



Gambier Island Local Trust Committee

Regular Meeting Agenda

Date: July 30, 2024
Time: 11:00 am
Location: Gambier Island Community Centre
Andy's Bay Road, Gambier Island, BC

Pages

- | | | | |
|-----|---|---------------------|---------|
| 1. | CALL TO ORDER | 11:00 AM - 11:05 AM | |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | REPORTS | 11:05 AM - 11:20 AM | |
| 3.1 | Trustee Reports | | |
| 3.2 | Chair's Report | | |
| 3.3 | Electoral Area Director's Report | | |
| 4. | DELEGATIONS | 11:20 AM - 11:25 AM | |
| 4.1 | Howe Sound Biosphere Region Initiative Society regarding Other Effective Area-Based Conservation measures within the At'l'ka7tsem / Howe Sound Biosphere Region | | 3 - 9 |
| 5. | PUBLIC COMMENTS | 11:25 AM - 11:35 AM | |
| 6. | MINUTES | 11:35 AM - 11:40 AM | |
| 6.1 | Local Trust Committee Meeting dated April 29, 2024 - for adoption | | 10 - 20 |
| 6.2 | Local Trust Committee Meeting dated May 28, 2024 - for adoption | | 21 - 26 |
| 6.3 | Section 26 Resolutions-Without-Meeting Report - none | | |
| 6.4 | Advisory Planning Commission Minutes - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 11:40 AM - 11:50 AM | |
| 7.1 | Follow-up Action List dated July 23, 2024 | | 27 - 29 |
| 8. | APPLICATIONS AND REFERRALS | 11:50 AM - 12:05 PM | |

~ BREAK 12:05 PM - 12:35 PM ~

- | | | | |
|-----|--|--------------------|---------|
| 9. | LOCAL TRUST COMMITTEE PROJECTS | 12:35 PM - 1:35 PM | |
| | 9.1 Gambier Island Official Community Plan Review - Staff Report | | 74 - 86 |
| 10. | CORRESPONDENCE | 1:35 PM - 1:40 PM | |
| | <i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i> | | |
| | 10.1 Email from Aidan Buckley, Sunshine Coast Regional District dated July 12, 2024 regarding Hopkins Landing Engagement Summary | | 87 - 87 |
| 11. | NEW BUSINESS | 1:40 PM - 1:50 PM | |
| | 11.1 Sunshine Coast Regional District Parks and Howe Sound Biosphere Region's Request - Trustee Stamford Verbal Update | | |
| 12. | STAFF REPORTS | 1:50 PM - 2:05 PM | |
| | 12.1 Trust Conservancy Report - none | | |
| | 12.2 Applications Report - none | | |
| | 12.3 Trustee and Local Expense Report dated May, 2024 | | 88 - 88 |
| | 12.4 Adopted Policies and Standing Resolutions | | 89 - 92 |
| | 12.5 First Nations Relationship Building Update | | |
| | 12.6 Local Trust Committee Webpage | | |
| 13. | WORK PROGRAM | 2:05 PM - 2:20 PM | |
| | 13.1 Active Projects Report dated July 23, 2024 | | 93 - 93 |
| | 13.2 Future Projects Report dated July 23, 2024 | | 94 - 95 |
| 14. | UPCOMING MEETINGS | | |
| | 14.1 Next Regular Meeting Scheduled for Tuesday, October 1, 2024 at 10:00 am and to be held electronically | | |
| 15. | ADJOURNMENT | 2:20 PM - 2:20 PM | |

From: Ruth Simons <ruthsimons@howesoundbri.org>
Sent: Monday, July 8, 2024 12:36 PM
To: northinfo <northinfo@islandstrust.bc.ca>; Peter Luckham <pluckham@islandstrust.bc.ca>
Cc: Kate-Louise Stamford <kstamford@islandstrust.bc.ca>
Subject: Request to appear as delegation on July 30th

Dear Chair Luckham and Trustee Stamford,

It will be nice to see you both, I hope you can make room for a short presentation on July 30th.

We wish to present to the Gambier Island Local Trust Council on July 30th regarding the following project we are working on funded by Environment and Climate Change Canada. This project is intended to contribute towards Canada's 30x30 Conservation targets. Our objectives align very well with the Islands Trust mandate to Preserve and Protect.

Title OECMs - Other Effective Area-Based Conservation Measures within the Átl'ka7tsem / Howe Sound Biosphere Region

Please see the attached reference materials:

1. Map of existing OECMs as registered in the Canadian Protected and Conserved Areas Database showing the Islands Trust Howe Sound area's current contribution
2. Benefits of OECMs brochure
3. An example of a consent form recently sent to the Sunshine Coast Regional District regarding a property on Gambier Island.
3. [Information about our project](#)
4. [Recent example](#) on Saltspring Island

This presentation is for information, and to ask for cooperation and consent from the Gambier Island Local Trust Committee to work with us on identifying lands with potential for designation as protected or an OECM.

I will be presenting with support from Samantha Wing, OECM Project Manager.

Thank you, and all the best,

RUTH SIMONS, D.Litt | Executive Director
WHERE NATURE AND HUMANITY THRIVE

Howe Sound Biosphere Region Initiative Society
Átl'ka7tsem/Howe Sound UNESCO Biosphere Region

p: 604 921-6564

c: 778 834-4292

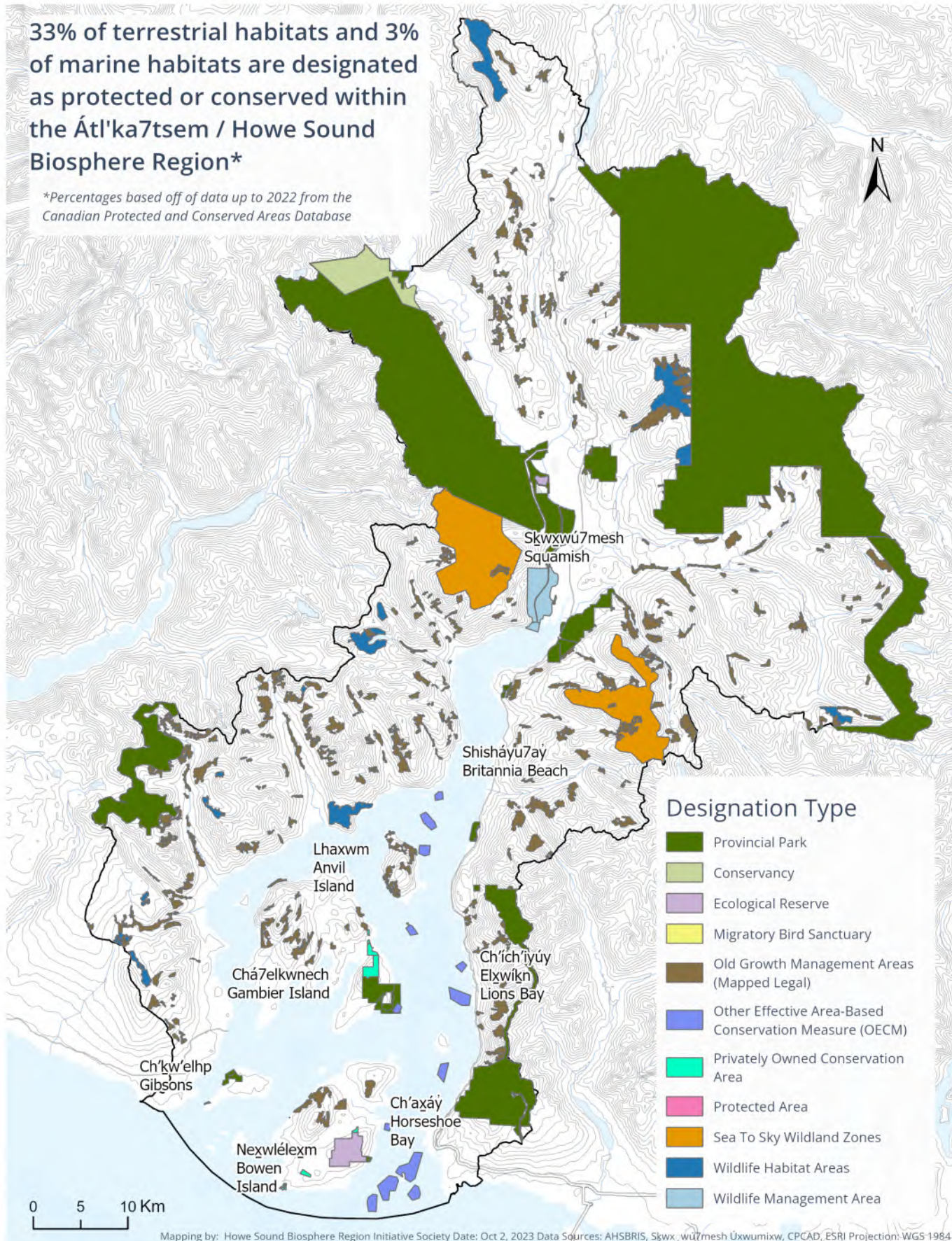
w: howesoundbri.org

BIODIVERSITY CONSERVATION | RECONCILIATION | SUSTAINABLE DEVELOPMENT

Protected and Conserved Areas within the Átl'ka7tsem / Howe Sound Biosphere Region

33% of terrestrial habitats and 3% of marine habitats are designated as protected or conserved within the Átl'ka7tsem / Howe Sound Biosphere Region*

*Percentages based off of data up to 2022 from the Canadian Protected and Conserved Areas Database



Benefits of OECMs and their recognition

Other Effective area-based Conservation Measures (OECMs) are geographically defined areas that achieve biodiversity conservation outcomes equivalent to those of a protected area, but do not necessarily have conservation as their primary objective. OECM recognition is a means of highlighting the contributions that “atypical” conservation managers make to biodiversity conservation and helping to proliferate these good management practices.

Some of the benefits of this tool include:

CREATING POSITIVE BIODIVERSITY OUTCOMES

- OECM are complimentary to Protected Areas and, by definition, are areas managed in ways that achieve biodiversity benefits equal to those of a protected area. Recognized alongside protected areas, OECM can help to create a network of Canadian protected and conserved areas that will contribute to halting and reversing biodiversity loss in Canada.
- OECM recognition can both increase the amount of area in Canada that is contributing to Canada’s biodiversity conservation, and help us understand the complete network of areas that achieve the conservation of biodiversity. The goal of recognizing OECM is to help create a network of protected and conserved areas that is composed of ecologically representative and well-connected systems integrated within wider landscapes and seascapes. This network should be resilient to climate change, secure ecosystem services, and support the recovery of species at risk.

AN INCLUSIVE APPROACH TO CONSERVATION

- OECM recognition highlights that good conservation action, or actions that align with good conservation outcomes, can be undertaken by “atypical” conservation land managers — in other words those that don’t have a primary conservation mandate — and this can be done for many different reasons. This means that stewardship and conservation work can be highlighted, emulated and proliferated.
- New and novel partnerships are being created in the discussions about OECM and their recognition by exploring opportunities to highlight and promote good management that is creating positive biodiversity outcomes — regardless of their primary objective. This brings new players into the biodiversity conservation conversation; helping to move conservation from being a ‘government’ discussion to being a Canadian-wide discussion.
- For example, existing OECM in Canada highlight the conservation actions of natural resource departments, law enforcement agencies, the military, forestry companies, ranchers, and non-governmental organisations including cultural or religious organisations.





SHOWCASING GOOD CONSERVATION ACTION

- Through recognizing OECM, the responsible authority (the landowner or land manager) brings to the attention of the world an area that is effectively achieving the conservation of biodiversity. As a result, conservation leadership is promoted, providing an example to others.
- This recognition allows responsible authorities to demonstrate to partners, consumers, customers, investors, and others their leadership in adopting nature-positive management practices recognized domestically and around the world.

SUPPORTING MANAGEMENT ACTIONS CUSTOMIZED TO THE LOCAL CONTEXT

- Canada is vast and varied. As such, the tools that support creating conservation outcomes need to be flexible and adaptable to the realities of different landscapes and partnerships.
- OECM can be customized to the varying Canadian contexts in ways that align with local values, governance and traditional knowledge systems.

IS THERE A DOWNSIDE TO RECOGNIZING AN OECM?

- In short, no. Recognizing an OECM means highlighting practices that are already in place. It means acknowledging that the site is part of a national network of areas that are achieving positive biodiversity outcomes. Recognition does not create any additional encumbrances or constraints. It does not create any new requirements or management regimes for the landowners or land managers. Recognition of an OECM does not give rise to additional regulatory requirements.
- While OECM recognition requires some time and effort to determine if a potential site meets the pan-Canadian definition and criteria for an OECM, Environment and Climate Change Canada is ready to support in this effort should capacity or experience using this pan-Canadian tool be a limiting factor for the landowner or governing authority.
- Should a site be evaluated and not meet the pan-Canadian criteria as an OECM, it is up to the discretion of the landowner or governing authority whether or not to make changes to address any gaps. Should those gaps be addressed, the site can then be reported.





January 18, 2024

Sam Adams
Parks Planning Coordinator
Sunshine Coast Regional District

Re: Permission to report specific Sunshine Coast Regional District (SCRD) properties to the Canadian Protected and Conserved Areas Database (CPCAD)

Dear Mr. Adams,

This letter is to seek your approval to report areas owned by SCRD to the Canadian Protected and Conserved Areas Database (CPCAD) if they meet the screening criteria of the Decision Support Tool for Other Effective Conservation Measures (OECMs):

Reporting of these areas to CPCAD means that certain information on these areas will become publicly available. The information includes spatial polygons and specific attributes such as year of establishment, type of governance, and IUCN protected area category. Interested members of the public will be able to download the data from CPCAD. In addition, Environment and Climate Change Canada will submit the information to the World Database on Protected Areas maintained by the International Union for the Conservation of Nature (IUCN).

This public reporting means that these areas will be counted as contributing towards national and international area-based conservation targets. Participating in this reporting **does not entail any regulatory or policy restrictions** for these areas. However, **if the use or management of the areas changes in the future, it would need to be reassessed** to see whether it still qualifies for CPCAD.

As more conservation organizations, municipalities, and land managers become aware of protected areas and OECM reporting, it is helpful for us to have British Columbia-based examples of local governments participating in CPCAD that we can share. Sharing your Decision Support Tool with other conservation practitioners is an optional step of the reporting process. Please see request to allow for sharing of SCRD participation below.



Please list the properties you wish Howe Sound Biosphere Region Initiative Society to assess below (this may be specific parcels, or by categorization (such as zoning type):

Pete Shields Park, Gambier Island

Please initial beside the actions for which SCRD grants permission, and sign and date to indicate your approval. Howe Sound Biosphere Region Initiative Society will respect the confidentiality of any private information obtained through this process, and will not share information or materials about this work unless permission has been obtained below:

___ Permission for Howe Sound Biosphere Region Initiative Society to assess SCRD protected areas/ OECMs listed above for the Canadian Protected and Conserved Areas Database (CPCAD).

___ Permission for Howe Sound Biosphere Region Initiative Society to report the confirmed protected areas/OECMs listed above to the Canadian Protected and Conserved Areas Database (CPCAD).

___ Permission for Howe Sound Biosphere Region Initiative Society to share the finalized assessment documents for these properties within the broad area-based conservation community of practice (including other Biosphere Regions, ENGOs, program staff within provincial and federal governments, other related conservation practitioners).

___ Permission for Howe Sound Biosphere Region Initiative Society to share examples of the assessment process of these properties with other municipalities and land managers in presentations to increase participation in this project.



___ Permission for Howe Sound Biosphere Region Initiative Society to inquire in the future about potential inclusion of your areas in specific technical publications (e.g., summary reports, case studies). This permission would be reconfirmed by email prior to publication.

___ Permission for Howe Sound Biosphere Region Initiative Society to share finalized assessment documents for any of the above-named properties that do not meet the Decision Support Tool screening criteria with specific sectors of the protected areas community of practice for the purposes of sharing expertise. This permission would be reconfirmed by email

Sam Adams
Parks Planning Coordinator,
Sunshine Coast Regional District

Date

If you have any questions, please contact Mica Anguita, OECM Project Director at micaelaanguita@howesoundbri.org.

Thank you for your support.

Regards,

Ruth Simons

Ruth Simons,
Executive Director,
Howe Sound Biosphere Region Initiative Society
PO Box 465
Lions Bay, B.C.
V0N 2E0
ruthsimons@howesoundbri.org
604 921-6564



Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: April 29, 2024
Location: Electronic Meeting

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

Staff Present: Marlis McCargar, Island Planner
 Lisa Millard, Meeting Administrator / Recorder

Others Present: There were approximately three members of the public in attendance.

1. CALL TO ORDER

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

Chair Luckham called the meeting to order at 5:00 pm. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported the following:

- She attended Trust Council meeting held in March 2024 during which the budget was passed;
- She attended the Howe Sound Community Forum on April 12, 2024;
- She attended the April, 2024 Association of Vancouver Island and Coastal Communities convention and, as a representative of the Sunshine Coast Regional District, spoke to a motion requesting the provincial government to provide financial and strategic support for important dock structures in coastal waters; and

- She has been working with the Rural and Economic Development Initiative Project for the Gambier Island Community, which recently brought Planners and students from the University of BC to the island for a day with the community.

Planner Bernardo did not provide a report.

3.2 Chair's Report

Chair Luckham reported the following:

- He is preparing for the June, 2024 Trust Council meeting being held on Salt Spring Island; and
- He attended the Association of Vancouver Island and Coastal Communities convention held in Victoria.

3.3 Electoral Area Director's Report

Electoral Area Director Stamford highlighted the following:

- She attended the Association of Vancouver Island and Coastal Communities convention and spoke about the importance of maintaining important dock structures;
- She met with the President of BC Ferries and spoke with him about the long-term issues associated with the New Brighton dock;
- She met with Minister Cullen and spoke with him about the New Brighton dock and the Sunshine Coast water supply issues;
- She met with Transportation and Infrastructure Minister Coulter about roads and the New Brighton dock; and
- She will be participating in an upcoming community meeting about the Hopkins Landing dock, which is currently closed, and in need of renovation.

4. DELEGATIONS - none

5. PUBLIC COMMENTS

A member of the public stated that there had been a work party held at the Keats Island Sandy Beach Nature Reserve during which garbage and invasive plants were removed and a new trail was created. He also noted that the Keats Island Foreshore Project had been worked on for a number of years, and he urged the Local Trust Committee to come to a completion on this project, or at minimum move it to the public hearing stage.

The Outstation Director for the West Vancouver Yacht Club noted the club's outstation is located in Center Bay. He indicated he is attending the Local Trust Committee meeting in order to familiarize himself with any bylaw, or process, changes related to tenure on water lots.

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated January 9, 2024 - for adoption

By general consent the Local Trust Committee meeting minutes of January 9, 2024 were adopted.

6.2 Local Trust Committee Meeting Minutes dated January 29, 2024 - for adoption

By general consent the Local Trust Committee meeting minutes of January 29, 2024 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report dated April 19, 2024

Received for information.

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated April 19, 2024

Received for information.

8. APPLICATIONS AND REFERRALS - none

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project: Gambier Island Official Community Plan Review Project - Staff Report

Planner Zupanec spoke about the Squamish Nation referral and engagement process and made the following comments:

- Staff have been working for several months to engage Squamish Nation staff in the Intergovernmental Rights and Title department regarding the Gambier Island Official Community Plan and Land Use Bylaw review;
- She thanked the Local Trust Committee for endorsing the approach to reach out to the Squamish Nation in order to identify and collaborate on the priorities of both parties; and
- She read an email, which summarized the Squamish Nation's perspective on the engagement process, which stated, in part, that they are interested to see how their feedback will be incorporated into the final strategy and Official Community Plan.

The Chair and Trustees thanked staff for the positive engagement work that staff had undertaken.

Planner Zupanec reviewed the Project Charter and the suggested amendments.

Discussion ensued and the Trustees made the following points:

- There are a number of recommendations from both staff and the Squamish Nation and it is important to thoroughly understand the meaning of the recommendations;
- It is potentially premature to prepare draft bylaw language before Trustees understand the full scope of the recommendations;
- There has only been one community information session and this does not seem sufficient; and
- There should be further opportunities to obtain community feedback prior to the first reading of the bylaw;

The Planner responded as follows:

- The draft bylaws would be prepared so that the Squamish Nation could see how their recommendations were being implemented, for the information of the local community, and for the purpose of referral to the Advisory Planning Commission;
- There has been sufficient input to date to allow staff to proceed to the draft bylaw stage, and
- The Local Trust Committee can seek community engagement regarding the draft bylaws.

GM-2024-12

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee endorse the revised Project Charter v. 2.1, dated April 29, 2024 for the Official Community Plan and Land Use Bylaw Targeted Review project, as to be amended further to discussion amongst Trustees on April 29, 2023.

CARRIED

GM-2024-13

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to prepare a draft amendment to the Advisory Planning Commission Bylaw No. 150 to permit electronic meeting participation of appointed members, and return the draft bylaw amendment to the Local Trust Committee for further consideration of next steps.

CARRIED

GM-2024-14

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to report back on the implications of implementing Squamish Nation Engagement Summary Recommendation *"C2 - Ensure planning staff are conducting early referrals of all relevant development applications (temporary use permits, development variance permits, rezonings) and advising applicants to seek explicit permission from Rights and Title Department."*

CARRIED

Trustee Bernardo indicated that he would like Staff to report back on the implications of implementing C2 as there may be large legal and socio-economic issues related to moving to a dual approval process, and that this needs to be discussed prior to implementation.

The Planner replied that the recommendations are advocacy and action items that have been identified as high priorities through both community and Squamish Nation consultation.

GM-2024-15

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to report back on the options and implications to implement Squamish Nation Engagement Summary Recommendations A6, B4, B7, B10, D2 and D4, identified as high priority relationship building and advocacy action items.

CARRIED

GM-2024-16

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to initiate a request to schedule an elected officials meeting with Squamish Nation in the fall/winter of 2024 to discuss the status of the implementation of Squamish Nation engagement recommendations.

CARRIED

Planner Zupanec summarized the need for a supplemental report to address the high priority recommendations and to help identify a range of options through policy and regulations. This report would provide a template of options for discussions and deliberations.

Discussion ensued.

GM-2024-17

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to prepare a supplemental report including options and implications of draft bylaw language to amend and update the Official Community Plan (OCP) and Land Use Bylaw (LUB) based on the general recommendations of the 2023 Public Engagement Summary and twenty recommendations from the 2024 Squamish Nation Engagement Summary (A1-A5; B1-B9; C1, C3, C4; D1, D3, D5) identified as high priority Official Community Plan and Land Use Bylaw amendments.

CARRIED

9.2 Minor Project: Keats Shoreline Protection Project - Staff Report

Planner McCargar summarized the staff report and indicated that there were two remaining issues that the Local Trust Committee has tabled for discussion including guidelines around dock materials and adding exemptions in the Development Permit Area. She stated that, if the Local Trust Committee concurs with the staff recommendations, then, staff will proceed with a legal review and schedule a public hearing.

Trustee Bernardo stated he would like to defer this item to the next meeting as he would like time to read the entire report again, and to determine how much he is prepared to compromise in order to support the bylaw.

Discussion ensued and alternative suggestions were made. It was determined that further discussion regarding this item would be deferred to the end of the meeting.

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Logging in Settlement Residential Zone - Trustee Stamford Verbal Discussion

Trustee Stamford made the following comments:

- The Gambier Island Rural Residential zoning allows forestry while the Settlement zoning does not;
- When land is cleared in the Settlement zone the logs are often sold, and this would appear to be a forestry activity; and
- If logging means that you sell your logs, then, there is a potential problem occurring on properties zoned Settlement.

Discussion ensued.

GM-2024-18

It was MOVED AND SECONDED

that the Gambier Island Local Trust Committee request staff to review the definition of permitted forestry / logging activity on settlement residential zones on Gambier Island.

CARRIED

11.2 Change May 28, 2024 Regular Business Meeting from Electronic to In-Person

GM-2024-19

It was MOVED and SECONDED

that the Gambier Local Trust Committee request Staff to change their regular business meeting scheduled for May 28, 2024 from electronic to in-person at the John Braithwaite Centre, Meeting Room 3, 145 West 1st Street, North Vancouver, BC.

CARRIED

The meeting recessed for a break at 7:29 pm and reconvened at 7:40 pm.

12. STAFF REPORTS

12.1 2023/24 Annual Report - Approval of Gambier Island Local Trust Committee's Section - Request for Decision

GB-2024-20

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee add the islands Bowyer and Passage into the list of included associated islands in the first paragraph of the Gambier statement for inclusion in the 2023/24 Annual Report to Trust Council.

CARRIED

GB-2024-21

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee approves the attached text for inclusion in the 2023/24 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

12.2 Trust Conservancy Report - none

12.3 Applications Report dated April 19, 2024

Received for information.

12.4 Trustee and Local Expense Report dated February, 2024

Received for information.

12.5 Adopted Policies and Standing Resolutions

Received for information.

12.6 First Nations Relationship Building Update - none

12.7 Local Trust Committee Webpage

No updates at this time.

13. WORK PROGRAM

13.1 Active Projects Report dated April 19, 2024

Received for information.

13.2 Future Projects Report dated April 19, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, May 28, 2024 at 10:00 am at John Braithwaite Centre, Meeting Room 3, 145 West 1st Street, North Vancouver, BC

15. RECESSED

15.1 To resume Tuesday, May 14, 2024 at 10:00 am

GM-2024-22

It was MOVED and SECONDED

That the Gambier Island Local Trust Committee recess the meeting to reconvene May 14, 2024 at 10:00 am.

CARRIED

By general consent the meeting was recessed at 7:50 pm.

16. RESUMED - MAY 14, 2024

Chair Luckham reconvened the meeting on May 14, 2024 at 10:02 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations.

16.1 Minor Project: Keats Shoreline Protection Project - Staff Report

Chair Luckham acknowledged a memo, which outlined Trustee Bernardo's suggested edits and exemptions to proposed Bylaw 154. The Planner confirmed that the memo had been received and that it was posted on the website.

The Planner stated that the final bylaw language would be submitted for legal review prior to adoption.

Minor edits for clarity and consistency were suggested and accepted.

Discussion ensued regarding dock materials and Trustees made the following comments:

- Docks cannot be built with biodegradable materials;
- The term 'water quality' should be replaced with 'marine ecosystem';
- There is a preference that unenclosed plastic foam not be used; and
- There is agreement that creosote pilings should not be used.

Discussion ensued regarding construction and alterations within the Development Permit Area (DPA).

Trustee Bernardo noted the following:

- The scope of the DPA requirements in section 9.3.1 of the bylaw has the effect of limiting property owners' enjoyment of their property and limits the work they can do on it;
- The setback from the foreshore has been 7.5 metres and is now being proposed as a 15 metre setback;
- There are many properties that already have structures close to the water that will now be within the boundaries of the DP and the property owners will now be required to get a development permit to do any work on structures or land alterations;
- The bylaw is going to cover activities over areas that residents have used for decades;
- Protecting the undisturbed ecosystem is important but there should not be unnecessary interference with existing property owners to use their property as they wish;
- It is reasonable to allow residents to make alterations to their land within the same footprint;
- Home owners should not be restricted when doing minor alterations when they are substituting one use of developed land for another use; and
- The residents of Keats Island have a history of stewardship and not reckless development.

Trustee Stamford noted the following:

- There is an extensive list of exemptions already included in the proposed bylaw;
- She recognizes that these areas are within the foreshore and, even though they have already been disturbed, they might still be considered ecosystems;
- There may be construction options that are reasonable and others that may disturb the ecosystem whereby a development permit might be required;
- Improvements within the same foot print are acceptable but adding a building within the foreshore area where there was not one before is development;
- While the bylaw might affect existing property owners it serves as a mitigation tool for developers and new owners; and
- She is not inclined to include the additional exemptions as proposed

The meeting was recessed at 11: 12 am and reconvened at 11:26 am.

Discussion ensued regarding additions within the Development Permit Area (DPA). Trustee Bernardo said that his suggested language regarding additions would allow homeowners to make a small addition to the home provided the conditions he listed apply.

Trustee Stamford noted the following:

- It is due diligence to require notification for any kind of development;
- There are potential underground archeological considerations; and
- If someone wants to expand the footprint of a building, there should be an extra layer of supervision.

The Trustees acknowledged that there has been positive discussion and debate throughout the process of amending the bylaw and it is important to get second reading of the bylaw in order to schedule a Public Hearing. Trustee Bernardo indicated that he would like to communicate to the community members his position on the outstanding issue of allowing additions within the development permit area.

The meeting was recessed at 12:20 pm and reconvened at 12:25 pm.

GM-2024-023

It was MOVED and SECONDED

That the Gambier Island Local Trust Committee Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” as shown in Attachment 2 of the staff report dated April 29, 2024, be amended as follows:

- 9.3 DP-3 SHORELINE. .2 Exemptions the following be added after item (a):
Alterations of previously disturbed land and to pre-existing buildings, structures and utilities located between 7.5 meters and 15 meters from the natural boundary of the sea, provided always that the alteration:
 - takes place entirely within the perimeter of previously disturbed land or within the footprint of a pre-existing building, structure, or utility;
 - does not alter, disturb or otherwise harm previously undisturbed land or native vegetation anywhere within DP3; and
 - does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.
- 9.3 DP-3 SHORELINE. .3 General Guidelines, item “h” the words “water quality” be replaced with “the marine ecosystem”.
- 9.3 DP-3 SHORELINE. .4 Guidelines - Construction and Replacement of Docks and Ramps, item “f” be replaced in its entirety with, “Docks should be constructed of stable materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.”
- 9.3 DP-3 SHORELINE. .5 Guidelines – Shoreline Modifications, item “c” subsection “iv” the words “water quality” be replaced with “the marine ecosystem”.
- 9.3 DP-3 SHORELINE. .5 Guidelines – Shoreline Modifications, item “f” subsection “iv” should be deleted in its entirety.
- 9.3 DP-3 SHORELINE. .5 Guidelines – Shoreline Modifications, item “g” the words “water quality” be replaced with “the marine ecosystem or the ecology of the foreshore.”

CARRIED

GM-2024-024

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” as shown in Attachment 2 of the staff report dated April 29, 2024, be given Second Reading as amended.

CARRIED

GM-2024-025

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to procure legal review on Proposed Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

CARRIED

GM-2024-026

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to schedule an in-person Public Hearing, in the summer of 2024, on Keats Island or in Gibsons for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB).

CARRIED

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:34 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder



Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: May 28, 2024

Location: John Braithwaite Community Centre
145 West 1st Street
North Vancouver, BC

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

Staff Present: Marlis McCargar, Island Planner
William Shulba, Freshwater Specialist (electronic)
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Lisa Millard, Recorder (electronic)

Others Present: There was 1 member of the public in attendance.

1. CALL TO ORDER

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

Chair Luckham called the meeting to order at 10:20 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported the following:

- The Connected Coast underwater fiber optic cable has landed at Gambier Harbour;
- She attended a meeting regarding the Rural Economic Diversification and Infrastructure Project; and

- The Gambier and Keats Ferry Advisory Committee has been advocating for BC Ferries to provide equitable service between the three ferry stops and there is a new Route 13 ferry schedule in effect.

Trustee Bernardo reported the following:

- The public hearing regarding the Keats Island foreshore bylaws will be held July 31, 2024 and a location is to be determined;
- The Islands Trust CAO hiring committee has selected an executive search firm to find a permanent candidate and an interim CAO will be appointed;
- The Governance Committee is working on an analysis of the Islands Trust governance structure which will be presented to Trust Council who will bring it forward to the Province; and
- The draft Islands Trust Policy Statement will be discussed at an upcoming committee of the whole meeting.

3.2 Chair's Report

Chair Luckham reported that he is looking forward to reviewing the draft Policy Statement committee of the whole meeting and he is preparing for the upcoming Trust Council meeting.

3.3 Electoral Area Director's Report

Electoral Area Director Stamford reported the following:

- There was a Ports Monitoring Committee meeting on May 27, 2024 during which it was noted that construction on Keats Landing is a significant issue as there will be no vehicle traffic access during the summer;
- Transit buses have changed their schedules with the goal of increasing transit throughout the region and all school-aged students will get free transit on the Sunshine Coast starting in September 2024;
- There is an initiative to expand fire services along Area F; and
- The Paper Excellence Mill is housing employees for the wood fiber LNG project and uses water taxis to transport the workers to the floating hotel currently located in the Nanaimo Harbour, and the floating accommodations are not being permitted into Howe Sound due to concerns about sewage and garbage disposal.

4. DELEGATIONS - none

5. PUBLIC COMMENTS

A member of the public stated that they own property on Gambier Island and asked if riparian bylaws are within the jurisdiction of the Islands Trust.

The Planner noted that the Riparian Areas bylaws were adopted in 2019. All of Gambier Island is in Development Permit Area 3 (Riparian Areas) in which many different guidelines apply and that staff can provide specific details about an individual property on inquiry.

6. MINUTES

6.1 Local Trust Committee Meeting - none

6.2 Section 26 Resolutions-Without-Meeting Report dated May 21, 2024 Received for information.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated May 21, 2024

It was noted that staff will schedule a meeting with the Ministry of Transportation and Infrastructure for the purpose of discussing maintenance contract details and expectations as well as other areas of mutual concern.

7.2 Aquifer Conceptualization Project and Groundwater Recharge Mapping Project – Memorandum

Freshwater Specialist William Shulba summarized the memorandum and highlighted the following:

- The consulting portion of the Aquifer Conceptualization Project and Groundwater Recharge Mapping Project has been completed; and
- The next steps are to integrate the maps into planning services and develop a communication strategy.

Discussion ensued and the following comments and clarifications were noted:

- The maps show that Gambier Island does not have an aquifer; however, this does not mean that there is not an aquifer, just that it has not been mapped at this time;
- In order for aquifers to be mapped they need to meet provincial criteria and Gambier Island has not been delineated by an aquifer mapping process yet;
- The majority of Gambier Island is crystalline rock, in which there are few wells;
- The province does not prioritize mapping aquifers in areas that have minimal well users;
- Groundwater recharge potential is determined by factors such as topography, geology, how much precipitation goes into the ground and transpires back into the atmosphere, and how much water discharges out of the ground through springs;
- Potential recharge mapping does not necessarily equate to water availability; and
- A suitable land analysis is being developed to determine areas of opportunity for increased density based on water availability, wildfire risk, and other factors.

GB-2024-027

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

that the Gambier Island Local Trust Committee request staff to complete PDF versions of maps from the Islands Trust Area Aquifer Conceptualization and Groundwater

Recharge Mapping for the Gambier Local Trust Area, include them in a staff report with a short presentation, and publish maps on the website by the next regular meeting on July 30, 2024.

CARRIED

7.3 Bylaw No. 159 - Minor Amendment to Gambier Local Trust Area Advisory Planning Commission Bylaw - Staff Report

The Planner summarized the staff report and noted the following:

- The Local Trust Committee requested staff to bring forward an amendment to the bylaw to permit fully electronic and hybrid Advisory Planning Commission (APC) meetings as in-person meetings are challenging; and
- There are no staff resources allocated to support the hosting of electronic meetings.

Discussion ensued and the following points were made:

- It is more complex for staff to travel to the GM LTA to attend an APC meeting in-person;
- It is extremely difficult for GM APC members to meet in-person due to geographic complexities as some members live in boat access only communities spread throughout the LTA;
- If APC members use their own resources, such as a Zoom account, to host an electronic meeting there still remains a requirement to advertise the meeting and to make it available for the public to attend;
- There is a distinction between resource allocation and the recommendation in the staff report which is to enable the Local Trust Area to have these types of meetings; and
- Budget allocation is an operational decision.

GB-2024-028

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 159, cited as “Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024,” be read a first time.

CARRIED

GB-2024-029

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 159, cited as “Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024,” be read a second time.

CARRIED

GB-2024-030

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 159, cited as “Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024,” be read a third time.

CARRIED

GB-2024-031

It was MOVED and SECONDED

That Gambier Island Local Trust Committee Bylaw No. 159, cited as “Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

8. APPLICATIONS AND REFERRALS - none

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Bylaw Enforcement Notification Bylaw of Development Variance Permits - Trustee Stamford

Trustees clarified item is related to Development Permits not Development Variance Permits. The Bylaw Enforcement and Compliance Manager noted that there is currently not a bylaw enforcement notice penalty for failure to get a development permit within development permit areas; however, he recommends that Local Trust Committees use the bylaw enforcement notice penalty to enforce the requirement for permits.

Discussion ensued.

GB-2024-032

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee requests a report regarding amendments to the Bylaw Enforcement notification system and for addition of a penalty for failure to obtain a development permit.

CARRIED

12. STAFF REPORTS

- 12.1 Trust Conservancy Report dated March 19, 2024**
Received for information.
- 12.2 Trust Conservancy Heron, Spring Edition**
Received for information.
- 12.3 Applications Report dated May 21, 2024**
Received for information.
- 12.4 Trustee and Local Expense Report dated March, 2024**
Received for information.
- 12.5 Adopted Policies and Standing Resolutions**
Received for information.
- 12.6 First Nations Relationship Building Update - none**
- 12.7 Local Trust Committee Webpage**
No changes at this time.

13. WORK PROGRAM

- 13.1 Active Projects Report dated May 21, 2024**
Received for information.
- 13.2 Future Projects Report dated May 21, 2024**
Received for information.

14. UPCOMING MEETINGS

- 14.1 Next Regular Meeting Scheduled for Tuesday, July 30, 2024 at 11:00 am at Gambier Island Community Centre, 721 Andy's Bay Rd, Gambier Island.**

15. ADJOURNMENT

By **general consent**, the meeting was adjourned at 11:45 am.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gambier Island

31-Jan-2023

Progress	Activity	Responsibility	Dates	Status
0%	1 set up an introductory meeting with MOTI as soon as possible via zoom. <i>A meeting with MoTI Area Manager (Sechelt Office) Jeremy Waksel has been scheduled for June 12.</i>	Marlis McCargar Michelle Backe		Completed

29-Apr-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Revise Project Charter v. 2.1, dated April 29, 2024, for the Official Community Plan and Land Use Bylaw Targeted Review project, as discussed at the April 29 LTC meeting.	Sonja Zupanec		Completed
0%	2 Prepare a supplemental report including options and implications of draft bylaw language to amend and update the OCP and LUB based on the general recommendations of the 2023 Public Engagement Summary and twenty recommendations from the 2024 Squamish Nation Engagement Summary (A1-A5; B1-B9; C1, C3, C4; D1, D3, D5) identified as high priority OCP and LUB amendments.	Sonja Zupanec		In Progress
0%	3 Report back on the implications of implementing Squamish Nation Engagement Summary Recommendation 'C2 - Ensure planning staff are conducting early referrals of all relevant development applications (temporary use permits, development variance permits, rezonings) and advising applicants to seek explicit permission from Rights and Title Department.'	Sonja Zupanec		In Progress

Follow Up Action Report

Gambier Island

29-Apr-2024

Progress	Activity	Responsibility	Dates	Status
0%	4 Report back on the options and implications to implement Squamish Nation Engagement Summary Recommendations A6, B4, B7, B10, D2 and D4, identified as high priority relationship building and advocacy action items.	Sonja Zupanec		In Progress
0%	5 Initiate a request to schedule an elected officials meeting with Squamish Nation in the fall/winter of 2024 to discuss the status of the implementation of Squamish Nation engagement recommendations.	Renee Jamurat Sonja Zupanec		In Progress
0%	6 review definition of permitted forestry/logging activity on SR zones on Gambier Island	Marlis McCargar Warren Dingman		In Progress

14-May-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Schedule an in-person Public Hearing, in the summer of 2024, on Keats Island or in Gibsons for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB). <i>Public Hearing scheduled for July 31 at Gibsons Public Market.</i>	Lisa Millard Marlis McCargar Nadine Mourao		Completed
0%	2 Procure legal review on Proposed Bylaw No. 154 cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021'. <i>Legal review received on June 6.</i>	Marlis McCargar		Completed

Follow Up Action Report

Gambier Island

28-May-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Complete PDF versions of maps from the Islands Trust Area Aquifer Conceptualization and Groundwater Recharge Mapping for the GM LTA, include them in a staff report, with a short presentation, and publish maps on the website by the next regular meeting on July 30, 2024. <i>Deferred to Oct 8 meeting</i>	William Shulba	Target: 08-Oct-2024	In Progress
0%	2 Prepare a report regarding amendments to the Bylaw Enforcement Notification bylaw (add a penalty for failure to obtain a development permit.) Ensure report includes policy merits, implications across all islands in the LTA.	Warren Dingman		In Progress
0%	3 Bylaw No. 159, cited as "Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024", be read a first , second and third time.	Nadine Mourao		Completed
0%	4 Bylaw No. 159, cited as 'Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024', be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee. <i>Bylaw with Director of Planning.</i>	Chloe Straw Marlis McCargar Nadine Mourao		In Progress

DATE OF MEETING: July 30, 2024

TO: Gambier Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

COPY: Warren Dingman, Bylaw Enforcement and Compliance Manager

SUBJECT: Development Variance Permit (GM-DVP-2023.4)
Applicant: Annie Lalande
Location: PID: 026-869-888

RECOMMENDATION

1. **That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2023.4 to reduce the minimum setback to the natural boundary of the sea from 15 metres to 10.10 metres to allow siting of existing single family dwelling.**

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider a Development Variance Permit (DVP) application to retroactively authorize a reduction of the setback from the natural boundary of the sea for legalization of a single family dwelling and deck.

The existing single family dwelling and deck are not consistent with the setback regulations in the Gambier Island Land Use Bylaw No.86, 2004 (LUB). The applicant has provided a survey plan prepared by a professional B.C. land surveyor and it confirms that a portion of the deck structure extends beyond the property boundaries and into the foreshore. Structures within the foreshore require Crown foreshore tenure approval from the Province and in this case, a rezoning with Islands Trust as the Marine General (W1) zone does not permit deck structures.

Staff are recommending that a portion of the request be approved as follows:

- That a variance be granted with regards to setback from the natural boundary of the sea, allowing a 10.10m setback for the single family dwelling on the site;

Staff recommends approval of the variance for the single family dwelling only and recommends refusal of variance for the existing deck.

APPLICANT RATIONALE FOR VARIANCE

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

- Applicant submits they built the cabin on the largest available flat area on the property, close to the water. They misunderstood bylaw setback regulations. Locating the dwelling farther from the natural boundary was not possible; as it would have required excavating into rock.
- Applicant submits the deck structure was already constructed when they purchased the property and they did not check for permits.

BACKGROUND

The application is proceeding as a result of Bylaw Enforcement file GM-BE-2019.4 for the unlawful siting of a single family dwelling and deck already constructed. The date of construction for the deck is unknown, but according to the applicant, was existing when the property was purchased in 2016. The date of construction for the dwelling is between 2017-2019. There are no building permits for the dwelling or the deck under Sunshine Coast Regional District (SCRD) records.

The 1.99 hectare (4.93 acre) subject property is located on the southeastern portion of Gambier Island, with access by boat only. The lot is split by a road, and the dwelling was constructed on the waterfront portion of the lot. This waterfront portion of the lot is on the west side of the road is approximately .729 hectare (1.801 acres). The property slopes significantly toward the water and contains rocky outcrops and areas with tree and scrub cover.

The DVP application proposes to reduce the setback from the natural boundary of the sea to permit the following existing single family building and/or deck structure within the setback area:

- Approx. 66m² single family dwelling; and
- Deck.

Staff have not visited the subject property, but have attached site photos from Bylaw Enforcement files from 2019. Staff requested that the applicant submit more recent photos; however, none have been submitted at the time of writing this report. Site survey and photos are found in Attachments 2 and 5. Copies of the Notices and draft permit GM-DVP-2023.4 are found in Attachments 4 and 6.

Staff have not received letters of support or opposition at this time.

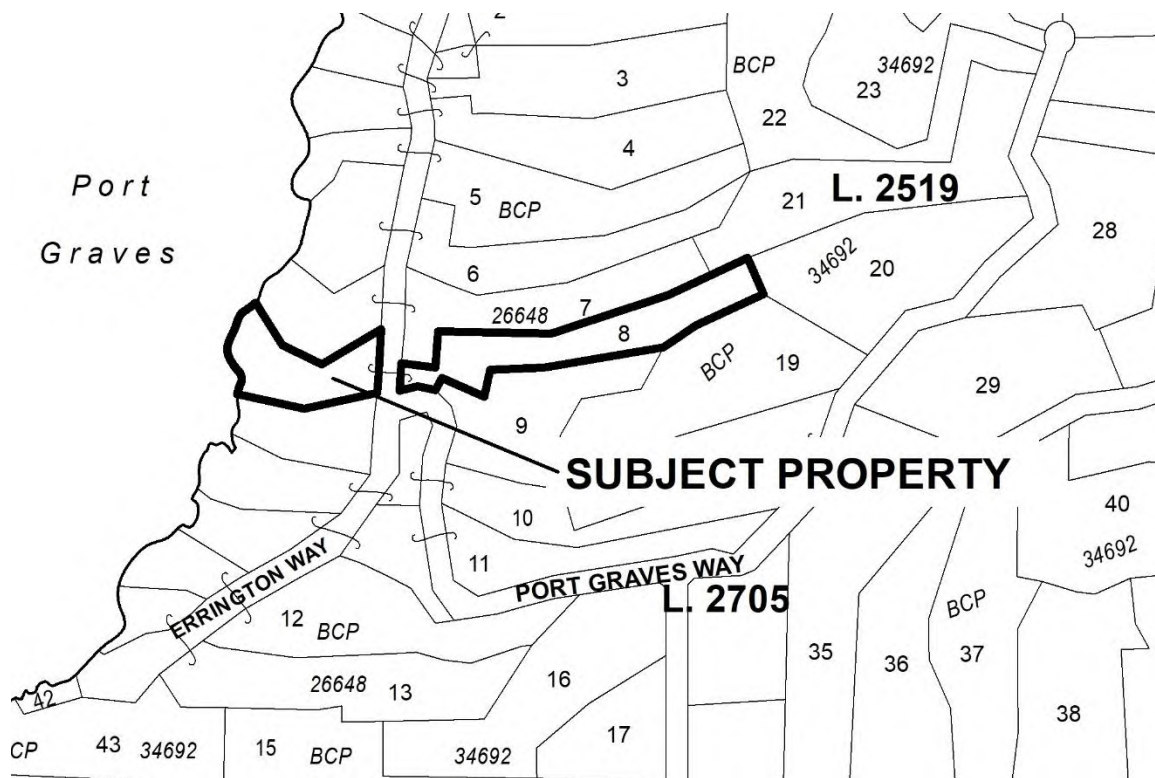


Figure 1. Subject property map.

ANALYSIS

Policy/Regulatory

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

Official Community Plan:

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

The existing deck is at variance with four policies in the OCP:

3.1 Criteria for determining land and foreshore use:

- v) the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses;

viii) land disturbance, site clearing, or road building that is detrimental to the use or enjoyment of properties or to the environment should be kept to a minimum in any land development;

3.7 General Land Use Policies

The zoning regulations should establish setbacks for buildings and structures, in accordance with good planning practices, from:

iii. the sea...to maintain a view of the coastline that is rural in character and relatively pristine in appearance.

7.41 Marine and Foreshore Areas

Natural coastal processes should be left undisturbed to the maximum extent possible.

Land Use Bylaw:

The subject property is zoned **Settlement Residential (SR)** in the Gambier Island Land Use Bylaw No. 86, 2004 (LUB). Single family residential is a permitted use in that zone. Required setbacks are: 7.5 metres from any front or rear lot line; 3 metres from any interior side lot line; and 4.5 metres from any exterior side lot line.

In addition, as stated in Part 3: General Regulations for this Bylaw:

3.3 Siting and Setback Regulations

(1) No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.

And further:

3.4. Siting and Setback Exemptions

(6) Boat houses, stairs, or walkways required for access to the foreshore or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea.

The maximum height for a principal building including a dwelling unit is 10 metres.

Existing Dwelling:

The existing dwelling does not comply with the Section 3.3(1), the siting and setback regulation for buildings and structures from the natural boundary of the sea. The existing dwelling is sited within 10.10 metres of the natural boundary of the sea where 15 metres is required.

Existing Deck:

The existing deck is sited within 0 metres of the natural boundary of the sea where 15 metres is required. Additionally, a portion of the deck structure extends beyond the property boundary and into the foreshore area. The foreshore area is zoned Marine General (W1) and decks are not permitted in that zone.

Development Permit Area:

The proposed development is exempt from the requirement for a development permit as per Section 9.3(3) of the LUB. *The following activities are exempt from any requirement for a development permit in Development Permit Area No. 3:*

- a. development taking place outside of the areas described below in 9.3(3)(a)(i) through 9.3(3)(a)(iv):*
 - i. For a watercourse that is not located in a ravine, a 30 metre strip on both sides of the watercourse measured from the high water mark;*
 - ii. For a watercourse located within a ravine that is less than 60 metres wide, a strip on both sides of the watercourse measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;*
 - iii. For a watercourse located within a ravine that is 60 metres wide or greater, a strip on both sides of the watercourse measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;*
 - iv. For a wetland, the area within 30 metres of the high water mark of the wetland;*

Covenants

There are covenants and easements registered on the subject property.

Covenant No. BA328502: This covenant includes a schedule with a geotechnical study dated May 15, 2006, recommending a bedrock bench on the lower portion of Lot 8 as a building site. The covenant and geotechnical study are provided in Attachment 7.

Covenant BA328505: This covenant includes a schedule with a geotechnical study dated May 14, 2006, recommending building setbacks from the natural boundary of the sea. The study recommends a 7.5-meter setback for Lot 8 (the subject property). The covenant and geotechnical study pertaining to Lot 8 (the subject property) is also included in Attachment 8.

The subject property was created as part of a subdivision in 2007. It appears that the subdivision did not require building sites to meet LUB setback requirements. It would be difficult to achieve the waterfront setback due to the subject property's topography and shape.

Upon review of the subdivision file, each proposed parcel was required to identify a suitable building site, but not at 15 metres from the natural boundary of the sea. A geotechnical study conducted in 2006, as a requirement for subdivision, recommended a minimum setback of 7.5 metres from a geotechnical engineering perspective due to site constraints. The geotechnical studies were registered on title as covenants.

Issues and Opportunities

Existing Deck

There are several policies that do not support the existence of structures within the foreshore that may impede natural features and processes. At this time, it is unclear to staff whether the existing deck impedes natural features and/or disrupts natural coastal processes. The LTC may request that the applicant submit an assessment

report by a qualified coastal engineer to determine whether the existing deck disrupts the integrity of the foreshore and natural coastal processes.

The application seeks to legalize the entire deck structure; however, applications can only include the existing parts of the shoreline structure located within the property boundaries, upland from the natural boundary of the sea. Any parts of the structure beyond the natural boundary require Crown foreshore tenure approval from the Province and a rezoning with Islands Trust.

Staff note that authorization by the Province in the form of a Crown tenure or permission are required for structures that extend beyond the current natural boundary. At the time of this report, Front Counter BC does not identify an active Crown tenure or permission, or application, for the existing deck. In addition to the provincial permissions, the applicant would be required to rezone the portion of the deck that extends into the foreshore.

Single Family Dwelling

As noted above, the subject property was created as part of a subdivision in 2007 and was not required to identify building sites that met LUB setback requirements. The subject property is steep beyond the 15 metres setback area and moving the dwelling to site it outside the required setback is not practical.

It does not appear that the proposed variance will negatively impact surrounding properties. The single family dwelling unit is in keeping with the size, form, and character of surrounding dwelling units on Gambier Island.

Consultation

In accordance with Section 499 of the *Local Government Act* (LGA) and Section 8 of the Gambier Island Development Procedures Bylaw No. 50, notification of this DVP application (Attachment 6) was distributed to neighbouring property owners and tenants within 100 metres. No correspondence was received prior to distribution of the Notice or at the time of preparing this report, but may be received before or during the LTC meeting on July 30, 2024. All correspondence received on or before the LTC meeting will form part of the public record and will be presented to the LTC as part of the application file materials. Correspondence may be sent to northinfo@islandstrust.bc.ca.

First Nations

The structures under application are not in close proximity to a documented archeological site, as indicated by the provincial Remote Access to Archaeological Data (RAAD) system. At the time the application file was opened, the Applicant was provided with information on the Islands Trust Cultural Protocol and BC provincial Chance Find Procedures that contain information about what actions must be undertaken if previously unrecorded archaeological material is encountered during development. In such a case, all work must cease and the provincial Archaeology Branch contacted immediately. A *Heritage Conservation Act* permit may be required before further development is undertaken.

Rationale for Recommendation

Variance Request for Setback of Existing Single Family Dwelling

The existing single family dwelling does not appear to be contrary to the overall intent of any of the OCP policies, staff is recommending approval of the variance request for the siting of the existing house.

Variance Request for Setback of Existing Deck

The large deck is not sited entirely on the subject property and would require additional approvals from the Province. Variances cannot be granted to uses that are not permitted. OCP policies are in place to protect environmentally sensitive ecosystems or areas through land use regulation, and identify setbacks for buildings and structures as a means to discourage development in these areas.

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

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

That the Gambier Island Local Trust Committee deny application GM-DVP-2023.4 for the following reasons [insert reasons, e.g. the proposed variance to permit a seawall within the setback to the natural boundary of the sea is contrary to Official Community Plan marine foreshore protection objectives].

Submitted By:	Marlis McCargar, Island Planner	June 24, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 26, 2024

ATTACHMENTS

- 1. Site Context
- 2. Site Survey
- 3. Applicant Rationale Letter
- 4. Draft DVP
- 5. Site Photographs
- 6. Statutory Public Notice
- 7. Covenant No. BA328502
- 8. Covenant No. BA328505

ATTACHMENT #1 – SITE CONTEXT

LOCATION

Legal Description	LOT 8 DISTRICT LOT 2519 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP26648
PID	026-869-888
Civic Address	n/a

LAND USE

Current Land Use	Residential
Surrounding Land Use	West: Oceanfront shoreline North, South, and West: Residential / vacant land 

HISTORICAL ACTIVITY

File No.	Purpose
GM-SUB-2005.1	File closed. Applicant withdrew.
GM-RZ-2006.1	Rezoned a portion of parent lot from SR to S2.
GM-SUB-2006.3	Subdivision to create 27 parcels
GM-DVP-2010.3	Variance on setback from the sea to permit siting of a single family dwelling. DVP denied.

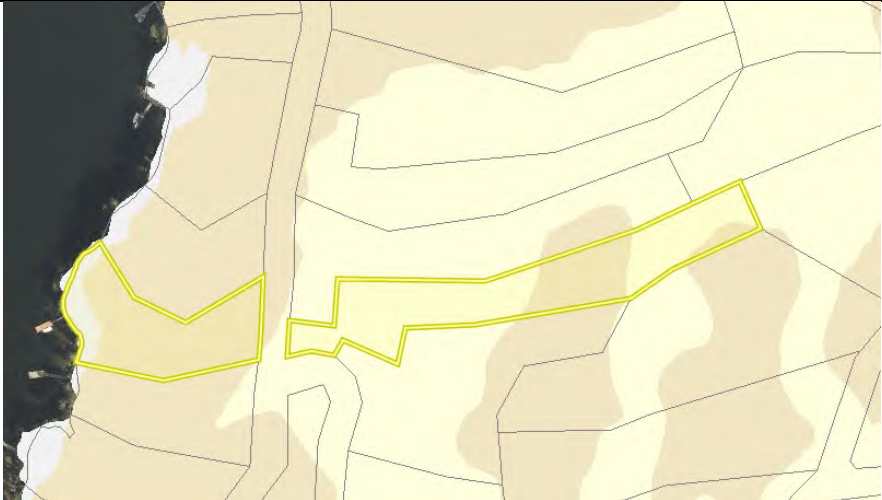
POLICY/REGULATORY

Official Community Plan Designations	Settlement Residential (SR) DPA 3
Land Use Bylaw	3.3 Siting and Setback Regulations 3.3(1) No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.

	3.4 Siting and Setback Exceptions 3.4(6) Boat houses, stairs, or walkways required for access to the foreshore or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea. 5.1 Settlement Residential (SR) 5.1 (9) Siting and Size The minimum setback for any building or structure: a) 7.5 metres from any front or rear lot line; b) 3 metres from any interior side lot line; c) 4.5 metres from any exterior side lot line
Other Regulations	Provincial interests in the foreshore: Structures sited below the natural boundary (in the foreshore) require provincial authorization for structures on Crown land. <i>“To erect protective works beyond the present natural boundary needs the consent of the Crown.”</i>
Covenants	BA328459 – Easement BA328467 – Easement BA328495 – Vancouver Coastal Health Authority Covenant BA328500 – 219 Covenant with GM LTC prohibiting further subdivision BA328502 – Covenant with Province BA328505 – Covenant with Province BA328507 – Building Scheme
Bylaw Enforcement	GM-BE-2019.4 - structures within the setback from the natural boundary of the sea

SITE INFLUENCES

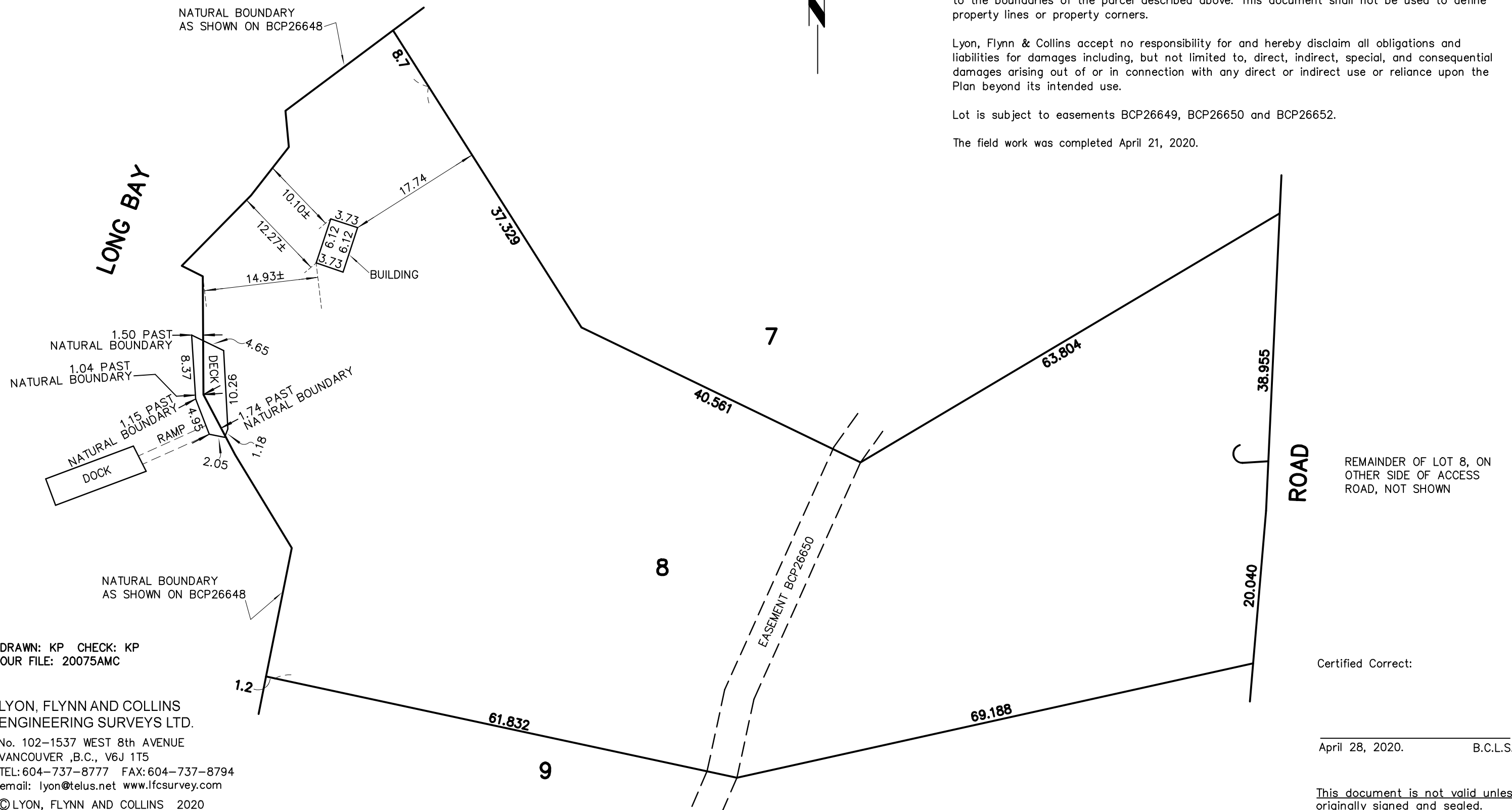
Islands Conservancy	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant.
Species at Risk	No Species at Risk data identified.
Sensitive Ecosystems	Mature forest and young forest ecosystem

	 Legend: - Agriculture - Cliffs - Developed - Herbaceous - Lacustrine - Littoral - Mature Forest - Old Growth Forest - Riparian - Rural - Wetland - Woodland - Young Forest
Hazard Areas	None identified.
Archaeological Sites	Upon review of the Remote Access to Archaeological Data (RAAD) information, the subject property is not within 100 metres of a known archaeological site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	In consideration of the existing development's close proximity to the natural boundary of the sea, there is strong likelihood of ongoing impacts by sea level rise or other climate change induced hazards (i.e., storm surges).
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	None mapped.

SCALE 1:500 ALL DIMENSIONS IN METRES

A horizontal scale bar with alternating black and white segments. It is marked with '0' at the left end, '15' at the midpoint, and '30' at the right end.

The field work was completed April 21, 2020.



Application for variance

This is my application for a variance for a building and a deck on Gambier Island, Sunset Estates, Lot #8.

Purpose of application:

I would like to apply to be able to keep the structures as constructed on our lot.

1. CABIN

I bought the lot in December 2016, and have since built a 3.0 x 6.0 meter cabin as a vacation house for my family. We built this structure on the largest available flat area on the lot close to the water, and as close as possible to the beginning of the vertical cliff behind the building. We thought we were following the bylaw regulations, based on a survey obtained by the previous owners. The consequence is that the south-west face of the building is located 10.10 meters from the natural boundary, violating the bylaw 3.3.

In building this structure, we were very careful not to disturb the ecosystem of that area. No excavating or pouring of concrete walls or base were done. Building farther from the natural boundary was not possible; this would have required excavating into the rock.

Our initial plan was to build a 2.4 x 3.0 feet cabin, which could would been farther to the natural boundary. However, as our family grew to one and then two children, we realized we needed more space to accommodate them.

The house is all wood, to blend into nature.

2. DECK

This structure was already on the lot when we bought it. We did not check if a permit has been issued for this structure. It is installed against the vertical cliff, with the minimum width required to be usable. It is close to the dock for mooring boats. It is encroaching into the natural boundary by maximum 1.74 meter.

We would like to keep this existing structure: it is far from neighbours, and safe for children to play close to the water.

PROPOSED



Islands Trust

GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.4

TO: Emilie Joos

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

HEA PID: 026-869-888

LOT 8 DISTRICT LOT 2519 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP26648

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

1. PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection 3.3(1) “No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.”; is varied:

- To reduce the setback for the existing dwelling from 15 metres to 10.10 metres.

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

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

Deputy Secretary, Islands Trust

XX, XX, 202X

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF XX, 202X, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A" – Site Survey



ATTACHMENT #05 – SITE PHOTOS, JULY 2019



Photo 1: View from water.



Photo 2: View from water.

NOTICE
GM-DVP-2023.4
GAMBIER ISLAND LOCAL TRUST COMMITTEE

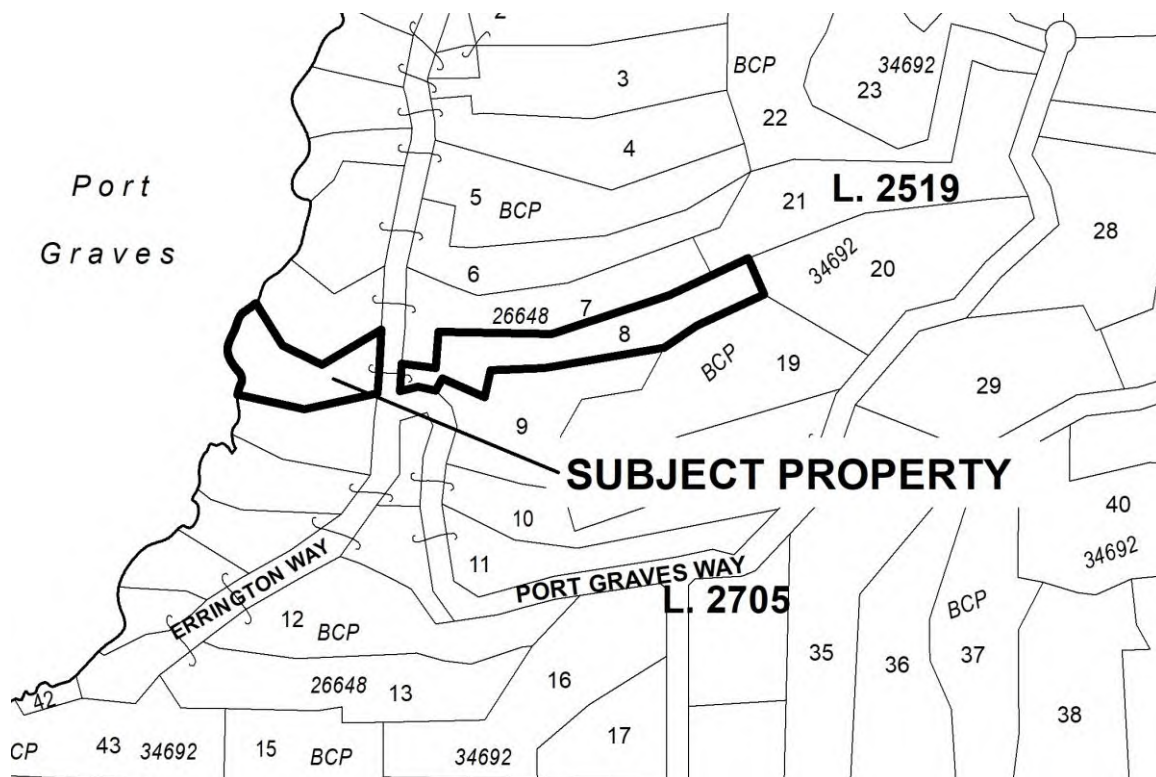
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gambier Island Land Use Bylaw No. 86, 2004 by:

- Reducing the minimum setback to the natural boundary of the sea from 15 metres to 10.10 metres to allow siting of an existing dwelling.

The property is legally described as:

LOT 8 DISTRICT LOT 2519 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP26648
(PID 026-869-888)

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **July 16, 2024** and continuing up to and including **July 29, 2024** and is also available on the Islands Trust website here: <https://islandstrust.bc.ca/island-planning/gambier/current-applications/>

Enquiries or comments should be directed to Marlis McCargar, Island Planner at (250) 247-2210, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **July 29, 2024**.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **11:00 am, July 30, 2024, in-person at Gambier Community Centre, 721 Andy's Bay Road, Gambier Island.**

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

PROPOSED



Islands Trust

GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.4

TO: Emilie Joos

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

HEA PID: 026-869-888

LOT 8 DISTRICT LOT 2519 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP26648

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

1. PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection 3.3(1) “No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.”; is varied:

- To reduce the setback for the existing dwelling from 15 metres to 10.10 metres.

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

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

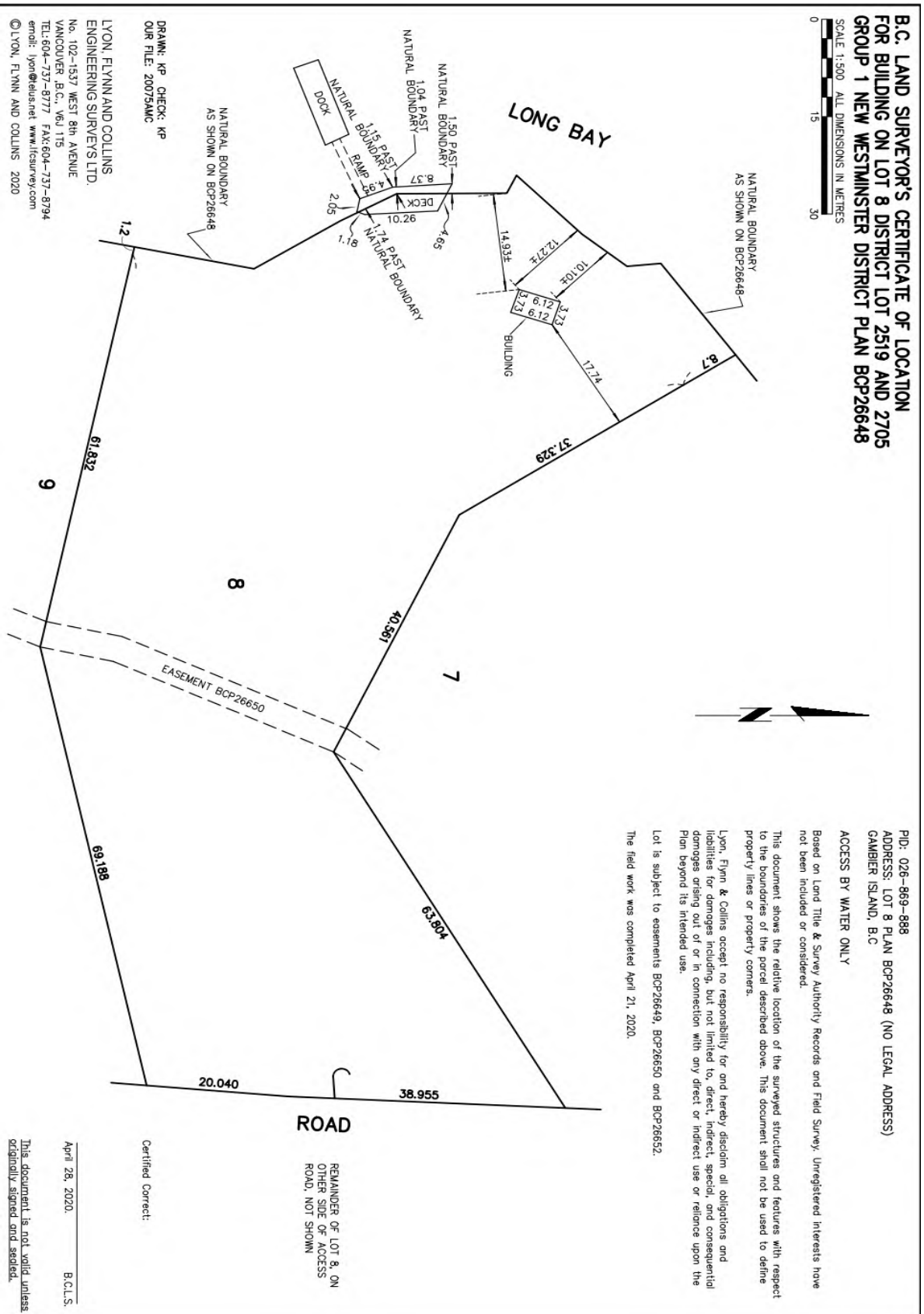
Deputy Secretary, Islands Trust

XX, XX, 202X

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF XX, 202X,
THIS PERMIT AUTOMATICALLY LAPSES.**

PROPOSED

Schedule "A" – Site Survey



BA328502

19 OCT 2006 10 30

BA328503

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 15 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
John A. Davis Law Corporation, Barrister and Solicitor
182 Memorial Avenue, Box 306
Parksville, B.C. V9P 2G5
Telephone: (250) 248-4148
S. Clark

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

SEE SCHEDULE

20 06/10/19 10:34:25 03 LM 738344
CHARGE \$65.20

3. NATURE OF INTEREST: DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Section 219 Covenant Priority Agreement over Mortgage/Assign of Rents No. BW520867/BW520868 & Mortgage/Assign. of Rents BW520869 and BW520870	Entire Document Page 7	Transferee Transferee

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

- (a) Filed Standard Charge Terms () D.F. No.
(b) Express Charge Terms (X) Annexed as Part 2
(c) Release () There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):

as to 25/100 Int as to 75/100 Int 1.
WATEEN DEVELOPMENTS LTD. (Inc. No. BC0707609) and HOPE POINT INVESTMENTS INC.
(Inc. No. BC0707479), and HOPE POINT MORTGAGE CO. INC. and VENTURELAND
MANAGEMENT LTD. and CHRISTOPHER WATERS

6. TRANSFEREE(S): (including postal address(es) and postal code(s)*)

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA, as represented by the Minister of Transportation, having its offices at Parliament
Buildings, Victoria, British Columbia, V8V 1X5

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

20 06/10/19 10:31:14 03 LM 738340
CHARGE \$65.20

DYE & DURHAM CLIENT No. 11061
SURVEY DEPT.

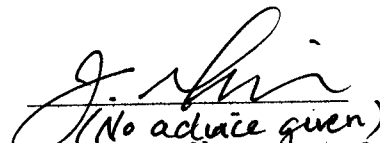
8. EXECUTION(S): This instrument creates, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

OFFICER SIGNATURE(S)

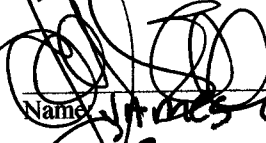
EXECUTION DATE

PARTY(IES) SIGNATURE(S)

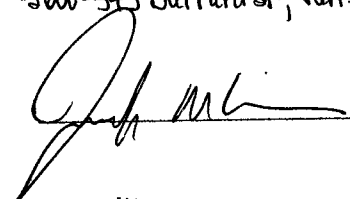
Y M D

 06 09 22
 (No advice given)
 Jeffrey Merrick, Solicitor
 #2600-595 Burrard St., Van., BC V7X 1L3

WATEEN DEVELOPMENTS LTD.
 by its authorized signatory(ies):


 Name: JAMES GREEN

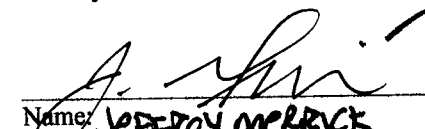
 Name: CHRISTOPHER WATERS

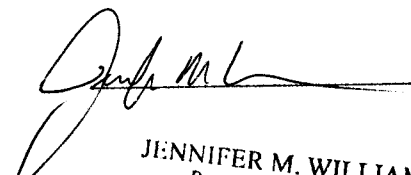
 06 09 22
 JENNIFER M. WILLIAMS
 Barrister & Solicitor
 BLAKE, CASSELS & GRAYDON LLP
 Suite 2600, Three Bentall Centre
 595 Burrard St., P.O. Box 49314
 Vancouver, B.C. V7X 1L3
 (604) 631-3367

HOPE POINT INVESTMENTS INC.
 by its authorized signatory(ies):

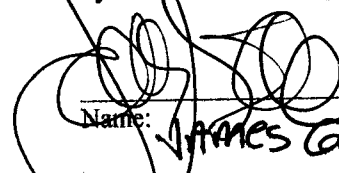

 Name: JEFFREY MERRICK
 Name:

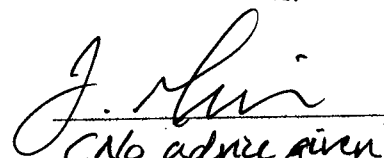
HOPE POINT MORTGAGE CO.
 INC. by its authorized signatory(ies):


 Name: JEFFREY MERRICK
 Name:

 06 09 22
 JENNIFER M. WILLIAMS
 Barrister & Solicitor
 BLAKE, CASSELS & GRAYDON LLP
 Suite 2600, Three Bentall Centre
 595 Burrard St., P.O. Box 49314
 Vancouver, B.C. V7X 1L3
 (604) 631-3367

VENTURELAND MANAGEMENT LTD
 by its authorized signatory(ies):


 Name: JAMES GREEN
 Name:

 06 09 22
 (No advice given)
 Jeffrey Merrick, Solicitor
 #2600-595 Burrard St.
 Van BC V7X 1L3

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take Affidavits for use in British Columbia and certifies the matters set out in Part 5 of the land Title Act as they pertain to the execution of this instrument

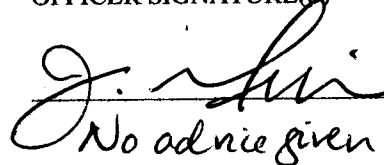
* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

LAND TITLE ACT**FORM D****Executions continued**

OFFICER SIGNATURE(S)

EXECUTION DATE

PARTY(IES) SIGNATURE(S)

 06 09 22
No advice given


CHRISTOPHER WATERS

JEFFREY MERRICK
Barrister & Solicitor
BLAKE, CASSELS & GRAYDON LLP
Suite 2600, Three Bentall Centre
595 Burrard St., P.O. Box 49314
Vancouver, B.C. V7X 1L3
(604) 631-3386

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take Affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *land Title Act* as they pertain to the execution of this instrument

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

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**LAND TITLE ACT
FORM E****SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

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

(PID)

(LEGAL DESCRIPTION)

_____	Lot 1, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 2, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 3, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 4, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 5, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 6, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 7, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 8, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 9, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 10, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 11, District Lot 1654 and 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 12, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 13, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 14, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>

TERMS OF INSTRUMENT - PART 2

RESTRICTIVE COVENANT

DEFINITIONS:

- a. The "**Transferor**" means **WATEEN DEVELOPMENTS LTD.** and **HOPE POINT INVESTMENTS INC.**
- b. The "**Transferees**" mean the Transferees as set out in Item 6 on Page 1 (Form C) of the attached General Instrument - Part 1.
- c. The "**Lands**" mean the Lots as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

WHEREAS:

- A. The Transferor is the registered owner of the Lands.
- B. The Transferees have requested that the Transferor enter into a covenant over the Lands, pursuant to Section 219 of the *Land Title Act*, in the terms hereinafter set forth.
- C. Section 219 of the *Land Title Act* provides that there may be annexed to any land a condition or covenant that the land is to be used in a particular manner or that land is not to be subdivided except in accordance with the covenant.

WITNESS THAT, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Transferees to the Transferor (the receipt and sufficiency whereof is hereby acknowledged), the Transferor hereby agrees to grant a covenant over the Lands, pursuant to Section 219 of the *Land Title Act*, to the Transferees on the following terms:

- 1. The Transferors covenant and agree with the Transferees that no building or structure, or any part of a building or structure, including any fixed equipment, mobile home or modular home, shall be constructed, reconstructed, moved, extended or located on the Lands unless the Transferors comply with the recommendations set out in the report of C.N. Ryzuk & Associates Ltd. dated May 15, 2006, and attached as Schedule A hereto.
- 2. The Transferors will indemnify and save harmless the Transferees and their servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of this Agreement.
- 3. No term, condition, covenant, or other provision of this Agreement will be considered to have been waived by the Transferees unless the waiver is expressed in writing by the Transferees.

4. Any waiver by the Transferees of any term, condition, covenant, or other provision of this Agreement or any waiver by the Transferees of any breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant, or other provision of this Agreement or any further or other breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement.
5. The terms, conditions, covenants, and other provisions of this Agreement will extend to, be binding upon, and enure to the benefit of the parties to this Agreement and their respective successors and assigns.
6. In this Agreement, unless the context otherwise requires, the singular includes the plural and vice versa.
7. This Agreement will be interpreted according to the laws of the Province of British Columbia.
8. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of like effect and all enactments referred to are enactments of the Province of British Columbia.
9. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
10. All obligations on and benefits accruing to the persons comprised in the Transferees or the Transferors apply only in respect of such benefits or obligations which arise during the period in which any such person is registered as owner of any portion of the Lands.
11. This Agreement runs with the Land and will be registered as a charge against the title to the Land under Section 219 of the *Land Title Act*.
12. Nothing contained or implied in this Agreement shall impair, limit, prejudice, or affect the Transferees' rights and powers in the exercise of their functions pursuant to any public or private statutes or any other enactment including the Transferees' bylaws, orders, policies, and regulations and all such powers and rights may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Transferors.
13. The Transferors will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.
14. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219(9) of the *Land Title Act*.
15. This is the Instrument creating the condition or covenant entered into under Section 219 of the *Land Title Act* by the registered owner referred to herein and shown on the print of plan BCP 2004



Approving Officer HOWARD HOUSTON
Ministry of Transportation

CONSENT

WHEREAS by an instrument registered in the Land Title Office at New Westminster, British Columbia, on the 15th day of November, 2004, under number BW520867 and BW520868, HOPE POINT MORTGAGE CO. INC. (the "Prior Chargee") was granted a Mortgage and Assignment of Rents (the "Prior Charge"), in respect of the Lands described in the attached Section 219 Covenant (the "Subsequent Charge").

AND WHEREAS the Prior Chargee consents to and agrees that the Subsequent Charge shall have priority over the Prior Charge.

THEREFORE in consideration of \$1.00 paid by the Transferee to the Prior Chargee (the receipt of which is hereby acknowledged) the Prior Chargee hereby approves of, joins in, consents to and grants to the Transferees (the "Subsequent Chargee") priority over the interest of the Prior Chargee in the Lands and postpones the right, title and interest of the Prior Chargee in the Lands to the Subsequent Chargee as if the Prior Charge had been registered immediately after the registration of the Subsequent Charge and notwithstanding the respective date and time of execution and registration of the charges or the respective dates of advancement of moneys under them.

IN WITNESS WHEREOF this Consent has been executed on one or more pages of the General Instrument.

CONSENT

WHEREAS by an instrument registered in the Land Title Office at New Westminster, British Columbia, on the 15th day of November, 2004, under number BW520869 and BW520870, VENTURELAND MANAGEMENT LTD. and CHRISTOPHER WATERS (the "Prior Chargee") was granted a Mortgage and Assignment of Rents (the "Prior Charge"), in respect of the Lands described in the attached Section 219 Covenant (the "Subsequent Charge").

AND WHEREAS the Prior Chargee consents to and agrees that the Subsequent Charge shall have priority over the Prior Charge.

THEREFORE in consideration of \$1.00 paid by the Transferee to the Prior Chargee to the Chargeholder (the receipt of which is hereby acknowledged) the Prior Chargee hereby approves of, joins in, consents to and grants to the Transferees (the "Subsequent Chargee") priority over the interest of the Prior Chargee in the Lands and postpones the right, title and interest of the Prior Chargee in the Lands to the Subsequent Chargee as if the Prior Charge had been registered immediately after the registration of the Subsequent Charge and notwithstanding the respective date and time of execution and registration of the charges or the respective dates of advancement of moneys under them.

IN WITNESS WHEREOF this Consent has been executed on one or more pages of the General Instrument.

SCHEDULE A 

8

C.N. RYZUK & ASSOCIATES LTD.
Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

May 15, 2006
File No: 8-4299-2Ventureland Management Ltd.
Suite 507 – 5525 West Boulevard
Vancouver, B.C.
V6M 3W6

Attention: Mr. J. Green

Dear Sir,

Re: Geotechnical Report for Proposed Long Bay Subdivision
Long Bay (Port Graves) – Gambier Island, B.C.
(Parts of District Lots 2519 and 2705, Gambier Island)

As requested, we have carried out a geotechnical assessment of the referenced site in order to identify safe building sites on 14 proposed subdivision lots. This assessment has been completed in support of a subdivision application to the Ministry of Transportation (MOT) for issuance of a Preliminary Layout Approval (PLA) for this bare-land subdivision. The following letter summarizes our observations and assessments as they pertain to this matter and is subject to the attached Statement of Terms of Engagement. We also carried out detailed assessments of the shoreline areas of selected lots, to prepare recommendations for setbacks from the natural boundary of the site; this is reported on separately.

Our assessment included a detailed field reconnaissance of the site carried out by foot and boat on September 27, 2005, with supplementary site assessments on March 28 and April 19, 2006. The field work was carried out by the writer accompanied by you and/or Mr. R. Gustavson of Re/Max Realty. We also examined planimetric and topographic site plans and environmental mapping provided by Ventureland Management Ltd., as well as geology maps.

The site is located on the east side of Long Bay (or Port Graves), in the southeastern part of Gambier Island about 10 km northwest of Horseshoe Bay, and lies within the Sunshine Coast Regional District (see dwg. 8-4299-2-1, Site Vicinity Plan). The overall property has a frontage of approximately 1150 m on Long Bay. It is approximately 810 m long on its eastern boundary, with a width increasing from about 815 m at the northern end to 1260 m at the southern end. It is bounded on the north, south and east by other large undeveloped parcels. It is proposed to divide this property into 14 2.01 ha lots, plus a large remainder area in the eastern part of the site and associated road allowances. Each lot would have a frontage on the shoreline as well as road

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C.N. RYZUK & ASSOCIATES LTD.

May 15, 2006

Ventureland Management Ltd.
Page 2

access to common dock and moorage facilities. At the time of our site visits, development of infrastructure including access roads, driveways, docks and wells was underway. The proposed layout of the subdivision is shown on the attached Location Plan, dwg. 8-4299-2-2.

The site is situated on a west-northwest-facing slope and ridge overlooking Long Bay and extending down to the shoreline. According to planimetric mapping provided by Ventureland and available government topographic mapping, elevations along the ridge crest range between about 240 m at the northern end of the property and 140 m near the southern end. Slopes are quite variable over this large site, and are discussed in more detail below in the context of the individual proposed lots or groups of lots. One main creek system, Masset Creek, crosses the southern portion of the part of the property to be subdivided, as shown on the location plan. As well, several tributaries of Fircom Creek located in the "remainder" area east of the ridge have been identified by the environmental consultant.

In this letter, the 14 proposed residential lots will be discussed in the following four groups: Lots 1 to 6, Lots 7 to 9, Lots 10 to 13, and Lot 14. Most of the lots have some relatively flat areas containing one or more safe building sites, as well as steeper areas where a rockfall or slope stability hazard may exist. In some cases, the preferred building site may lie within one of these steeper areas, but since the choice of building site will ultimately lie with the buyer of each lot, it was not considered justified at this stage in the development to precisely delineate all safe building sites on each lot. Similarly, as it is unlikely that any building would be proposed east of the main access road through the development, with the exception of Lot 14 which lies entirely to the south of this road, it was not considered justified to examine the eastern portion of the site during our field assessment. Accordingly, we have defined large Restricted Building Areas (RBA's) encompassing the steeper areas and the areas not examined, where residential construction should not be permitted without a more detailed geotechnical assessment. Safe building sites may exist within these RBA's, particularly if house foundations are supported on solid bedrock, and depending upon any rockfall hazard related to bluffs above, but this can only be assessed by more detailed inspection, if a proposed house site is desired in this area. The boundaries of the RBA's have been defined as straight lines between easily identifiable points such as existing roads and driveways, surveyed creek covenants, and major survey hubs, as well as a series of geotechnical reference points (survey ribbons) identified as points GEO1 to GEO22 on the Location Plan (note that not all numbers in this sequence were used).

It should be noted that the RBA's have been defined so as to include all areas of questionable stability not already eliminated as potential building sites due to other environmental or regulatory limitations. For example, steep areas along the shoreline or adjacent to creek systems have not been included within an RBA where they already lie entirely within the required setback from the natural boundary of the site along the shoreline or within a defined and surveyed creek covenant area. With regard to the setback from the shoreline, a distance of 15 m has been assumed. Where consideration is given to reduction of this setback, further site specific geotechnical assessment should be carried out.

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C.N. RYZUK & ASSOCIATES LTD.

May 15, 2006

Ventureland Management Ltd.
Page 3

Lots 1 to 6 are located at the northern end of the proposed development and are characterized by a gently to moderately sloping and rolling bench area of variable width directly west of the main road through the development and a steep (about 25 to 30 degrees overall) but irregular bedrock-controlled slope from the edge of the bench down to the shoreline. The bench area is considered stable and safe to build on, while the area to the west (along the shoreline) has been included in an RBA due to the steep slopes and a possible rockfall hazard. The upper boundary of this RBA is defined as a series of straight lines between geotechnical reference points, beginning along the road about midway between the northern and southern boundaries of Lot 1 and extending through points GEO22, GEO21, GEO19, GEO3, GEO4, GEO5, GEO6, GEO7, GEO8, GEO9, and back up to the road near the middle of Lot 6. The northern edge of Lot 1 and the southern part of Lot 6 are steep even at the road, and are included in the RBA. The portions of these lots east of the road were not examined and are part of a large RBA, although the wells and proposed septic sites are located there. Driveways on Lots 2 and 6 extend through the RBA to the shoreline to access dock facilities.

Lots 7 to 9 are located in the central part of the development, north of the mouth of Masset Creek. These lots are steep both near the shoreline and at the location of the main road, but there is a more gently sloping bench about 30 to 35 m wide located well below the road, where we consider that safe building sites are located. The upper limit of this area is defined by the driveway that accesses lots 7 to 11, and the lower limit is defined by a line connecting reference points GEO10, GEO 11 and GEO12, and RBA's are located above and below these lines (see Location Plan). The northern part of Lot 7 is part of the same steep slope that occupies the southern part of Lot 6, and accordingly the RBA extends right from the shoreline up to the road. As with Lots 1 to 6, the portions of Lots 7 to 9 east of the road were not examined and are part of a large RBA, although proposed septic sites are located there. The wells for these lots are located just below the road right-of-way.

There is an attractive potential building site on the lower part of Lot 8, beside Lot 7. The site consists of a bedrock bench, with a moderate bedrock slope above, which steepens further up the slope. Broken rock scattered on the ground near the back of the bench suggests that there is a potential rockfall hazard here, and accordingly the site is included within an RBA. However, it may be possible to mitigate this hazard by means such as stabilizing or scaling the slope above or provision of a protective berm or wall near the back of the building site to stop any rockfall debris from reaching the site.

Lots 10 to 13 lie south of the mouth of Masset Creek No. 2 and north of the common dock facilities where the main access road begins. Although portions of some of these lots are north of Masset Creek, the probable building sites all lie south of the creek and relatively close to the shoreline (subject to the required setback from the shoreline or natural boundary of the site as discussed above). The portion of Lot 10 located below the road and above the lower driveway is steep, and has all been included in an RBA or a creek covenant, as has the southern portion of Lot 11 between the road and the shoreline. The northern boundary of the RBA on Lot 11 is defined by geotechnical reference ribbons GEO 13 and GEO 14 and the point where the southern

C.N. RYZUK & ASSOCIATES LTD.

May 15, 2006

Ventureland Management Ltd.
Page 4

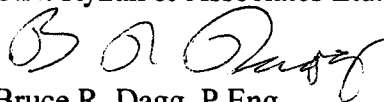
edge of the creek covenant meets the downslope edge of the road allowance. All of Lots 12 and 13 between the road and shoreline are considered safe building sites. As before, the portions of these lots located above (east of) the road, which include the wells and proposed septic field sites, were not examined during our field assessments and therefore have been included in an RBA.

Lot 14 lies entirely south of the main access road. Almost all of this lot is steep, and has been included in an RBA, with the exception of a small area on a bench directly east of the road allowance and south of Lot 13, which is accessed by a driveway beginning in Lot 11 and passing through Lots 12 and 13 (see Location Plan). The well and septic site are located well above the building site in the RBA.

Considering the above, it is judged that there is a probability of less than 10 percent in 50 years of a geological hazard adversely affecting residences constructed in the portions of the proposed subdivision lots lying outside the designated RBA's. Many other similar building sites may exist in the RBA's, however lot-specific geotechnical hazard assessments should be carried out for any construction proposed within these areas.

We hope that the preceding letter is suitable for your purposes at this time. If we can provide further information or clarification in this regard, please contact us. Thank you for the opportunity to have been of service to you.

Yours very truly,
C.N. Ryzuk & Associates Ltd.

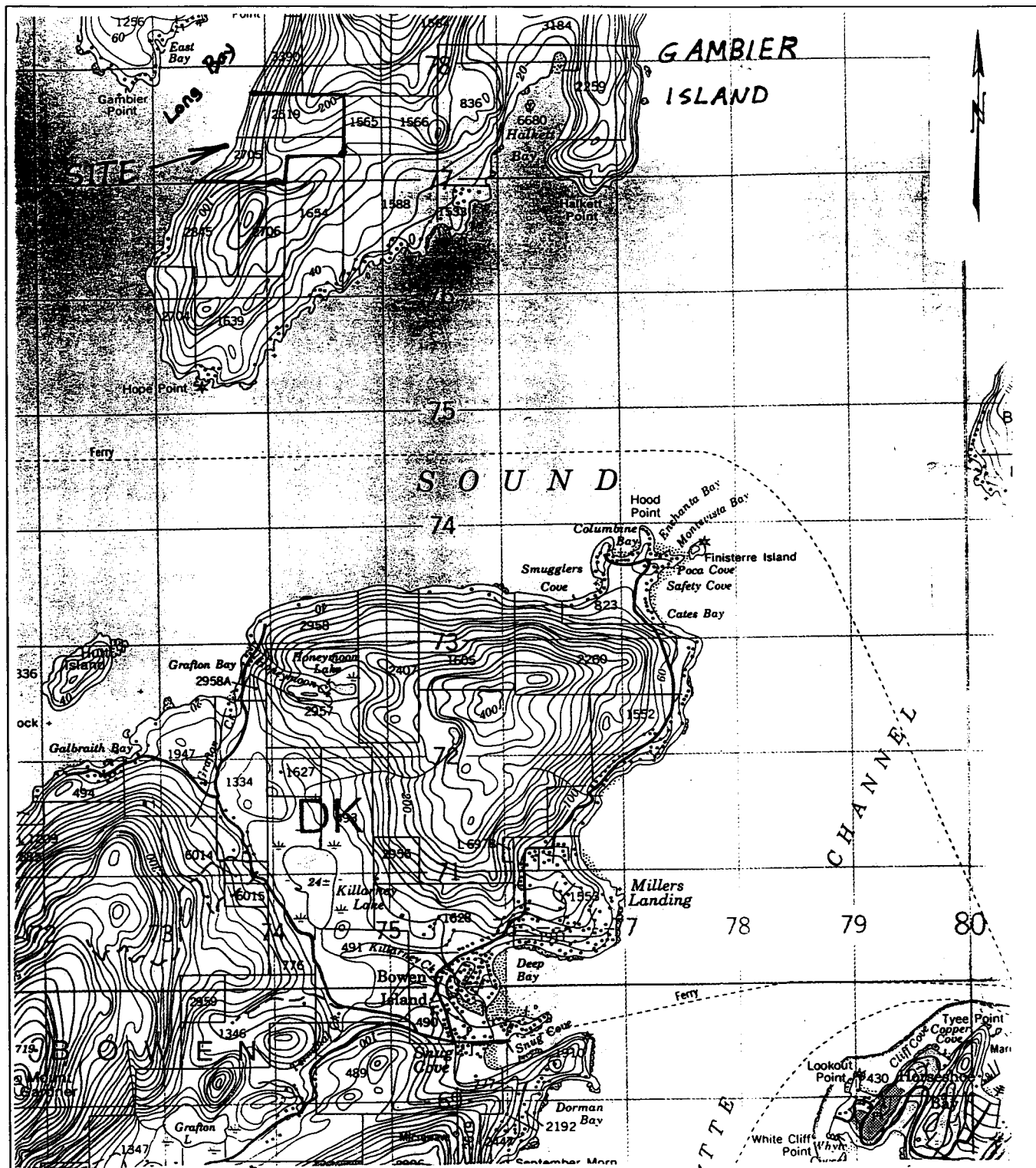

Bruce R. Dagg, P.Eng.
Geotechnical Engineer



Attachments

C:\Documents And Settings\Cnra\My Documents\Project Files\8-4000 To 8-4999\8-4299-2\8-4299-2.2006.05.15.Geotechlir.Brd.Doc

C.N. Ryzuk & Associates Ltd.



Ref.: Government of Canada N.T.S. Map 92G/6 (North Vancouver), 1983.
Contour Interval: 20 m.

	Ventureland Management Ltd.		DRAWN BRD
	SITE VICINITY PLAN		DATE May 2006
	Proposed Long Bay Subdivision		APPROVED
	Long Bay	Gambier Island, BC	SCALE 1: 50,000
	C.N. RYZUK & ASSOCIATES LTD.	Geotechnical Engineering	DRAWING No. 8-4299-2-1

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STATEMENT OF TERMS OF ENGAGEMENT

GENERAL

C.N. Ryzuk & Associates Ltd. (The Consultant) shall render the Services, as specified in the attached Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services.

COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution or contamination of soil or groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

- a) The failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
- b) The design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
- c) Any cross-contamination resulting from subsurface investigations;
- d) Any damage to subsurface structures and utilities which were identified and located by the Client;
- e) Any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
- f) Any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
- g) The unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client

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The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.

DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant revise and review these documents.

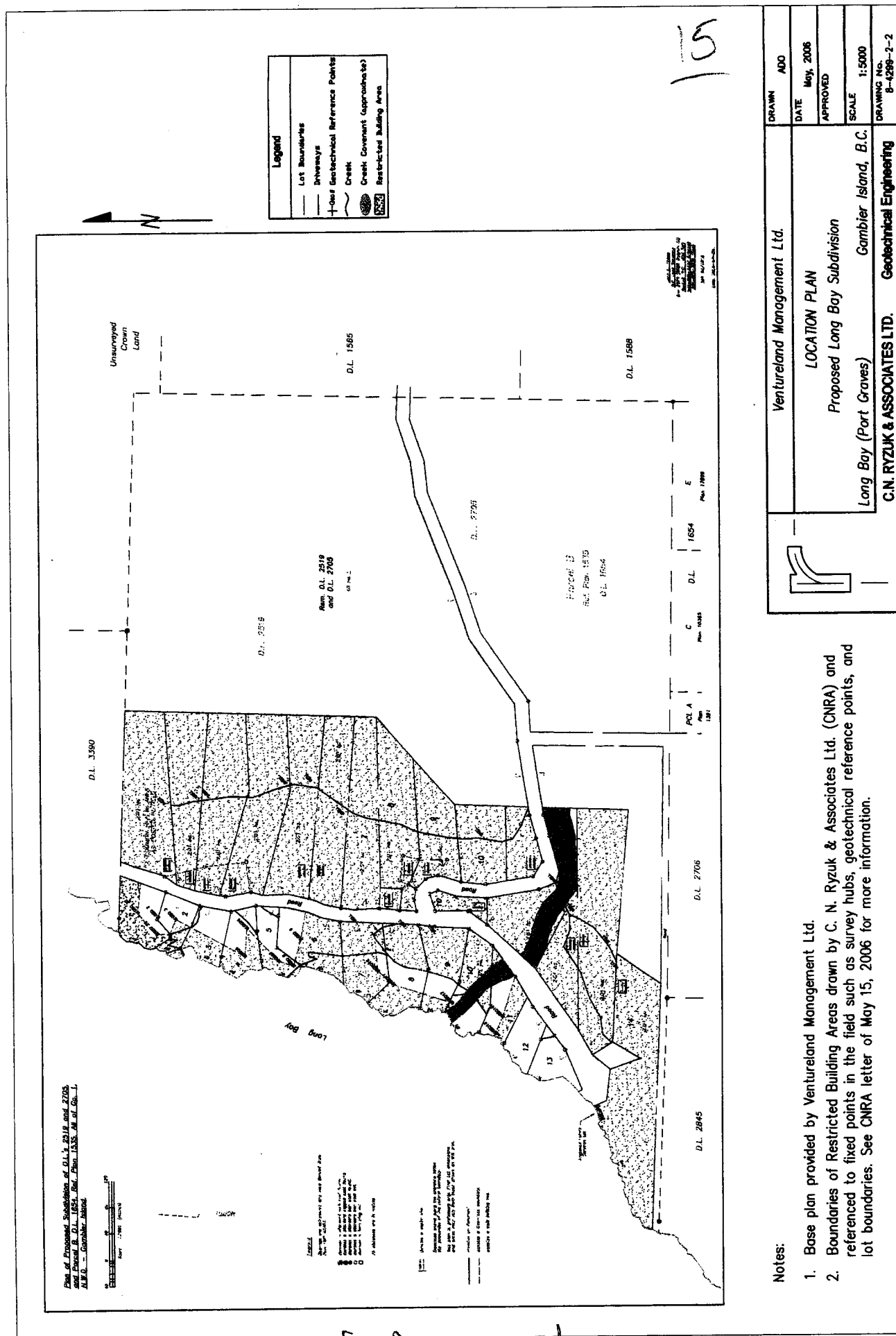
The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a misstatement or receipt of fraudulent information.

JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. IN this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.



BA328505

19 OCT 2006 10 31

BA328506

File # 4070

LAND TITLE ACT**FORM C**

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 10 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
John A. Davis Law Corporation, Barrister and Solicitor
182 Memorial Avenue, Box 306
Parksville, B.C. V9P 2G5
Telephone: (250) 248-4148

S. Clark

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

(PID)

(LEGAL DESCRIPTION)

SEE SCHEDULE

20 06/10/19 10:34:16 03 LM 738344
CHARGE \$65.20

3. NATURE OF INTEREST:
DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

Section 219 Covenant
Priority Agreement over
Mortgage/Assign of Rents
No. BW520867/BW520868
& Mortgage/Assign. of Rents
BW520869 and BW520870

Entire Document

Transferee

Page 7 & 8

Transferee

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

- (a) Filed Standard Charge Terms () D.F. No.
(b) Express Charge Terms (X) Annexed as Part 2
(c) Release () There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

20 06/10/19 10:31:48 03 LM 738340
CHARGE \$65.20

5. TRANSFEROR(S):

as to 25/100 Int.

as to 75/100 Int.

WATEEN DEVELOPMENTS LTD. (Inc. No. BC0707609) and **HOPE POINT INVESTMENTS INC.**
(Inc. No. BC0707479), and **HOPE POINT MORTGAGE CO. INC.** and **VENTURELAND**
MANAGEMENT LTD. and **CHRISTOPHER WATERS**

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

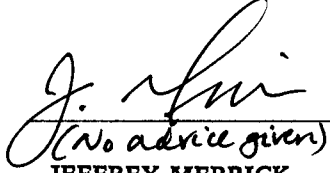
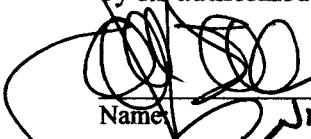
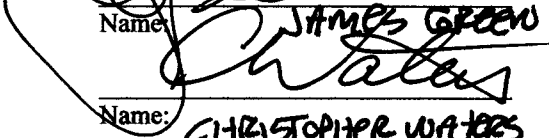
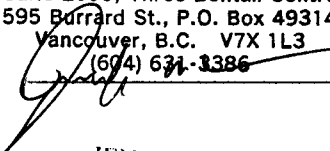
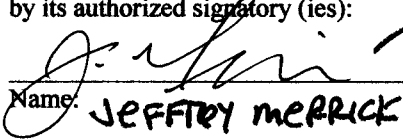
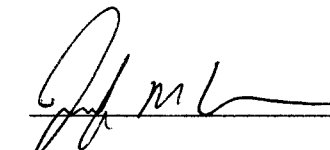
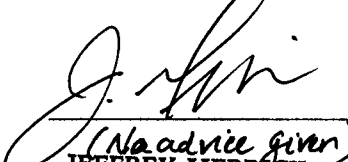
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA, as represented by the Minister of Transportation, having its offices at Parliament
Buildings, Victoria, British Columbia, V8V 1X5

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

7E & DURHAM CLIENT No. 11061
SURVEY DEPT.

8. **EXECUTION(S):** This instrument creates, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

OFFICER SIGNATURE(S)	EXECUTION DATE	PARTY(IES) SIGNATURE(S)
	Y M D	
 (No advice given) JEFFREY MERRICK <i>Barrister & Solicitor</i> BLAKE, CASSELS & GRAYDON LLP Suite 2600, Three Bentall Centre 595 Burrard St., P.O. Box 49314 Vancouver, B.C. V7X 1L3 (604) 631-3386	06 09 06	WATEEN DEVELOPMENTS LTD. by its authorized signatory(ies):  Name: JAMES GREEN  Name: CHRISTOPHER WATERS
 JENNIFER M. WILLIAMS <i>Barrister & Solicitor</i> BLAKE, CASSELS & GRAYDON LLP Suite 2600, Three Bentall Centre 595 Burrard St., P.O. Box 49314 Vancouver, B.C. V7X 1L3 (604) 631-3367	06 09 06	HOPE POINT INVESTMENTS INC. by its authorized signatory (ies):  Name: JEFFREY MERRICK Name:
 JENNIFER M. WILLIAMS <i>Barrister & Solicitor</i> BLAKE, CASSELS & GRAYDON LLP Suite 2600, Three Bentall Centre 595 Burrard St., P.O. Box 49314 Vancouver, B.C. V7X 1L3 (604) 631-3367	06 09 06	HOPE POINT MORTGAGE CO. INC. by its authorized signatory(ies):  Name: JEFFREY MERRICK Name:
 (No advice given) JEFFREY MERRICK <i>Barrister & Solicitor</i> BLAKE, CASSELS & GRAYDON LLP Suite 2600, Three Bentall Centre 595 Burrard St., P.O. Box 49314 Vancouver, B.C. V7X 1L3 (604) 631-3386	06 09 06	VENTURELAND MANAGEMENT LTD. by its authorized signatory(ies):  Name: JAMES GREEN Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take Affidavits for use in British Columbia and certifies the matters set out in Part 5 of the land Title Act as they pertain to the execution of this instrument

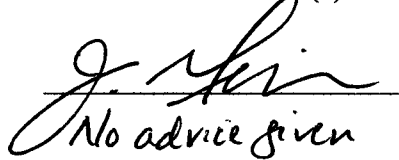
* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

LAND TITLE ACT**FORM D****Executions continued**

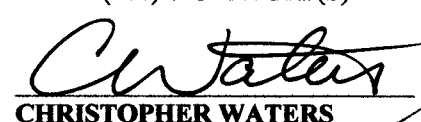
OFFICER SIGNATURE(S)

EXECUTION DATE

PARTY(IES) SIGNATURE(S)


No advice given

06 09 06


CHRISTOPHER WATERS

JEFFREY MERRICK
Barrister & Solicitor
BLAKE, CASSELS & GRAYDON LLP
Suite 2600, Three Bentall Centre
595 Burrard St., P.O. Box 49314
Vancouver, B.C. V7X 1L3
(604) 631-3386

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take Affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *land Title Act* as they pertain to the execution of this instrument

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

4

**LAND TITLE ACT
FORM E****SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

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

_____	Lot 1, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 2, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 3, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 4, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 5, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 6, District Lot 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 7, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 8, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 9, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 10, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 11, District Lot 1654 and 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 12, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 13, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>
_____	Lot 14, District Lot 2705, Group 1, New Westminster District, Plan BCP <u>26648</u>

TERMS OF INSTRUMENT - PART 2

RESTRICTIVE COVENANT

DEFINITIONS:

- a. The "**Transferor**" means **WATEEN DEVELOPMENTS LTD.** and **HOPE POINT INVESTMENTS INC.**
- b. The "**Transferees**" mean the Transferees as set out in Item 6 on Page 1 (Form C) of the attached General Instrument - Part 1.
- c. The "**Lands**" mean the Lots as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

WHEREAS:

- A. The Transferees have informed the Transferor that the Lands are environmentally sensitive and may be subject to periodic flooding, but nevertheless the Transferor desires to place, construct and/or occupy and use buildings upon the Lands.
- B. The Transferees have requested that the Transferor enter into a covenant over the Lands, pursuant to Section 219 of the *Land Title Act*, in the terms hereinafter set forth.
- C. Section 219 of the *Land Title Act* provides that there may be annexed to any land a condition or covenant that the land or any specified portion thereof, is not to be built upon or is not to be used in a particular manner.

WITNESS THAT, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Transferees to the Transferor (the receipt and sufficiency whereof is hereby acknowledged), the Transferor hereby agrees to grant a covenant over the Lands, pursuant to Section 219 of the *Land Title Act*, to the Transferees on the following terms:

1. (a) With respect to Lots 1 through 14 ("lots"):
 - (i) Hereafter, no building shall be constructed, or mobile home located, on any lot within the distance from the natural boundary of the sea identified for that lot in the Geotechnical Report prepared by C.N. Ryzuk & Associates Ltd., dated May 14, 2006, a copy of which is attached as Schedule A hereto.
 - (ii) Hereafter, no area used for habitation, business or storage of goods damageable by flood waters shall be located within any building at an elevation such that the underside of the floor system thereof is less than one point five (1.5) meters above the natural boundary of the sea.

- (b) The required elevation may be achieved by structural elevation of the said habitable, business, or storage area, or by adequately compacted landfill on which any building is going to be constructed, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwaters. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in Condition 1(a) above. The face of the landfill slope shall be adequately protected against erosion from flood flows.
2. The Transferor acknowledges that the Transferees do not represent to the Transferor or any other person that any building constructed or mobile home located in accordance with Condition 1 herein will not be damaged by flooding or erosion, and the Transferor covenants and agrees not to claim damages from the Transferees, or hold the Transferees responsible for damages caused by flooding or erosion to the land or to any building, improvement, or other structure built, constructed, or placed upon the Lands and to any contents thereof.
 3. The Transferor will indemnify and save harmless the Transferees and their servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of this Agreement.
 4. No term, condition, covenant, or other provision of this Agreement will be considered to have been waived by the Transferees unless the waiver is expressed in writing by the Transferees.
 5. Any waiver by the Transferees of any term, condition, covenant, or other provision of this Agreement or any waiver by the Transferees of any breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant, or other provision of this Agreement or any further or other breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement.
 6. The terms, conditions, covenants, and other provisions of this Agreement will extend to, be binding upon, and enure to the benefit of the parties to this Agreement and their respective successors and assigns.
 7. In this Agreement, unless the context otherwise requires, the singular includes the plural and vice versa.
 8. This Agreement will be interpreted according to the laws of the Province of British Columbia.
 9. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of like effect and all enactments referred to are enactments of the Province of British Columbia.
 10. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

11. All obligations on and benefits accruing to the persons comprised in the Transferees or the Transferor apply only in respect of such benefits or obligations which arise during the period in which any such person is registered as owner of any portion of the Lands.
12. This Agreement runs with the Lands and will be registered as a charge against the title to the Lands under Section 219 of the *Land Title Act*.
13. Nothing contained or implied in this Agreement shall impair, limit, prejudice, or affect the Transferees' rights and powers in the exercise of their functions pursuant to any public or private statutes or any other enactment including the Transferees' bylaws, orders, policies, and regulations and all such powers and rights may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Transferor.
14. The Transferor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.
15. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219(9) of the *Land Title Act*.
16. This is the Instrument creating the condition or covenant entered into under Section 219 of the *Land Title Act* by the registered owner referred to herein.


Howard Hunter
Approving Officer
Ministry of Transportation

CONSENT

WHEREAS by an instrument registered in the Land Title Office at New Westminster, British Columbia, on the 15th day of November, 2004, under number BW520867 and BW520868, HOPE POINT MORTGAGE CO. INC. (the "Prior Charge") was granted a Mortgage and Assignment of Rents (the "Prior Charge"), in respect of the Lands described in the attached Section 219 Covenant (the "Subsequent Charge").

AND WHEREAS the Prior Chargee consents to and agrees that the Subsequent Charge shall have priority over the Prior Charge.

THEREFORE in consideration of \$1.00 paid by the Transferee to the Prior Chargee (the receipt of which is hereby acknowledged) the Prior Chargee hereby approves of, joins in, consents to and grants to the Transferees (the "Subsequent Charge") priority over the interest of the Prior Chargee in the Lands and postpones the right, title and interest of the Prior Chargee in the Lands to the Subsequent Chargee as if the Prior Charge had been registered immediately after the registration of the Subsequent Charge and notwithstanding the respective date and time of execution and registration of the charges or the respective dates of advancement of moneys under them.

IN WITNESS WHEREOF this Consent has been executed on one or more pages of the General Instrument.

CONSENT

WHEREAS by an instrument registered in the Land Title Office at New Westminster, British Columbia, on the 15th day of November, 2004, under number BW520869 and BW520870, VENTURELAND MANAGEMENT LTD. and CHRISTOPHER WATERS (the "Prior Chargee") was granted a Mortgage and Assignment of Rents (the "Prior Charge"), in respect of the Lands described in the attached Section 219 Covenant (the "Subsequent Charge").

AND WHEREAS the Prior Chargee consents to and agrees that the Subsequent Charge shall have priority over the Prior Charge.

THEREFORE in consideration of \$1.00 paid by the Transferee to the Prior Chargee to the Chargeholder (the receipt of which is hereby acknowledged) the Prior Chargee hereby approves of, joins in, consents to and grants to the Transferees (the "Subsequent Chargee") priority over the interest of the Prior Chargee in the Lands and postpones the right, title and interest of the Prior Chargee in the Lands to the Subsequent Chargee as if the Prior Charge had been registered immediately after the registration of the Subsequent Charge and notwithstanding the respective date and time of execution and registration of the charges or the respective dates of advancement of moneys under them.

IN WITNESS WHEREOF this Consent has been executed on one or more pages of the General Instrument.

Schedule A 

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C.N. RYZUK & ASSOCIATES LTD.
Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

May 14, 2006
File No: 8-4299-2Ventureland Management Ltd.
Suite 507 – 5525 West Boulevard
Vancouver, B.C.
V6M 3W6

Attention: Mr. J. Green

Dear Sir,

Re: Recommended Geotechnical Setbacks from Natural Boundary of Site
Proposed Long Bay Subdivision, Long Bay – Gambier Island, B.C.
(Parts of District Lots 2519 and 2705, Gambier Island)

As requested, we have carried out a geotechnical assessment of the foreshore area at the referenced site in order to develop recommendations for setbacks from the shoreline (natural boundary of the site) in terms of residential construction. The field work for this assessment was carried out on September 27, 2005 and March 28 and April 19, 2006, coincident with a geotechnical assessment of the entire subdivision which is reported on elsewhere. The field work was carried out by foot, vehicle and boat by the writer accompanied by you and/or Mr. R. Gustavson of Re/Max Realty. The following letter summarizes our observations and assessments as they pertain to this matter.

The site location, geologic and topographic setting, and general layout of the proposed subdivision are described in detail in our geotechnical report of May 15, 2006 and will only be discussed briefly here. The development consists of 14 waterfront lots extending along an approximately 1.15 km frontage on Long Bay (Port Graves) on the south side of Gambier Island about 10 km northwest of Horseshoe Bay. In general, the foreshore consists of intact bedrock bluffs rising between a few and several tens of metres above the high water mark to prospective building sites, with intermittent benches in some areas. No materials such as sand or clay, which might be subject to significant toe erosion by waves, were observed in the area. Accordingly, and despite the presence of minor rockfall in some areas, we expect that safe building sites exist behind a setback line established at between 7.5 and 15 m back of the natural boundary of the site, subject to the constraints presented in our report of May 15, 2006. From a geotechnical engineering perspective we recommend minimum setbacks as listed in the following table for each lot:

10

C.N. RYZUK & ASSOCIATES LTD.

May 14, 2006

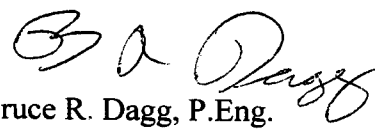
Ventureland Management Ltd.
Page 2

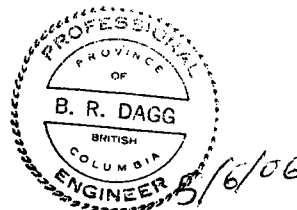
Lot No.	Setback (m)	Lot No.	Setback (m)	Lot No.	Setback (m)
1	15	6	15	11	7.5
2	15	7	15	12	7.5
3	15	8	7.5	13	7.5
4	15	9	7.5	14	15
5	7.5	10	7.5		

From a geotechnical perspective, we expect that proposed building sites on the 14 lots located at least as far back of the natural boundary of the site as indicated above could be safely used for the intended purpose (construction of single family residences) with a probability of less than 10 percent of the sites being impacted by foreshore slope instability in 50 years. However, other geotechnical hazards exist on many of these lots, as outlined in our geotechnical report of May 15, 2006, which further limit the locations of safe building sites on each lot, as may provincial and/or other government restrictions.

We hope that the preceding letter is suitable for your purposes at this time. If we can provide further information or clarification in this regard, please contact us. Thank you for the opportunity to have been of service to you.

Yours very truly,
C.N. Ryzuk & Associates Ltd.


Bruce R. Dagg, P.Eng.
Geotechnical Engineer



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C.N. Ryzuk & Associates Ltd.

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DATE OF MEETING: July 30, 2024

TO: Gambier Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner (Regional Planning Team)
Northern Office

SUBJECT: Official Community Plan and Land Use Bylaw Targeted Review Project – **Supplemental Report on options and implications to implement Squamish Nation and public engagement recommendations.**

RECOMMENDATIONS:

1. That the Gambier Island Local Trust Committee affirms its support for the implementation of the following OCP/LUB project recommendations listed in Tables 1 and 2, attached to the staff report dated July 30, 2024 and request staff to *[select option: provide supplemental information OR prepare draft polices/regulations]* for LTC consideration of subsequent steps.
2. That the Gambier Island Local Trust Committee request that staff refer the following project recommendations listed in Table 2, attached to the staff report dated July 30, 2024 to the Gambier Island Advisory Planning Commission for review and comment, to inform the LTC's consideration of subsequent steps: *[specify the specific Table 2 recommendations being referred]*.
3. That the Gambier Island Local Trust Committee requests staff to draft a business case for the 2025/26 fiscal year, focusing on the conclusive phase of the OCP/LUB project—specifically, a comprehensive legal review and legislative process—for subsequent consideration by the LTC.

REPORT SUMMARY

The purpose of this report is to:

- Provide the Gambier Island Local Trust Committee (LTC) with an overview of the land use planning options and implications of implementing recommendations from both the [Squamish Nation Engagement Summary](#) (2024) and [Public Engagement Summary](#) recommendations (2023), and to provide clear direction on implementation of the above;
- Provide updates on project resolutions recently endorsed by the LTC; and
- Advance LTC decisions on whether any further changes to the project objectives or in-scope items need to be considered in order for the project to proceed during this fiscal year.

BACKGROUND

The following project related resolutions were passed by the LTC in April 2024:

GM-2024-12 It was *MOVED* and *SECONDED*

*that the Gambier Island Local Trust Committee endorse the revised Project Charter v. 2.1, dated April 29, 2024 for the Official Community Plan and Land Use Bylaw Targeted Review project, as to be amended further to discussion amongst Trustees on April 29, 2023. **CARRIED***

The revised, updated [project charter](#) is posted to the project website. The July 30, 2024 regular business meeting is intended to advance LTC decisions on whether any further changes to the project objectives or in-scope items need to be considered in order for the project to proceed during this fiscal year.

GM-2024-13 It was MOVED and SECONDED

*that the Gambier Island Local Trust Committee request staff to prepare a draft amendment to the Advisory Planning Commission Bylaw No. 150 to permit electronic meeting participation of appointed members, and return the draft bylaw amendment to the Local Trust Committee for further consideration of next steps. **CARRIED***

At the time of report writing the bylaw amendment was scheduled to be considered by the Executive Committee on July 24, 2024. If approved by EC, the LTC can consider adoption of the proposed bylaw by Resolution Without Meeting (RWM).

GM-2024-14 It was MOVED and SECONDED

*that the Gambier Island Local Trust Committee request staff to report back on the implications of implementing Squamish Nation Engagement Summary Recommendation "C2 - Ensure planning staff are conducting early referrals of all relevant development applications (temporary use permits, development variance permits, rezonings) and advising applicants to seek explicit permission from Rights and Title Department." **CARRIED***

At the time of writing this report, senior management was in the process of finalizing a briefing for the Executive Committee regarding this Trust-wide issue, which is scheduled for discussion at the July 24, 2024 EC agenda. The decisions and outcomes of this discussion may influence the development of new approaches to early and ongoing First Nations referrals. Further details on conducting early referrals and notifications to neighboring Nations will be communicated to all LTCs in the upcoming months.

GM-2024-15 It was MOVED and SECONDED

*that the Gambier Island Local Trust Committee request staff to report back on the options and implications to implement Squamish Nation Engagement Summary Recommendations A6, B4, B7, B10, D2 and D4, identified as high priority relationship building and advocacy action items. **CARRIED***

Table 1 attached to this staff report identifies high level options and implications for LTC consideration of next steps. The LTC is asked to use the July 30, 2024 business meeting to provide clear direction on implementation.

GM-2024-16 It was MOVED and SECONDED

*that the Gambier Island Local Trust Committee request staff to initiate a request to schedule an elected officials meeting with Squamish Nation in the fall/winter of 2024 to discuss the status of the implementation of Squamish Nation engagement recommendations. **CARRIED***

Once the LTC's direction on how to implement the OCP/LUB recommendations is confirmed, staff will proceed with initiating a meeting request with the Squamish Nation.

GM-2024-17 It was MOVED and SECONDED

*that the Gambier Island Local Trust Committee request staff to prepare a supplemental report including options and implications of draft bylaw language to amend and update the Official Community Plan (OCP) and Land Use Bylaw (LUB) based on the general recommendations of the 2023 Public Engagement Summary and twenty recommendations from the 2024 Squamish Nation Engagement Summary (A1-A5; B1-B9; C1, C3, C4; D1, D3, D5) identified as high priority Official Community Plan and Land Use Bylaw amendments. **CARRIED***

Table 1 and 2 attached to this staff report identify options and implications for LTC consideration of next steps in considering implementation of priority recommendations.

Options and Implications of Squamish Nation and public engagement summary Recommendations:

Table 1 (Attachment 1) and Table 2 (Attachment 2) delineate implementation options and implications for the high-priority recommendations stemming from Squamish Nation (Table 1) and public engagement efforts (Table 2). *The LTC is tasked with reviewing each recommendation along with its respective analysis of options and implications. For each recommendation, the LTC should indicate whether it supports advancing to the next stage, requires additional information, or opts not to proceed further, as outlined in Recommendation #1 on page 1 of this report.* Subsequently, staff will assess if adjustments are necessary to the Project Charter to accurately reflect the LTC's intent to update/amend the OCP/LUB during the current fiscal year.

Gambier Island Advisory Planning Commission (APC):

Staff have identified a set of implementation options from Table 2 that are particularly suitable for review and commentary by the Gambier Island Advisory Planning Commission (APC). Staff can collaborate with the APC to provide sample guidelines, policies, and regulations for their review and feedback. Any referrals to the APC must be endorsed by LTC resolution, as stipulated in Recommendation #2 on page 1 of this report.

Business Case for 2025/26 Fiscal:

LTCs across the Trust are requested to assess their major project plans for the upcoming fiscal year and submit draft business case requests by September 2024. These submissions will undergo review by both the Regional Planning Committee and the Financial Planning Committee. Given the current absence of funding for the 2024/25 fiscal year, the major project work plan entails staff preparing draft bylaws based on LTC directives, with limited community engagement and referrals. Should the LTC strongly endorse advancing the recommendations outlined in Tables 1 and 2, staff recommend preparing a business case for the 2025/26 fiscal year. This would support an estimated \$10,000 allocation for a legal and legislative review process concerning the draft amendments to the OCP and LUB, as specified in Recommendation #3 on page 1 of this report.

Rationale for Recommendations #1-3: Staff requests confirmation of which public or First Nations recommendations are endorsed by the LTC, to advance the OCP/LUB review project this fiscal year to the draft bylaw development stage.

Alternatives

1. **Amend the Project Charter:** The LTC can remove specified in-scope project deliverables it does not intend to implement or proceed with in this fiscal. A resolution of the LTC would be required to request staff to prepare changes to the project charter. Suggested wording for a resolution is: *“That the Gambier Island Local Trust Committee request staff to amend the project charter by (specify changes to purpose, scope, objectives, or work plan) for LTC review at the next business meeting.”*

NEXT STEPS

If the LTC agrees with the recommendations outlined on page 1 of this report, staff will proceed to draft policy and regulatory amendments that integrate the LTC’s preferred First Nations and public engagement recommendations into the review project. Selected draft bylaw language will be submitted to the APC for feedback and subsequently presented to the LTC for consideration of next steps and early referrals with First Nations and other local governments.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	July 18, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	July 22, 2024

ATTACHMENTS

1. Table 1 – Options and Implications of First Nations Engagement Summary Recommendations – July 2024
2. Table 2 – Options and Implications of Public Engagement Summary Report Recommendations – July 2024

Cha7élkwnech (Gambier Island) Official Community Plan and Land Use Bylaw Review

Options and Implications Table 1 – July 2024



The following table has been prepared by Islands Trust planning staff under the direction of the Gambier Island Local Trust Committee (LTC). In April 2024 the LTC considered a comprehensive list of priority recommendations from Skwx wú7mesh Úxwumixw (Squamish Nation) regarding amendments to the Gambier Island Official Community Plan and Land Use Bylaw. The following LTC resolution GM-2024-16 was passed: “That the Gambier Island Local Trust Committee request staff to prepare a supplemental report including options and implications of draft bylaw language to amend and update the OCP and LUB based on the general recommendations of the 2023 Public Engagement Summary and twenty recommendations from the 2024 Squamish nation Engagement Summary (A1-A5, B1-B9, C1, C3, C4, D1, D3, D5) identified as high priority OCP and LUB amendments.”

The following Table 1. identifies the above noted Squamish Nation recommendations and outlines possible implementation options and implications. It is intended to assist the LTC in determining its’ level of political support to advance implementation in this 2024/25 fiscal year. Additionally, the table serves as a tool for the LTC to report back to the Squamish Nation on next steps and to communicate with island residents about the intended direction for high-priority recommendations.

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (support/request further information/ proceed no further/ or other direction)
A.1 Update OCP with Cha7élkwnech (Gambier) Island references throughout.	OCP			
A.2 Amend OCPs and LUBs with appropriate land acknowledgment at the beginning of each bylaw in the Trust Area that falls within Skwx wú7mesh Úxwumixw territory, <u>not just Gambier Island</u> .	OCP and LUB	- Staff can submit language and translation request form to Squamish Nation to identify appropriate place name requests; - Staff can draft text amendments to both OCP and LUB for LTC consideration; - LTC can send a bylaw referral to Squamish Nation prior to first reading. - Upon confirmation by the Nation that text is approved, accurate and appropriate – LTC can consider first reading.	<i>Aligns with the Islands Trust Council Reconciliation Action Plan Action Item 3.2 “Land use decisions must be informed by First Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.”</i>	
A.3 Work with cultural heritage department regarding Skwx wú7mesh Úxwumixw language place names being included in the OCP, where appropriate. Submit language and translation request form to integrate indigenous place names within OCP.	OCP	Staff recommends the LTC support recommendations A.1- A.4 and request staff to prepare a language and translation request form to Squamish Nation and begin drafting text amendments to the OCP/LUB.	<i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i> <i>Strengthen relations with First Nations:</i> Skwx wú7mesh Úxwumixw encourages the use and (re) application of Skwx wú7mesh Úxwumixw place names within their territory given that they are approved, accurate, and appropriate and evaluated by the Skwx wú7mesh Úxwumixw prior to their use.	
A.4 Amend OCP with specific commitments to reconciliation as overarching framework for all policy guidance and update Gambier Island webpage to include commitment statements.	OCP		<i>Respect for Indigenous Rights and Title:</i> acknowledges First Nation connection and stewardship over the territory and demonstrates commitment to preservation and revitalization of language and culture.	
A.5 Amend OCP to explicitly recognize the impacts of existing	OCP	Draft text amendment for OCP to update historical and modern First Nations context as well as policy directives in support of land use planning amendments that respect	<i>Aligns with the Islands Trust Council Reconciliation Action Plan Action Item 3.2 “Land use decisions must be informed by First</i>	

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (support/request further information/ proceed no further/ or other direction)
patterns of settlement, protected areas and residential development on First Nations rights and title.		Indigenous Rights and Title, environmental stewardship and cultural preservation priorities. Referral to Squamish Nation prior to first reading Staff recommends the LTC support recommendation A.5 and request staff to prepare draft language for LTC consideration.	<i>Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.”</i> <i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i> Respect for Indigenous Rights and Title: Nation engagement has indicated request to see stated commitment from local government to reconciliation that acknowledges its’ history and connections to the island through text in land use planning documents within their territory.	
A.6 Assist in coordinating, funding and/or installing <i>Sḵwḡ wú7mesh Úxwumixw</i> language signage (where deemed appropriate and not confidential by the Nation) on trails and areas deemed important by the Nation.	N/A Advocacy and coordination	- Islands Trust Conservancy Nature Reserves (Mt. Artaban, Brigade Bay and Long Bay Wetland) could be identified as top priorities within Islands Trust jurisdiction, for installation of <i>Sḵwḡ wú7mesh Úxwumixw</i> language signage. Conservancy staff are aware of the process to submit a language and translation request. LTC could initiate a formal request to the ITC Board to prioritize this work. - LTC can add this recommendation to SCRD Protocol meeting agenda for discussion of opportunities for signage funding on other areas of the island. - LTC can advocate to Province and/or Howe Sound Biosphere Region for language signage funding. - LTC can investigate applications for grant funding programs such as C2C to assist the Nation in accessing signage funding for Gambier Island in coordination with the LTC and SCRD.	Strengthen relations with First Nations: Sḵwḡ wú7mesh Úxwumixw encourages the use and (re) application of Sḵwḡ wú7mesh Úxwumixw place names within their territory given that they are approved, accurate, and appropriate and evaluated by the Sḵwḡ wú7mesh Úxwumixw prior to their use.	
B.1 Maintain existing objectives and policies under “Climate Change Adaptation and Mitigation” section of current OCP.	OCP	No action required.	N/A	
B.2 Amend OCP with appropriate guiding objective and policy for the “Climate Change Adaptation and Mitigation” section. Include examples i.e. reduced access to harvest areas/food insecurity related to climate change.	OCP	- Staff can draft objective and policy for inclusion in draft OCP bylaw and LTC consideration. - Refer to Nation staff for review and comment. - LTC consideration of first reading. Staff recommends the LTC support recommendation B.2 and request staff to prepare draft bylaw language for LTC consideration.	<i>Recognize the impacts of climate change on First Nations rights and title.</i>	
B.3 Align with net-zero emissions targets by 2050 set by adjacent communities (Gibsons, Sechelt, SCRD), not just in the climate change section of the OCP but throughout the OCP.	OCP	- Staff can prepare draft updates to the OCP for LTC consideration. - Refer to Nation staff for review and comment. - LTC consideration of first reading. Staff recommends the LTC support recommendation B.3 and request staff to prepare draft bylaw language for LTC consideration.	<i>Align targets to reflect consistency with adjacent Howe Sound communities.</i>	
B.4 Work with Sunshine Coast Regional District to pilot requirement for all new residential	OCP/LUB	Draft a Development Approval Information (DAI) bylaw to require adequate level of detail from rezoning applicants where a change in use or increase in density is proposed.	- <i>DAI bylaw can address <u>new proposed development</u> through rezoning applications and allow LTC to evaluate a proposal’s impact on climate adaptation.</i>	

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (support/request further information/ proceed no further/ or other direction)
and institutional construction to meet highest construction and energy standards; embodied carbon; recycling and repurposing as well as demolition vs. retrofitting.		Advocate for the SCRD to adopt the Zero Carbon Step Code requirements which aligns with the direction of several local governments https://energystepcode.ca/implementation_updates/ Staff recommends the LTC support recommendation B.4 and request that this be added to the agenda for discussion at the next protocol agreement meeting with the SCRD.	<i>Zero Carbon Step Code early implementation for new construction until provincial rules are mandatory by 2030.</i>	
B.5 Amend “Climate Change Adaptation and Mitigation” OCP policies section to separate policies into clearer categories such as ADAPTATION; ENERGY; WASTE; BIODIVERSITY; COLLABORATION etc.	OCP	Minor text amendment to existing OCP policies. Staff recommends the LTC support recommendation B.5 and request staff to prepare draft bylaw language for LTC consideration.	<i>Greater clarity in the OCP of what categories the existing policies are addressing.</i>	
B.6 Set specific targets and reference other climate action goals if needed. Review entire OCP to ensure net-zero emission targets are addressed wherever possible in supporting land use policy and regulations.	OCP	Update the OCP policies and objectives to reflect net-zero emissions targets and ensure consistency across OCP and LUB. Staff recommends the LTC support recommendation B.6 and request staff to prepare draft bylaw language for LTC consideration.	<i>Align targets to reflect consistency with adjacent Howe Sound communities.</i>	
B.7 Work with SCRD to pilot highest level of Step Code implementation for all new construction/dwellings.	Possibly OCP. Would be SCRD led initiative in partnership with LTC.	Like the BC Energy Step Code, the Zero Carbon Step Code is a plan to improve new buildings over time, with the objective to reach zero emissions from all new buildings in BC by 2030. It complements the BC Energy Step Code by reducing emissions while improving energy efficiency. Together, they make buildings that are cleaner, more energy efficient, and affordable to operate. The Zero Carbon Step Code was first introduced in a May 1, 2023 update of the BC Building Code. It provides several options to reduce the amount of operational carbon emissions from a building by requiring lower emissions from space and water heating systems. Until recently, the BC Energy Step Code was the main tool to reduce energy use and emissions from buildings. While energy efficiency typically reduces emissions by impacting the size, efficiency and consequently amount of greenhouse gas emissions from mechanical systems in a new building, it does not fully eliminate a building’s carbon emissions, even under most stringent energy efficiency requirements. The Province and local governments have set ambitious greenhouse gas reduction targets that can only be achieved <u>if the building sector starts to decarbonize</u>. The Zero Carbon Step Code provides a new tool for the construction sector and local communities to switch from carbon-intensive mechanical systems to zero carbon systems. <u>The Province will start to mandate different Zero Carbon Step Code Levels as early as 2024, and require zero carbon new construction by 2030.</u>Early implementation by local governments is being encouraged and 29 local governments, including West Vancouver District and Cowichan Valley Regional District have already implemented these standards. https://energystepcode.ca/zero-carbon/	<i>Strongly encourage SCRD to join 29 other local governments in BC in adopting this standard and demonstrate early implementation across the Local Trust Area.</i>	

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (support/request further information/ proceed no further/ or other direction)
B.8 Explore implementation of a new development permit area for energy and water conservation for any new residential/institutional construction.	OCP/LUB	Staff recommends the LTC support recommendation B.7 and request that either this and recommendation B.4 be added to the agenda for discussion at the next protocol agreement meeting with the SCRD (tentatively scheduled for 2025); OR the LTC draft a letter to the SCRD Board requesting consideration of zero carbon energy step code implementation for the Gambier Local Trust Area.	<i>This particular DPA may be challenging to implement on Gambier Island as the predominant form of development is rural residential. SCRD initiatives towards Step Code or net zero energy codes may more effective at requiring impactful changes at the building design/permitting stage.</i>	
		LTC can consider a new island wide DPA to address climate action (energy and water conservation, GHG emissions) specifically. Objectives of the DP could include: - Landscaping, for example, requiring drought-tolerant plantings; - Siting of buildings and other structures, for example, building orientation to capture solar energy; - Form and exterior design of buildings and other structures, for example, provision of deep overhangs for shade; - Specific features in the development, for example, naturalized ponds that capture and store rainwater runoff; - Machinery, equipment and systems external to buildings and other structures, for example, rainwater collection systems and geothermal systems. https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/development_permit_areas_climate_action_guide.pdf		
		Staff do not recommend the LTC endorse this recommendations at this time and instead consider encouraging the SCRD to advance adoption of net zero energy step code implementation across the Regional District (see recommendation B7).		
B.9 Separate out stormwater and water conservation objectives.	OCP	Minor text amendment to existing OCP policies. Staff recommend the LTC endorse this recommendation and direct staff to prepare draft bylaw language.	N/A	
B.10 Advocate for Regional District and provincial rebates for energy efficiency upgrades and retrofits to homes.	N/A Advocacy and Cooperation	LTC can add this recommendation to SCRD Protocol meeting agenda for discussion of further opportunities for appropriate rebates that could apply across the regional district and benefit Gambier Island residents.		
C.1 Explore implementation of shoreline Development Permit Area (DPA – see D3 below) or Heritage Conservation Area (HCA) to be applied island wide or up to 200 m from the setback of the natural boundary of the sea.	OCP and LUB	- New DPA for shoreline protection as per project charter. - New HCA as per project charter. HCA is intended to provide long term protection to a distinctive area of the island (or island wide) which contains resources with special heritage value. A heritage alteration permit would be required for subdivision, additions to existing structures, construction of a new building or alteration to land. Objectives and guidelines are drafted, similar to a DP. Exclusions can also be listed. Heritage impact assessments can be requested for highly significant or sensitive areas (such as within 200 m of the shoreline or freshwater bodies). These assessments can provide valuable information PRIOR to issuing approvals to reduce or eliminate negative impacts of a proposed development on a heritage		

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (support/request further information/ proceed no further/ or other direction)
C.3 Use a Development Approval Information Bylaw (DAI) to require a Preliminary Field Reconnaissance (PFR), Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA) (or all three for complex sites) for rezoning applications where increase in density or intensity of uses is being proposed on the island. Coordinate with the Squamish Nation Archaeological or Heritage Permit process and appropriate qualified professionals.		resource. The LTC can delegate authority for HAP’s to be reviewed/issued by staff and enter into a protocol agreement with First Nations to ensure staff-to staff review of each application so that First Nations interests and concerns are addressed in each permit. Staff recommend the LTC endorse the recommendations for a shoreline DPA and direct staff to prepare draft bylaw language for LTC consideration. Staff recommend the LTC request further information on the implementation of an island wide HCA, including the use of heritage impact assessments and delegation of authority to staff to work with Local First Nations on consideration of Heritage Alteration Permits.	<i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship</i> <i>Respect for indigenous rights and title</i> <i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i> <i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i>	
	OCP	- DAI bylaw can be drafted to require any rezoning application for a change in use or increase in density to provide additional details on impacts to culturally/environmentally significant areas. In consultation with First Nations, the level of detail required in the study can be determined so the LTC has important decision making information regarding the impacts of the proposed development. - Several LTA’s have DAI bylaws adopted by Trust Council. Staff recommend the LTC endorse recommendations C.3 and C.4 and direct staff to prepare draft language for LTC consideration.	<i>Aligns with the Islands Trust Council Reconciliation Action Plan Action Item 3.2 “Land use decisions must be informed by First Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.”</i> <i>Aligns with objectives and scope of LTC project charter as endorsed by the LTC.</i>	
C.4 Use a Development Approval Information Bylaw (DAI) to require a biophysical inventory for rezoning applications where increase in density or intensity of uses is being proposed anywhere on the island, to identify forest characteristics, sites of highest biodiversity, species at risk. Ensure information sharing with the Nation to build on datasets and enhance quality of the referrals.	OCP		<i>Preservation of cultural and historical heritage</i> <i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship</i> <i>Respect for indigenous rights and title</i> <i>Clarity to applicants about what level of detail is required prior to making an application</i>	
D.1 Maintain existing <u>island wide</u> Development Permit Area (DPA) for streams and watercourses.	OCP/LUB	No change to existing OCP policies or DPA.		NO ACTION REQUIRED
D.2 Work with FN, Howe Sound Biosphere Region and other	OCP/LUB and Advocacy	In coordination with Trust Area Services (TAS), LTC can send a letter directly to the Minister of Environment and Climate Change Strategy, requesting specific	<i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship</i>	

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (support/request further information/ proceed no further/ or other direction)
partners to strengthen and restore island biodiversity.		provincial support of biodiversity initiatives in the Howe Sound and on Gambier Island specifically. LTC can request the Executive Committee meet directly with the Provincial Minister of Environment and Climate Change Strategy and advocate for a significant investment in biodiversity protection, monitoring and coordination with First Nations, HSBR and local governments. Provincial elections are taking place in November 2024, therefore schedule a meeting early 2025.	<i>Respect for indigenous rights and title</i>	
D.3 Explore implementation of shoreline Development Permit Area (DPA) to be applied island wide 30 metres from the setback of the natural boundary of the sea.		See Recommendation C.1 Staff recommend the LTC endorse recommendations C.1 and D.3 and direct staff to prepare draft policies and regulations for LTC consideration.	<i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i>	
D.4 Coordinate and advocate with Province for new dock tenures to be supported by a Preliminary Field Reconnaissance (PFR), Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA).	DAI and Advocacy	- Ensure DIA bylaw requires new applications for changes in use or density that propose dock access to include sufficient marine based assessments to identify culturally significant areas. - In coordination with Trust Area Services (TAS), LTC can send a letter directly to the Minister of Forests requesting new provincial dock tenures in the Howe Sound be required to be supported with PFR, AOA or AIAs depending on the significance of the area and extent of infrastructure proposed. - LTC can request the Executive Committee meet directly with the Provincial Minister of Forests and advocate for a higher standard of information be required for all new dock tenures in the Howe Sound. Provincial elections are taking place in November 2024 so schedule meeting early 2025.	<i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship</i> <i>Respect for indigenous rights and title</i>	
D.5 Use DPA or other regulatory framework to ensure all new or renovated docks adhere to Howe Sound Biosphere Region Dock Policy for materials, size, design (no floating docks, max ramp width; minimum height above sea; preservation of eelgrass with minimum 43% open spaces for light penetration; no polystyrene, etc).		See Recommendation C.1 Staff recommend the LTC endorse recommendations C.1 and D.5 and direct staff to prepare draft policies and regulations for LTC consideration.	<i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i>	

Cha7élkwnech (Gambier Island) Official Community Plan and Land Use Bylaw Review

Options and Implications Table 2 – July 2024



The following Table 2. summarizes the general [public engagement summary report recommendations \(2023\)](#) and is intended to assist the LTC in determining its’ level of support in advancing deliverables for this project in this 2024/25 fiscal year. Additionally, the table is intended to assist the LTC in determining the level of involvement it seeks for the Advisory Planning Commission (APC) to report back on recommended policies or regulations.

Public Engagement Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (indicate support /request further information/ proceed no further/ or other direction)
5.1 Indigenous Reconciliation – inclusion of March 14, 2019 Trust Council policy on Reconciliation be added to the OCP.	OCP background text	- Include the Trust Council Policy in the OCP amending bylaw. - Refer to First Nations for comment. - Refer to APC for comment. Staff recommends the LTC support recommendation 5.1.	<i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i>	
5.2 Establish Heritage Conservation Areas	OCP policies and LUB regulations	- In accordance with Section 614 of the Local Government Act, Heritage Conservation Areas can be designated within an OCP. - New HCA as per project charter. - HCA is intended to provide long term protection to a distinctive area of the island (or island wide) which contains resources with special heritage value. A heritage alteration permit would be required for subdivision, additions to existing structures, construction of a new building or alteration to land. Objectives and guidelines are drafted, similar to a DP. Exclusions can also be listed. Heritage impact assessments can be requested for highly significant or sensitive areas (such as within 200 m of the shoreline or freshwater bodies). These assessments can provide valuable information PRIOR to issuing approvals to reduce or eliminate negative impacts of a proposed development on a heritage resource. The LTC can delegate authority for HAP’s to be reviewed/issued by staff and enter into a protocol agreement with First Nations to ensure staff-to staff review of each application so that First Nations interests and concerns are addressed in each permit. Staff recommend the LTC request further information on the implementation of an island wide HCA, including the use of heritage impact assessments and delegation of authority to staff to work with Local First Nations on consideration of Heritage Alteration Permits.	<i>Aligns with the Islands Trust Council Reconciliation Action Plan Action Item 3.2 “Land use decisions must be informed by First Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.”</i> <i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i> <i>Preservation of cultural and historical heritage – Heritage Conservation Areas</i> <i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship</i> <i>Respect for indigenous rights and title</i> <i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i> <i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i>	
5.3 Shoreline Protection– Development Permit Area	OCP policies and LUB regulations	15-30 metre shoreline Development Permit Area to protect the integrity of foreshore features and intertidal processes. - Island wide or site specific Development Permit Area to protect habitats and endangered species.	<i>Aligns with the Islands Trust Council Reconciliation Action Plan Action Item 3.2 “Land use decisions must be informed by First Nations core concerns and knowledge and be reflective of</i>	

Public Engagement Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (indicate support /request further information/ proceed no further/ or other direction)
5.4 Access to Docks (I) ecofriendly materials be used in future upgrades to public dock facility and a management plan be implemented to ensure continued use. 5.4 Access to Docks (II) update OCP policies 9.10 and 9.21 to clarify that ferry services are essential for the western peninsula. 5.4 Access to Docks (III) Shared access to all types of docks is encouraged. Privately held docks by individual property owns may consider shared docks where practical. 5.4 Access to Docks (IV) For strata and subdivision development, access should be permitted to the owners of the upland property. OCP/LUB should		- Guidelines to address destruction of natural features and processes; encouraging vegetation retention; prohibiting fill, deposit or excavation of foreshore and seabed materials; sufficient setbacks to allow for natural erosion and accretion; - Staff can work with the Advisory Planning Commission to review sample guidelines. - Early referral to First Nations. - Public consultation as part of draft bylaw consideration. Staff recommend the LTC request staff to work with the Gambier Island Advisory Planning Commission to review draft shoreline development permit area guidelines and provide suggested comments and recommendations to the LTC for consideration of inclusion into draft bylaw(s).	<i>preserving and protecting Indigenous cultural heritage and sacred sites.”</i> <i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i> <i>Preservation of cultural and historical heritage</i> <i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship – Howe Sound marine dock management planning</i> <i>Respect for indigenous rights and title</i> <i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i> <i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i>	
	OCP policies	Minor updates – likely advocacy policies requesting action from other levels of government. - Draft policies can be drafted/reviewed by the Advisory Planning Commission for LTC consideration or prepared by planning staff. - Draft amendments can be considered by the LTC for inclusion in the OCP amendments for first reading, referrals and public consultation. - Some elements can be incorporated into guidelines for a shoreline development permit area. Staff recommend the LTC request the Gambier Island Advisory Planning Commission to suggest updated dock advocacy policies and provide suggested comments and recommendations to the LTC for consideration of inclusion into draft bylaw(s).	<i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i>	

Public Engagement Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	LTC Direction (indicate support /request further information/ proceed no further/ or other direction)
reflect public access in perpetuity to ensure public use. 5.5 Forest Ecosystem Protection Strategies (I) (DPA) – consider development permit area to protect Gambier island forests and associated ecosystems.	OCP policies and LUB regulations	• New site specific or island wide Development Permit Area to protect the integrity of forest ecosystems where new development is being considered. Would not be applicable to parks, conservation areas or provincially/federally owned parcels. • Would complement existing DPAs or potential Heritage Conservation Area. • Guidelines to address destruction of natural features and processes; encouraging vegetation retention; prohibiting fill, deposit or excavation; • Staff can work with the Advisory Planning Commission to support the drafting of relevant DPA guidelines for LTC consideration. • Early referral to First Nations. Staff recommend the LTC request staff to work with the Gambier Island Advisory Planning Commission to review draft forest ecosystem development permit area guidelines and provide suggested comments and recommendations to the LTC for consideration of inclusion into draft bylaw(s).	<i>Aligns with the Islands Trust Council Reconciliation Action Plan Action Item 3.2 “Land use decisions must be informed by First Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.”</i> <i>Aligns with objectives and scope of project charter as endorsed by the LTC.</i> <i>Preservation of cultural and historical heritage</i> <i>Collaboration and decision making with First Nations</i> <i>Environmental Stewardship – implement Islands Trust Toolkit for Protection of the Coastal Douglas fir Zone and Associated Ecosystems</i> <i>Respect for indigenous rights and title</i> <i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i> <i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i>	
5.5 Forest Ecosystem Protection Strategies (II) Enhance Policy and/or Land Use Bylaw Regulations 5.5 Forest Ecosystem Protection Strategies (III) Stewardship Education, Advocacy, Partnerships	OCP policies and LUB regulations	• Additional advocacy policies in the OCP may be supportive for provincially and federally owned lands. The public engagement report provides vague recommendations for stronger language that prioritizes protection of the islands forest ecosystems. • LTC should prioritize forest protection related policy and regulatory amendments that are within its jurisdiction to implement and enforce (DPAs, setbacks, HCAs). • In cooperation with TAS, LTC advocacy to the Minister of Forests to protect provincial forest resources on Gambier Island. Staff recommend the LTC request the Gambier Island Advisory Planning Commission to provide suggested comments and recommendations to the LTC for consideration of inclusion into draft bylaw(s) to strengthen forest ecosystem protection strategies.	<i>Environmental Stewardship – implement Islands Trust Toolkit for Protection of the Coastal Douglas fir Zone and Associated Ecosystems</i>	

From: Aidan Buckley <Aidan.Buckley@scrd.ca>
Sent: Friday, July 12, 2024 11:50 AM
To: Aidan Buckley <Aidan.Buckley@scrd.ca>
Cc: Kelly Koper <Kelly.Koper@scrd.ca>
Subject: Hopkins Landing Engagement Summary

Hi there,

The engagement summary for the Hopkins Landing Renovation Project, incorporating the feedback received through the online Let's Talk Page and the in-person Open House event is now available to read.

You can view it by [clicking here](#). It is also available on the project community engagement space at <https://letstalk.scrd.ca/hopkins>.

Thank you for your input and for helping to raise awareness of the project throughout the community engagement period,

Aidan

Aidan Buckley
Manager, Communications and Engagement
Sunshine Coast Regional District
1975 Field Road, Sechelt, BC V7Z 0A8
Cell: 604-885-8052

My office hours are Monday through Friday, from 8:30 a.m to 4:30 p.m.

[SCRD](#) | [Let's Talk SCRD](#) | [Facebook](#) | [X](#) (formerly Twitter) | [Emergency Alerts](#) |

The Sunshine Coast Regional District is located on the territories of the shíshálh and Skwxwú7mesh Nations

Islands Trust

LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending May 2024

630 Gambier	Invoices posted to Month ending May 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	250.00	0.00	250.00
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	1,740.00	349.79	1,390.21
65210-630	LTC - Local Exp - APC Meeting Expenses	650.00	0.00	650.00
TOTAL LTC Local Expense		<u>2,390.00</u>	<u>349.79</u>	<u>2,040.21</u>
Projects				
73001-630-4094	Gambier Keats Island Shoreline Protection Review	<u>5,000.00</u>	<u>0.00</u>	<u>5,000.00</u>
TOTAL Project Expenses		<u>5,000.00</u>	<u>0.00</u>	<u>5,000.00</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.

No	Meeting Date	Resolution No.	Issue	Policy
3.	October 26, 2017	GM-2017-065	Development Permit Area (DPA) No. 3: Riparian Areas administration	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt a Standing Resolution which directs staff to administer Development Permit Area (DPA) No. 3: Riparian Areas in the interim before formal amendments are made to the DPA, as follows: a. The “Designated Area” provisions of Section 12.3.1 of Gambier Island Official Community Plan No. 73 should be used to determine whether or not a proposed development is subject to DPA No. 3: Riparian Areas; b. When development is proposed within the “Designated Area”, applicants shall be required to have a Qualified Environmental Professional assess the water feature to determine whether or not it is subject to the Riparian Areas Regulation; c. When development is proposed within the “Designated Area” of a water feature which is determined to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall be required; d. When development is proposed within the “Designated Area” of a water feature which is determined not to be subject to the Riparian Areas Regulation, a DPA No. 3: Riparian Areas Development Permit shall not be required.
4.	December 11, 2017	GM-2017-078	Adding item to agenda	It was MOVED and SECONDED that the Gambier Island Local Trust Committee request staff to add to each agenda “First Nations Activities” under the Reports section.
5.	January 25, 2018	GM-2018-009	First Nations Words, Phrases and Place Names	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution: a) That staff incorporate First Nations’ words, phrases, and place names in Local Trust Committee communications, as appropriate.
6.	July 25, 2019	GM-2019-031	Model Cell Tower Consultation Process	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the model strategy for antenna systems.

No	Meeting Date	Resolution No.	Issue	Policy
7.	November 21, 2019	GM-2019-061	First Nations Reconciliation engagement	It was MOVED and SECONDED that the Gambier Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavors to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
8.	July 23, 2020	GM-IC-2020-001	Bylaw Enforcement investigation	It was MOVED and SECONDED that the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a principal use and both parcels are held under common ownership.

No	Meeting Date	Resolution No.	Issue	Policy
9.	February 10, 2023	GM-RWM-2023-001	Bylaw Enforcement deferral	It was MOVED and SECONDED Defer enforcement on existing seawalls on North Thormanby Island. The deferment of enforcement should not be interpreted as permitting any new additions or structures from requiring a permit or otherwise requiring compliance with the Gambier Associated Islands Land Use Bylaw No. 120.'
10.	August 29, 2023	GM-RM-2023-027	Unlawful Land Uses and Planning Applications	It was MOVED and SECONDED that Gambier Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a) Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b) The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c) Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue. d) In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.

Active Projects Report

Gambier Island

1. Major Project - Gambier OCP & LUB Targeted Review

Responsible

Dates

Activity:

Sonja Zupanec

Rec'd: 12-Feb-2015

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

Including:

- Reconsider the zoning designation title 'Wilderness Conservation;'
- Add a definition for 'breakwater;'
- Consider policies and regulations regarding trams (funicular tracks, etc.);
- Review site specific water zones on Gambier;
- Clarification around water storage tanks as structures, requirements for screening, and the need for setback placement as part of their use as community amenities in fire protection.

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

Responsible

Dates

Activity:

Marlis McCargar

Rec'd: 31-Jan-2019

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

Future Projects Report

Gambier Island

1. *Administrative*

Responsible

Date Received

- Development Approval Information Bylaw: Develop and adopt a D.A.I bylaw for the Gambier Trust Area.
- Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area.

01-Sep-2022

2. *OCP & LUB*

Responsible

Date Received

- Pump out stations: develop advocacy policies
- Thormanby Island Foreshore Protection: Review of setback regulations and designation of a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions.
- Consider adoption of a Heritage Conservation Area

01-Sep-2022

3. *LUB*

Responsible

Date Received

Gambier LUB:

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

01-Sep-2022

Keats LUB:

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

Future Projects Report

Gambier Island

4. <i>OCP</i>	Responsible	Date Received
N/A		01-Sep-2022
5. <i>Advocacy and Communications</i>	Responsible	Date Received
N/A		01-Sep-2022
6. <i>Bylaw Enforcement</i>	Responsible	Date Received
N/A		01-Sep-2022
7. <i>LUB (Gambier, Keats, Associated Islands, Bowyer & Passage Islands)</i>	Responsible	Date Received
Complete an analysis of the implications for opting in to S. 15 of the Short-Term Rental Accommodation Act. Work to be completed before the opt-in statutory deadline for 2025.		29-Jan-2024