



Gambier Island Local Trust Committee

Regular Meeting Revised Agenda

Date: July 23, 2020
Time: 10:30 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:30 AM - 10:35 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	10:35 AM - 10:55 AM	
3.1	Trustee Reports		
3.2	Chair's Report		
3.3	Electoral Area Director's Report		
4.	DELEGATIONS -none		
5.	TOWN HALL	10:55 AM - 11:05 AM	
6.	MINUTES	11:05 AM - 11:10 AM	
6.1	Local Trust Committee Meeting dated May 28, 2020 - for adoption		4 - 13
6.2	Section 26 Resolutions-Without-Meeting - none		
6.3	Advisory Planning Commission Minutes - none		
7.	BUSINESS ARISING FROM MINUTES	11:10 AM - 11:30 AM	
7.1	Follow-up Action List dated July 16, 2020		14 - 15
7.2	Map of Potential Privately Managed Forest Land (PMFL) - for information		16 - 16
8.	APPLICATIONS AND REFERRALS		
8.1	GM-DVP-2020.1 Maltby - Staff Report		17 - 24

9.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 12:10 PM	
9.1	Gambier Associated Islands (Anvil & Bowyer) Streamside Development Permit Area (DPA) - Staff Report - for decision		25 - 49
9.2	Keats Shoreline Protection Project - Memorandum		50 - 53
10.	CORRESPONDENCE - none		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
11.	NEW BUSINESS	12:10 PM - 1:00 PM	
11.1	Climate Change Mitigation and Adaptation		
11.1.1	March 2020 Pinna Sustainability Report regarding Climate Projections for Islands Trust Area http://www.islandstrustconservancy.ca/media/84991/itc_climateprojectionsreport_final.pdf		
11.2	New Brighton Dock Update - for discussion		
11.3	RCMP Car Parking on Community Center Property - Choices for Minimizing Costs for a Community Amenity - for discussion		
11.4	Format of Agenda - for discussion		
	----- BREAK 1:00 PM TO 1:20 PM -----		
12.	REPORTS	1:20 PM - 1:30 PM	
12.1	Trust Conservancy Report dated May 26, 2020		
12.1.1	Contiguous Forest Mapping in the Islands Trust Area Report http://www.islandstrust.bc.ca/media/349568/524_tc_2020-06-16_contiguous-forest-mapping-project_rfd.pdf		
12.2	Applications Report dated July 16, 2020		54 - 56
12.3	Trustee and Local Expense Report dated May, 2020		57 - 57
12.4	Adopted Policies and Standing Resolutions		58 - 60
12.5	First Nations Activities		
12.6	Local Trust Committee Webpage		
12.7	What We Heard - Islands 2050 Policy Statement Project Update http://www.islandstrust.bc.ca/media/349569/625_policy_statement_what-we-heard_brf.pdf		

13. **WORK PROGRAM** 1:30 PM - 1:50 PM
- 13.1 Top Priorities Report dated July 16, 2020 61 - 61
- 13.2 Projects List Report dated July 16, 2020 62 - 64
14. **INFORMATION ITEMS** 1:50 PM - 2:00 PM
- 14.1 June 2016 Climate Projections for Metro Vancouver
<http://www.metrovancouver.org/services/air-quality/AirQualityPublications/ClimateProjectionsForMetroVancouver.pdf>
- 14.2 Spring 2020 Metro Vancouver Nature and Ecosystems Discussion Paper
<http://www.metrovancouver.org/services/air-quality/climate-action/climate2050/regional-priorities/nature/updates/Pages/default.aspx>
- 14.3 Travelling to the Islands - COVID 19 News Release 65 - 65
15. **UPCOMING MEETINGS**
- 15.1 Next Regular Meeting Scheduled for Thursday, October 1, 2020 at 10:30 am - Location to be determined
16. **CLOSED MEETING** 2:00 PM - 2:10 PM
- 16.1 Motion to Close the Meeting
That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated May 28, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.
- 16.2 Recall to Order
- 16.3 Rise and Report
17. **ADJOURNMENT** 2:10 PM - 2:10 PM



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: May 28, 2020
Location: Electronic Meeting
 Via Zoom
Present:
Members Present: Sue Ellen Fast, Chair
 Dan Rogers, Local Trustee
 Kate-Louise Stamford, Local Trustee
Staff Present: Heather Kauer, Regional Planning Manager
 Jaime Dubyna, Planner 2
 Marnie Eggen, Island Planner (in part)
 Diane Corbett, Recorder
 Members of the Public – 5

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 Fast called the meeting to order at 10:43 am. She acknowledged that the meeting was being held in 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 sent out an electronic report this week but added the following:

- She had been doing some work around supporting the Gambier Community Association in getting out a resource for Gambier Island.

Trustee Rogers reported on the following:

- Sent out an electronic report which highlighted his activities and work with committees.
- On May 29 he will be attending a meeting of the Howe Sound Biosphere Region Initiative (HSBRI), where participants would be reviewing the national level review responses to the HSBRI application. After the national level review, the application would get sent to an international review panel for consideration. He remarked that the project has potential to bring prestige and consciousness around the Howe Sound area.

- He commented on the large number of whales being observed in the region this year, a sign that there are a lot of forage fish around. There have been a lot of sea lions in this area also, a sign of the presence of anchovies and a healthy environment.
- He sits on the Islands Trust Programs Committee. He has been involved in the ongoing work regarding the Trust Policy Statement engagement process. He noted Islands Trust staff and trustees have adapted in the last 2.5 months to restrictions to stay at home and shelter in place, and have gone to an electronic meeting format to carry on the work. They are now working on how to open up offices.

3.2 Chair's Report

Chair Fast announced that during the time of the last Trust Council meeting, which took place on Salt Spring Island, the pandemic was recognized by the World Health Organization. Since that time there have been no in person meetings and Islands Trust has gone to electronic meetings. Trust Council met online to lower the tax increase to zero, and has allocated funds to strategic plan items. There are federal and provincial programs for people having COVID-19-related difficulties.

Bowen Island Municipal Council recently passed an endorsement of its position of opposition to Woodfibre LNG. Islands Trust Conservancy met May 27; some interesting maps were included in the agenda package, including forest area connections on the islands. A Bowen Marine Atlas has been published and there will be an online version. The Chair will bring a copy to the next in person meeting.

3.3 Electoral Area Director's Report – none

Chair Fast acknowledged the presence of Sunshine Coast Regional District (SCRD) Electoral Area F Alternate Director Camilla Berry.

4. DELEGATIONS – none

5. TOWN HALL – none

6. MINUTES

6.1 Local Trust Committee Meeting Minutes – none

January 30, 2020 minutes were adopted by Resolution-Without-Meeting, May 20, 2020.

6.2 Section 26 Resolutions-Without-Meeting Report dated May 20, 2020

Received.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated May 20, 2020

Received.

Trustee Stamford noted that a letter to go out to Gambier Islanders regarding the *Riparian Areas Protection Regulation* was nearing completion.

GM-2020-007**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff to develop a plain language communiqué for dissemination by Trustee Stamford to the residents of Gambier Island regarding the Committee's Top Priority for a Gambier Island Official Community Plan review; specifically including a brief of the history and challenges of the project, the current situation and a possible timeline for completion.

CARRIED**7.2 Protected Archaeological Sites in British Columbia****7.2.1 Local Government Notification Letter to Property Owners****7.2.2 Property Owner Brochure****7.2.3 BC Archaeological Request Form**

<https://www.archdatarequest.nrs.gov.bc.ca/>

The documents pertaining to protected archaeological sites, requested at the January meeting, were received for information. Responding to an inquiry from the Chair, Planner Dubyna noted she would research regarding if there is a building type that is best for archaeological protection.

There was discussion on access to information about protected archaeological sites when property owners apply for a building permit. Sunshine Coast Regional District building department staff indicated they did include information on archaeological sites. If Islands Trust staff identify that there is an archaeological site on a property, they would contact the owner. It was noted there is a link to this material on the building permit referral.

Planner Dubyna will look into posting this information to the Gambier website.

7.3 Executive Committee response to My Sea to Sky request regarding Woodfibre LNG Extension

The Islands Trust Executive Committee response to the My Sea to Sky request regarding the Woodfibre LNG Extension was received for information. Chair Fast explained that information Item 14.1 is about freighter collision and anchorage locations; Islands Trust is involved in shipping and environmental safety projects. Council has approved working on this freighter collision issue.

7.4 Map of Potential Privately Managed Forest Land (PMFL)

By general consent, it was agreed to defer to the next meeting, discussion on mapping of Gambier Island lands applicable to Private Managed Forest Lands, a request for information that stemmed from correspondence received at the January 2020 Local Trust Committee (LTC) meeting.

8. APPLICATIONS AND REFERRALS

8.1 GM-DVP-2020.1 - (Maltby, 283 Gordon Road, Keats Island)

Regional Planning Manager Kauer discussed the staff report on a request to reduce the front and side interior lot line setbacks for a property on Keats Island to allow for the siting of an existing bunkhouse with two decks and an attached structure functioning as a pump house and storage shed.

There was discussion of the definition of “dwelling” in the Keats Land Use Bylaw and how that would apply to the current application.

It was noted the Local Trust Area variance request form should be updated to read “Islands Trust Conservancy”, not “Islands Trust Fund”.

Trustees expressed concern that the structure could become a full-scale home with a zero setback if it were added onto and met the requirements of the land use bylaw.

Jon and Jo Maltby discussed the variance application. Points included:

- Background on the property and its purchase from family friends;
- Construction of bunkhouse with lumber from trees on the property;
- Use of the beautiful lumber to build decks and expand the living space;
- No intention to increase size of the structure (goal to build a larger cabin eventually);
- Neighbours have no issues with setback variance requests, and provided letters of support.

Trustee points of discussion included:

- Inquiry about the pump house;
- Status of a principle dwelling versus accessory building;
- Appreciation for letters of support;
- Inquiry about timeframe for construction;
- How applicant would respond to one letter of objection;
- Inclusion of a provision in the permit that includes that the building footprint would not expand beyond what is presented;
- Water storage;
- Septic approval in place;
- Neighbour most impacted by the variance submitted letter of support.

GM-2020-008

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend Development Variance Permit GM-DVP-2020.1 (Maltby) as proposed by adding a second sentence to paragraph 3 that reads: “The footprint of the building shall not be enlarged.”

CARRIED

GM-2020-009**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee:

1. waive the requirement for a survey plan signed by a B.C. Land Surveyor; and
2. approve issuance of Development Variance Permit GM-DVP-2020.1 (Maltby), as amended.

CARRIED

Trustees thanked the proponent for being willing to agree to the amendment.

GM-2020-010**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee add to the Projects List a review of the definition of “dwelling” under the Keats Island Land Use Bylaw.

CARRIED**9. LOCAL TRUST COMMITTEE PROJECTS****9.1 Keats Shoreline Protection Project**

Planner Dubyna attended a Howe Sound conservation and mapping webinar, and recommended an online mapping tool available to the public that presents broad information and is constantly being updated. It was noted that information from the tool could be used for Keats and Gambier projects in Howe Sound.

Planner Dubyna reported that a discussion paper had been prepared for the Keats Shoreline Protection Project that could be forwarded to the Working Group. The paper provided background on the project, background policies, existing Land Use Bylaw regulations, and a summary of other Local Trust Committees and their regulations for shoreline protection. The discussion paper presented four options to proceed:

- Establish Shoreline Development Permit Area;
- Flood protection bylaw;
- Creation of marine zones;
- Establish heritage conservation areas.

The planner had also gathered information on topics of interest requested by the Working Group at its last meeting (December 2019).

Trustee Rogers provided feedback and queried the planner regarding intentions for the Working Group.

The planner indicated that discussion of the additional materials and discussion paper would be included in the next staff report to the LTC.

It was suggested that staff include in the discussion paper, an option to change nothing, with recommendations and descriptions of issues.

It was also proposed having the discussion paper as a standalone item on the LTC webpage. Presenting the Islands Trust policies gives clear clarification of its direction around foreshore protection. It was noted the last sentence on page 37 should be made

to stand out (the responsibility of property owners to confirm legality of their docks or foreshore structures with the Province).

The Chair will forward to the planner, a report on climate implications for ecosystems.

Trustee Rogers noted that all the meetings of the Working Group had been held by conference call, aside from one meeting on Keats. The Working Group is not an Advisory Planning Commission, therefore the group can meet via Zoom.

9.2 Associated Islands (Bowyer & Anvil) Riparian Areas Protection

Island Planner Eggen gave a verbal update on the Associated Islands (Bowyer and Anvil) Riparian Areas Protection Regulation Project. Work on completing this project for Bowyer and Anvil Islands was back underway; Bowyer and Anvil Islands would be the last islands in the Gambier Local Trust Area to be finalized as a part of the Riparian Areas Protection project. Based on comments recently received from the Ministry of Forests Lands and Natural Resources and Rural Development, it is confirmed that, since Orchid Creek on Bowyer is a Riparian Areas Protection Regulation applicable stream, that Bylaw No. 146 requires wording to be compatible with RAR standards including requiring a Qualified Environmental Professional (QEP). A staff report with options for advancing Bylaw Nos. 145, 146, and 147 will be on the July agenda for the LTC meeting.

Staff announced they would update the website announcing adoption of Gambier and Keats Riparian Areas regulations and that Bowyer and Anvil are ongoing.

The Island Planner was asked to ensure that the islands in question received plenty of notice in advance of the meeting regarding what was being proposed in the bylaws.

10. CORRESPONDENCE

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

11. NEW BUSINESS

11.1 Climate Change Mitigation and Adaptation

11.1.1 Climate Change and Islands Trust - Key Messages

The document entitled “Climate Change and the Islands Trust – Key Messages” was received for information. Chair Fast reported this came as speaking notes for trustees. Trustees proposed adding a link to this on the Gambier LTC web page.

11.2 2019-2020 Annual Report

GM-2020-011

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee endorse the following text for inclusion in the 2019-2020 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

“The Gambier Island Local Trust Committee held six regular business meetings, one special meeting and one public hearing in the 2019/20 fiscal year.

Work for this period focused on advancing the Gambier Island Local Trust Committee priorities to address shoreline protection for Keats Island, and implementation of the Riparian Areas Protection Regulation (formerly Riparian Areas Regulation). The Gambier Island Local Trust Committee adopted Bylaws 148 and 149 to update streamside and riparian area protection regulations on Gambier Island.

The Gambier Island Local Trust Committee received and considered four variance applications and one development permit application. Staff also reviewed thirty-two building permit referrals, one subdivision referral and one crown land referral within the Gambier Local Trust Area.

The Gambier Island Local Trust Committee also adopted a standing resolution stating its intent to engage in reconciliation by honouring the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples as well as its intent to work with First Nations governments on implementing actions that support reconciliation and maintain relationships based on respect and recognition.”

CARRIED

11.3 Letter to Minister of the Environment and Climate Change Strategy regarding BC Recycling Regulation Amendment to Include Industrial, Commercial and Institutional (ICI) Sector

Trustees discussed a request from the Sunshine Coast Regional District (SCRD) for Gambier Island Local Trust Committee support for the SCRD’s goals pertaining to recycling and reducing input to the landfill. Points of discussion included: would like to support SCRD on issues they find to be important; it speaks to the sustainability of the Howe Sound region.

GM-2020-012

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee add the Chair’s signature to the letter by the Sunshine Coast Regional District Board to the Minister of the Environment and Climate Change Strategy that reaffirms a request for an amendment to the BC Recycling Regulation to expand the scope of Packaging and Paper Products (PPP) to include the Industrial, Commercial and Institutional sector.

CARRIED

Staff would have the draft letter prepared for the Chair’s signature by the following day.

Chair Fast recessed the meeting at 12:48.

Chair Fast recalled the meeting to order 12:58 pm.

12. REPORTS

12.1 Trust Conservancy Report dated February, 2020

The Trust Conservancy Report dated February, 2020 was received for information. An update will be available soon.

12.2 Applications Report dated May 20, 2020

Received.

There was discussion about the current status of initiatives on District Lot 696 in regard to Sandy Beach Nature Reserve and the covenant on Salmon Rock.

12.3 Trustee and Local Expense Report dated February, 2020

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 First Nations Activities

Islands Trust has a Trust-wide Reconciliation Declaration and Trust Reconciliation Action Plan.

12.6 Local Trust Committee Webpage

The following items will be added to the Local Trust Committee webpage:

- Climate Change and Islands Trust - Key Messages
- Update on current status of Riparian Areas Protection Regulation projects within the Gambier Trust Area
- Wolf webinar – YouTube link will be posted to Gambier Trustee Corner webpage
- Protected archaeological sites in BC – Staff will look into posting this information on the Gambier website.

13. WORK PROGRAM**13.1 Top Priorities Report dated May 20, 2020**

It was noted that Trustee Stamford had talked about her top priority request earlier in the meeting regarding the status of the Official Community Plan project on Gambier.

13.2 Projects List Report dated May 20, 2020

Trustees discussed issues related to the placement of water storage tanks. Storage tanks were recently obtained by the Gambier local fire equipment group for private use and for community use for fire suppression. Trustee Rogers reported that these are present in Eastbourne on Keats, on private property and on road allowance; the trustee had not heard any concerns about this on Keats. It was suggested that, with climate change impacts coming, there would be longer, drier, hotter summers; this topic of water storage will increase. The Chair pointed out this is an issue on other islands; perhaps at some point the LTC might be able to combine efforts with other islands.

GM-2020-013**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee add to Gambier Land Use Bylaw review (#3 in the Projects List) 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.

CARRIED

Planner Dubyna inquired if the review of the definition of “dwelling” for Keats Island should be included in project #6 Keats Island Land Use Bylaw review, and was advised that it be done separately.

There was discussion of processes to update Official Community Plans, and the impact of large projects upon the work program and project implementation.

14. INFORMATION ITEMS

14.1 Islands Trust Chair response Letter to Minister of Transport dated April 24, 2020 regarding a call for Investigation by the Transportation Safety Board regarding Freighter Collision and Anchorage Locations in the Southern Gulf Islands

Received.

14.2 Islands Trust News Release dated May 8, 2020 regarding Non-Essential Travel

Chair Fast announced that the next Trust Council quarterly meeting would be online, (see item 14.4). It is a chance for the public to come to Trust Council if interested.

14.3 Islands Trust New Release dated May 5, 2020 regarding Local Trust Committee Electronic Meetings and Public Hearings

Received.

14.4 Islands Trust News Release dated May 14, 2020 regarding Islands Trust Council's First Electronic Meeting June 2020

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, July 23, 2020 at 10:30 am – location to be determined

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GM-2020-014

It was MOVED and SECONDED:

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated June 13, 2019 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

Chair Fast moved the meeting to in-camera at 1:32 pm.

16.2 Recall to Order

Chair Fast recalled the meeting to order at 1:50 pm.

16.3 Rise and Report

The in-camera minutes of June 13, 2019 were adopted.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:50 pm.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder



Follow Up Action Report

Gambier Island

28-Jun-2018

Activity	Responsibility	Dates	Status
1 Gambier Official Community Plan Comprehensive Review Project: -post revised, endorsed project charter to project website with June 2018 staff report -prepare budget work plan for Director's approval -notify LTC of status of budget approval and commence Phase 1 work. -incorporate Howe Sound Sustainable Development Framework (ie goals)	Jaime Dubyna		In Progress

13-Dec-2018

Activity	Responsibility	Dates	Status
1 Bring forward a revised project charter for the Gambier OCP review to address LTC request (Dec 2018) to take projects on the projects list related to Gambier and add to OCP review project - including review of shipping container regulations; DAI for Gambier; review of water zones and recreational/institution zones. As these are part of a comprehensive LUB review, the current OCP project charter does not include a LUB review and would need to be expanded.	Jaime Dubyna		In Progress

28-May-2020

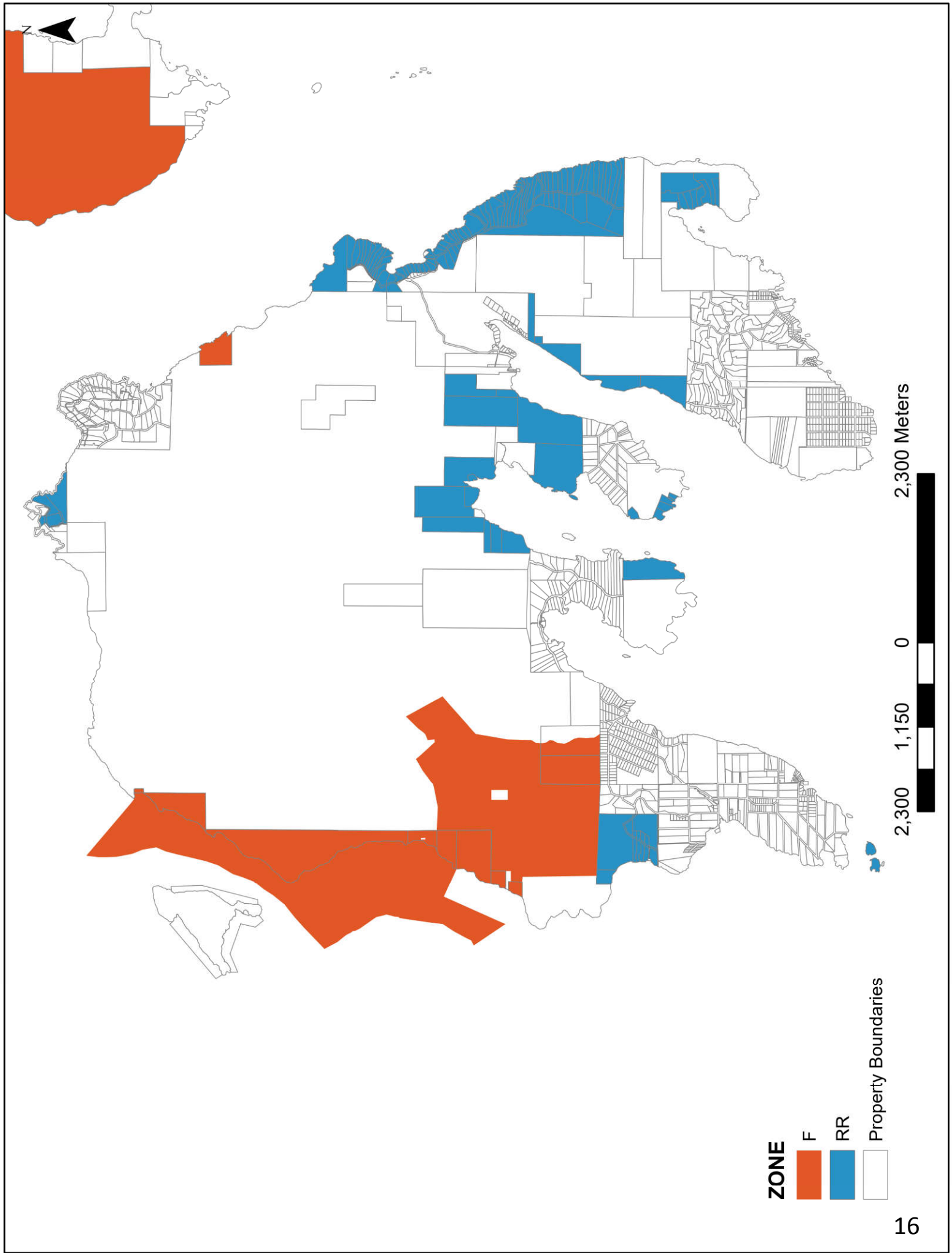
Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

28-May-2020

Activity	Responsibility	Dates	Status
1 Staff to develop a plain language communique to be distributed to Gambier residents on the history, challenges, current situation, and possible timeline of the Gambier Island OCP Review project.	Heather Kauer		In Progress
2 GM-DVP-2020.1 (Maltby) - issue the permit as amended.	Becky McErlean Bronwyn Sawyer		Completed



DATE OF MEETING: July 15, 2020
TO: Gambier Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Development Variance Permit
Applicant: Jon Maltby
Location: 283 Gordon Road

RECOMMENDATION

1. That the Gambier Island Local Trust Committee amend Development Variance Permit GM-DVP-2020.1 by removing Schedules "A" and "B" and replacing them with amended Schedules "A" and "B".

BACKGROUND

The LTC approved issuance of GM-DVP-2020.1 (Maltby) at their regular meeting on May 28, 2020. After issuance of the permit, the applicant realized that the site plan that had been approved with the permit, referred to as Schedules A and B in the permit, was missing a set of stairs that currently exists on the property. The LTC is asked to approve an amendment to the site plan attached to the permit to account for this set of stairs.

As of this writing of this report, a building permit has been issued by Sunshine Coast Regional District for the structure in question based on the original issuance of the Development Variance Permit associated with this property. The drawings for the approved building permit included the set of stairs.

Rationale for Recommendation

When the LTC approved issuance of GM-DVP-2020.1 the permit explicitly required that the footprint of the structure would not be expanded. As the stairs constitute a portion of the footprint of the structure, staff are recommending that the site plan associated with the permit be as accurate as possible. However, a set of stairs does not constitute a substantial change in the original building footprint.

ALTERNATIVES

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 [identify document to be submitted].

2. Deny the application

The LTC may deny the application. Staff advise that the implication of this alternative is the potential for the building permit to be withdrawn. 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-2020.1 for the follows 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

If the LTC approves the amendment to the site plan, staff will replace the site plan currently on file and issue an updated permit to the applicant.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 17, 2020
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ATTACHMENTS

1. Permit GM-DVP-2020.1
2. Amended Schedules A and B

ATTACHMENT 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GM-DVP-2020.1

TO: Jonathon and Joanna Maltby

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

PID: 009-445-528

Lot 5 Block 16 District Lot 1595 Plan 10378

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

- a) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.2 “The following features may project into a required setback area: steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area”; is varied:

- To reduce the front lot line setback for the roof eave from 4.0 metres to 0.0 metres.

- b) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.4 “Unless a greater minimum setback is specified in respect of a zone, no building or structure except a fence, pump/utility house, or fire hut may be located within 5.0 metres (16.4 feet) of any front lot line”; is varied:

- To reduce the front lot line setback for a single family residence from 5.0 metres to 0.56 metres.

- c) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.2 “The following features may project into a required setback area: steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area”; is varied:

- To reduce the interior side lot line setback for the roof eave from 1.0 metres to 0.66 metres.

- d) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.4 “Unless a greater minimum setback is specified in respect of a zone, no building or structure except a fence, pump/utility house, or fire hut may be located within 1.5 metres (5 feet) of any interior side lot line” is varied:

- To reduce the setback from the interior side lot line for a single family residence from 1.5 metres to 1.22 metres.

3. The development shall be consistent with Schedules "A" and "B" attached to and form part of this permit. The footprint of the building shall not be enlarged. This permit is not a Building Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Keats Island Land Use Bylaw No. 78, 2002* and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS 28TH DAY OF MAY, 2020.



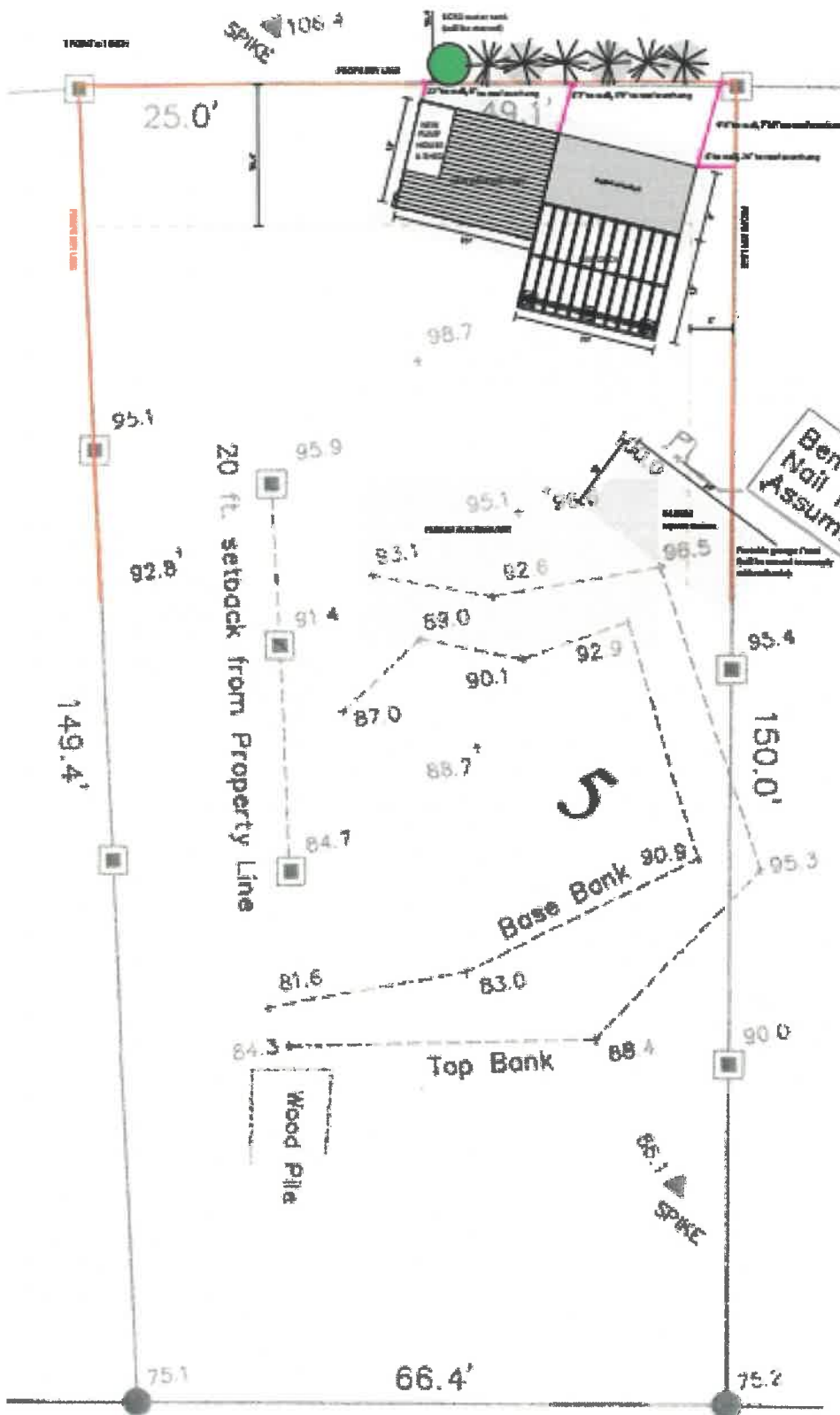
Deputy Secretary, Islands Trust

June 1, 2020

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 1ST DAY OF JUNE, 2022, THIS PERMIT AUTOMATICALLY LAPSES.

Site Plan



I hereby certify this to be Schedule "A" which is attached to and forms part of Development Variance Permit No. GM-DVP-2020.1

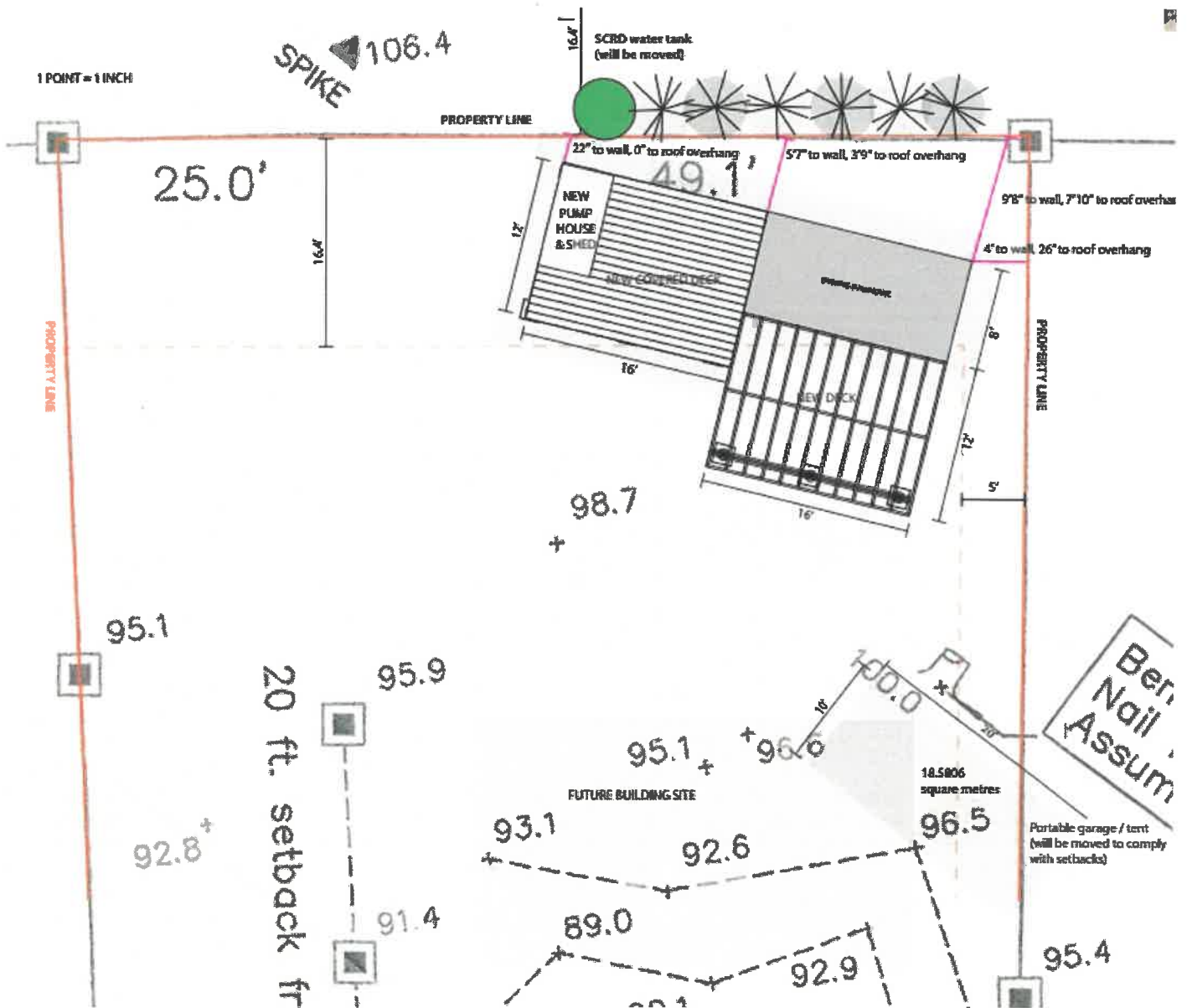
June 1, 2020

Date of Issuance

Signature of Islands Trust Official

Schedule "B"

Site Plan - detail



I hereby certify this to be Schedule "B" which is attached to and forms part of Development Variance Permit No. GM-DVP-2020.1

Am Cleland
Signature of Islands Trust Official

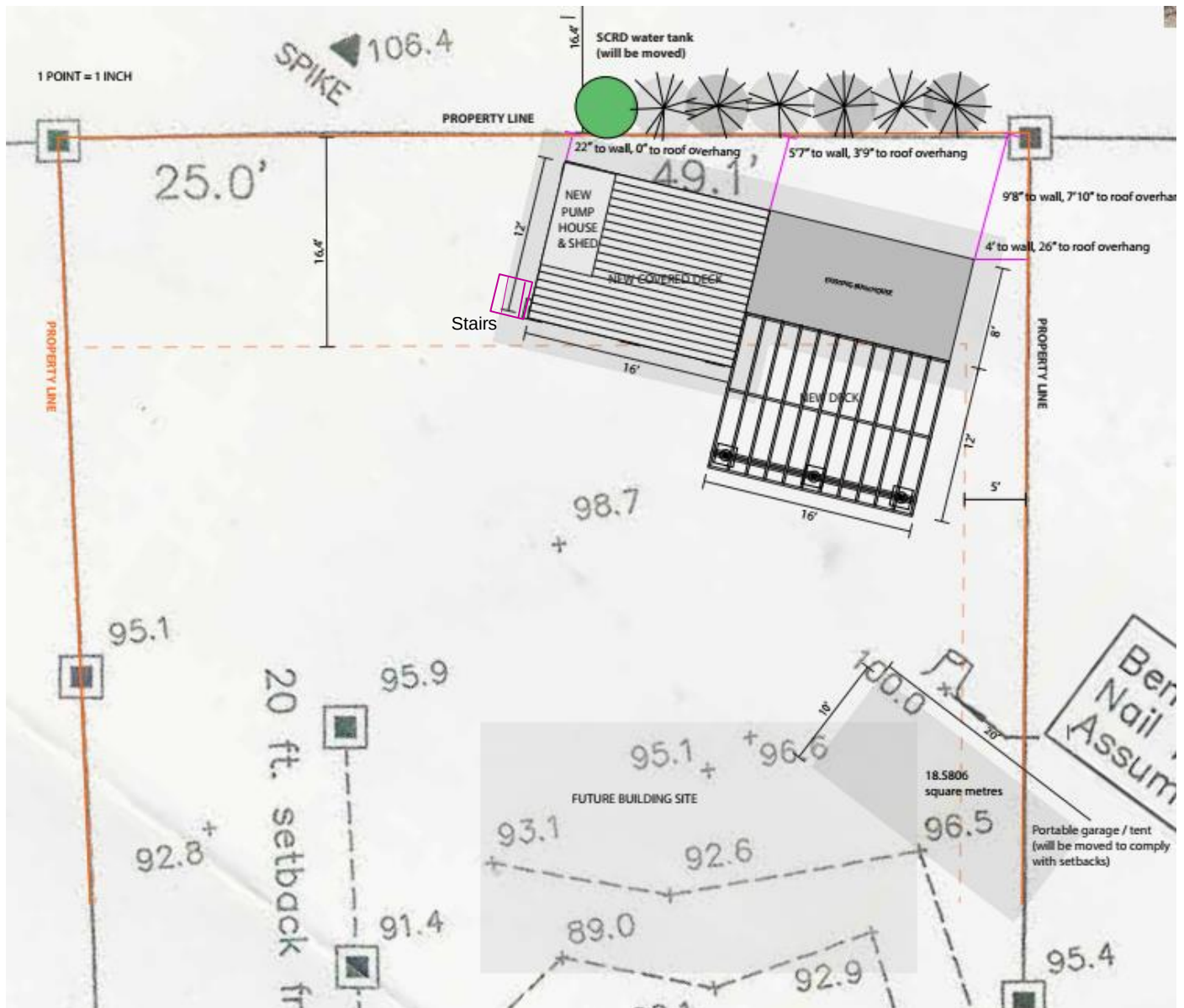
June 1, 2020
Date of Issuance

ATTACHMENT 2



Schedule "B"

Site Plan - detail



File No.: 6500-20 (GM RAR
Implementation)

DATE OF MEETING: July 23, 2020

TO: Gambier Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

SUBJECT: Gambier Associated Islands Streamside Protection and Riparian Areas Development
Permit Areas (Anvil and Bowyer)
Proposed Bylaw No. 145 (Gambier Associated Islands OCP); Draft Bylaw No. 146 (Passage
and Bowyer LUB); Proposed Bylaw No. 147 (Gambier Associated Islands LUB)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009” for Local Trust Committee consideration:
 - a. Re-designate Orchid Creek on Bowyer Island within Development Permit Area 1: Riparian Areas;
 - b. Add new amendments to update Development Permit Area 1: Riparian Areas that are based on the recently adopted Gambier Island Development Permit Area 3: Riparian Areas and so that Development Permit Area 1 aligns with the recent amendments to RAPR as per comments from Ministry of Forests, Natural Resources Operations and Rural Development.
2. That the Gambier Island Local Trust Committee request staff to prepare revisions to draft Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017” for Local Trust Committee consideration:
 - a. Remove Development Permit Guidelines for a Streamside Protection Development Permit Area (DPA) and replace with a new Development Permit Guidelines for a Riparian Areas DPA and that the Guidelines are based on recently adopted Gambier Island DPA 3: Riparian Areas, and include updates to align with recent amendments to Riparian Area Protection Regulation as per comments from Ministry of Forests, Natural Resources Operations and Rural Development.
3. That the Gambier Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017” for Local Trust Committee consideration:
 - a. Update Development Permit Guidelines for Development Permit Area 1: Riparian Areas with language based on the recently adopted Gambier Island Development Permit Area 3: Riparian Areas and so that the Guidelines for Development Permit Area 1 aligns with the recent

amendments to RAPR as per comments from Ministry of Forests, Natural Resources Operations and Rural Development.

REPORT SUMMARY

The purpose of this report is to provide analysis of the referral response from the Ministry of Forests, Lands, Natural Resources Operations and Rural Development to the Bowyer and Passage Island draft bylaws related to Riparian Areas. Staff are recommending changes to proposed Bylaw Nos. 145 and 147, and draft Bylaw No. 146 based on the analysis and request LTC endorsement of the potential changes prior to drafting revisions to the bylaws.

BACKGROUND

The designation of Development Permit Areas (DPAs) to implement the *Provincial Riparian Areas Protection Regulation* (RAPR) (formerly known as the *Riparian Areas Regulation*) and provide greater protection for riparian and streamside habitat in the Gambier Local Trust Area (LTA) is an LTC Top Priority.

On July 27, 2017, the Gambier Local Trust Committee (LTC) gave first reading to proposed Bylaw No. 145 which intends to amend the Gambier Associated Islands Official Community Plan (OCP) by introducing Development Permit Area 2: Streamside Protection applicable to an unnamed stream on Anvil Island (figure 1) and to Orchid Creek on Bowyer Island (figure 2).

On October 26, 2017, the LTC gave first reading to proposed Bylaw No. 147 which intends to amend the Gambier Associated Islands Land Use Bylaw (LUB) by introducing Guidelines for Development Permit Area 2 which would apply to the unnamed stream on Anvil Island. Also at the October 2017 meeting, the LTC did not give first reading to draft Bylaw No. 146 which intends to amend the Bowyer and Passage LUB by introducing Guidelines for Development Permit Area 2 which would apply to Orchid Creek on Bowyer Island. However, the LTC passed the following motions regarding draft Bylaw No. 146 and proposed Bylaw No. 147:

GM-2017-069

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to refer Bylaw No. 147 to the following agencies and First Nations: Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Resource Management Objectives Branch), Ministry of Municipal Affairs and Housing, Ministry of Transportation and Infrastructure, Sunshine Coast Regional District, Squamish First Nation, Tsleil Waututh First Nation, and Musqueam Nation.

CARRIED

GM-2017-071

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to amend draft Bylaw No. 146 to have similar language to Bylaw No. 147 and refer this to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for comment on its acceptability.

CARRIED

figure 1:

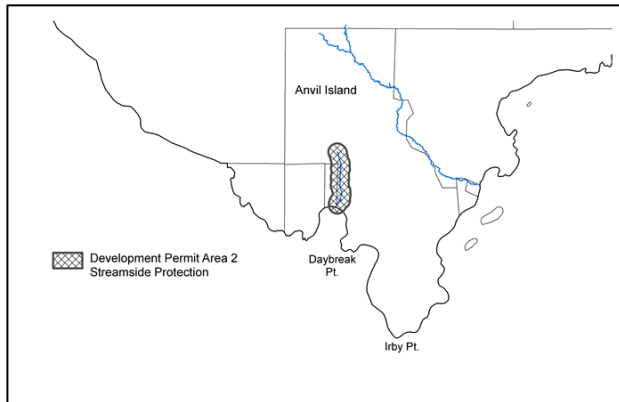
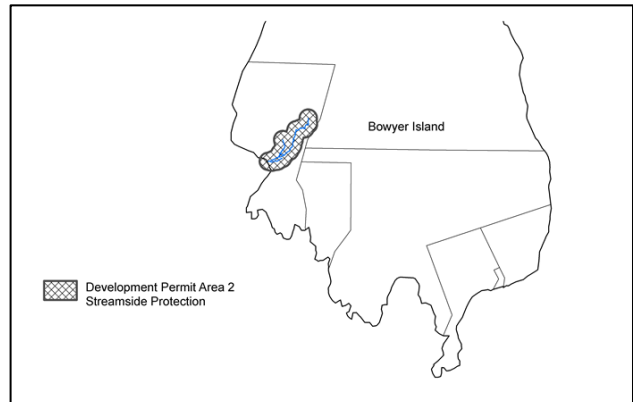


figure 2:



Bylaws were referred shortly thereafter as requested by the LTC. Further work on these bylaws was set aside until such time that proposed bylaws implementing Gambier Island and Keats Island Streamside Protection/Riparian Area Development Permit Areas were adopted.

To date, the Ministry of Transportation and Infrastructure and Tsleil-Waututh Nation have responded to bylaw referrals for proposed Bylaw Nos. 145 and 147, each stating their interests are unaffected. Additionally, staff have recently received a formal response from Ministry of Forests, Lands and Natural Resource Operations and Rural Development (MFLNRORD) regarding whether or not applying Bylaw No. 147 wording to Bylaw No. 146 would be sufficient for both RAPR-applicable and non RAPR-applicable watercourses. The response is found in Attachment 4 and is discussed in the Analysis section below.

Reports and associated information for the project are available on the Islands Trust website, under [Projects and Initiatives](#).

ANALYSIS

Issues and Opportunities

The following issues and opportunities are for LTC consideration:

- 2019 Amendments to Riparian Areas Protection Regulation
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development Referral Response
- Addressing Compliance with Riparian Areas Protection Regulation

2019 Amendments to Riparian Areas Protection Regulation

The [Riparian Areas Protection Regulation](#) (RAPR) (formerly *Riparian Areas Regulation (RAR)*) was amended and came into force November 1, 2019. The amended Regulation continues to require local governments to protect

riparian areas during residential, commercial, and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed activities.

Key [amendments](#) include improvements that support local governments in their delivery of the regulation, such as improved oversight for the ministry, mandatory training for QEPs, and additional rigor in the application of regulatory standards. Elements that remain unchanged:

- fundamental requirements under the RAPR for local governments, applicants and QEPs remain;
- assessment methodology, reporting requirements (notification) and review standards remain;
- features, functions and conditions that contribute to fish habitat remain;
- the option for Fisheries and Oceans Canada (DFO) authorization is retained.

Other changes include revisions to important RAPR terms and concepts. In order to be consistent with the RAPR, staff recommend that bylaw amendments should incorporate language that is consistent with the new RAPR as recommended by Ministry staff (see section below for Ministry response to bylaw referrals).

Ministry of Forests, Lands, Natural Resource Operations and Rural Development Referral Response

Ministry staff indicate that using the wording in proposed Bylaw No. 147, which is intended for the non RAPR-applicable stream on Anvil Island, would be insufficient if used in draft Bylaw No. 146, intended for the RAPR-applicable stream (Orchid Creek) on Bowyer Island. Instead, they suggest that the wording in Bylaw No. 146 could be used to apply a higher standard to Bylaw No. 147 if the LTC chose to do so. The comments indicate that to ensure RAPR compliance, proposed Bylaw No. 146 would need to include wording that conveyed that applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the RAPR, and that the report be submitted to the Ministry. Also suggested are the removal of some exemptions and changes to terminology in draft Bylaw No. 146 in order ensure compliance with the recent amendments to RAPR.

In addition, the Ministry notes that proposed Bylaw No. 145, which intends to amend the Gambier Associated Islands Official Community Plan (OCP) by introducing Development Permit Area 2: Streamside Protection for the unnamed stream on Anvil and Orchid Creek on Bowyer, does not reference RAPR. Based on the comments from the Ministry, staff suggest that Orchid Creek be re-designated Development Permit Area 1: Riparian Areas since the stream is RAPR-applicable.

In a follow up staff-to-staff conversation, Ministry staff confirmed their original conclusion that Orchid Creek is indeed RAPR-applicable despite the 2017 third party assessment report which disputes the original assessment of Orchid Creek as a RAPR-applicable stream. Staff report dated April 27, 2017 provides staff's analysis of the third party assessment and the Ministry's comments at that time, and resulting recommendation to designate a development permit for Orchid Creek on Bowyer Island due to its assessment as a RAPR-applicable stream.

Addressing Compliance with Riparian Areas Protection Regulation

1. *Proposed DPA 2: Streamside Protection for Orchid Creek on Bowyer Island not in compliance with RAPR (Bylaw Nos. 145 and 146)*

Proposed Bylaw No. 145 (Gambier Assoc. Islands OCP) introduces DPA 2 and designates Orchid Creek and an unnamed stream on Anvil within DPA 2. This DPA is intended to apply to non RAPR-applicable streams and as such is currently written without references to RAPR requirements. Ministry staff indicate that it while not strictly necessary, it would be preferable if Bylaw amendments pertaining to Orchid Creek included reference to RAPR requirements in order avoid any misconception that Orchid Creek is exempt from RAPR.

Similarly, draft Bylaw No. 146 (Bowyer and Passage LUB) which introduces Development Permit Area Guidelines for Streamside Protection (to apply to Orchid Creek) are also deficient with respect RAPR compliance.

Given the Ministry's comments, staff recommend amending Bylaw No. 145 by re-designating Orchid Creek to DPA 1: Riparian Areas, already established in the Gambier Assoc. Islands OCP, so as to avoid any misconception that Orchid Creek is exempt from RAPR.

Correspondingly, staff also recommend revising draft Bylaw No. 146 (Bowyer and Passage LUB) by removing Development Permit Guidelines for a Streamside Protection DPA and replacing with new Development Permit Guidelines for the Riparian Areas DPA that are in compliance with RAPR. Staff recommend that new Guidelines should be based on the recently adopted Gambier Island DPA 3: Riparian Areas and are updated to be in compliance with RAPR as per Ministry comments.

2. *Established DPA 1: Riparian Areas in the Gambier Associated Islands OCP does not reflect recent amendments to RAPR*

DPA 1 in the Gambier Associated Islands OCP was adopted in 2018 and designates Champside Creek on Anvil Island, and a stream on S. Thormanby Island within the DPA. Ministry comments, while not specific to the established DPA 1, point to the fact that DPA 1 should reflect the recent amendments to RAPR.

Since draft Bylaw No. 145 is instream and intends to amend Gambier Associated Islands OCP, the LTC has an opportunity to include in the amendments to Bylaw No. 145 updates to DPA 1: Riparian Areas so that it aligns with the recent amendments to RAPR as per Ministry comments. Staff recommend this and that amendments be based on the recently adopted Gambier Island DP3: Riparian Areas.

3. *Proposed DPA 2: Streamside Protection for unnamed creek on Anvil Island (Bylaw No. 147)*

As DPA 2 is aimed at non RAPR-applicable streams, staff do not recommend changes to the proposed guidelines for DPA 2 in Bylaw No. 147 (Gambier Associated Islands LUB) based on the Ministry's comments. However, since proposed Bylaw No. 147 is instream and intends to amend Gambier Associated Islands LUB, the LTC has an opportunity to included in the amendments to Bylaw No. 147 updates to the Development Permit Guidelines for DPA 1: Riparian Areas so that it aligns with the recent amendments to RAPR as per Ministry comments. Staff recommend this and that amendments be based on the recently adopted Gambier Island DP3: Riparian Areas.

See Table 1 below for a summary of proposed/draft bylaws, their status, current content and staff's recommended changes.

Table 1: Summary of Proposed/Draft Bylaws and Staff's Recommended Changes

Bylaw	Status	Document to be Amended	Current Content of Proposed/Draft Bylaw	Staff Recommendations
No. 145	Received 1 st Reading July 27, 2017	Gambier Associated Islands OCP	Adds DPA 2 applicable to unnamed Anvil Island stream and Bowyer Island Orchid Creek	1. Update DPA 1 to be consistent with updates to Riparian Areas legislation and FLNRORD comments 2. Apply DPA 1 to Orchid Creek
No. 146	October 26, 2017: LTC requested staff to make the draft consistent with bylaw No. 147	Bowyer and Passage Land Use Bylaw	Guidelines for DPA 2 to apply to Orchid Creek	Replace with Guidelines for DPA 1, to be based on Gambier Island DPA 3, and to align with Riparian Areas legislation and FLNRORD comments
No. 147	Received 1 st Reading October 26, 2017	Gambier Associated Islands Land Use Bylaw	Guidelines for DPA 2 to apply to unnamed Anvil Island stream	Update Guidelines for DPA 1, to be based on Gambier Island DPA 3, and to align with Riparian Areas legislation and FLNRORD comments

Rationale for Recommendation

Due to Orchid Creek's assessment as a RAPR-applicable stream and the Ministry's referral response in respect of compliance with RAPR, staff are recommending potential amendments to proposed Bylaw No. 145 and draft Bylaw No. 146 that would designate Orchid Creek on Bowyer Island within DPA 1: Riparian Areas, create guidelines for DPA 1: Riparian Areas and include updated language to align with recent amendments to *Riparian Area Protection Regulation*. Furthermore, the Gambier Associated Islands OCP provides policy direction to establish this DPA. Staff also recommend to amend proposed Bylaw No. 147 in order to update language in the Development Permit Area Guidelines for DPA 1: Riparian Areas (relevant to RAPR-applicable stream - Champside Creek on Anvil Island) to align with recent amendments to Riparian Area Protection Regulation.

ALTERNATIVES

1. Advise residents of advancement of project

The LTC may defer consideration of the staff report should they want to first advise the residents of Bowyer Island of the advancement of the project. As recommended amendments include changes that are relevant to DPAs on S. Thormanby and Anvil Islands, these residents could also be included.

2. Comply with RAPR through Zoning

An alternative to the establishment of a DPA for Orchid Creek is to establish "leave strips" or setbacks to Orchid Creek, which would be implemented through the Bowyer and Passage Island LUB and in accordance with RAPR.

NEXT STEPS

Staff anticipate preparing bylaw amendments and an updated Project Charter subject to LTC concurrence with the recommendations on page 1.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	July 16, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 16, 2020

ATTACHMENTS

1. Proposed Amendment Bylaw No. 145 (Gambier Associated Islands OCP)
2. Draft Amendment Bylaw No. 146 (Bowyer and Passage LUB)
3. Proposed Amendment Bylaw No. 147 (Gambier Associated Islands LUB)
4. Referral Response from MFLNRORD

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 145

A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN, 2009

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

1. Bylaw No. 109, cited as “Gambier Associated Islands Official Community Plan, 2009” is amended as shown on Schedule 1.
2. This bylaw may be cited for all purposes as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”.

READ A FIRST TIME THIS	27 TH	DAY OF	JULY	, 2017
PUBLIC HEARING HELD THIS		DAY OF		, 201x
READ A SECOND TIME THIS		DAY OF		, 201x
READ A THIRD TIME THIS		DAY OF		, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
		DAY OF		, 201x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING				
THIS		DAY OF		, 201x
ADOPTED THIS		DAY OF		, 201x

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

SCHEDULE 1

Gambier Island Local Trust Committee Bylaw No. 109, cited as “Gambier Associated Islands Official Community Plan, 2009” is amended as follows:

- 2.1 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 *DEVELOPMENT PERMIT AREAS*, is amended as follows:

- a) The following text is inserted prior to Section 6.2 TEMPORARY USE PERMITS:

Development Permit Area 2: Streamside Protection

This Development Permit Area (DPA) is established, pursuant to Section 488(1) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

Location

The Streamside Protection Development Permit Area, DP-2, includes all land designated on Schedule E of this plan. The development permit area is 30 metres (98.4 feet) measured from the natural boundary of the stream.

Justification

Streamside areas support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support aquatic life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing potential for erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices, including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas, can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, its ecosystems and biological diversity.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Objectives:

The objectives of this development permit area are as follows:

- 6.2.1 To protect biological diversity and habitat values of streamside and aquatic ecosystems;
- 6.2.2 To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas.

Development Approval Information

Development Permit Area 2 is designated as an area for which development approval information may be required as authorized by Section 485(1) of the *Local Government Act*. Development approval information in the form of a report from a Qualified Environmental Professional (QEP) or another professional may be required due to the special conditions and objectives described above.

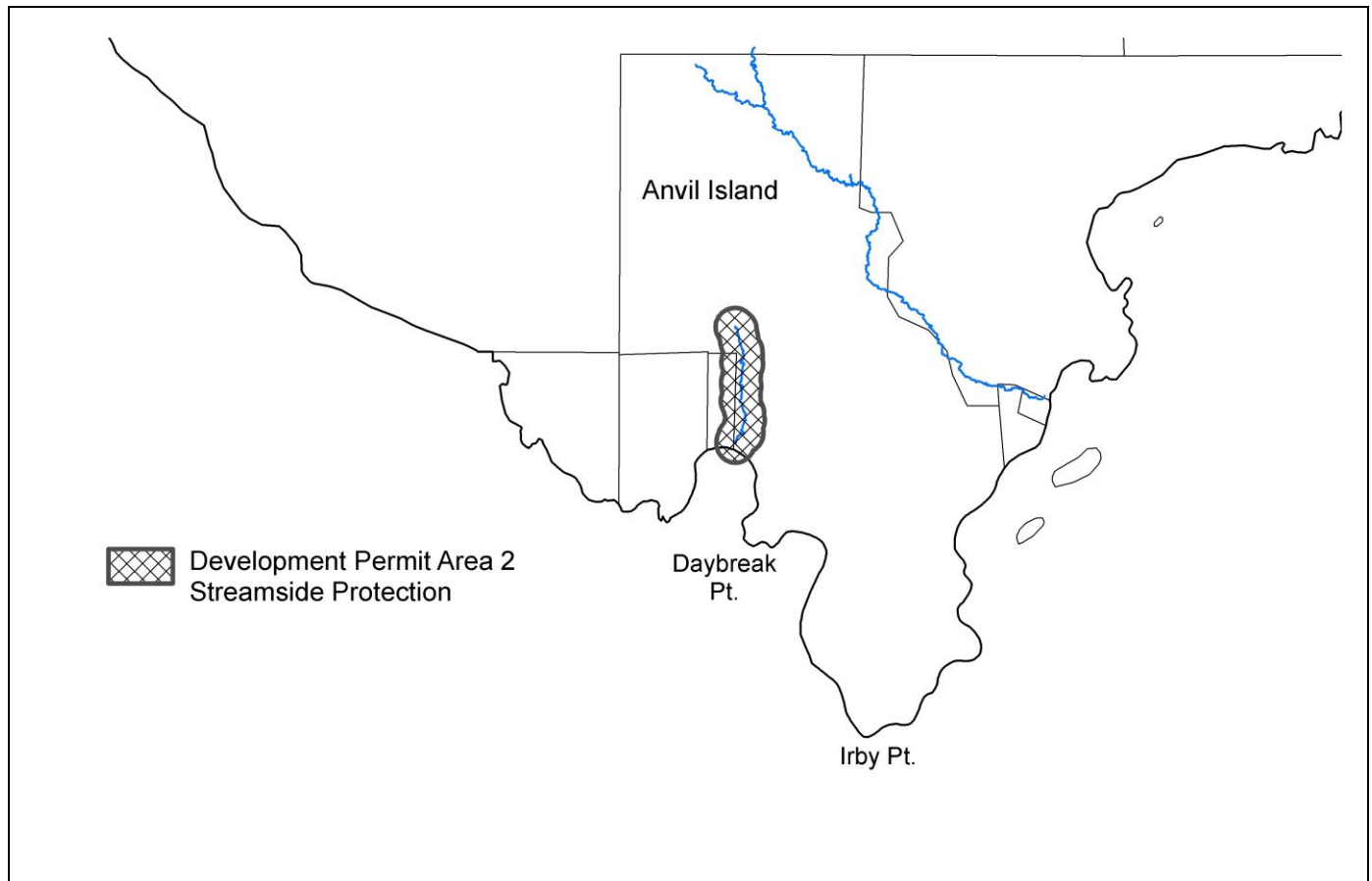
"Information Note: Development Permit Area Guidelines for DP-2 Streamside Protection are in the Bowyer and Passage Islands Land Use Bylaw, 2011 and the Gambier Associated Islands Land Use Bylaw, 2013.

- 2.2 **"SCHEDULE E – DEVELOPMENT PERMIT AREAS** is amended by adding Plans 1 and 2, which are attached to and form part of this bylaw.

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

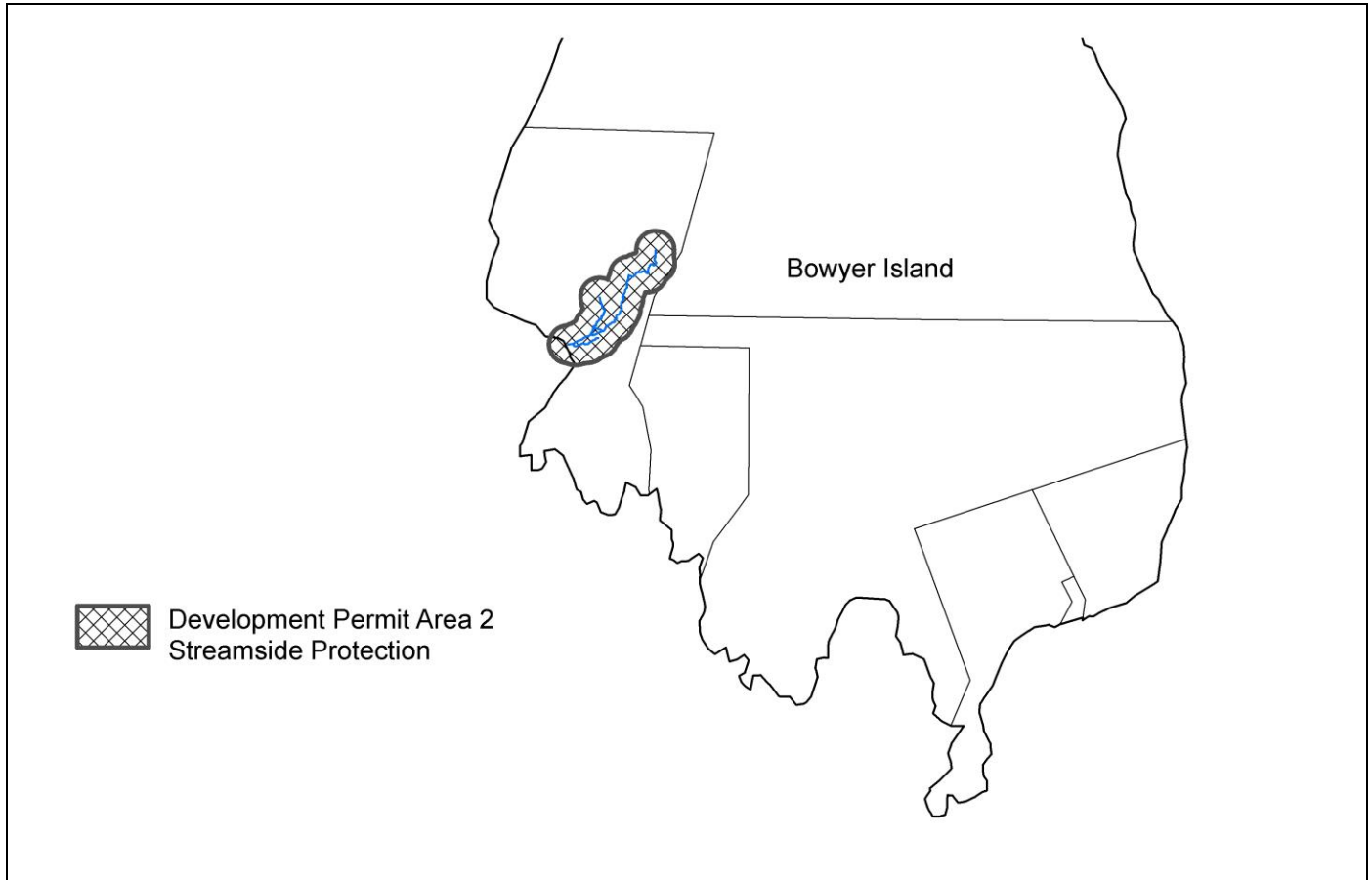
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2



DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 146

A BYLAW TO AMEND BOWYER AND PASSAGE ISLANDS LAND USE BYLAW, 2011

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

1. Citation

This bylaw may be cited for all purposes as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017”.

2. Gambier Island Local Trust Committee Bylaw No. 114, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011,” is amended as follows:

2.1 PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS, is amended by inserting the following new definition in alphabetical order:

“**landscaped area** means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobblestones, pavers and decorative concrete.”

2.2 SCHEDULE A – LAND USE BYLAW TEXT is amended by adding a new PART 8, immediately following “PART 7 – SUBDIVISION REGULATIONS”, as follows:

“PART 8 – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 7 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

8.1 DP-2 STREAMSIDE PROTECTION

Definitions

- (1) Terms used in Section 8.1 that are defined in the Provincial *Riparian Areas Regulation* (RAR) have the same meaning as the definition given in the *Regulation*.

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):

- subdivision of land;
- construction of, addition to, or alteration of a building or other structure;
- removal, alteration or destruction of vegetation;
- disturbance of soils;
- creation of non-structural, impervious or semi-impervious surfaces;

- any other development, as that term is defined under the Provincial *Riparian Areas Regulation*.

Exemptions

- (3) The following activities are exempt from any requirement for a DP-2 development permit:
- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - c) repair or replacement of a septic field in situ;
 - d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - f) gardening and yard maintenance activities within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
 - i) ecological restoration or enhancement projects undertaken or authorized by a public body;
 - j) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
 - k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.

- l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- m) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- (4) Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - a) Applicants are to provide a report, prepared by a Qualified Environmental Professional (QEP). The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this DPA.
 - b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems.
 - c) Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
 - d) Where this DPA includes unique native species dependent on streamside habitat identified by a QEP as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the

professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit.

- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly."
- f) Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- g) The development permit should only allow activities identified by the QEP in the assessment report, and the owner should be required to follow any protective or mitigative measures identified by the QEP and these measures should be included as conditions of the development permit.
- h) Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- i) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of the DPA in compliance with recommendations of a professional's report."

READ A FIRST TIME THIS XXX DAY OF XXX , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

READ A SECOND TIME 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

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 147

A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS LAND USE BYLAW, 2013

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

1. Citation

This bylaw may be cited for all purposes as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”.

2. Gambier Island Local Trust Committee Bylaw No. 120, cited as “Gambier Associated Islands Land Use Bylaw, 2013,” is amended as follows:

2.1 PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS, is amended by inserting the following new definition in alphabetical order:

“**landscaped area** means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobblestones, pavers and decorative concrete.”

2.2 SCHEDULE A – LAND USE BYLAW REGULATIONS is amended by adding a new PART 9, immediately following “PART 8 – SUBDIVISION REGULATIONS”, as follows:

“PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 7 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

9.1 DP-2 STREAMSIDE PROTECTION

Applicability

(1) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(2):

- subdivision of land;
- construction of, addition to, or alteration of a building or other structure;
- removal, alteration or destruction of vegetation;
- disturbance of soils;
- creation of non-structural, impervious or semi-impervious surfaces.

Exemptions

(2) The following activities are exempt from any requirement for a DP-2 development permit:

- a) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- b) repair or replacement of a septic field in situ;
- c) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
- d) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- e) gardening and yard maintenance activities within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- f) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- g) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- h) ecological restoration or enhancement projects undertaken or authorized by a public body;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;

- iv. The trail is designed to prevent soil erosion where slopes occur; and
- v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- (3) Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - a) Applicants are to provide a report, prepared by a Qualified Environmental Professional (QEP) or Registered Professional Biologist (R.P. Bio) with expertise in aquatic biology. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this DPA.
 - b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems.
 - c) Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
 - d) Where this DPA includes unique native species dependent on streamside habitat identified in the professional report as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit.
 - e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust

Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly."

- f) Where a QEP or R.P. Bio. has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- g) The development permit should only allow activities identified in the professional's report, and the owner should be required to follow any protective or mitigative measures identified by the professional, and these measures should be included as conditions of the development permit.
- h) Monitoring and regular reporting by a QEP or R.P. Bio. at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- i) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of the DPA in compliance with recommendations of a professional's report."

READ A FIRST TIME THIS 26TH DAY OF OCTOBER, 2017

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

READ A SECOND TIME 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

From: Appleton, Andrew FLNR:EX <Andrew.Appleton@gov.bc.ca>
Sent: Thursday, May 14, 2020 3:49 PM
To: Marnie Eggen
Subject: RE: Bylaw referral response for RAR implementation on Bowyer and Anvil Islands (Bylaw Nos. 146 and 147)
Attachments: GMBL 146 - DRAFT Bowyer and Passage LUB DP2_FLNRORD comments.doc

Hi Marnie:

Thanks for your patience with this- please see the attached copy of bylaw 146 with markup/comments.

A few overall points to consider (and it may be useful to catch up by phone next week to discuss):

- As you know the RAR has been amended to become the Riparian Areas Protection Regulation. The amendment removes much of the discretion that a QEP had under the former regulation, in that they can no longer certify reports that do not conform with the RAPR methods using the rationale that the development activity will not cause *Harmful Alteration, Disruption or Destruction* (HADD) to fish habitat. At the same time, it establishes the SPEA as an area where no development activity may occur. What this means for your bylaw is it's no longer possible to have language that permits small scale incursions provided they are reviewed by a QEP or considered to be "no impact". The most relevant places where this language shows up in the bylaws are in subsections (e), (l) and (n) under exemptions. These exemptions would not be in conformance with the regulation unless it was established the activity was taking place outside the SPEA.
- In her original correspondence Ann noted: *"the Local Trust Committee requested that staff refer the bylaws to your office and ask whether the wording in Bylaw 147 (Anvil) would be sufficient for Bylaw 146 (Bowyer). In other words, can we use the generic streamside protection guidelines (pertaining to Anvil) in a RAR applicable situation (Bowyer)?"* I'm a bit confused by this as Bowyer is the island that has a RAPR-applicable stream, so the standard would be "greater" in this case- so it seems like the question is backwards. I've commented on the Bowyer (RAPR-applicable) bylaw. Using the Bowyer (RAPR-applicable) guidelines for Anvil would be sufficient as this would actually apply a higher standard than what was strictly necessary (Anvil not being RAPR applicable) but this would be up to the trust committee. The second option would be to develop a separate set of guidelines for Anvil that did not require QEP assessments, etc. Given Anvil is not RAPR applicable the wording of that standard would be up to the trust committee, there is however value in having consistent standards between the two.
- I note that bylaw 145 implementing the DPAs does not reference the requirement for the Islands Trust to establish bylaws to implement the RAPR- although not strictly necessary I know by experience that there is a persistent misconception among some residents that the Islands Trust is exempt from RAPR, or that particular islands or areas may "opt out". So it may be useful to reiterate that protections for RAPR applicable streams are not optional.

I will be away from the office tomorrow (Friday 15th), returning on Tuesday 19th. Once you've had a chance to review please do feel free to catch up with me next week if you need clarification.

Thanks again,
Andrew

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 146

A BYLAW TO AMEND BOWYER AND PASSAGE ISLANDS LAND USE BYLAW, 2011

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

1. Citation

This bylaw may be cited for all purposes as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017”.

2. Gambier Island Local Trust Committee Bylaw No. 114, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011,” is amended as follows:

2.1 PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS, is amended by inserting the following new definition in alphabetical order:

“**landscaped area** means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobblestones, pavers and decorative concrete.”

Commented [AAF1]: See comments on subsection (f) under exemptions below

2.2 SCHEDULE A – LAND USE BYLAW TEXT is amended by adding a new PART 8, immediately following “PART 7 – SUBDIVISION REGULATIONS”, as follows:

“PART 8 – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 7 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

8.1 DP-2 STREAMSIDE PROTECTION

Definitions

- (1) Terms used in Section 8.1 that are defined in the **Provincial Riparian Areas Protection Regulation (RAPR)** have the same meaning as the definition given in the *Regulation*.

Commented [AAF2]: References to the regulation should be updated to the amended name (Riparian Areas Protection Regulation)

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):

- subdivision of land;
- construction of, addition to, or alteration of a building or other structure;
- removal, alteration or destruction of vegetation;
- disturbance of soils;
- creation of non-structural, impervious or semi-impervious surfaces;

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- any other development, as that term is defined under the Provincial Riparian Areas [Protection Regulation](#).

Commented [AAF3]: This bylaw language still works, but please note that the definition of *development* in the regulation has changed

Exemptions

(3) The following activities are exempt from any requirement for a DP-2 development permit:

- for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- repair or replacement of a septic field in situ;
- the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
- With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- gardening and yard maintenance activities within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- ecological restoration or enhancement projects undertaken or authorized by a public body;
- work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - creation of a fire break in accordance with the *Wildfire Act*.

Commented [AAF4]: This is worthwhile including for completeness; note also the language in the RAPR sec. (3)(3): This regulation does not apply in relation to a development that consists only of (a) repairs or other non-structural alterations or additions to a building or other structure, if the structure (i) will remain on its existing foundation and within its existing footprint, and (ii) is not damaged or destroyed to the extent described in section 532 (1) [repair or reconstruction if damage or destruction $\geq$ 75% of value above foundation] of the [Local Government Act](#).

Commented [AAF5]: This is generally also addressed by RAPR sec. (3)

Commented [AAF6]: The only tree removal permitted in a SPEA is for danger trees, as determined by a certified provincial danger tree assessor. This language could be retained provided it was established that the trees in question were outside the SPEA (but inside the DPA)

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Commented [AAF7]: Same as above- this conflicts with section (2) above that indicates removal of vegetation requires a DP. This language would only be valid if it was established that the SPEA was less than 10 metres.

Commented [AAF8]: This is now covered under section 3(3)(b) of the RAPR pertaining to the maintenance of an area of human disturbance as defined in the regulation. Technically, the RAPR is not triggered by maintenance activities in the way described here

Commented [AAF9]: In other jurisdictions, this exemption requires a restoration plan prepared by a QEP. While not strictly necessary, it may be useful to describe which invasive species are exempt (broom, blackberry, etc.) to prevent inadvertent removal of non-invasives

GM-BL-146

- l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- m) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Commented [AAF10]: This would be considered development under the RAPR. This language could apply if it was established that the fence is constructed outside the SPEA (but inside the DPA)

Commented [AAF11]: This is consistent with guidelines on trails from other jurisdictions. Although not strictly to the letter of the regulation, providing guidelines like this limit the installation of large scale infrastructure / hard surfaces under the guise of "trail" construction.

Commented [AAF12]: Same comments as subsection (e) above

Commented [AAF13]: Again, this is *development* as defined in the regulation if the structure is on a permanent foundation. If the language of the bylaw does not require a permit for this type of construction however, the regulation is not triggered.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- (4) Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - a) Applicants are to provide a report, prepared by a Qualified Environmental Professional (QEP). The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this DPA.
 - b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems.
 - c) Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
 - d) Where this DPA includes unique native species dependent on streamside habitat identified by a QEP as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the

Commented [AAF14]: To be compliant with the RAPR, this must be a QEP as defined in the regulation. It's mentioned above in Definitions but it may be valuable to reiterate

Commented [AAF15]: It may be worthwhile mentioning that to meet the guidelines that the report must be an assessment report prepared to the standard of the RAPR and submitted to the ministry for review

GM-BL-146

professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit.

- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly."
- f) Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- g) The development permit should only allow activities identified by the QEP in the assessment report, and the owner should be required to follow any protective or mitigative measures identified by the QEP and these measures should be included as conditions of the development permit.
- h) Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- i) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of the DPA in compliance with recommendations of a professional's report."

Commented [AAF16]: Note that if this situation occurs the QEP must also update their assessment report as per the requirements of the RAPR

Commented [AAF17]: This is a good element to include as the amended regulation makes reference to seeking local government variances to minimize riparian impacts, specifically in cases of undue hardship (Sec. 11)

READ A FIRST TIME THIS	XXX	DAY OF	XXX	, 20XX
PUBLIC HEARING HELD THIS		DAY OF		, 20XX
READ A SECOND TIME 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

MEMORANDUM

File No.: GM-6500-20 Keats Shoreline Protection

DATE OF MEETING: July 23, 2020
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: **Keats Island Shoreline Protection Project**

PURPOSE

The purpose of this memorandum is to provide an update to the Gambier Island Local Trust Committee (LTC) on results from the Keats Island Shoreline Protection Working Group meeting on June 29, 2020, and to outline next steps for the Keats Island Shoreline Protection Project.

BACKGROUND

Staff presented a [discussion paper](#) to the LTC at the May 28, 2020 regular business meeting that identified four potential regulatory options for the project. Staff proposed to present the discussion paper to the Working Group to generate recommendations on options and to report back to the LTC at a subsequent regular business meeting.

PROJECT UPDATE

The discussion paper was amended to include a fifth option – no change to existing policies and regulations – and forwarded to the Working Group in anticipation of its next meeting. Staff held a meeting with the Working Group on June 29, 2020 to review and discuss the regulatory options presented in the discussion paper; and the Working Group was asked to provide a recommendation to the LTC on those options.

While the majority of the Working Group members expressed support generally for establishing a Shoreline Development Permit Area, there was not a consensus as to what elements of the DPA should be included. Working Group members requested additional information from staff prior to providing their recommendations to the LTC. The requested information includes:

- Identifying the potential for new docks on Keats Island;
- Identifying how much of the Keats Island shoreline is currently “armoured”;
- Links to other shoreline development permit areas in other Local Trust Areas.

Staff will forward this information to the Working Group, along with a request that each member provide individual comments and recommendations to the LTC for the LTC’s consideration at the October 1, 2020 regular business meeting.

The Workplan Overview in the project charter (Attachment 1), dated May 28, 2020, indicates that staff and Working Group recommendations will be presented in Spring/Summer 2020 to the LTC. It is noted that no Gambier LTC meetings are scheduled between July 23 and October 1, 2020; therefore the project charter will require revisions. Staff are not presenting a revised project charter at this time, as additional revisions may be required following the October 1 regular business meeting.

NEXT STEPS

Staff will present staff's recommendations and the Working Group's recommendations to the LTC at the October 1, 2020 regular business meeting.

Submitted By:	Jaime Dubyna Planner 2	July 7, 2020
Concurrence:	Heather Kauer Regional Planning Manager	July 13, 2020

ATTACHMENTS:

1. Project Charter v.3.1, updated May 28, 2020

Keats Island Shoreline Protection 'Phase 2' - Charter v3.1

Gambier Island Local Trust Committee

Date: April 19, 2018 Revised: January 30, 2020

Updated: May 28, 2020

Purpose: To review and update relevant Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access on Keats Island.

Background: 'Phase 1' of the project involved community consultation to solicit input on policy, regulation and voluntary stewardship options to address shoreline protection on Keats Island. 'Phase 2' of the project is strongly aligned with Trust Council direction, provincial policy regarding updating flood protection levels and sea level rise, and First Nations and community interest in ensuring the OCP policies and LUB regulations are updated to allow for continue access to waterfront properties while protecting archaeological resources, sensitive ecosystems and species at risk.

Objectives

Conduct a comprehensive review of and update for OCP policies and LUB regulations to address:

- Sea level rise and flood protection;
- Protection of archaeological resources, sensitive ecosystems and species at risk;
- Consistency with Atl'ka7tsem/Howe Sound cumulative effects studies, conservation and marine use planning documents; ITC Regional Conservation Plan and Coastal Douglas-fir Ecosystem Protection Toolkit.

In Scope

1. Establish a Keats Island Shoreline Protection Working Group.
2. Review OCP and LUB policies and regulations related to setback and flood protection levels; dock regulations; marine zones; flood protection bylaw.
3. Identify options for and prioritize policy and regulatory amendments to be made related to shoreline protection.
4. Potentially develop a shoreline development permit area.
5. Minor 'housekeeping' bylaw amendments.

Out of Scope

- Green Shores for homes workshop.
- Impact current legal foreshore structures and docks.

Workplan Overview

Deliverable/Milestone	Date
LTC endorsed revised project charter and Working Group TOR.	June 2019
Appointments to Working Group.	June 2019
Working Group meetings – referral to review targeted topics.	July 2019 – ongoing
LTC review of staff and Working Group recommendations. Direction to draft bylaw language.	Spring/Summer 2020
Legal review. Draft bylaw(s) presented to LTC for review.	Fall 2020
Community consultation, early referrals of draft bylaw(s).	Winter 2020
Legislative process for proposed bylaw(s).	Winter 2020/ Spring 2021
Adoption of proposed bylaw(s) and communication materials.	Spring/Summer 2021

Project Team

Planner 2	Project Manager
Island Planner	Project Support
Islands Trust GIS Technician	Mapping Support
Islands Trust Admin. Staff	Administrative Support
RPM Approval: Heather Kauer Date: 21 Jan 2020	LTC Endorsement: Resolution #: 2020-05 Date: 30 Jan 2020

Budget

Budget Sources:		
Fiscal	Item	Cost
2019-2020	Working Group meetings	\$200
2020-2021	Legal Review	\$3000*
2020-2021	Legislative Process (CIM, public hearing, advertising)	\$2000*
	Total (*pending approval)	\$5200*

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
LTC regular business meeting	Revised project charter to LTC for consideration; LTC provides direction.	January 30, 2020	n/a
RWM	Staff provide update to LTC.	March 26, 2020	n/a
LTC regular business meeting	Staff presents discussion paper identifying policy and regulatory options.	May 28, 2020	n/a
Working Group Meeting	Staff presents discussion paper to Working Group and group identifies recommended policy / regulatory option and elements of option	June, 2020	
LTC regular business meeting	Staff present working group recommendation and introduction staff report to proposed elements of an amending bylaw, LTC direct staff to draft bylaws and proceed with legal review.	July 23, 2020	n/a
n/a	Legal review.	August/September 2020	Approx. \$2000 <i>(pending approval)</i>
LTC regular business meeting	Draft bylaws considered by LTC.	October 1, 2020/ November 19, 2020	n/a
LTC meeting, CIM, public hearing, Executive Committee meeting	Legislative process – includes 1 st , 2 nd , 3 rd reading by LTC; referrals to agencies; Community Information Meeting and Public Hearing; Executive Committee review; referral to Ministry; etc.)	December 2020/ January-March 2021	Approx. \$3000 <i>(pending approval)</i>
LTC regular business meeting	Adoption of proposed bylaws.	Spring 2021	n/a
TOTAL			\$5200 (pending approval)



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-2020.1	Maltby, Jonathon & Joanna	07-Feb-2020	PID: 009-445-528 Setback variance to include existing structure and new decks. 283 Gordon Road, Keats Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 28-May-2020

Report to May 28 Gambier LTC electronic meeting

Status Date: 01-May-2020

Planner reviewing file.

Status Date: 02-Mar-2020

File transferred from Planner Dubyna to Planner Sawyer due to workload shift.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.2	The Convention of Baptist Churches of BC (Seneca Consulting) Planner: Sonja Zupanec	24-Mar-2020	PID: 014-385-694 Building a retaining wall. Civic address: 900 Keats Island Road, Keats Island, BC.
Planning Status			
Status Date: 03-Jun-2020 File transferred to Planner Zupanec.			
Status Date: 30-Apr-2020 Planner reviewing file.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2004.1	LandPlan Group Inc.	16-Jun-2004	PID: 014-385-694 Keats Island - Keats Camp rezoning application DL 696
Planner: Sonja Zupanec			
Planning Status			
Status Date: 28-Dec-2018 Bylaw 143 given 1st, 2nd, 3rd readings and approved by Executive Committee. X-ref GM-SUB-2018.1 subdivision referral conditions. Applicant advised of next steps before bylaw can be adopted.			
Status Date: 25-May-2017 CIM scheduled for July 27th to provide draft bylaw amendments to enable a comprehensive development zone; transfer LUC provisions and enable subdivision.			
Status Date: 20-Apr-2017 Revised draft ToR for hydro.assessment sent to applicant for review.			



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2019.1	South Keats Investments Ltd.	16-Jan-2019	PID: 008-861-102 Civic address: 255 Esplanade Road, Keats Island, BC. LUB No. 78 Amendment

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-May-2020

Information received. Being reviewed by planner

Status Date: 11-Oct-2019

Applicant to provide information requested as per LTC direction

Status Date: 10-Oct-2019

Preliminary staff report to LTC

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending May 2020

630 Gambier	Invoices posted to Month ending May 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	500.00	0.00	500.00
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,815.00	0.00	3,815.00
65210-630	LTC - Local Exp - APC Meeting Expenses	255.00	0.00	255.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,614.00</u>	<u>0.00</u>	<u>4,614.00</u>
Projects				
73001-630-2016	Gambier OCP/LUB	4,000.00	0.00	4,000.00
73001-630-3003	Gambier RAR	3,500.00	0.00	3,500.00
73001-630-4094	Gambier Keats Island Shoreline Protection Review	3,500.00	0.00	3,500.00
TOTAL Project Expenses		<u>11,000.00</u>	<u>0.00</u>	<u>11,000.00</u>

Gambier Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	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.

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.	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.
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Top Priorities Report

Gambier Island

1. *Riparian Areas Regulation*

Implement RAR and protect all watercourses across the Gambier Island Local Trust Area

Responsible

Marnie Eggen

Dates

Rec'd: 26-Oct-2011

2. *Gambier OCP Comprehensive Review*

Revised Project Charter scope Dec. 2018

Responsible

Jaime Dubyna

Dates

Rec'd: 12-Feb-2015

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

Review of OCP and LUB to implement shoreline protection measures.

Responsible

Jaime Dubyna
Marnie Eggen

Dates

Rec'd: 31-Jan-2019

4. *OCP Advocacy Policies - Implementation & Support*

Supporting the advocacy policies of the Gambier, Keats, and Associated Islands
OCPs, and Islands Trust Strategic Plan (e.g. woodlots, industrial facilities, Howe Sound)

Responsible

Dan Rogers
Kate-Louise
Stamford

Dates

Rec'd: 24-Oct-2013

Projects Report

Gambier Island

1. *Development Approval Information Bylaw*

Responsible

Date Received

Develop and adopt a D.A.I bylaw for the Gambier Trust Area.

2. *Squamish First Nation Consultation*

Responsible

Date Received

Scope interim strategies pending completion of a possible protocol agreement to address protection of archaeological and heritage resources.

31-Jan-2012

3. *Gambier LUB Review*

Responsible

Date Received

Review Gambier LUB to address:

22-May-2014

- May 2020: clarification around water storage tanks as structures, requirements for screening, and the need for setback placement as part of their use as community amenities in fire protection.
- definition of breakwater
- trams (currently silent)
- advocacy policies around pump out stations
- review of title Wilderness Conservation
- 2013: REVIEW KEATS AND GAMBIER LUBS FOR ACCOMMODATION of OCEAN LOOP GEO-EXCHANGE SYSTEMS
- 2010: GHG Emissions (a more proactive approaches to plan for GHG reductions especially in relation to Policies 6.1 and 6.2 in consultation with SCRD.) Initiative arises from recommendation of SCRD in comments about bylaws 111 & 112.



Projects Report

Gambier Island

4. *Gambier site-specific Water Zones*

Responsible

Date Received

Staff to research the history of Site-Specific water zones on Gambier.

26-Sep-2013

5. *Recreational Camp and Private Institutional Regulation Review*

Responsible

Date Received

Review Recreational Camp and Private Institutional regulations in all Local Trust Area land use bylaws.

28-Jul-2016

Review to ensure that regulations properly balance ecological protection with current realities re: rentals as income source for rec camps.

6. *Keats Island LUB review*

Responsible

Date Received

-review definition of 'structure' to ensure adequate regulation of the siting of underground sewage disposal systems with setbacks to lot lines and the natural boundary of the sea

11-Dec-2017

-review regulations for accessory uses, buildings and structures occurring on parcels where no principal use exists (April 2018 LTC resolution).

7. *Thormanby Islands Foreshore Protection Pilot Project*

Responsible

Date Received

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.

26-Jul-2018

Projects Report

Gambier Island

8. *Definition of "dwelling" in Keats Island LUB*

Responsible

Date Received

Review the definition of "dwelling" in the Keats Island Land Use Bylaw No. 78.

28-May-2020

June 24, 2020

2020-15-IT

Trust Council Asks Travelers and Locals to Continue COVID-19 Prevention Measures

Lekwungen, METULIYE/Victoria, BC—BC's Restart Plan has entered Phase 3, allowing people to participate in smart and safe travel within BC, including the Islands Trust Area, which includes the Gulf and Howe Sound Islands.

As the Province moves into this new phase and heads into the July long weekend, the Islands Trust Council reminds visitors and island residents to continue using COVID-19 prevention measures to protect themselves and others. If you are sick, stay home. Please wash your hands often, practice physical distancing, wear masks when distancing isn't possible, and minimize community interactions, as recommended by our Provincial Health Officer, Dr. Bonnie Henry, and the BC Centre for Disease Control.

"Everyone needs to be respectful, safe, smart and use extra caution when they travel, including Island residents who go on and off the islands," shared Peter Luckham, Chair of the Islands Trust Council. "Until a vaccine is available, we will continue to be cautious and safe to avoid a COVID-19 outbreak. On most islands, the majority of our population is over sixty. Our medical resources are limited. In most cases, it is volunteers who offer first response, and we don't want to put them at risk. We're all in this together, let's take care of each other."

BC Ferries suggests if you have flexible travel plans, consider taking a ferry at less busy times of the day. When onboard, remain in your vehicles, maintain physical distance from other passengers, and have a face covering in the event physical distancing is not possible.

Island Trust staff working in land use planning, bylaw enforcement, and nature protection are once again travelling to the islands for their work. All Islands Trust staff are trained in COVID-19 prevention and take the necessary precautions to protect themselves and the public.

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The Islands Trust works to preserve and protect over 450 islands in the Salish Sea through land use planning, the Islands Trust Conservancy, and Trust Council programs and services. The Trust Area, located within Coast Salish territory, is the homeland of over 28,000 Coast Salish Peoples who have called this area home since time immemorial. Covering 5,200 square kilometres between the British Columbia mainland and southern Vancouver Island, the Trust Area has 26,000 residents and 10,000 non-resident property owners. The region features many Indigenous archaeological and culturally significant sites, and some of the world's most endangered ecosystems.

Contact:

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*Preserving **island** communities, culture and environment*