTI to reduce car dependency and encourage sustainable modes of transportation like walking, biking, and transit
- Expand the regions' network of electric vehicle charging stations

Waste Management

- Develop waste management strategies that reduce and divert waste from landfills
- Explore locations for a new landfill and avoid shipping waste outside of the region

Carbon Sinks

- Protect mature tree stands, eelgrass beds, wetlands, and other ecological assets that serve to retain carbon



8 | Land Use & Infrastructure

Growth should be shaped by equitable and climate-informed land use and infrastructure plans.

Equitable and Sustainable Land Use

- Develop an equity and climate lens through which to review land use and infrastructure policy

Density and Mix of Uses

- Ensure minimum densities in Official Community Plans support the sustainable provision of servicing (e.g. water, sewer, transportation)
- Seek to increase the mix of uses within communities to encourage active transportation and support neighbourhood completeness

Green and Connected Infrastructure

- Wherever possible utilize green infrastructure solutions to mitigate impacts from development while supporting natural assets (e.g. rainwater gardens, green roofs, permeable pavement, detention ponds, etc.)
- Connect infrastructure across jurisdictional boundaries and avoid gaps in systems such as cycling networks



9 | Diverse Housing

Growth should diversify housing types and tenures to meet the needs of current and future residents.

Housing Needs

- Use financial, density, and process incentives to support the development of housing types that are most needed according to the SCRD's latest Housing Needs Report

Single Detached Zoning

- End single detached zoning and allow residential infill throughout established neighbourhoods (e.g. guest cottages, cluster housing, du- and triplexes)

Diverse Tenures

- Encourage a greater mix of housing tenures throughout the region, including purpose built rental, co-op housing, and co-housing



10 | Healthy & Social Communities

Growth should foster healthy communities, social connectivity and wellbeing.

Civic Health

- Support and enhance public spaces where people can connect and engage with public leaders, navigate divides and build trust, and attend events that bring people in the community together to interact and celebrate
- Explore innovative community program and service delivery that can be facilitated outdoors or in schools and community halls through shared use agreements

Access to Parks & Recreation

- Increase access to nature and recreation opportunities for people of all ages, abilities, and cultural backgrounds

Active Transportation

- Develop a region wide active transportation strategy in collaboration with MoTI
- Expand trail systems and bike routes to connect neighbourhoods and communities both locally and regionally
- Efforts to expand existing trails should include close engagement with shíshálh nation respecting appropriate permitting.

Mixed Income Neighbourhoods

- Support mixed income neighbourhoods where people of diverse backgrounds and means have access to housing, jobs, services education, nature and more



11 | Inclusive & Accessible Planning

Growth should be managed through inclusive and accessible planning processes.

Cultural Sensitivity

- Adopt First Nation-led cultural sensitivity training for staff as it relates to engaging with Indigenous communities

Community Engagement

- Develop inclusive engagement practices that reach seldom-heard audiences and allow for safe and respectful dialogue, including at public hearings
- Seek to remove barriers for engagement activities in terms of language, location, physical/virtual design of space, and other factors that may prevent individuals from participating



CONCLUSION

Conclusion

This final report — along with earlier Phase 1 and 2 reports — have pulled together significant data and information across various jurisdictions to present a baseline of conditions related to various key components that will help shape a future **research on regional growth**.

The recommendations can be viewed as important, high level considerations to ensure **future research on regional growth** is grounded in evidence from GIS analysis, staff interviews, key strategies and master plans, and planning best practices.

Some data gaps exist, particularly in relation to sensitive environmental features (e.g. marine habitat, aquifer vulnerability and productivity) and infrastructure and servicing (e.g. active transportation routes). These require further research.

It should also be noted that while the 2007 Strategic Land Use Plan is still in effect, the shíshálh nation is finalizing a new land use plan for the swiya (lands and waters that shíshálh Nation has occupied and utilized since time immemorial) which will provide direction on biodiversity, watershed integrity, cultural resources, and economic development. Once complete, it can serve as a crucial foundational document to supplement this report's findings.



Applications

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.

File Number	Applicant Name	Date Received	Purpose
GM-DP-2023.1	Delane & Cumming, Steve & Sarah	01-May-2023	PID 013-387-031 new SFD at Lot 62, West Bay Road on Gambier Island.

Planner: Marlis McCargar

Planning Status

Status Date: 17-Jul-2023

Received joint DVP/DP payment.

Applications

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.

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.

Applications

Development Variance Permit

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.			

File Number	Applicant Name	Date Received	Purpose
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
Planner: Ian Cox			
Planning Status			
Status Date: 21-Sep-2023 October 17 LTC regular meeting agenda item.			
Status Date: 05-Sep-2023 Reassigned from SB to IC			

Applications

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			
Status Date: 17-Jul-2023 Received payment for joint DP/DVP			
Status Date: 24-May-2023 Refund Memo to finance forwarded to RPM.			
Status Date: 24-May-2023 Signed Refund Memo forwarded to finance.			

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2023.3	At Home Construction Ltd.	26-Jun-2023	PID: 011-643-439 seeking a variance from lot line to build an addition at 2431 Austin Rd on Gambier Island.
Planner: Marlis McCargar			
Planning Status			
Status Date: 20-Sep-2023 Planner reviewing file.			
Status Date: 21-Jul-2023 Site visit by planner.			
Status Date: 29-Jun-2023 Opening Letter sent to applicant.			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending August 2023

630 Gambier	Invoices posted to Month ending August 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	787.30	700.70
65210-630	LTC - Local Exp - APC Meeting Expenses	333.00	328.00	5.00
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>1,115.30</u>	<u>1,232.70</u>
Projects				
73001-630-2016	Gambier OCP/LUB	16,000.00	16,000.00	0.00
73001-630-4094	Gambier Keats Island Shoreline Protection Review	4,000.00	1,679.75	2,320.25
TOTAL Project Expenses		<u>20,000.00</u>	<u>17,679.75</u>	<u>2,320.25</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	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: “The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are: - Representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area; - 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; - Where feasible and practical of a balanced representation of gender and age groups. Consideration shall be given to the following criteria in any appointment: • 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	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.

No	Meeting Date	Resolution No.	Issue	Policy
3.	October 26, 2017	GM-2017-065	Development Permit Area (DPA) No. 3: Riparian Areas administration	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: 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	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.
5.	January 25, 2018	GM-2018-009	First Nations Words, Phrases and Place Names	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution: 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	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the model strategy for antenna systems.

No	Meeting Date	Resolution No.	Issue	Policy
7.	November 21, 2019	GM-2019-061	First Nations Reconciliation engagement	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: 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: 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	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.

No	Meeting Date	Resolution No.	Issue	Policy
9.	February 10, 2023	GM-RWM-2023-001	Bylaw Enforcement deferral	It was MOVED and SECONDED 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.'
10.	August 29, 2023	GM-RM-2023-027	Unlawful Land Uses and Planning Applications	It was MOVED and SECONDED that Gambier Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a) Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b) The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c) Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue. d) In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** October 17, 2023
From: Nadine Mourao, Legislative Clerk **Date Prepared:** September 25, 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 adopted.

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 Freedom of Information and Protection of Privacy Bylaws for the Local Trust Committees 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 this report be referred back to staff for additional information.

Submitted By:	Nadine Mourao, Legislative Clerk	September 25, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	September 26, 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 29TH DAY OF AUGUST , 2023

READ A SECOND TIME this 29TH DAY OF AUGUST , 2023

READ A THIRD TIME this 29TH DAY OF AUGUST , 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
13TH DAY OF SEPTEMBER , 2023

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

Active Projects Report

Gambier Island

1. *Gambier OCP & LUB Targeted Review*

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.

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;
- 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.

Responsible

Dates

Marlis McCargar
Sonja Zupanec

Rec'd: 12-Feb-2015

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

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

Responsible

Dates

Jaime Dubyna
Marlis McCargar

Rec'd: 31-Jan-2019

Future Projects Report

Gambier Island

1. *Administrative*

Responsible

Date Received

- 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. *OCP & LUB*

Responsible

Date Received

- 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. *LUB*

Responsible

Date Received

Gambier LUB:

- Recreational Camp and Private Institutional Regulation Review
- Temporary Overnight Accommodation bylaw review with regards to short-term vacation rentals

01-Sep-2022

Keats LUB:

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

Future Projects Report

Gambier Island

4. *OCP*

Responsible

Date Received

N/A

01-Sep-2022

5. *Advocacy and Communications*

Responsible

Date Received

N/A

01-Sep-2022

6. *Bylaw Enforcement*

Responsible

Date Received

N/A

01-Sep-2022