



# Gambier Island Local Trust Committee

## Regular Meeting Agenda

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

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### Pages

1. **CALL TO ORDER** 10:00 AM - 10:05 AM  
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:05 AM - 10:20 AM
  - 3.1 **Trustee Reports**
  - 3.2 **Chair's Report**
  - 3.3 **Electoral Area Director's Report**
4. **PUBLIC COMMENTS** 10:20 AM - 10:30 AM
5. **MINUTES** 10:30 AM - 10:35 AM
  - 5.1 **Local Trust Committee Meeting dated July 30, 2024 - for adoption** 3 - 10
  - 5.2 **Local Trust Committee Meeting dated July 31, 2024 - for adoption** 11 - 16
  - 5.3 **Local Trust Committee Public Hearing Record dated July 31, 2024 - for receipt** 17 - 22
  - 5.4 **Section 26 Resolutions-Without-Meeting Report dated September 23, 2024** 23 - 23
  - 5.5 **Advisory Planning Commission Minutes - none**
6. **BUSINESS ARISING FROM MINUTES** 10:35 AM - 11:05 AM
  - 6.1 **Follow-up Action List dated September 23, 2024** 24 - 26
  - 6.2 **Gambier Island Advisory Planning Commission Bylaw No. 159 - Staff Report** 27 - 28
7. **DELEGATIONS** 11:05 AM - 11:15 AM
  - 7.1 **Coastal Flood Mapping Project - Sunshine Coast Regional District**

8.	APPLICATIONS AND REFERRALS - none		
9.	LOCAL TRUST COMMITTEE PROJECTS	11:15 AM - 1:15 PM	
9.1	Minor Project: Keats Shoreline Protection Project - Bylaw Nos. 153 and 154 - Post Public Hearing for Second and Third Readings - Staff Report		29 - 66
9.2	Major Project: Gambier Island Official Community Plan and Land Use Targeted Review Project - Staff Report		67 - 81
~ BREAK 1:15 PM - 1:45 PM ~			
10.	CORRESPONDENCE - none		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
11.	NEW BUSINESS	1:45 PM - 1:50 PM	
11.1	Dark Sky Principles Adoption Advocacy - Briefing		82 - 85
12.	STAFF REPORTS	1:50 PM - 2:05 PM	
12.1	Trust Conservancy Report - none		
12.2	Trust Conservancy - The Heron - Summer Edition		86 - 89
12.3	Applications Report - none		
12.4	Trustee and Local Expense Report dated July 31, 2024		90 - 90
12.5	Adopted Policies and Standing Resolutions		91 - 94
12.6	First Nations Relationship Building Update		
12.7	Local Trust Committee Webpage		
13.	WORK PROGRAM	2:05 PM - 2:20 PM	
13.1	Active Projects Report dated September 23, 2024		95 - 95
13.2	Future Projects Report dated September 23, 2024		96 - 97
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for Thursday, November 26, 2024 at 10:00 am and will be held Electronically		
15.	ADJOURNMENT	2:20 PM - 2:20 PM	



## Gambier Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** July 30, 2024  
**Location:** Gambier Island Community Centre  
Andy's Bay Road, Gambier Island, BC

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

**Staff Present:** Sonja Zupanec, Planner  
Marlis McCargar, Island Planner  
Lisa Millard, Recorder (electronic)

**Others Present:** There were approximately eight (8) members of the public in attendance.

#### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 11:00 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Item 8.1 Defer GM-DVP-2023.4 to December meeting
- Item 11 Remove

**By general consent**, the agenda was approved as amended.

#### 3. REPORTS

##### 3.1 Trustee Reports

Trustee Stamford reported the following:

- Highlighted Gambier Island community news including Community Association fundraiser for safety shelter, Gambier Island store is for sale, and Brigade Bay designated as the first FireSmart community on Sunshine Coast;
- Continued Governance Committee work; and
- Attended Eastbourne community AGM.

Trustee Bernardo reported the following:

- Encouraged attendance at Public Hearing on Bylaw No. 153 and No. 154 regarding setbacks on Keats Island;

- Governance Committee continues to work on request to the Province to conduct Islands Trust governance review; and
- Ongoing participation in CAO Hiring Committee and noted appointment of interim CAO Julia Mobbs.

### 3.2 Chair's Report

Chair Luckham reported the following:

- Executive Committee working on First Nations referral policy;
- Ongoing Bylaw Enforcement process review;
- Upcoming implementation of public portal enabling access to bylaw enforcement file information;
- Continued discussions on draft Policy Statement;
- Corporate and strategic planning processes underway to improve manner in which Islands Trust conducts day to day business;
- CAO hiring process continues;
- September Trust Council meeting to be held in Nanaimo; and
- Acknowledged losses related to Jasper, Alberta wildfire and noted importance of fire safety awareness for those that live in forested fire interface areas.

### 3.3 Electoral Area Director's Report

Electoral Area Director Stamford reported the following:

- Sunshine Coast Regional District primary focus is water;
- SCRD, which includes Eastbourne on Keats Islands, is experiencing a water deficit;
- Looking at new wells in Sechelt area and potential new water sources;
- Installation of water meters for purpose of water conservation awareness and leak detection;
- Development of communications campaign focussed on household water use reduction from current average of 400 litres to 200 litres per day;
- Continued focus on seeking negotiated solutions for New Brighton dock; and
- Chaired a public hearing for Sunshine Coast Regional District regarding riparian area protections and marine setbacks.

## 4. DELEGATIONS

### 4.1 Howe Sound Biosphere Region Initiative Society regarding Other Effective Area-Based Conservation measures within the Átl'ka7tsem / Howe Sound Biosphere Region

Ruth Simmons, Executive Director, Howe Sound Biosphere Region Initiative Society provided a presentation and highlighted the following:

- Non-profit society responsible for management of the designation of Howe Sound UNESCO Biosphere;
- Focus of presentation is OECMs (other effective area based conservation measures) which refers to lands that are not fully protected such as parks and Indigenous lands;
- Islands Trust Policy Statement Objective 3 aligns with common goals of biodiversity conservation;
- Islands Trust nature reserves are in their database as protected;

- Opportunity to look at what lands on Gambier are not in the database but meet the criteria;
- Peter Shields Regional Park can be easily registered as protected;
- Gambier Island Land Use Bylaw zoning does not include a conservation or preservation zone and perhaps this can be considered during the review of the Official Community Plan;
- Requested the Local Trust Committee collaborate to confirm data, consider zoning that strengthens long-term conservation and protection of land of in-situ biodiversity, and prioritize rezoning of Sunshine Coast Regional District parks from rural residential to align with their protections.

Trustee Stamford acknowledged there is opportunity for advocacy and further communication.

## 5. PUBLIC COMMENTS

- A member of the public asked Trustee Stamford about the costs associated with building the fire equipment shelter.
  - Trustee replied they did not have specific information, as it was a fundraising campaign led by the Gambier Island Community Association.
- A member of the public spoke to concerns about trees overhanging hydro lines creating potential fire risk.
  - Trustee noted BC Hydro removes the overhanging trees within the road allowance annually.
- A member of the public spoke to the impact of rapidly changing climate conditions, Official Community Plan amendments to setbacks are in response to these changes, and a representative from the Sunshine Coast Regional District went to Brigade Bay and provided information for each property owner on ways they can FireSmart their properties.
  - Trustee noted the FireSmart Coordinator provides free assessments and recommendations for property owners.
- A member of the public asked if the Gambier Island store property is zoned as commercial and if the property can become part of the Sunshine Coast Regional District park lands if the business does not sell.
  - Planner replied that rezoning requires an application from the property owner, the Local Trust Committee can initiate rezoning, and residential use on said property may be accessory to the commercial zone, subject to confirmation in the Land Use Bylaw.

A member of the public spoke to discussions with Telus resulting in continued phone booth service on Gambier.

## 6. MINUTES

### 6.1 Local Trust Committee Meeting dated April 29, 2024 - for adoption

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

**6.2 Local Trust Committee Meeting dated May 28, 2024 - for adoption**

The following amendments to the minutes were presented for consideration:

- Page 2 of the Minutes, Electoral Area Director Report, bullet point 2 “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” was said in error and should state “BC Transit on Sunshine Coast is determining an increase in transit service.”
- Page 2 of the Minutes, Item 7.2, change third bullet point to state “Gambier Island identifies two aquifers but there are potentially other unmapped aquifers on the island.”

By general consent, the minutes were adopted as amended.

**6.3 Section 26 Resolutions-Without-Meeting Report - none**

**6.4 Advisory Planning Commission Minutes - none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated July 23, 2024**

Received for information.

**8. APPLICATIONS AND REFERRALS**

**8.1 GM-DVP-2023.4 (Joos) - Staff Report**

At the applicant’s request this item was deferred to the November 26, 2024 meeting.

The meeting was recessed for a break at 12:03 p.m. and reconvened at 12:55 p.m.

**9. LOCAL TRUST COMMITTEE PROJECTS**

**9.1 Gambier Island Official Community Plan Review - Staff Report**

The Planner summarized the Staff Report and highlighted the following:

- Local Trust Committee requested staff engage Squamish Nation regarding the Official Community Plan review project;
- Recommendations in Options and Implications Table 1 result from engagement with Squamish Nation who identified the items as high priority;
- Recommendations in Table 2 result from the public engagement process;
- Seeking clarification on the recommendations and confirmation the Local Trust Committee wishes to proceed prior to drafting bylaw language; and
- Sample language for draft bylaws to be prepared in consultation with Squamish Nation;

Discussion ensued and the Planner provided information and clarification for each of the items listed on Table 1 of the Cha7élkwnech (Gambier Island) Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Options and Implications and comments were noted as follows:

A1 – A4 Update with Cha7élkwnech (Gambier Island) references throughout and include appropriate land acknowledgement, place names, and Reconciliation commitment statements.

- Endorsed by the Local Trust Committee.

A5 Recognize impacts of settlement, protected areas, and residential development on First Nations rights and title.

- Endorsed by the Local Trust Committee.
- Trustee asked how this information fits into the OCP and expressed need for balanced information.
- Planner confirmed the information forms part of the background detail included in the OCP and the draft will contain balanced context on the history of the Gambier Island Local Trust Area.

A6 Assist in coordinating, funding and/or installing First Nations language signage where appropriate.

- Trustees noted this was an advocacy piece not related to policy directive and indicated it could be an agenda item for the annual meeting with Sunshine Coast Regional District (SCRD).

Trustees asked that the scheduling of a protocol meeting with Squamish Nation be added to the next Local Trust Committee meeting agenda.

B1 Maintain existing climate change adaptation and mitigation objectives and policies.

- No action required.

B2 Climate Change Adaptation and Mitigation section to include references to reduced access to harvest areas/food insecurity related to climate change.

- Endorsed by the Local Trust Committee.
- Trustee stated concerns including lack of jurisdiction to apply this to Land Use Bylaws and balancing rights of private property owners.
- Planner noted the Local Trust Committee has tangible tools such as the Development Permit Area and Heritage Conservation Area designations, importance of recognizing the impacts on First Nations rights and title and access to traditional harvest territories, and the item can be either an advocacy or policy piece.

B3 Align with zero-net emissions targets set by adjacent communities.

- Endorsed by the Local Trust Committee.

B4 Work with Sunshine Coast Regional District (SCRD) to pilot requirement that new residential and institutional construction meet highest construction and energy standards.

- Trustees indicated they can advocate for stronger building codes with SCRCD during annual meetings and noted a concern about creating higher standards than building permit requirements.

B5 Amend Climate Change Adaption and Mitigation section to separate policies into clearer categories.

- Endorsed by the Local Trust Committee.

B6 Set specific targets and ensure net-zero emission targets are addressed wherever possible within the policies.

- Planner indicated this can be deferred until it is determined if the SCRD will be an early adopter of standards outlined in Item B4.

B7 Work with SCRD to pilot high level of Step Code implementation for all new construction/dwellings.

- To be added to the discussions with SCRD.

B8 Explore implementation of a Development Permit Area for energy and water conservation.

- Not endorsed, Trustees prefer educational role.

B9 Separate storm water and water conservation objectives.

- Endorsed by the Local Trust Committee.

B10 Advocate for regional district and provincial rebates for energy efficient upgrades and retrofits to home.

- To be added to SCRD meeting agenda.

C1 Explore implementation of shoreline Development Permit Area or Heritage Conservation Area to be applied island-wide or up to 200 metres from the setback of the natural boundary of the sea.

- Planner clarified that Squamish Nation identified 200 metres as a buffer area of high cultural/arch potential for applications they receive within their regions.
- Trustee noted they would like to see evidence-based justification for the 200 metre area. Planner noted they would not be requesting evidence based justification from the Nation staff as this information was received as a direct result of engagement. If the LTC needs more detail the request to staff would need to be by resolution from the LTC.
- Trustees indicated they would like further information on the possibilities of implementing a Heritage Conservation Area.

The Table does not include Item C2

C3 Explore use of a Development Approval Information Bylaw to require a Preliminary Field Reconnaissance, Archaeological Overview Assessment, or Archaeological Impact Assessment for density increase rezoning applications or intensity of use.

- Endorsed by the Local Trust Committee.

C4 Use Development Approval Information Bylaw 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.

- Endorsed by the Local Trust Committee.

- Trustees noted potential larger ramifications but are interested in receiving more details.

D1 Maintain existing Development Permit Area for stream and watercourses.

- No action required.

D2 Work with First Nations and other partners to strengthen and restore island biodiversity.

- Identified as an advocacy piece and the Planner noted resolution language can be provided for Local Trust Committee consideration to determine if they want to advance this work.

D3 Explore implementation of shoreline Development Permit Area to apply 30 metres setback from of the natural boundary of the sea to be applied island-wide.

- Planner stated this was similar to Item C1 and can be addressed when a report is provided for that item.

D4 Coordinate with Province for new dock tenures to be supported by a Preliminary Field Reconnaissance, Archaeological Overview Assessment or Archaeological Impact Assessment.

- Identified as an advocacy piece.

D5 Use Development Permit Area to ensure all new or renovated docks adhere to Howe Sound Biosphere Region dock policy.

- Endorsed by the Local Trust Committee.

The Planner stated that recommendations for items in Table 1 will be written and provided for the Local Trust Committee's consideration at the October, 2024 meeting at which time they can review Table 2 and also consider referrals to the Advisory Planning Commission. Further discussion on this agenda item was deferred to the next business meeting.

## 10. CORRESPONDENCE

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

- 10.1 Email from Aidan Buckley, Sunshine Coast Regional District dated July 12, 2024 regarding Hopkins Landing Engagement Summary**  
Received for information.

## 11. NEW BUSINESS

- 11.1 Sunshine Coast Regional District Parks and Howe Sound Biosphere Region's Request - Trustee Stamford Verbal Update**  
Item removed from agenda.

## 12. STAFF REPORTS

- 12.1 Trust Conservancy Report - none**

- 12.2 **Applications Report - none**
- 12.3 **Trustee and Local Expense Report dated May, 2024**  
Received for information.
- 12.4 **Adopted Policies and Standing Resolutions**  
Received for information.
- 12.5 **First Nations Relationship Building Update - None**
- 12.6 **Local Trust Committee Webpage**  
No updates.

**13. WORK PROGRAM**

- 13.1 **Active Projects Report dated July 23, 2024**  
Received for information.
- 13.2 **Future Projects Report dated July 23, 2024**  
Received for information.

**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**

By **general consent**, the meeting was adjourned at 2:50 p.m.

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Peter Luckham, Chair

Certified Correct:

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Lisa Millard, Recorder



## Gambier Island Local Trust Committee

### Minutes of Special Meeting

**Date:** July 31, 2024  
**Location:** Gibsons Public Market  
 473 Gower Point Road  
 Gibsons, BC

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

**Staff Present** Nadine Mourao, Legislative Clerk / Deputy Secretary  
 Marlis McCargar, Island Planner  
 Lisa Millard, Recorder

**Others Present:** There were approximately 28 members of the public in attendance.

#### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:03 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 2. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 153 and 154 - Keats Shoreline Protection Project

The following additions to the agenda were presented for consideration:

- 4.2 Business Case for Official Community Plan Project

**By general consent** the agenda was approved as amended.

##### 2.1 Planner Presentation

Planner provided a presentation and highlighted the following:

- Goal is to help members of the public determine if their interests are affected by the proposed bylaws;
- Provided a summary of the work to date including Community Information Meetings, amendments to the proposed bylaws, and referrals to agencies, non-agencies, and First Nations;
- Outlined factors in the Local Trust Committee’s decision-making process;
- Summarized proposed Bylaw Nos. 153 and 154;
- Pointed to edits to the dock sharing regulation and deletion of Section 9.3.4(b); and
- Outlined next steps.

## 2.2 Proposed Bylaw Nos. 153 and 154

Planner summarized proposed Bylaw No. 153 and noted the following:

- Proposed Bylaw to amend the Official Community Plan;
- Establishes a Shoreline Development Permit Area 3 (DP-3) for purpose of protecting the natural environment and protecting development from hazardous conditions;
- Setback area extends upland 15 metres from natural boundary of the sea and 100 metres seaward from natural boundary of the sea; and
- Plumper Cover Provincial Park and areas zoned Marine Conservation are excluded.

Planner summarized proposed Bylaw No. 154 and noted the following:

- Proposed Bylaw to amend the Land Use Bylaw;
- Regulates permitted structures within the setback area to a maximum size of 5 square metres plus one set of stairs or walkway for purpose of accessing the foreshore or permitted marine structure;
- Increases setback between private floats and docks from side lot lines and from adjacent private floats and docks;
- Reduces maximum float area of private and shared docks; and
- New Shoreline Development Permit Area 3 (DP-3) restricts what a landowner is permitted to do on land within the Development Permit Area (DPA), outlines exemptions from DPA requirements, and provides guidelines for receiving a permit.

Planner stated that the Local Trust Committee cannot consider any new information or public submissions after the Public Hearing closes and members of the public were invited to ask any technical questions directly related to the proposed bylaws prior to the start of the Public Hearing.

The following questions and answers were noted:

- Question: Why are the bylaw changes being made, what is the issue the bylaw is trying to solve, and where have any concerns come from?
  - Planner answered the project was initiated in 2017 due to concerns about a proliferation of docks on Keats Island and a desire to protect the foreshore. A working group was formed at that time to help guide the project.
  - Chair noted concerns originated from members of the public on Keats Island and throughout the Islands Trust Area. Dock structures impact natural marine habitat and shoreline erosion, and shoreline infrastructure potentially contributes to degradation of marine environment.
- Question: Requested clarification of setback measurements.
  - Planner replied Development Permit Area setback from the sea will remain at 15 metres inland and the proposed bylaw will not change the building setback from 7.5 metres.
  - Exemptions in the proposed bylaw would be reviewed on a case-by-case basis to determine if a permit is necessary.
- Question: Is the measurement done along the surface of the land or horizontally from the tideline?

- Chair stated, if a cliff is vertical, the 15 metre measurement starts from high water mark and goes up, which might result in several metres of airspace being included in the setback.
- Trustee noted building within the setback area is not disallowed, but a development permit would be required to do so.
- Question: What are the costs associated with a survey and an environmental assessment and how does the Local Trust Committee decides if a permit will be issued?
  - Planner noted that costs include the development permit application fee, costs of environmental and other assessments are established by the qualified professionals that perform the work, and decision of whether to issue a permit a non-discretionary decision made by the LTC based on the DPA guidelines.
- Question: If someone wants to build a bedroom extension onto their cabin in the area within the 7.5 to 15 metre setback and that area is made up of fill held up by rock walls, are they required to hire an environmental professional to determine if any species are at risk, do a survey, and pay the development permit application fee?
  - Planner noted that they would require a development permit to do an addition. Staff would review the guidelines to determine whether a development permit is necessary and, in the absence of a Development Approval Information Bylaw, would ask the Local Trust Committee if a survey is required or not.
  - Chair noted that hand drawn sketches, rather than surveys, are often received and, while the Local Trust Committee can request a survey, they cannot demand one. Often, it is in the applicant's best interests to provide a survey unless it is obvious that the natural environment will not be impacted.
- Question: Does the dock-sharing language apply to existing docks or only new ones?
  - Planner stated the regulations would not be retroactively applied unless changes are made to an existing structure.
- Question: Does one require permission to install a mooring buoy?
  - Planner replied the installation of a mooring buoy an exempted activity.
- Question: Will current owners of undeveloped lots be required to build further back on their lots than where owners of adjacent lots have built or will there be a variance allowing setbacks similar to other neighbouring properties?
  - Planner replied building setbacks would be subject to the bylaw and the property owner could apply for a variance.
- Question: Foreshore lease renews every ten years, will the existing dock be affected by the foreshore lease renewal?
  - Planner replied if no changes are made to the existing dock a development permit is not required.
- Several members of the public spoke to the meeting date and time and indicated that many residents cannot attend on a Wednesday morning. Residents live on the

mainland or Keats Island and not Gibsons, and residents were promised a summer meeting on Keats Island at a time when most would be able to attend.

- Planner and Trustees replied that meeting date and time was scheduled based on availability of Trustees and staff and efforts were made to schedule the meeting on Keats Island, but no venues were available due to the busy summer season.
- Question: Throughout this process, the Local Trust Committee has applied examples of Green Shores principles in the Crown foreshore and most of these principles were developed for lakes rather than high tides. Why do the bylaws say one thing while the Local Trust Committee provides solutions below the vegetation line?
  - Planner and Trustees noted there isn't anything specifically related to Green Shores in the proposed bylaw.
  - Chair clarified that Green Shores started in Puget Sound and was about the removal of shoreline armouring in favour of softer marine shoreline protection techniques.
- Question: Why isn't there a way to participate in the hearing online?
  - Chair noted written and in-person submissions are the established mechanism for a public hearing.
- Question: What did Trustee Bernardo mean when he said there was a lot of pressure to get this done and is there pressure to implement the bylaw right after the meeting?
  - Trustee Bernardo replied that the Local Trust Committee has worked through the elements of the bylaw, he has often delayed the process to introduce amendments, has consistently heard it is time to have a public hearing, and he will be seeking time to consider public comments before moving to next steps.
- Question: Based on the Canada Constitution, the jurisdiction of the water, which includes buoys, docks, ramps and piers, is Federal. What legislation gives Islands Trust jurisdiction 100 feet into the foreshore area?
  - Trustee noted when the Crown Colony of BC came into Canada as a province it had jurisdiction over the sea bottom from the mainland to Vancouver Island and the Land Act and other Local Government Acts give Islands Trust jurisdiction over land use planning.
- Question: How will the bylaws be enforced if they are passed?
  - Chair replied enforcement is not proactive. If a complaint is received, an investigation is conducted to determine if there is a contravention, and, if there is, then bylaw compliance and enforcement processes are undertaken.
- Question: Does one need a permit to do a repair on a small portion of a house that is within the 15metre setback area?
  - Planner noted repairs and maintenance are exempt.
- Why are mooring buoys preferred when mooring chains drag on the ocean floor causing damage, yet a dock is stationary and creates marine habitat?

- Chair replied a mooring buoy chain should use a midwater float to keep the chain above the sea bottom and docks have been shown to cause erosion.
- Question: What studies indicate that docks encourage erosion?
  - Planner indicated that all of the project information and reference materials are located on the website.
- Question: Why are all dock owners being put into the same category when there are many different sized docks and boats?
  - Planner indicated a dock owner can apply for a variance.
- Question: This process feels like it is being rushed. How can the process be paused so it can be done properly when more people can attend?
  - Trustees noted that the process has been ongoing for seven years, there have been multiple Community Information Meetings and that they did try to schedule the Public Hearing on Keats Island but no dates were available.
- Question: If an existing structure is destroyed due to a natural disaster, can a property owner rebuild on the previous footprint or would they need a development permit?
  - Chair noted that, if the foundation is remaining, there is potential to rebuild but an assessment would be required.
- Question: Is the Local Trust Committee open to amending or changing the proposed bylaws.
  - Chair replied 'yes.'
- Question: Are there published peer reviewed scientific research studies that state setbacks need to be 15 metres from the water?
  - Chair replied staff relies on reports from qualified professionals.

**3. PUBLIC HEARING - BYLAW NOS. 153 and 154**

Bylaw No. 153 (Official Community Plan) and Bylaw No. 154 (Land Use Bylaw)

**3.1 Recess for Public Hearing**

The meeting was recessed at 11:30 a.m.

**3.2 Recall to Order**

The meeting was recalled to order at 12:32 p.m.

**4. LOCAL COMMITTEE PROJECTS**

**4.1 Proposed Bylaw Nos. 153 and 154 - Post Public Hearing Staff Report**

Planner noted minor amendments to the proposed bylaws included edits for clarity, changes to the dock sharing regulation, and deletion of Section 9.3.4(b).

Trustees indicated that time is required to review the amendments and consider the submissions.

**GM-2024-033**

**It was MOVED and SECONDED**

that further consideration of Bylaws No. 153 and No. 154 be deferred to the October 1, 2024 Local Trust Committee meeting.

**CARRIED**

**4.2 Business Case for Official Community Plan Project**

**GM-2024-034**

**It was MOVED and SECONDED**

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 Official Community Plan/Land Use Bylaw project—specifically, a comprehensive legal review and legislative process—for subsequent consideration by the Local Trust Committee.

**CARRIED**

**5. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:40 p.m.

\_\_\_\_\_  
Peter Luckham, Chair

Certified Correct:

\_\_\_\_\_  
Lisa Millard, Recorder



## Gambier Island Local Trust Committee

### Public Hearing Record

**Date:** July 31, 2024  
**Time:** 10:15 am  
**Location:** Gibsons Public Market  
473 Gower Point Road  
Gibsons, BC

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

**Staff Present:** Marlis McCargar, Island Planner  
Nadine Mourao, Legislative Clerk / Deputy Secretary  
Lisa Millard, Recorder

**Others Present:** There were approximately 33 members of the public in attendance.

#### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 11:21 a.m.

#### 2. INTRODUCTION AND OPENING STATEMENT FROM THE CHAIR

Chair Luckham welcomed the public and acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff and the recorder.

Chair Luckham read a statement outlining the content, purpose, and process of the Public Hearing regarding proposed Bylaw Nos. 153 and 154 according to Section 465 of the *Local Government Act*. He advised that all persons who believe their interest is affected by the bylaws would be given the opportunity to speak and submit written comments, and that further submissions cannot be received by the Local Trust Committee after the close of the Public Hearing. He noted that all relevant documents are contained in the Public Hearing binder and on the Islands Trust website, which is available to the public.

#### 3. REVIEW OF PUBLIC HEARING NOTICE

Island Planner McCargar reviewed the Public Hearing Notice procedures for posting notice of and publicizing the Public Hearing according to statutes, and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for

**PUBLIC HEARING RECORD  
RECEIVED FOR INFORMATION  
BY LOCAL TRUST COMMITTEE**

review during this Hearing, pointed out the location of the binder, and noted that it is also available on the Islands Trust website.

The Planner provided the following information:

- Proposed changes to Keats Island Official Community Plan (OCP) Bylaw No. 153 which, if adopted, will amend the OCP by establishing Shoreline Development Permit Area 3 (DPA-3) for the purposes of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions;
- Proposed changes to Keats Island Land Use Bylaw (LUB) Bylaw No. 154 which, if adopted, will amend the LUB by increasing setback between private floats and docks from side lot lines and from adjacent private floats and docks, reducing the permitted float area and dock ramp width, and including the DPA-3 guidelines, exemptions, and applicability;
- Identified the agencies, non-agencies, and First Nations referrals that were sent out for comment, and provided a brief overview of responses received, which are also posted on the Islands Trust website; and
- Noted there were 16 public submissions received in response to the Public Hearing notice as of end of day July 30<sup>th</sup>, 2024.

The Public Hearing was recessed for a break at 11:30 a.m. and reconvened at 11:41 a.m.

**4. PROPOSED BYLAW NOS. 153 (Official Community Plan) and 154 (Land Use Bylaw)**

Chair Luckham asked if any members of the public would like to speak to proposed Bylaw Nos. 153 and 154.

Gary Fraser stated the following:

- His family have been good stewards of the land and foreshore;
- Proposed bylaw changes do not have the support of a sufficient number of residents to warrant implementation;
- If bylaw proceeds, it should apply to new construction and not existing structures; and
- The costs and uncertainty of development permit variance process is concerning.

Steve Smith stated the following:

- Marine biologist acquaintance of speaker does not believe the floats are doing any damage and there is beneficial marine environment being created underneath them;
- Does not believe that best practices cited are based on the data they are being referred to in the risk study;
- Using the term 'best practices' requires trust; and
- There is a crisis of support for the bylaws.

Susan Kegel stated the following:

- A statement has been made that the Development Permit Area is to protect the natural environment and ecosystem, but some of the provisions in the proposed bylaw are not relevant to this statement;
- Does not see the justification of limiting what can be done on land already disturbed;
- Shoreline has been disturbed for years and there is nothing left that is natural;

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- Expanding the setback will not impact the natural ecosystem of the foreshore; and
- Agrees with Trustee Bernardo's proposal that building additions should be included as exempt.

Dan Rogers stated the following:

- Was a Trustee when the bylaw amendment process started;
- Strongly supports the bylaws in their current form;
- Timeline has been lengthy because residents wanted to be included in the process;
- Members of the public could write submissions if they could not attend the meeting;
- Land should be respected whether it has been disturbed or not;
- Disagrees that Keats Island is different from other islands; and
- Development Area Permit process addresses issues and environmental concerns specific to each property.

George Slade stated the following:

- Islands Trust does not have the authority to regulate docks and navigation;
- Bylaw was not referred to the Ministry of Transportation and Infrastructure, Department of Fisheries and Oceans, or the Federal Government in an effort to avoid their comments;
- If Islands Trust tries to regulate docks, it will result in legal action; and
- The Local Trust Committee does not have the support of the community.

Bill Finlay stated the following:

- Family cottage was built close to the ocean with footprint of 650 square feet;
- Also owns an adjacent undeveloped lot with a shared property line of 20 meters on both sides;
- The proposed setback will render his neighbouring lot undevelopable;
- The bylaw should take into account construction on existing properties without the requirement of a variance;
- The threat of loss of dwelling by fire is significant and a clear path to reconstruction should be outlined in the bylaws;
- Timing of the Public Hearing is impractical as residents cannot attend;
- The Local Trust Committee does not have adequate time to consider comments received today to go to third reading immediately following the Public Hearing; and
- Advertising the meeting in the Coast Reporter is not an adequate means of notice.

Paul Milley stated the following:

- Was part of the initial project working group ;
- Group consisted of twelve people and there was not a strong consensus;
- Was opposed to more regulation, but wanted something done based on some of the development that was occurring;
- Keats Island has more docks and waterfront lots per kilometer than any other island and few roads and this shows residents rely on waterfront access to their homes;
- The amendments made to the bylaws are better than the language proposed initially, and more time should be taken to ensure the process is done right;

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- Radius around current buildings could allow a different level of regulation; and
- The cost of a development permit is substantial and might cause people to try to bypass the process.

Chris Ritchie stated the following:

- Was part of the working group;
- Worked as a biologist for the Province;
- Has dealt with best management practices and, if applied with common sense, they can move forward;
- Exemption provisions need to be tested, but there is still opportunity to do what he wants to do on his property;
- Variance provisions are concerning and the constraints do not take into account the costs or the time needed to follow the provisions;
- Residents might opt out of the legal process and proceed without a development permit;
- If process can incentivize people to step up, they will be more committed; and
- There are opportunities to manage undeveloped properties and portions of properties that have not been disturbed and to manage the foreshore to provide shading for fish and recreational use.

Ian Roote stated the following:

- Does not understand why restrictive bylaws are being forced on Keats Island residents;
- Has always respected and cared for the environment and contributed to acting in the best interests of the island;
- Docks are a political decision and regulations do not apply to Gambier Island Trust Area because it is not very accessible by car;
- Plumper Cove does not have road access and everything comes to the island by boat or barge making a dock necessary to access homes;
- Having a one-size-fits-all dock regulation does not make sense;
- Believes shade created by docks helps the environment; and
- Asks that regulations be limited to new builds on undisturbed lands.

Jim Murdoch stated the following:

- Has watched the bylaw process for seven years as the foreshore was denigrated by a proliferation of docks;
- There is no oversight and a complaint-driven process is difficult to deal with;
- Concerned about subjectivity and broadness of term 'undisturbed land' versus 'disturbed';
- Owns undisturbed land that is impacted by disturbed land around it;
- Urges Local Trust Committee to not include exemptions about undisturbed land; and
- There is a lot of road access in the community and he would like to have a dock, but chose not to for environmental reasons.

Jan Hagedorn stated the following:

- Considers the bylaws as a framework and guidance for future generations;

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- What residents have now is grandfathered in and most residents have followed good practices;
- Concerns about lots that were not developed and some that might not be developable need to be considered;
- The process has been a good one and debate and discussion is important; and
- While he did see the notice about the meeting being held in Gibsons, it might be a good idea to hold another meeting on Keats Island.

Trish Cowley stated the following:

- Works on the island as a realtor;
- Served on the working group;
- Keats Island is unique and the Official Community Plan and Land Use bylaws were drafted and constructed based on the needs of the island;
- Changing bylaws should be a community process;
- Does not think many residents were aware of the Public Hearing;
- The Local Trust Committee needs more input;
- The island isn't getting developed any more and the few undeveloped lots were purchased by people that bought them with a vision of what they could do and now that won't be allowed;
- Does not agree that one cannot rebuild if a natural disaster or fire occurs without needing to acquire a permit; and
- The permitting process is expensive and arduous.

Curt Shepard stated the following:

- Properties are sold and buyers arrive with city values;
- Has experienced paying the high costs associated with surveyors and environmentalists;
- Costs for renovations should be reasonable for existing residents so they can maintain their properties without needing to hire surveyors; and
- Process needs to be simple and exemptions should not require environmental reports.

Richard Jones stated the following:

- Previously worked in mergers and acquisitions and used a term called 'deal fatigue' which refers to being at something so long you settle to get it over with; and
- Encourages the process to continue and not to let fatigue make the end result less than what it could be.

Glen Donaldson stated the following:

- The proposed bylaws are not good for the community as there are issues that still need to be addressed and adjusted;
- The democratic process needs more time to unfold and there needs to be a hearing where more people can attend;
- Concerned about practical application of the bylaws;
- Many residents have small lots that are close together and legal access is from the sea;

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- If a resident has a neighbour on either side of them and both neighbours have a dock, the property owner might get squeezed out and not allowed to have a dock due to the setback requirements, and one cannot tell that person they cannot have legal access to their property; and
- There needs to be exemptions for repairs and replacing what was already there should have a different process and the bylaws need to reflect this.

Dan Rogers stated the following:

- Understands the concerns; and
- Asks the community to not let the pursuit of perfection get in the way by trying to continuously make the bylaw better and therefore never getting to the end of the process.

Rob Bental stated the following:

- Has wanted the Keats Island community to get stronger and unite together regardless of differences; and
- Encourages the Local Trust Committee to pause and get more involvement from the community.

Two written submissions were received and read by the Trustees.

Chair Luckham asked the public for any other comments or submissions. He called a second time for any comments or submissions on the proposed bylaws. He called for submissions a third and final time.

**5. ADJOURNMENT**

Chair Luckham noted that upon closure of the Public Hearing, any further questions or submissions should be forwarded to staff, as Trustees cannot hear or receive anything further on the application post-Public Hearing.

There being no further submissions, Chair Luckham declared the Public Hearing closed at 12:31 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:



\_\_\_\_\_  
Lisa Millard, Recorder



Islands Trust

## Resolutions Without Meetings Log

### Gambier Island

Resolution Number	Action	Date
<p><b>2024-005</b></p> <p><b>Major Project Business Case</b></p> <p>That the Gambier Island Local Trust Committee approve the Major Project Business Case (Gambier Island Official Community Plan/Land Use Bylaw Project Implementation) for submission to the Regional Planning Committee and Financial Planning Committee for the fiscal 2025-2026 year budget.</p>	<p><b>Carried</b></p>	<p><b>28-Aug-2024</b></p>

## Follow Up Action Report

### Gambier Island

29-Apr-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Major project: 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. <i>Staff report on Oct. 1 agenda</i>	Sonja Zupanec		Completed
0%	2 Major project: 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
100%	3 Major project: 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. <i>Report on Oct 1 agenda</i>	Sonja Zupanec		Completed
0%	4 Major project: 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.	Joe Elliott Renee Jamurat Sonja Zupanec		In Progress
100%	5 Review definition of permitted forestry/logging activity on SR zones on Gambier Island.	Marlis McCargar Warren Dingman		Completed

## Follow Up Action Report

### Gambier Island

28-May-2024

Progress	Activity	Responsibility	Dates	Status
50%	<p>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.</p> <p>- <i>Deferred to Nov 26 LTC meeting.</i></p>	William Shulba	Target: 01-Oct-2024	In Progress
50%	<p>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.</p>	Warren Dingman		In Progress
100%	<p>3 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.</p> <p>- <i>Recommendation not to forward bylaw. Staff report on Oct 1 agenda.</i></p>	<p>Chloe Straw</p> <p>Marlis McCargar</p> <p>Nadine Mourao</p> <p>Stefan Cermak</p>		Completed

30-Jul-2024

Progress	Activity	Responsibility	Dates	Status
100%	<p>1 Major project: 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.</p> <p>- <i>August 26: RWM request for business case approval and to forward to Regional Planning Committee and Financial Planning Committee.</i></p>	<p>Renee Jamurat</p> <p>Sonja Zupanec</p>		Completed

## Follow Up Action Report

### Gambier Island

31-Jul-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Defer consideration of 3rd reading of bylaw Nos. 153/154 to Oct 1 LTC meeting. Bring back post-public hearing staff report at that time.	Marlis McCargar Nadine Mourao	Target: 01-Oct-2024	Completed



File No.: 3900-03  
(GM APC Bylaw)

DATE OF MEETING: October 1, 2024  
TO: Gambier Island Local Trust Committee  
FROM: Marlis McCargar  
Northern Team  
SUBJECT: Bylaw No. 159 – Proceed No Further

## RECOMMENDATION

1. That Gambier Island Local Trust Committee proceed no further with Bylaw No. 159, cited as “Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018, Amendment No. 1, 2024”.

## PURPOSE

The Gambier Island Local Trust Committee (LTC) requested staff to bring forward a draft amendment to the Gambier Island Local Trust Committee [Advisory Planning Commission \(APC\) Bylaw No. 150](#). The proposed amendment would allow fully electronic, in-person or hybrid (in person/electronic) meetings where feasible, providing appointed volunteer members with maximum flexibility to participate and deliver timely referral responses to the LTC.

Given the significant geographic constraints on Gambier Island and other islands within the Local Trust Area, in-person meetings for APC members are often difficult, expensive, and time-consuming to coordinate and attend. Appointed members have repeatedly requested greater flexibility in meeting procedures to accommodate their unique circumstances.

However, upon further analysis, it is noted that electronic meetings for Advisory Planning Commissions (APCs) are not permitted under current legislation and as a result, staff cannot recommend proceeding with the bylaw amendment.

## BACKGROUND

The Gambier Island LTC passed the following resolutions at their May 28, 2024 regular business meeting:

### 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**

**ANALYSIS**

**Policy/Regulatory**

Staff have been advised by senior management that the recent amendments to the *Community Charter*, which permit electronic meetings for certain other bodies, do not extend to Islands Trust “other bodies” such as Advisory Planning Commissions (APC).

In short, while the provincial amendments in 2022 allowed electronic meetings for APCs under the Community Charter, these changes did not include amendments to the Islands Trust Act. As a result, neither Section 145.1 of the [Community Charter](#) nor Section 226.2 of the [Local Government Act](#) apply to Islands Trust APCs.

Given that current legislation does not permit electronic meetings for APCs within the Islands Trust area, staff cannot recommend forwarding proposed Bylaw No. 159 to Executive Council at this time.

**NEXT STEPS**

Subject to concurrence by the LTC, Proposed Bylaw No. 159 will not be forwarded to the Executive Committee and the bylaw will proceed no further.

Submitted By:	Marlis McCargar, Island Planner	September 12, 2024
Concurred By:	Renée Jamurat, RPP MCIP, Regional Planning Manager	September 17, 2024



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

DATE OF MEETING: October 1, 2024  
TO: Gambier Island Local Trust Committee  
FROM: Marlis McCargar, Island Planner  
Northern Team  
SUBJECT: Keats Shoreline Protection Project – Bylaw Nos. 153 (OCP) and No. 154 (LUB) – Post  
Public Hearing for Second and Third Readings, and Ministerial Approval

## RECOMMENDATION

1. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be amended as follows:
  - a. Schedule 1, Section 1.1, Part A – ADMINISTRATION AND INTERPRETATION, add “Subsection 3.5” after the word “INTERPRETATION”;
  - b. Schedule 1, Section 1.2, Part B – GOALS, OBJECTIVES AND POLICIES, add “Subsection 5.11” after the word “POLICIES”; and
  - c. Schedule 1, Section 1.4, PART C – DEVELOPMENT PERMIT AREAS, Justification Section, add the words “including the construction of” before “buildings or structures should not result in a loss of significant marine or coastal habitat”.
2. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a second time, as amended.
3. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a third time.
4. That the Gambier Island Local Trust Committee proposed Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021” be forwarded to the Minister of Municipal Affairs for approval.
5. That the Gambier Island Local Trust Committee Bylaw No. 154 cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” be amended as follows:
  - a. Schedule 1, Section 1.2 b), replace “1.2a)” with “2.7.3” and delete the word “above” after “setback”;
  - b. Schedule 1, Section 1.9, delete in its entirety and replace with the following:

**“Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”;**

- c. **Schedule 1, Section 1.12, delete in its entirety and replace with the following:**

**“Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”;**

- d. **Schedule 1, Section 1.20, delete in its entirety and replace with the following:**

**“Despite Subsection 4.6.5, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”;**

- e. **Schedule 1, 9.3 DP-3 Shoreline, Applicability Subsection .1, third bullet, delete the word “new”;**
- f. **Schedule 1, 9.3 DP-3 Shoreline, Exemptions Subsection .2, article a) add the words “land within” after “the ecology of”;**
- g. **Schedule 1, 9.3 DP-3 Shoreline, Exemptions Subsection .2, article i), clause ii) delete the word “wide” after “1 metre or less”;**
- h. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3 delete the words “to applications” after “guidelines apply” and add “within the DP-3 area” after “permits”;**
- i. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article a) delete the word “negative” before “impacts on the ecological”;**
- j. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article b) delete the word “new” before “construction”;**
- k. **Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article c) delete the word “new” before “development”;**

- l. Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article d) delete in its entirety and replace with “Consideration should be given to minimizing the impacts of sea level rise and storm surges.”;
  - m. Schedule 1, 9.3 DP-3 Shoreline, General Guidelines Subsection .3, article f) add “(as defined by the *Species At Risk Act* (SARA)” before “including terrestrial or aquatic”;
  - n. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Construction and Replacement of Docks and Ramps, Subsection .4, add “The following guidelines apply to applications for development permits within the DP-3 area:” before article a);
  - o. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Construction and Replacement of Docks and Ramps, Subsection .4, article b), delete in its entirety and renumber accordingly;
  - p. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Shoreline Modifications, Subsection .5, add “The following guidelines apply to applications for development permits within the DP-3 area:” before article a);
  - q. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Shoreline Modifications, Subsection .5, article b), replace “allowed” with “undertaken”;
  - r. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Shoreline Modifications, Subsection .5, article j) replace “contaminated material” with “contaminates”; and
  - s. Schedule 1, 9.3 DP-3 Shoreline, Guidelines - Vegetation Management and Restoration, Subsection .6, add “The following guidelines apply to applications for development permits within the DP-3 area:” before article a).
6. That the Gambier Island Local Trust Committee Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be read a second time, as amended
  7. That the Gambier Island Local Trust Committee Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be read a third time.
  8. That the Gambier Island Local Trust Committee proposed Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021’ and proposed Bylaw No. 154 cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

## REPORT SUMMARY

This is a post Public Hearing report supporting next steps for proposed Bylaws No. 153 (OCP amendment) and Bylaw No.154 (LUB Amendment). These bylaws seek to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions.

Staff have consulted with legal and are recommending the LTC amend Proposed Bylaw Nos. 153 and 154 for clarity and to correct small editing errors.

The recommendations above are supported as:

- All statutory requirements have been completed including the required notification and holding of a Public Hearing consistent with the *Local Government Act*;
- Public, government agency or First Nation concerns raised with the proposed bylaws have been considered by the LTC; and,
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

## BACKGROUND

The Gambier Island Local Trust Committee (LTC) is considering Bylaw Nos. 153 and 154 that would amend the Official Community Plan (OCP) and Land Use Bylaw (LUB).

**Bylaw 153 (OCP Amendment)** – amending the OCP to designate nearshore upland and marine areas as a Shoreline Development Permit Area for the purpose of protecting the natural environment, ecosystems and biodiversity, and to protect development from hazardous conditions. Areas currently proposed to be designated within the Development Permit Area are as follows:

- 15 metres measured upland of the present natural boundary of the sea;
- 100 metres seaward of the natural boundary of the sea; and
- Plumper Cove Provincial Park and areas zoned Marine Conservation (MC) in the LUB have not been included.

**Bylaw 154 (Land Use Bylaw Amendment)** – amending the LUB to:

- Limit the size and type of structures exempted from the setback from the natural boundary of the sea; and
- Update marine structure regulations, including:
  - Reducing dock float size and ramp widths;
  - Increasing setbacks between adjacent docks and lot boundaries.
  - Include new Shoreline Development Permit Area guidelines intended to protect the marine shoreline, guide dock construction and shoreline modifications, and restore or enhance vegetation along the shoreline.

Both Bylaw Nos. 153 (OCP) and 154 (LUB) were given first reading on July 22, 2021. First reading of Proposed Bylaw No. 154 was rescinded on October 14, 2021, amended by the LTC, and then given first reading again. Proposed Bylaw Nos. 153 and 154 were both given second reading at the LTC meeting on September 1, 2022.

In 2023, the LTC requested a bylaw review from a Qualified Environmental Professional (QEP) specializing in Aquatic Biology, as well as further staff review and LTC-initiated amendments. As a result of the additional work, proposed Bylaw No. 154 was given second reading as amended on May 14, 2024.

Throughout the project, four Community Information Meetings (CIMs) were held on September 29, 2021; October 14, 2021; September 15, 2022 and July 21, 2023. Community engagement activities included an informational mail out, CIMs, Working Group meetings and a community questionnaire.

Referrals and re-referrals were sent out to government agencies, organizations and First Nations in August 2021 and again in December 2021 to reflect significant changes to the proposed bylaws. Squamish First Nation responded in March 2022 with concerns related to the marine ecosystem and building setback regulation of 7.5m from the natural boundary of the sea. Staff, LTC and Squamish First Nation met in June 2022 to discuss these concerns. Some minor changes were made based on the discussion; however, the building setback regulation remains at 7.5m and not the 15m recommended by Squamish First Nation.

The bylaws received legal review in June 2024.

The Public Hearing was held July 31, 2024. A Public Hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading, as amended (this may include further changes to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding the OCP amendment to Ministry of Municipal Affairs for approval.
5. Final LTC consideration and adoption.

Following the close of the Public Hearing, the LTC may not hear further submissions without holding a new Public Hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing if it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the changes do not alter use or increase density, or decrease density without a landowner's consent.

### **SUGGESTED AMENDMENTS TO BYLAW NO. 154 (OCP)**

Staff are proposing two minor edits to identify the exact location of subsection references and an edit for clarity in the "Justification" section of the OCP.

### **SUGGESTED AMENDMENTS TO BYLAW NO. 153 (LUB)**

Staff are suggesting minor revisions to Proposed Bylaw No. 154 to eliminate redundancies and enhance clarity.

One of the more significant changes is alternate wording for dock sharing covenant and easement requirements. The language has been revised as it will require two instruments to allow for dock size increases when shared between residential lots:

1. Section 219 covenant on benefitting property prohibiting dock construction or access on benefitting property; and
2. Private easement over the residential lot with expanded dock size. A private easement is recommended as it ensures the enforcement is left to owners.

**ALTERNATIVES**

**1. Amend the Bylaw(s)**

*That the Gambier Island Local Trust Committee proposed Bylaw No. 153, cited as ‘Keats Island Official Community Plan, 2002, Amendment No. 1, 2021’ be amended as follows:...*

*That the Gambier Island Local Trust Committee proposed Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’ be amended as follows:....*

**2. Proceed no further**

*That the Gambier Island Local Trust Committee proceed no further with Bylaw Nos. 153 and 154.*

**NEXT STEPS**

If the recommendations are supported:

- Bylaw Nos. 153 and 154 will be forwarded to the Islands Trust Executive Committee for approvals;
- Bylaw 153 (OCP Amendment) will be forwarded to the Minister of Municipal Affairs for approval; and
- Bylaw Nos. 153 and 153 will be returned to the LTC for final adoption.

Submitted By:	Marlis McCargar, Island Planner	June 19, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 26, 2024

**ATTACHMENTS**

1. Bylaw 153 (OCP) - track changes copy
2. Bylaw 153 (OCP) – clean copy
3. Bylaw 154 (LUB) – track changes copy
4. Bylaw 154 (LUB) – clean copy

# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

---

### A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

---

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

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS                      22<sup>ND</sup>                      DAY OF                      JULY                      , 2021

READ A SECOND TIME THIS                      1<sup>ST</sup>                      DAY OF                      SEPTEMBER                      , 2022

PUBLIC HEARING HELD THIS                      31<sup>ST</sup>                      DAY OF                      JULY                      , 2024

READ A THIRD TIME THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS  
\_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

ADOPTED THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**

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

**Schedule “1”**

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
  - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION, Subsection 3.5** is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
  - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES, Subsection 5.11** is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
  - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
  - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

**“3. DEVELOPMENT PERMIT AREA 3: SHORELINE**

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

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

**Location**

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

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

**Justification**

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

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

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

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

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

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

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

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

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

## **Objectives**

**The objectives of this development permit area are as follows:**

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

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

**Development Approval Information**

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

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

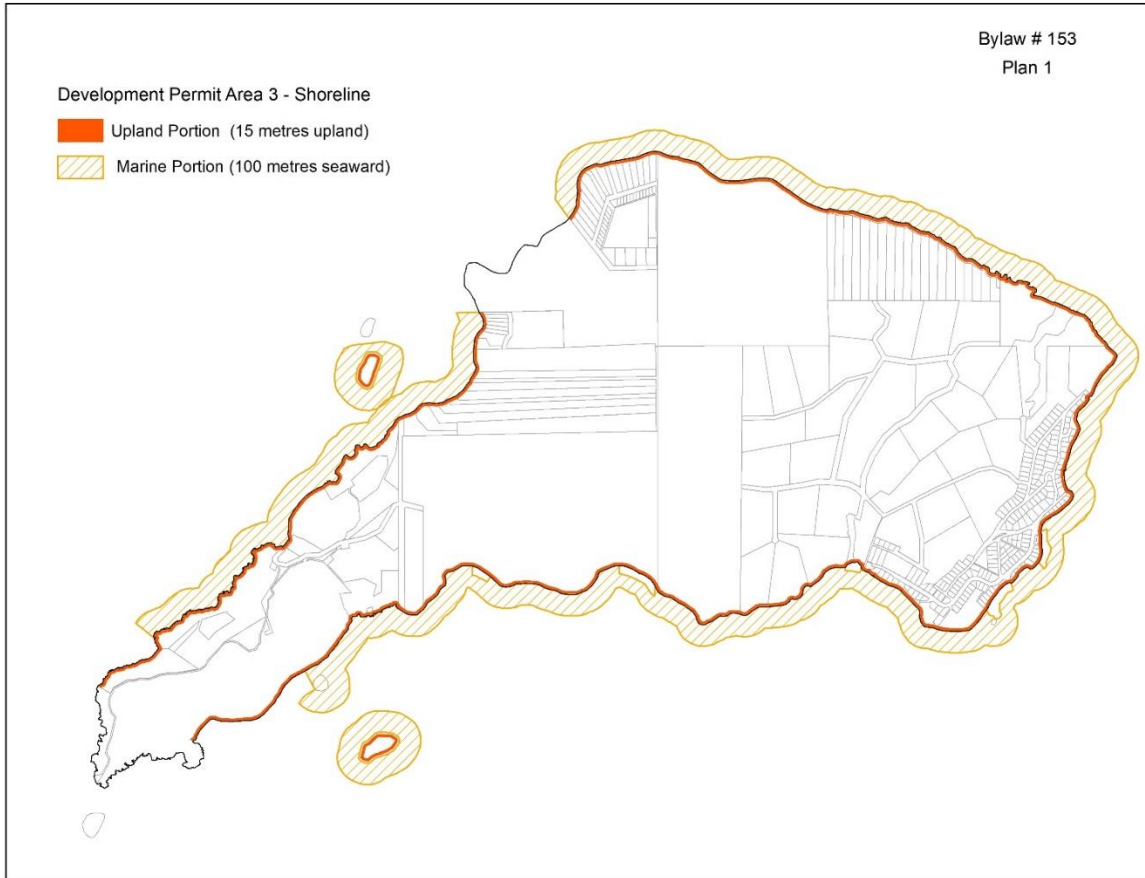
**GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 153**

**Schedule "2"**

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

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

**Plan No. 1**



# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

---

### A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

---

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

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS                      22<sup>ND</sup>                      DAY OF                      JULY                      , 2021

READ A SECOND TIME THIS                      1<sup>ST</sup>                      DAY OF                      SEPTEMBER                      , 2022

PUBLIC HEARING HELD THIS                      31<sup>ST</sup>                      DAY OF                      JULY                      , 2024

READ A THIRD TIME THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS  
\_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

ADOPTED THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 20XX

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**

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

**Schedule “1”**

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
  - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION, Subsection 3.5** is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
  - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES, Subsection 5.11** is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
  - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
  - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

**“3. DEVELOPMENT PERMIT AREA 3: SHORELINE**

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

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

**Location**

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

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

**Justification**

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

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

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

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

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

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

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

## **Objectives**

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

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- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
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**Development Approval Information**

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

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

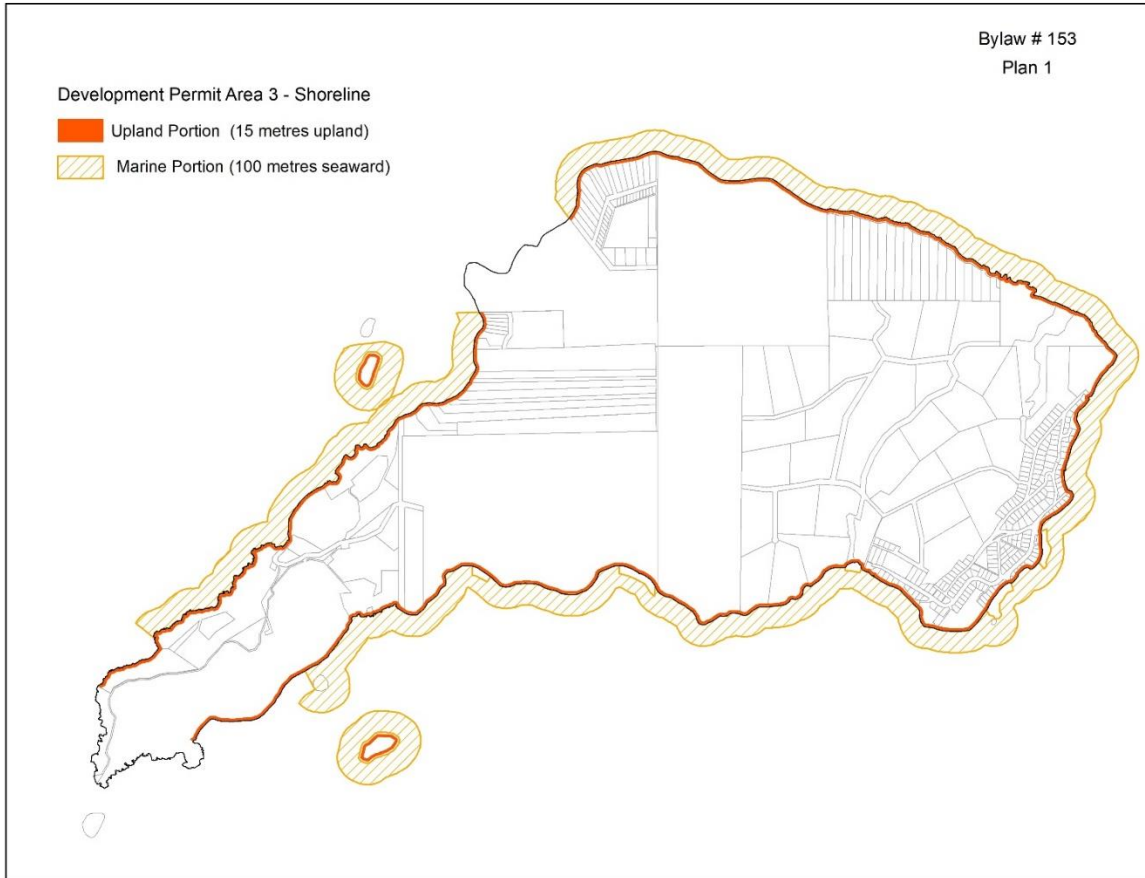
**GAMBIER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 153**

**Schedule "2"**

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

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

**Plan No. 1**



# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

---

### A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

---

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

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

READ A FIRST TIME THIS                    14<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2021

READ A SECOND TIME THIS                    14<sup>TH</sup>                    DAY OF                    MAY                    , 2024

PUBLIC HEARING HELD THIS                    31<sup>ST</sup>                    DAY OF                    JULY                    , 2024

READ A THIRD TIME THIS                    \_\_\_\_\_                    DAY OF                    \_\_\_\_\_                    , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_\_                    DAY OF                    \_\_\_\_\_                    , 20XX

ADOPTED THIS                    \_\_\_\_\_                    DAY OF                    \_\_\_\_\_                    , 20XX

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Chair

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Secretary

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

**Schedule “1”**

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:

1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”

“**shoreline protection measures** means hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. ‘Hard’ measures refer to the use of materials with impermeable surfaces (e.g., stone, concrete) whereas ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.

Range of measures varying from soft to hard include:

<ul style="list-style-type: none"> <li>• <b>Vegetation enhancement</b></li> <li>• <b>Upland drainage control</b></li> <li>• <b>Biotechnical measures</b></li> <li>• <b>Beach enhancement</b></li> <li>• <b>Anchor trees</b></li> <li>• <b>Gravel placement</b></li> <li>• <b>Rock (rip rap) revetments</b></li> <li>• <b>Gabions</b></li> <li>• <b>Concrete groins</b></li> <li>• <b>Retaining walls or bulkheads</b></li> <li>• <b>Seawalls</b></li> </ul>	<p><b>SOFT</b></p> <p><b>HARD</b></p>
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1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

- “a) No building or structure may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure.
- b) Notwithstanding subsection ~~1-2a)2.7.3~~ **2.7.3**, for properties zoned Rural Comprehensive the setback ~~above~~ shall be 15 metres (49.2 feet).”

1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.

1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting immediately after subsection 2.7.5 the following as a new subsection:

“2.7.6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”

1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.

1.6 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.9 **SITING COMPLIANCE**, Subsection .1 is amended by inserting the words “and development permit” after “development variance permit”.

1.7 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks”.

1.8 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.

1.9 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following:

“Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential ~~dwelling lot~~ served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on ~~the~~ titles to each of the participating ~~properties-residential lots which does not have its own dock~~, identifying the property on which the shared dock shall be situated, ~~and foreclosing prohibiting~~ the use or construction of a dock on or from any of the other properties that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”

1.10 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.

1.12 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following:

“Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.” ~~dwelling served up to a maximum float size of 154 square metres (1130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and granting the occupants of each participating property the right to the use the shared dock freely.”~~

- 1.13 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.
- 1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”.
- 1.17 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.5 is amended by removing it in its entirety and replacing it with the following:

“dock floats, that are accessory to a private institutional use on the adjacent upland lot, is 1,500 square metres (16,145 square feet).”
- 1.19 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, second bullet in Subsection 4.6.5 is amended by replacing “150 square metres” with “47 square metres (500 square feet)”.
- 1.20 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by adding a third bullet with the following:

“Despite Subsection 4.6.5, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each

~~of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.” dwelling served up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on the titles of the participating properties identifying the property on which the shared dock shall be situated, foreclosing the construction of a dock on any of the other properties, and granting the occupants of each participating property the right to the use the shared dock freely.”~~

- 1.21 **PART 4 – ZONE REGULATIONS, Section 4.6 PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.9 is amended by replacing “30 acres” with “60 acres”.
- 1.22 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.23 **PART 4 – ZONE REGULATIONS, Section 4.10 PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.24 **PART 4 – ZONE REGULATIONS, Section 4.12 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.25 **PART 4 – ZONE REGULATIONS, Section 4.12 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) a) is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1,500 square metres (16,145 square feet)”
- 1.26 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** attached to and forming part of this bylaw.

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

**9.3 DP-3 SHORELINE**

**Applicability**

.1 The following activities shall require a Development Permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3.2:

- ~~new~~ construction, addition or alteration of a building, structure, utility, or shoreline protection measure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

**Exemptions**

.2 The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Repair and maintenance of lawful buildings, structures or utilities, including the replacement of building components as may be necessary to implement such repair and maintenance, provided always that any work is conducted entirely within the footprint of the existing building, structure, or utility and does not degrade the ecology of [land within DP-3](#);
- b) Alterations of previously disturbed land and to pre-existing buildings, structures and utilities located between 7.5 metres and 15 metres from the natural boundary of the sea, provided always that the alteration:
  - i. Takes place entirely within the perimeter of previously disturbed land or within the footprint of a pre-existing building, structure, or utility;
  - ii. Does not alter, disturb or otherwise harm previously undisturbed land or native vegetation anywhere within DP3; and
  - iii. Does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.
- c) Repair and maintenance of soft shoreline protection measures that were designed and implemented at the direction of a Qualified Professional, provided that any such work is limited to maintaining the original design parameters of the measure;
- d) Repair or replacement of a septic field site in the same location as the existing septic field;
- e) The installation of a mooring buoy;
- f) Construction or repair of the following structures sited within the setback from the natural boundary of the sea:
  - i. A platform not exceeding 5 square metres in area;
  - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- g) Small-scale, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best land management practices;
- h) Construction of a fence provided no native tree species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- i) The construction of a trail provided always the trail is:
  - i. Designed and situated to minimize vegetation disturbance and entirely avoid the removal of native trees and the erosion of soil on sloping terrain;

- ii. A width of 1 metre or less ~~wide~~;
  - iii. For personal and non-vehicular use only; and
  - iv. Surfaced with soil, gravel, mulch or other natural materials permeable to water.
- j) Repair and maintenance of existing roads, driveways, paths and trails, provided always there is no expansion of the width or length and no increase in the total area surfaced with concrete, pavers, asphalt or other materials impervious to water;
  - k) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
  - l) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
  - m) The removal of trees that pose an immediate threat to life or property, as determined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing;
  - n) Works required to prevent, control or reduce risk to or loss of human life, the natural environment or public or private property, including:
    - i. Forest fire, flood and erosion protection works;
    - ii. Protection, repair or replacement of public facilities;
    - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
    - iv. Bridge repairs.
  - o) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
  - p) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
  - q) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
  - r) Consolidation of legal lots by subdivision; and
  - s) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

### General Guidelines

- .3 The following guidelines apply ~~to applications~~ for development permits within the DP-3 area:
  - a) Development in the shoreline area should minimize ~~negative~~ impacts on the ecological health and disruption to coastal sediment transport processes.
  - b) ~~New construction~~ Construction and additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection measures throughout the life of the structure.
  - c) ~~New development~~ Development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis by a Geotechnical Engineer or Professional Geoscientist.

- d) Consideration should be given to minimizing the impacts of sea level rise and storm surges should be addressed.
- e) Development design should prevent the release of sediment to the shore and to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan that includes actions to be taken prior to land clearing and site preparation may be required.
- f) Areas that include critical habitat of any Species-species at Riskrisk (as defined by the Species at Risk Act (SARA)), including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a rare species has been identified by Islands Trust mapping, should be left undisturbed. If disturbance cannot be avoided, then development and mitigation measures should be undertaken under the supervision of a Registered Professional Biologist with advice from applicable government agencies.
- g) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- h) All development below the natural boundary of the sea should minimize degradation of the marine ecosystem and disturbance of the substrate.

#### Guidelines - Construction and Replacement of Docks and Ramps

.4 The following guidelines apply to applications for development permits within the DP-3 area:

- a) Docks, floats and ramps should be sited to avoid interference with sensitive ecosystems such as eelgrass beds, forage fish habitat, and natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- ~~b) Docks should be designed to avoid interfering with public movement along the foreshore.~~
- ~~e)b)~~ Decking materials should allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.
- ~~d)c)~~ Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to greater distance between pilings over increasing the number of pilings.
- ~~e)d)~~ Docks should be constructed so that they do not rest on the seabed at low water/low tide levels and to allow the free flow of water beneath dock floats at all times.
- ~~f)e)~~ 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.
- ~~g)f)~~ Preference is given to mooring buoys that are seagrass-friendly and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

**Commented [MM1]:** Outside the DP specific authority for LGA sections 488(1)(a) and (b)

#### Guidelines - Shoreline Modifications

.5 The following guidelines apply to applications for development permits within the DP-3 area:

- a) Shoreline protection or stabilization measures should not be undertaken for the sole purpose of changing the measurement of setbacks on a property or to reclaim land lost due to erosion.

- b) Shoreline protection measures should not be ~~allowed~~ undertaken for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- c) Shoreline protection measures may be considered to protect existing structures as provided by a report, prepared by a Qualified Professional(s), which describes the following:
  - i. need for the proposed modification to protect existing structures;
  - ii. any natural hazards, erosion, or interruption of geohydraulic processes that may arise from the proposed modification, including at sites on other properties or foreshore locations;
  - iii. cumulative effect of shoreline protection along the drift sector where the works are proposed; and
  - iv. whether there will be any degradation of the marine ecosystem or loss of fish or wildlife habitat because of the modification.
- d) Shoreline protection measures should be designed by a Qualified Professional, and should:
  - i. Limit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
  - ii. Rely on non-structural shoreline protection measures when feasible;
  - iii. Be designed to avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
  - iv. Address compatibility with adjacent shoreline protection works.
- e) Structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered when a geotechnical and biophysical analysis provided by a Qualified Professional demonstrates the following:
  - i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves;
  - ii. erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
  - iii. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
  - iv. Non-structural shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
  - v. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
  - vi. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced provided that:
  - i. The replacement structure is of the same size and footprint as the existing structure;
  - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible; and
  - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns.
- g) Materials used for shoreline protection should be constructed of stable and uncontaminated materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.
- h) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume should only be considered when necessary to assist in the

enhancement of the natural shoreline's stability and ecological function. Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

- i) Placement of fill below the natural boundary of the sea should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, as allowed by the relevant provincial and/or federal authorities.
- j) All upland fill and beach nourishment materials should be clean and free of debris and ~~contaminated-contaminatesmaterial~~.

#### **Guidelines - Vegetation Management and Restoration**

.6 [The following guidelines apply to applications for development permits within the DP-3 area:](#)

- a) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- b) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- c) In areas cleared of native vegetation during development, replanting requirements and a security deposit to restore the natural environment or control erosion may be required.
- d) Sparsely vegetated areas may not require planting.
- e) Vegetation species used in replanting should be suitable for the soil, light and groundwater conditions of the site, native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. The use of suitably adapted non-invasive, non-native vegetation may be permitted in a replanting program when conditions render the use of native species materially less suitable for erosion control and habitat strengthening.
- f) Replanting may be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native plant species, irrigation, and the replacement of unhealthy, dying or dead stock at the owner's expense.

# PROPOSED

## GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

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### A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

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

READ A FIRST TIME THIS                    14<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2021

READ A SECOND TIME THIS                    14<sup>TH</sup>                    DAY OF                    MAY                    , 2024

PUBLIC HEARING HELD THIS                    31<sup>ST</sup>                    DAY OF                    JULY                    , 2024

READ A THIRD TIME THIS                    \_\_\_\_\_                    DAY OF                    \_\_\_\_\_                    , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_                    DAY OF                    \_\_\_\_\_                    , 20XX

ADOPTED THIS                    \_\_\_\_\_                    DAY OF                    \_\_\_\_\_                    , 20XX

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**

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

**Schedule “1”**

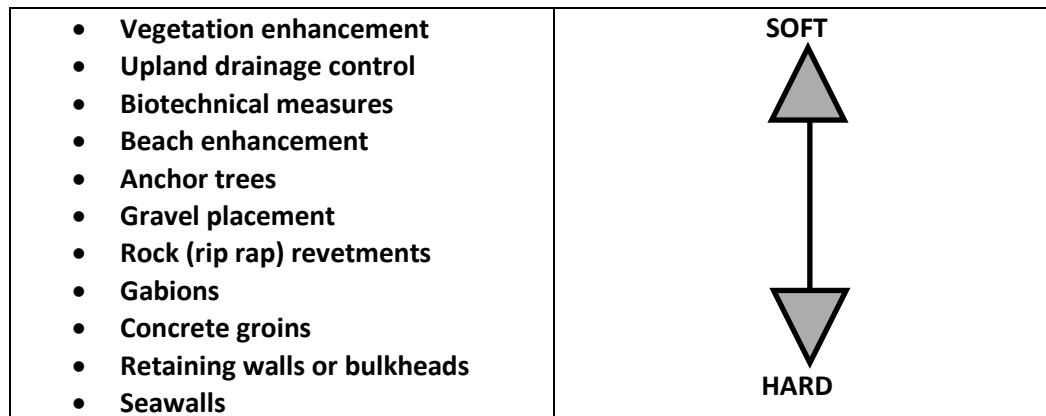
1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:

1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”

“**shoreline protection measures** means hard or soft modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection and stabilization against erosion. ‘Hard’ measures refer to the use of materials with impermeable surfaces (e.g., stone, concrete) whereas ‘soft’ measures refer to less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement.

Range of measures varying from soft to hard include:



1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

- “a) No building or structure may be constructed, altered, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea, except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure.
  
- b) Notwithstanding subsection 2.7.3, for properties zoned Rural Comprehensive the setback shall be 15 metres (49.2 feet).”

- 1.3 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
- 1.4 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting immediately after subsection 2.7.5 the following as a new subsection:
- “2.7.6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
- 1.5 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
- 1.6 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.9 SITING COMPLIANCE**, Subsection .1 is amended by inserting the words “and development permit” after “development variance permit”.
- 1.7 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks”.
- 1.8 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.9 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by removing it in its entirety and replacing it with the following:
- “Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”
- 1.10 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.11 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.
- 1.12 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by removing it in its entirety and replacing it with the following:

“Despite Subsection 4.4.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”

1.13 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.

1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)”.

1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”.

1.17 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.18 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.5 is amended by removing it in its entirety and replacing it with the following:

“dock floats, that are accessory to a private institutional use on the adjacent upland lot, is 1,500 square metres (16,145 square feet).”

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

1.20 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by adding a third bullet with the following:

“Despite Subsection 4.6.5, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential lot served by the dock, up to a maximum float size of 154 square metres (1,130.2 square feet), provided a covenant is registered on title to each of the participating residential lots which does not have its own dock, identifying the property on which the shared dock shall be situated and prohibiting the use or construction of a dock on or from that residential lot, and an easement is registered on title to the lot where the shared dock is located granting the occupants of each participating property the right to the use the shared dock freely.”

- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, first bullet in Subsection 4.6.9 is amended by replacing “30 acres” with “60 acres”.
- 1.22 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.23 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.24 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.25 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation M2(a) a) is amended by replacing “65 square metres (700 square feet)” with “47 square metres (505.9 square feet)” and by replacing “47 square metres (500 square feet)” with “30 square metres (322.9 square feet)” and by replacing “158 square metres (1,700 square feet)” with “154 square metres (1,130.2 square feet)”. Site Specific Regulation M2(b) c) is amended by replacing “3,000 square metres (32,970 square feet)” with “1,500 square metres (16,145 square feet)”
- 1.26 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** attached to and forming part of this bylaw.

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

**9.3 DP-3 SHORELINE**

**Applicability**

**.1** The following activities shall require a Development Permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3.2:

- construction, addition or alteration of a building, structure, utility, or shoreline protection measure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

**Exemptions**

**.2** The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Repair and maintenance of lawful buildings, structures or utilities, including the replacement of building components as may be necessary to implement such repair and maintenance, provided always that any work is conducted entirely within the footprint of the existing building, structure, or utility and does not degrade the ecology of land within DP-3;
- b) Alterations of previously disturbed land and to pre-existing buildings, structures and utilities located between 7.5 metres and 15 metres from the natural boundary of the sea, provided always that the alteration:
  - i. Takes place entirely within the perimeter of previously disturbed land or within the footprint of a pre-existing building, structure, or utility;
  - ii. Does not alter, disturb or otherwise harm previously undisturbed land or native vegetation anywhere within DP3; and
  - iii. Does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.
- c) Repair and maintenance of soft shoreline protection measures that were designed and implemented at the direction of a Qualified Professional, provided that any such work is limited to maintaining the original design parameters of the measure;
- d) Repair or replacement of a septic field site in the same location as the existing septic field;
- e) The installation of a mooring buoy;
- f) Construction or repair of the following structures sited within the setback from the natural boundary of the sea:
  - i. A platform not exceeding 5 square metres in area;
  - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- g) Small-scale, manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best land management practices;
- h) Construction of a fence provided no native tree species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- i) The construction of a trail provided always the trail is:
  - i. Designed and situated to minimize vegetation disturbance and entirely avoid the removal of native trees and the erosion of soil on sloping terrain;

- ii. A width of 1 metre or less;
  - iii. For personal and non-vehicular use only; and
  - iv. Surfaced with soil, gravel, mulch or other natural materials permeable to water.
- j) Repair and maintenance of existing roads, driveways, paths and trails, provided always there is no expansion of the width or length and no increase in the total area surfaced with concrete, pavers, asphalt or other materials impervious to water;
- k) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- l) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
- m) The removal of trees that pose an immediate threat to life or property, as determined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing;
- n) Works required to prevent, control or reduce risk to or loss of human life, the natural environment or public or private property, including:
  - i. Forest fire, flood and erosion protection works;
  - ii. Protection, repair or replacement of public facilities;
  - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
  - iv. Bridge repairs.
- o) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- p) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- q) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- r) Consolidation of legal lots by subdivision; and
- s) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

### **General Guidelines**

**.3** The following guidelines apply for development permits within the DP-3 area:

- a) Development in the shoreline area should minimize impacts on the ecological health and disruption to coastal sediment transport processes.
- b) Construction and additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection measures throughout the life of the structure.
- c) Development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis by a Geotechnical Engineer or Professional Geoscientist.
- d) Consideration should be given to minimizing the impacts of sea level rise and storm surges.

- e) Development design should prevent the release of sediment to the shore and to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan that includes actions to be taken prior to land clearing and site preparation may be required.
- f) Areas that include critical habitat of any species at risk (as defined by the *Species at Risk Act* (SARA), including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a rare species has been identified by Islands Trust mapping, should be left undisturbed. If disturbance cannot be avoided, then development and mitigation measures should be undertaken under the supervision of a Registered Professional Biologist with advice from applicable government agencies.
- g) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- h) All development below the natural boundary of the sea should minimize degradation of the marine ecosystem and disturbance of the substrate.

#### **Guidelines - Construction and Replacement of Docks and Ramps**

**.4** The following guidelines apply to applications for development permits within the DP-3 area:

- a) Docks, floats and ramps should be sited to avoid interference with sensitive ecosystems such as eelgrass beds, forage fish habitat, and natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Environmental Professional.
- b) Decking materials should allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.
- c) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to greater distance between pilings over increasing the number of pilings.
- d) Docks should be constructed so that they do not rest on the seabed at low water/low tide levels and to allow the free flow of water beneath dock floats at all times.
- e) 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.
- f) Preference is given to mooring buoys that are seagrass-friendly and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

#### **Guidelines - Shoreline Modifications**

**.5** The following guidelines apply to applications for development permits within the DP-3 area:

- a) Shoreline protection or stabilization measures should not be undertaken for the sole purpose of changing the measurement of setbacks on a property or to reclaim land lost due to erosion.
- b) Shoreline protection measures should not be undertaken for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- c) Shoreline protection measures may be considered to protect existing structures as provided by a report, prepared by a Qualified Professional(s), which describes the following:
  - i. need for the proposed modification to protect existing structures;

- ii. any natural hazards, erosion, or interruption of geohydraulic processes that may arise from the proposed modification, including at sites on other properties or foreshore locations;
  - iii. cumulative effect of shoreline protection along the drift sector where the works are proposed; and
  - iv. whether there will be any degradation of the marine ecosystem or loss of fish or wildlife habitat because of the modification.
- d) Shoreline protection measures should be designed by a Qualified Professional, and should:
- i. Limit the size of the works to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
  - ii. Rely on non-structural shoreline protection measures when feasible;
  - iii. Be designed to avoid erosion or other physical damage to adjacent or down-current properties, or public land; and
  - iv. Address compatibility with adjacent shoreline protection works.
- e) Structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered when a geotechnical and biophysical analysis provided by a Qualified Professional demonstrates the following:
- i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves;
  - ii. erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
  - iii. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
  - iv. Non-structural shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
  - v. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
  - vi. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- f) An existing shoreline protection structure may be replaced provided that:
- i. The replacement structure is of the same size and footprint as the existing structure;
  - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible; and
  - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns.
- g) Materials used for shoreline protection should be constructed of stable and uncontaminated materials that do not have the potential to degrade the marine ecosystem or the ecology of the foreshore over time.
- h) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume should only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- i) Placement of fill below the natural boundary of the sea should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, as allowed by the relevant provincial and/or federal authorities.

- j) All upland fill and beach nourishment materials should be clean and free of debris and contaminants.

**Guidelines - Vegetation Management and Restoration**

- .6 The following guidelines apply to applications for development permits within the DP-3 area:
  - a) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
  - b) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
  - c) In areas cleared of native vegetation during development, replanting requirements and a security deposit to restore the natural environment or control erosion may be required.
  - d) Sparsely vegetated areas may not require planting.
  - e) Vegetation species used in replanting should be suitable for the soil, light and groundwater conditions of the site, native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. The use of suitably adapted non-invasive, non-native vegetation may be permitted in a replanting program when conditions render the use of native species materially less suitable for erosion control and habitat strengthening.
  - f) Replanting may be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native plant species, irrigation, and the replacement of unhealthy, dying or dead stock at the owner's expense.



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DATE OF MEETING: October 1, 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.**

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## RECOMMENDATIONS:

1. That the Gambier Island Local Trust Committee affirms its support for the implementation of the following OCP/LUB project recommendations from Squamish Nation listed in Table 1 attached to the staff report dated October 1, 2024 and request staff to prepare draft language for applicable polices/regulations for LTC consideration of subsequent steps:
  - Table 1 Recommendations A1; A2; A3; A4; A5; B2; B3; B5; B6; B9; C1; C3; C4; D3 and D5.
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:
  - Table 2 Recommendations [*specify the specific Table 2 recommendations being referred*].
3. That the Gambier Island Local Trust Committee affirms its support for the implementation of Squamish Nation recommendation A6 *“A.6 Assist in coordinating, funding and/or installing Skwx̓ wú7mesh Úxwumíxw language signage (where deemed appropriate and not confidential by the Nation) on trails and areas deemed important by the Nation.”* and requests:
  - The Board of the Islands Trust Conservancy to prioritize the allocation of necessary resources to seek approval for a translation request from Squamish Nation for the installation and maintenance of Squamish language signage on ITC Nature Reserves on Gambier Island; and
  - Staff to prepare a draft advocacy letter under the signature of the LTC Chair to the Howe Sound Biosphere Region and Heritage Branch of the Ministry of Tourism requesting support for funding for the approval, installation and maintenance of Squamish language signage on trails and in areas deemed important by the Nation in the Gambier Local Trust Area.
  - Staff to add the following agenda item to the next Sunshine Coast Regional District Protocol meeting agenda for discussion: *“Joint funding Opportunities for the approval, installation and maintenance of Squamish language signage on trails and in areas deemed important by the Nation in the SCRD Area”*.
4. That the Gambier Island Local Trust Committee affirms its support for the implementation of Squamish Nation recommendation B4 *“B.4 Work with Sunshine Coast Regional District to pilot requirement for all new residential and institutional construction to meet highest construction and energy standards; embodied carbon; recycling and repurposing as well as demolition vs. retrofitting.”* and

**B10** “B.10 Advocate for Regional District and provincial rebates for energy efficiency upgrades and retrofits to homes” and requests staff to add the following agenda items to the next Sunshine Coast Regional District Protocol meeting agenda for discussion:

- **Advocacy to SCRD to adopt the Zero Carbon Step Code requirements for new construction in the Gambier Local Trust Area prior to provincial mandate by 2030; and**
- **Opportunities for rebates and energy efficiency upgrades for home in the Gambier Local Trust Area.**

**5. That the Gambier Island Local Trust Committee affirms its support for the implementation of Squamish Nation recommendation D2 “D.2 Work with FN, Howe Sound Biosphere Region and other partners to strengthen and restore island biodiversity.” and D4 “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)” and requests the Executive Committee:**

- **Meet with or send correspondence to the Provincial Minister of Environment and Climate Change Strategy and advocate for a significant investment in biodiversity protection in the Gambier Local Trust Area, including monitoring and coordination with First Nations, the Howe Sound Biosphere Region and local governments; and**
- **Meet with or send correspondence to the Provincial Minister of Forests requesting changes to provincial dock tenure applications in the Howe Sound so that all new dock applications be required to submit a Preliminary Field Reconnaissance, Archaeological Overview Assessment or Archaeological Impact Assessment depending on the significance of the marine and adjacent upland area to First Nations and the extent of infrastructure proposed.**

**6. That the Gambier Island Local Trust Committee request staff to amend the Future Projects List section “2. OCP/LUB” by replacing the text with the following:**

- **“-Explore the Implementation of Heritage Conservation Areas and Shoreline Development Permit Areas across the Local Trust Area to address First Nations interests and concerns;**
- **- develop advocacy policies for pump out stations across the LTA.”**

## **REPORT SUMMARY**

This report seeks to continue the Local Trust Committee’s (LTC) discussion on the Gambier Island Official Community Plan (OCP) and Land Use Bylaw (LUB) review project, which was deferred from the July 30, 2024, meeting. It provides the Gambier Island LTC with an overview of land use planning options and the potential impacts of endorsing recommendations from both the [Squamish Nation Engagement Summary](#) (2024) and the [Public Engagement Summary](#) (2023). This report is intended to help the LTC decide if any additional changes to the project objectives or in-scope items are needed for the project to move forward within this fiscal year.

## **BACKGROUND**

The OCP/LUB Review [project charter](#) is posted to the project website.

The following project related resolution was passed by the LTC:

**July 2024 - 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**

After the LTC confirms how it intends to implement the OCP/LUB recommendations in attached Tables 1 and 2, staff will move forward with requesting a meeting with the Squamish Nation.

#### **Options and Implications of Squamish Nation Recommendations:**

The "LTC Direction" column in Table 1 (Attachment 1) has been updated based on the LTC discussions during the LTC's regular business meeting on July 30, 2024. Recommendation 1 on page 1 of this report highlights the high-priority suggestions that the LTC informally approved to move forward to the draft bylaw language stage. After the October 1, 2024 meeting, resolution numbers will be added to this column to keep track of the LTC's decisions for future reference and for staff to follow up with Squamish Nation.

#### **Options and Implications of Public Engagement Summary Recommendations:**

Table 2 (Attachment 2) outlines options and impacts for implementing the high-priority recommendations that came from public engagement. Staff have selected specific options from Table 2 for the Gambier Island Advisory Planning Commission (APC) to review and provide feedback on. Staff can work with the APC to offer sample guidelines, policies, and regulations for their input. Any referrals to the APC must be approved by an LTC resolution, as outlined in Recommendation #2 on page 1 of this report. Resolution numbers will be added to the "LTC Direction" column after the October 1, 2024 meeting to track LTC decisions for future reference. 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.

#### **Shoreline Development Permit Areas and Heritage Conservation Areas:**

The OCP/LUB Review [project charter](#) identifies the use of a Heritage Conservation Area (HCA) and shoreline Development Permit Area (DPA) as key objectives and deliverables of this project.

Squamish Nation recommendations (Table 1, Attachment 1) state:

***"C1. Explore implementation of shoreline development permit area or Heritage Conservation Area (HCA) to be applied island wide or 200 m from the setback of the natural boundary of the sea."***

***"D3. 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."***

These recommendations were originally made in the context of the entire extent of the Squamish Nation territory across the islands within the Howe Sound, however the Nation is aware that the scope of this project is limited to Gambier Island only at this time. Staff recommendation #6 on page two of this report identifies an opportunity for the LTC to capture the Nation's broader interests across the Local Trust Area.

#### **Draft Heritage Conservation Areas:**

At the July 2024 meeting, the LTC asked for more details about the purpose and implementation of an HCA on Gambier Island. This tool is also being considered for Denman, Gabriola, and Hornby Islands, through

engagement between the Regional Planning Team planners and key First Nations in those areas. Staff have consulted with senior heritage planners and archaeologists from the Province, who have shown significant interest in supporting the drafting of an HCA for implementation within any local trust area of the Islands Trust. This collaborative effort could strengthen updates to the provincial [Heritage Conservation Areas Resource Guide](#) with practical examples of local government reconciliation in action. Provincial staff have highlighted that using an HCA in this way by a local government would not only be an innovative application of *Local Government Act* tools, but it could also address limitations within the *Heritage Conservation Act*. Specifically, the Act only protects sites with physical archaeological evidence, often overlooking areas of cultural, spiritual, or associative value to Indigenous Nations. This restricts the ability to protect important sites that may not contain physical artifacts but hold deep significance.

Attachment 3 offers a detailed overview of how an HCA can be used by a LTC to address First Nations' key concerns. This provision of the Local Government Act is one of the most important conservation tools for a local government to use to legally identify, acknowledge, record and protect local heritage, including First Nations cultural heritage. Although most local governments in BC have implemented HCAs primarily to protect settler heritage (post 1846), this tool can be used to safeguard the islands' unique landscapes, which hold significant cultural, spiritual, and scientific value for First Nations.

The LGA allows communities to designate any place as a heritage site, even in the absence of physical evidence. Provincial staff are optimistic that an HCA could help raise public awareness about the presence of First Nations heritage connected to the land. Moreover, it could enable the recognition and protection of post-1846 heritage places significant to Indigenous communities, offering a broader and more inclusive approach to heritage conservation.

A recently renewed Memorandum of Understanding between the Ministry of Indigenous Relations and Reconciliation and the Union of BC Municipalities clearly outlines the commitment of both the Province and Local Governments to work in partnership with First Nations in B.C. This partnership aims to implement the UN Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action. [Renewed MOU with Ministry of Indigenous Relations & Reconciliation | Union of BC Municipalities \(ubcm.ca\)](#).

Drafting a Heritage Conservation Area (HCA) as part of the OCP/LUB Review project would be a significant step in demonstrating the LTC has heard Squamish Nation and is committed to reconciliation through progressive exploration and implementation of available land use planning tools in the *Local Government Act*. Staff recommend drafting an HCA for Gambier Island, as it aligns with the project charter's objectives and scope. This would be done in collaboration with the Provincial Heritage Branch planners, Squamish Nation Rights and Title staff, and Ministry of Forests Archaeology Branch staff. The draft could then be presented to the LTC for consideration of next steps, as outlined in recommendation #1 of this report.

#### Draft Shoreline Development Permit Area:

A shoreline DPA and has been identified by Squamish Nation as a key tool for the LTC to address their concerns about the impacts of shoreline development. While a Shoreline Development Permit Area (DPA) cannot specifically protect Indigenous cultural heritage areas, it still plays a critical role in balancing development and environmental protection, which is a top priority for the Nation. A well written shoreline Development Permit Area (DPA – see section 488 of the [LGA](#)) provides several benefits related to environmental protection,

sustainable land use, and community well-being. By guiding sustainable land use and mitigating environmental risks, DPAs can contribute to long-term ecological resilience and community well-being in several ways:

**Habitat Conservation:** Shoreline areas are home to important ecosystems, including fish habitats and wildlife corridors. A DPA helps protect sensitive areas from damage caused by construction, landscaping, or other activities.

**Water Quality Preservation:** By regulating runoff from developments, DPAs can help reduce pollutants entering bodies of water, recreation, and aquatic life.

**Flood Prevention:** Shorelines can be subject to flooding. DPAs can enforce setbacks and other requirements to ensure buildings and infrastructure are constructed in safer, less vulnerable areas.

**Climate Resilience:** With rising sea levels and more frequent storms due to climate change, DPAs ensure developments are more resilient by incorporating future risk assessments in planning.

**Responsible Land Use:** A Shoreline DPA sets clear guidelines for property owners and developers, ensuring that developments, including new docks, do not adversely impact the natural environment and are more sustainable over time.

**Preservation of Aesthetic and Recreational Value:** Protecting shorelines helps maintain the natural beauty and recreational opportunities they offer, benefiting local communities and tourism.

**Long-term Cost Savings:** By mitigating risks related to flooding, erosion, and environmental degradation, DPAs can reduce long-term costs for local governments and property owners, including costs related to property damage, repair, and environmental restoration.

The Regional Planning Team (RPT) has recognized the significant challenges the LTC has encountered over the past two years in implementing a shoreline DPA on Keats Island, despite support from several community members and early engagement with the Squamish Nation. In response, the RPT is developing a streamlined model shoreline DPA, designed for easier adoption across Local Trust Areas that have yet to implement one. This initiative holds promise for projects like the Gambier OCP/LUB review, ensuring it benefits from a more efficient and effective shoreline protection process, while ensuring First Nations concerns are addressed with respect and in a timely manner.

***Rationale for Recommendations #1-5: Staff is seeking confirmation on LTC commitment to advance the OCP/LUB review project to the draft bylaw language stage within this fiscal year.***

## 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 pages 1 and 2 of this report, staff will proceed to draft language for new and updated 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	September 23, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	September 23, 2024

**ATTACHMENTS**

- 1. Table 1 – Options and Implications of First Nations Engagement Summary Recommendations – updated Oct 2024
- 2. Table 2 – Options and Implications of Public Engagement Summary Report Recommendations – July 2024
- 3. Implementing Heritage Conservation Areas (2024) – **to be distributed**

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

## Options and Implications Table 1 – Updated October 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			<b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b>
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	<ul style="list-style-type: none"> <li>Staff can submit language and translation request form to Squamish Nation to identify appropriate place name requests;</li> <li>Staff can draft text amendments to both OCP and LUB for LTC consideration;</li> <li>LTC can send a bylaw referral to Squamish Nation prior to first reading.</li> <li>Upon confirmation by the Nation that text is approved, accurate and appropriate – LTC can consider first reading.</li> </ul>	<p><i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> 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></p>	<b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b>
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	<p>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.</p>	<p><i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC</a>.</i></p> <p><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.</p>	<b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b>
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		<p><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.</p>	<b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b>
A.5 Amend OCP to explicitly recognize the impacts of existing	OCP	<ul style="list-style-type: none"> <li>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</li> </ul>	<p><i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> Action Item 3.2 “Land use decisions must be informed by First</i></p>	<b>Endorsed by Local Trust Committee October 2024</b>

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. <ul style="list-style-type: none"> <li>Referral to Squamish Nation prior to first reading</li> </ul>	<i>Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.”</i>	<b>Resolution GM-2024xxx</b>
A.6 Assist in coordinating, funding and/or installing <i>Sḵw̓x̓ 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	Staff recommends the LTC support recommendation A.5 and request staff to prepare draft language for LTC consideration.	<i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC</a>.</i>  <i>Respect for Indigenous Rights and Title:</i> 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.	<b>Add to annual meeting agenda with SCRD for discussion.</b> <b>Resolution GM-2024xxx</b>  <b>Request ITC prioritize signage approvals, installation and maintenance.</b> <b>Resolution GM-2024xxx</b>
B.1 Maintain existing objectives and policies under “Climate Change Adaptation and Mitigation” section of current OCP.	OCP	No action required.	N/A	No Action Required.
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	<ul style="list-style-type: none"> <li>Staff can draft objective and policy for inclusion in draft OCP bylaw and LTC consideration.</li> <li>Refer to Nation staff for review and comment.</li> <li>LTC consideration of first reading.</li> </ul>	<i>Recognize the impacts of climate change on First Nations rights and title.</i>	<b>Endorsed by Local Trust Committee October 2024</b> <b>Resolution GM-2024xxx</b>
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	<ul style="list-style-type: none"> <li>Staff can prepare draft updates to the OCP for LTC consideration.</li> <li>Refer to Nation staff for review and comment.</li> <li>LTC consideration of first reading.</li> </ul>	<i>Align targets to reflect consistency with adjacent Howe Sound communities.</i>	<b>Endorsed by Local Trust Committee October 2024</b> <b>Resolution GM-2024xxx</b>
B.4 Work with Sunshine Coast Regional District to pilot requirement for all new residential	OCP/LUB	<ul style="list-style-type: none"> <li>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.</li> </ul>	- <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>	<i>Proceed no further on DAI bylaw recommendation.</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.		<ul style="list-style-type: none"> <li>Advocate for the SCRD to adopt the Zero Carbon Step Code requirements which aligns with the direction of several local governments <a href="https://energystepcode.ca/implementation_updates/">https://energystepcode.ca/implementation_updates/</a></li> </ul> <p>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.</p>	<ul style="list-style-type: none"> <li>Zero Carbon Step Code early implementation for new construction until provincial rules are mandatory by 2030.</li> </ul>	<p>Add to annual meeting agenda with SCRD for discussion. <b>Resolution GM-2024xxx</b></p>
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	<ul style="list-style-type: none"> <li>Minor text amendment to existing OCP policies.</li> </ul> <p>Staff recommends the LTC support recommendation B.5 and request staff to prepare draft bylaw language for LTC consideration.</p>	<p>Greater clarity in the OCP of what categories the existing policies are addressing.</p>	<p><b>Endorsed by Local Trust Committee October 2024</b> <b>Resolution GM-2024xxx</b></p>
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	<ul style="list-style-type: none"> <li>Update the OCP policies and objectives to reflect net-zero emissions targets and ensure consistency across OCP and LUB.</li> </ul> <p>Staff recommends the LTC support recommendation B.6 and request staff to prepare draft bylaw language for LTC consideration.</p>	<p>Align targets to reflect consistency with adjacent Howe Sound communities.</p>	<p>LTC endorsed updated OCP targets but deferred to SCRD on implementing B4. <b>Resolution GM-2024xxx</b></p>
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.	<p>Like the BC Energy Step Code, the Zero Carbon Step Code is a plan to improve new buildings over time, with the objective to <b>reach zero emissions from all new buildings in BC by 2030</b>. 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Strongly encourage SCRD to join <a href="#">29 other local governments</a> in BC in adopting this standard and demonstrate early implementation across the Local Trust Area.</p>	<p>Add to annual meeting agenda with SCRD for discussion. <b>Resolution GM-2024xxx</b></p>
		<p><a href="https://energystepcode.ca/zero-carbon/">https://energystepcode.ca/zero-carbon/</a></p>		

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	<p>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 SCR D (tentatively scheduled for 2025); OR the LTC draft a letter to the SCR D Board requesting consideration of zero carbon energy step code implementation for the Gambier Local Trust Area.</p> <p>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:</p> <ul style="list-style-type: none"> <li>Landscaping, for example, requiring drought-tolerant plantings;</li> <li>Siting of buildings and other structures, for example, building orientation to capture solar energy;</li> <li>Form and exterior design of buildings and other structures, for example, provision of deep overhangs for shade;</li> <li>Specific features in the development, for example, naturalized ponds that capture and store rainwater runoff;</li> <li>Machinery, equipment and systems external to buildings and other structures, for example, rainwater collection systems and geothermal systems.</li> </ul> <p><a href="https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/development_permit_areas_climate_action_guide.pdf">https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/development_permit_areas_climate_action_guide.pdf</a></p> <p>Staff do not recommend the LTC endorse this recommendations at this time and instead consider encouraging the SCR D to advance adoption of net zero energy step code implementation across the Regional District (see recommendation B7).</p>	<p><i>This particular DPA may be challenging to implement on Gambier Island as the predominant form of development is rural residential. SCR D initiatives towards Step Code or net zero energy codes may more effective at requiring impactful changes at the building design/permitting stage.</i></p>	<p><i>Not Endorsed by LTC. Trustees indicated support for education tools instead of regulatory approach.</i></p>
B.9 Separate out stormwater and water conservation objectives.	OCP	<p>Minor text amendment to existing OCP policies. <b>Staff recommend the LTC endorse this recommendation and direct staff to prepare draft bylaw language.</b></p>	N/A	<p><b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b></p>
B.10 Advocate for Regional District and provincial rebates for energy efficiency upgrades and retrofits to homes.	N/A Advocacy and Cooperation	<ul style="list-style-type: none"> <li>LTC can add this recommendation to SCR D Protocol meeting agenda for discussion of further opportunities for appropriate rebates that could apply across the regional district and benefit Gambier Island residents.</li> </ul>	<p><i>Recognize the impacts of climate change on First Nations rights and title.</i></p>	<p><b>Add to annual meeting agenda with SCR D for discussion. Resolution GM-2024xxx</b></p>
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	<ul style="list-style-type: none"> <li>New DPA for shoreline protection as per project charter.</li> <li>New HCA as per project charter.</li> </ul> <p><a href="#">HCA</a> 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</p>	<p><i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> 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></p> <p><i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC</a>.</i></p> <p><i>Preservation of cultural and historical heritage</i></p>	<p><i>July 2024 – LTC requested more information on the use of an HCA. See October 1 2024 Staff report for supplemental information.</i></p> <p><i>PENDING further consideration by the LTC.</i></p>

Squamish Nation High Priority Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications	
<p>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.</p>	OCP	<p>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.</p> <p>Staff recommend the LTC endorse the recommendations for a shoreline DPA and direct staff to prepare draft bylaw language for LTC consideration.</p> <p>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.</p>	<p><i>Collaboration and decision making with First Nations</i></p> <p><i>Environmental Stewardship</i></p> <p><i>Respect for indigenous rights and title</i></p> <p><i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i></p> <p><i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i></p>	<p><b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b></p>
<p>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.</p>	OCP	<ul style="list-style-type: none"> <li>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.</li> <li>Several LTA's have DAI bylaws adopted by Trust Council.</li> </ul> <p>Staff recommend the LTC endorse recommendations C.3 and C.4 and direct staff to prepare draft language for LTC consideration.</p>	<p><i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> 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></p> <p><i>Aligns with objectives and scope of LTC project charter as endorsed by the LTC.</i></p> <p><i>Preservation of cultural and historical heritage</i></p> <p><i>Collaboration and decision making with First Nations</i></p> <p><i>Environmental Stewardship</i></p> <p><i>Respect for indigenous rights and title</i></p> <p><i>Clarity to applicants about what level of detail is required prior to making an application</i></p>	<p><b>Endorsed by Local Trust Committee October 2024 Resolution GM-2024xxx</b></p>
<p>D.1 Maintain existing <u>island wide</u> Development Permit Area (DPA) for streams and watercourses.</p>	OCP/LUB	<p>No change to existing OCP policies or DPA.</p>		<p><b>NO ACTION REQUIRED</b></p>
<p>D.2 Work with FN, Howe Sound Biosphere Region and other</p>	OCP/LUB and Advocacy	<ul style="list-style-type: none"> <li>In coordination with Trust Area Services (TAS), LTC can send a letter directly to the Minister of Environment and Climate Change Strategy, requesting specific</li> </ul>	<p><i>Collaboration and decision making with First Nations</i></p>	<p><b>Request advocacy letters and Executive Committee support.</b></p>

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. <ul style="list-style-type: none"> <li>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.</li> </ul>	<i>Environmental Stewardship</i>  <i>Respect for indigenous rights and title</i>	<b>Resolution GM-2024xxx</b>
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  <b>Staff recommend the LTC endorse recommendations C.1 and D.3 and direct staff to prepare draft policies and regulations for LTC consideration.</b>	<i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC.</a></i>	<b>PENDING further consideration by the LTC.</b>
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	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<i>Collaboration and decision making with First Nations</i>  <i>Environmental Stewardship</i>  <i>Respect for indigenous rights and title</i>	<b>Request advocacy letters and Executive Committee support.</b> <b>Resolution GM-2024xxx</b>
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  <b>Staff recommend the LTC endorse recommendations C.1 and D.5 and direct staff to prepare draft policies and regulations for LTC consideration.</b>	<i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC.</a></i>	<b>Endorsed by Local Trust Committee October 2024</b> <b>Resolution GM-2024xxx</b>

# 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	<ul style="list-style-type: none"> <li>• Include the Trust Council Policy in the OCP amending bylaw.</li> <li>• Refer to First Nations for comment.</li> <li>• Refer to APC for comment.</li> </ul>	<i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC.</a></i>	
5.2 Establish Heritage Conservation Areas	OCP policies and LUB regulations	<ul style="list-style-type: none"> <li>• In accordance with Section 614 of the Local Government Act, <a href="#">Heritage Conservation Areas</a> can be designated within an OCP.</li> <li>• New HCA as per project charter.</li> <li>• 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.</li> </ul>	<p><i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> 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></p> <p><i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC.</a></i></p> <p><i>Preservation of cultural and historical heritage – <a href="#">Heritage Conservation Areas</a></i></p> <p><i>Collaboration and decision making with First Nations</i></p> <p><i>Environmental Stewardship</i></p> <p><i>Respect for indigenous rights and title</i></p> <p><i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i></p> <p><i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i></p>	
5.3 Shoreline Protection– Development Permit Area	OCP policies and LUB regulations	<ul style="list-style-type: none"> <li>• 15-30 metre shoreline Development Permit Area to protect the integrity of foreshore features and intertidal processes.</li> <li>• Island wide or site specific Development Permit Area to protect habitats and endangered species.</li> </ul>	<i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> 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
<p><b>5.4 Access to Docks</b>            (I) ecofriendly materials be used in future upgrades to public dock facility and a management plan be implemented to ensure continued use.</p> <p><b>5.4 Access to Docks</b>            (II) update OCP policies 9.10 and 9.21 to clarify that ferry services are essential for the western peninsula.</p> <p><b>5.4 Access to Docks</b>            (III) Shared access to all types of docks is encouraged. Privately held docks by individual property owns may consider shared docks where practical.</p> <p><b>5.4 Access to Docks</b>            (IV) For strata and subdivision development, access should be permitted to the owners of the upland property. OCP/LUB should</p>	<p>OCP policies</p>	<ul style="list-style-type: none"> <li>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;</li> <li>Staff can work with the Advisory Planning Commission to review sample guidelines.</li> <li>Early referral to First Nations.</li> <li>Public consultation as part of draft bylaw consideration.</li> </ul> <p>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).</p> <p>Minor updates – likely advocacy policies requesting action from other levels of government.</p> <ul style="list-style-type: none"> <li>Draft policies can be drafted/reviewed by the Advisory Planning Commission for LTC consideration or prepared by planning staff.</li> <li>Draft amendments can be considered by the LTC for inclusion in the OCP amendments for first reading, referrals and public consultation.</li> <li>Some elements can be incorporated into guidelines for a shoreline development permit area.</li> </ul> <p>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).</p>	<p><i>preserving and protecting Indigenous cultural heritage and sacred sites.”</i></p> <p><i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC</a>.</i></p> <p><i>Preservation of cultural and historical heritage</i></p> <p><i>Collaboration and decision making with First Nations</i></p> <p><i>Environmental Stewardship – <a href="#">Howe Sound marine dock management planning</a></i></p> <p><i>Respect for indigenous rights and title</i></p> <p><i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i></p> <p><i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i></p> <p><i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC</a>.</i></p>

Public Engagement Recommendations	Requires Change to OCP/LUB	Implementation Options	Implications
<p>reflect public access in perpetuity to ensure public use.</p>	<p>OCP policies and LUB regulations</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Would complement existing DPAs or potential Heritage Conservation Area.</li> <li>• Guidelines to address destruction of natural features and processes; encouraging vegetation retention; prohibiting fill, deposit or excavation;</li> <li>• Staff can work with the Advisory Planning Commission to support the drafting of relevant DPA guidelines for LTC consideration.</li> <li>• Early referral to First Nations.</li> </ul> <p>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).</p>	<p><i>Aligns with the Islands Trust Council <a href="#">Reconciliation Action Plan</a> 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></p> <p><i>Aligns with objectives and scope of <a href="#">project charter as endorsed by the LTC</a>.</i></p> <p><i>Preservation of cultural and historical heritage</i></p> <p><i>Collaboration and decision making with First Nations</i></p> <p><i>Environmental Stewardship – implement <a href="#">Islands Trust Toolkit for Protection of the Coastal Douglas fir Zone and Associated Ecosystems</a></i></p> <p><i>Respect for indigenous rights and title</i></p> <p><i>Additional permit required at the time of building permit/subdivision or installation of new septic field or land alterations</i></p> <p><i>Clarity to applicants about what level of detail is required prior to construction and what mitigating efforts may be necessary</i></p>
<p>5.5 Forest Ecosystem Protection Strategies (II) Enhance Policy and/or Land Use Bylaw Regulations</p> <p>5.5 Forest Ecosystem Protection Strategies (III) Stewardship Education, Advocacy, Partnerships</p>	<p>OCP policies and LUB regulations</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• LTC should prioritize forest protection related policy and regulatory amendments that are within its jurisdiction to implement and enforce (DPAs, setbacks, HCAs).</li> <li>• In cooperation with TAS, LTC advocacy to the Minister of Forests to protect provincial forest resources on Gambier Island.</li> </ul> <p>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.</p>	<p><i>Environmental Stewardship – implement <a href="#">Islands Trust Toolkit for Protection of the Coastal Douglas fir Zone and Associated Ecosystems</a></i></p>



# BRIEFING

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**To:** All Local Trust Committees  
Bowen Island Municipality

**For the Meeting of:** Next Available Meeting

**From:** Trust Area Services

**Date Prepared:** August 19, 2024

**SUBJECT:** Dark Sky Principles Adoption Advocacy

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**PURPOSE:** To provide all local trust committees and Bowen Island Municipality with an RFD prepared by North Pender Trustee Morrison regarding Dark Sky Principles, and inviting LTCs and BIM to notify Trustee Morrison of interest in initiating conversations with relevant regional districts about adopting Dark Sky Principles.

**BACKGROUND:** At its June 2024 regular meeting, Trust Council received a request for decision from Trustee Morrison of North Pender Island regarding Dark Sky Principles. Trust Council passed the following resolution:

**TC-2024-062**

*That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.*

**ATTACHMENT(S):**

- 1) Request for Decision: Dark Sky Principles Advocacy (June 18, 2024)

**FOLLOW-UP:** If LTCs or Bowen Island Municipality wish Islands Trust Council to pursue further discussion about Dark Sky Principles they should pass a resolution notifying Trust Morrison of their interest. An example resolution is as follows:

*That [Island Name] Local Trust Committee/Bowen Island Municipality direct staff to notify Trustee Morrison of [Island Name] Local Trust Committee's/Bowen Island Municipality's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.*

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**Prepared By:** Senior Policy Advisor, August 20, 2024

**Reviewed By/Date:** Director, Trust Area Services, August 21, 2024



## REQUEST FOR DECISION

**To:** Trust Council

**For the Meeting of:** June 18, 2024

**From:** Trustee Morrison

**Date Prepared:** May 24, 2024

**SUBJECT:** Dark Sky Principles Adoption Advocacy

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### RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

### RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

### CHIEF ADMINISTRATIVE OFFICER COMMENTS:

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#### PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

#### BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
  - [Dark Sky International Principles](#)
  - [How can you help preserve the night sky?](#)
  - [Model Lighting Ordinance](#)
  - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
  - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
  - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

**The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?**

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

**IMPLICATIONS OF RECOMMENDATION:**

**ORGANIZATIONAL:**

**FINANCIAL:**

**POLICY:**

**IMPLEMENTATION/COMMUNICATIONS:**

**FIRST NATIONS:**

**OTHER:**

Circulated to MLA Adam Olsen and MP Elizabeth May.

**RELEVANT POLICY(S):**

**ATTACHMENT(S):**

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**RESPONSE OPTIONS**

**Recommendation:**

**Alternative:**

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**Prepared By:** Trustee Morrison in consultation with and at the request of community members.


**Reviewed By/Date:**



# the Heron



A newsletter from the Islands Trust Conservancy, protecting islands in the Salish Sea | [islandstrust.bc.ca/conservancy](http://islandstrust.bc.ca/conservancy) SUMMER 2024

**Take me home!**   
This newsletter is provided FREE by ITC



## Hope for a Critical Species at Risk *p. 2*

Coastal Western Screech-Owl. PHOTO: REN FERGUSON



For links and additional media, visit the Heron Newsletter online.  
[www.islandstrust.bc.ca/conservancy/heron-newsletter/](http://www.islandstrust.bc.ca/conservancy/heron-newsletter/)



### ALSO IN THIS ISSUE

SPOTTED CORALROOT  
PHOTO: ISLANDS TRUST CONSERVANCY



Quiz  
Inside *p. 2*

CAROLYN STEWART



Meet our New  
ITC Manager <sup>86</sup> *p. 3*

# Hope for the Coastal Western Screech-Owl

What are some words that come to mind when you think of the coastal Western Screech-Owl? With its big bright-yellow eyes, small body, and camouflage feathers, this bird is certainly both intriguing and mysterious.

The coastal subspecies of Western Screech-Owl (*Megascops kennicottii kennicottii*; WESOke) is a species at risk listed as *Threatened* under the Canadian Species at Risk Act, and as a *Species of Special Concern* on the provincial Blue list. Conservancy staff work with biologists and volunteers in Islands Trust Conservancy (ITC) protected areas to support the recovery of this special species. Coastal Western Screech-Owls don't migrate and instead hold their territories throughout the year.

Recently, biologists observed that two pairs have established territories on an ITC Nature Reserve and both have reared owlets! This is exciting news and indicates that our conservation efforts in protecting and enhancing coastal Western Screech-Owl habitat are paying off!

**Fun Facts: The coastal Western Screech-Owl is a nocturnal bird that has a large range of prey – from insects, to small birds, and even fishing for food in tide pools!**

*The ITC Species at Risk Program is funded by the Priority Places for Species at Risk Program, through Environment and Climate Change Canada.*



COASTAL WESTERN SCREECH-OWL OWLET IN AN ITC NATURE RESERVE. PHOTO: REN FERGUSON

## Test Your Knowledge on ITC Nature Reserves

## Quiz

1. What is an ITC Nature Reserve?
  - A. An area used primarily for recreation and enjoyment by the public.
  - B. A protected area conserved primarily for its ecological value and biodiversity preservation.
  - C. A piece of land left in its natural state in a city or town.
2. How many Nature Reserves does ITC own?
  - A. 21
  - B. 42
  - C. 34
3. ITC Nature Reserves do not provide public infrastructure such as accessible walking paths, playgrounds, or washrooms.
  - A. True.
  - B. False.

*The answer key can be found on the back cover of this newsletter.*



PHOTO: LISA WILCOX

Islands Trust and Islands Trust Conservancy respectfully acknowledge that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and that their deep connection to the islands continues to this day. We are committed to reconciliation, to upholding the rights of Indigenous peoples, and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The Islands Trust Area is located in the treaty and territorial lands and waters of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwáθən, səlilw'ətəl, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, la?əmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOLELP, WSIKEM, Xeláltxw, Xwémalkwu, Xwsepsum, and x<sup>w</sup>məθk<sup>w</sup>əy.

# Welcome to Carolyn Stewart

## Carolyn Stewart, ITC Manager




CAROLYN WITH HER HUSBAND WHILE TRAVELLING.

**“I love the fact that [the Conservancy] is protecting land. That we’re out there trying to make the world a better place in accomplishing the object of Islands Trust.”**

Organized, outdoor-loving, and compassionate are three words that perfectly describe Carolyn Stewart. After 20 years with Parks Canada and Regional Parks, Carolyn Stewart has returned to Islands Trust Conservancy in her role as Manager. Carolyn was the second manager of ITC, known at the time as Islands Trust Fund, from 1996 to 2003.

With an undergraduate and masters degree in Planning and Environmental fields, and a passion for parks and protected areas planning, she spent those initial seven years working to expand ITC’s conservation covenants, an exciting new tool for conservation at the time. Looking ahead, Carolyn is excited to support staff in increasing the efficiency of ITC’s work and effectiveness in the management of our protected areas.

In her spare time, you can find Carolyn out enjoying the islands while walking or hiking. Connect with Carolyn at:

 250-405-5186

 [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)

## Reflections from the Field



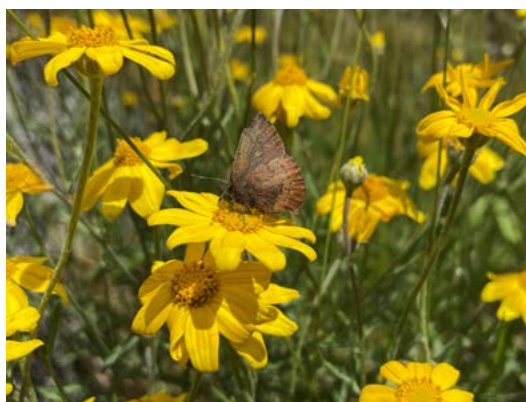
Habitat Acquisition Trust Crew invasive species removal on Salt Spring Island.



Fungi on rotting log.



Summer co-op Field Tech, Emily.



Butterfly on Common Woolly Sunflower.



Ozette Coralroot. 3

Summer 2024 field season photos captured during monitoring of our protected areas in the Islands Trust Area.





## Check Your Answers



We designed this quiz to help educate subscribers on ITC Nature Reserves. We hope that you learned something new about our protected areas. To learn more about our Nature Reserves, head to <https://islandstrust.bc.ca/conservancy/protected-places/>.

### How did you do?

1. B: An ITC Nature Reserve is a protected area conserved primarily for its ecological value and biodiversity preservation.
2. C: ITC protects 34 Nature Reserves.
3. A: True. ITC Nature Reserves do not provide public infrastructure such as accessible walking paths, playgrounds or washrooms.

#### Follow us on social media

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 [x.com/IsTrustConservancy](https://x.com/IsTrustConservancy)  [instagram.com/islandstrustconservancy](https://instagram.com/islandstrustconservancy)

#### Watch us on YouTube

 [youtube.com/IsTrustConservancy](https://youtube.com/IsTrustConservancy)

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## YES! I want to preserve and protect the islands!

*100% of your donation goes directly to protecting the islands you love.*

Your donations of \$20 or more will receive an official donation receipt for income tax purposes.\*

#### Questions? Contact us!

☎ 250-405-5186 ✉ [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)

Or mail to: 200-1627 Fort Street, Victoria, BC V8R 1H8

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To donate online visit: [islandstrust.bc.ca/donate-to-conservancy](https://islandstrust.bc.ca/donate-to-conservancy)



 SCAN ME

Yes, I am okay with public recognition of my donation.

**My donation amount:**  \$50  \$100  \$200  \$\_\_\_\_\_

I wish to donate by:

Cheque (made payable to the Islands Trust Conservancy)

Visa  MasterCard

Card Number	
Expiry Date mm/yy	Security Code (back of card)
Signature	

Share your vision with future generations — please consider remembering Islands Trust Conservancy in your Will.

\*Islands Trust Conservancy is a qualified donee as a Crown agent under B.C.'s *Islands Trust Act*. Islands Trust business # 122013576 RT0001

# Islands Trust

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

630 Gambier	Invoices posted to Month ending July 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	250.00	150.47	99.53
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	1,740.00	1,497.11	242.89
65210-630	LTC - Local Exp - APC Meeting Expenses	650.00	0.00	650.00
TOTAL LTC Local Expense		<u>2,390.00</u>	<u>1,497.11</u>	<u>892.89</u>
Projects				
73001-630-4094	Gambier Keats Island Shoreline Protection Review	<u>5,000.00</u>	<u>4,761.35</u>	<u>238.65</u>
TOTAL Project Expenses		<u>5,000.00</u>	<u>4,761.35</u>	<u>238.65</u>

## Gambier Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee endorses the following guidelines for the appointment of members to the advisory planning commission and requests that such guidelines be posted on the Islands Trust website and are used in any posting to solicit expressions of interest from candidates for advisory planning commission membership:</p> <p>“The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are:</p> <ol style="list-style-type: none"> <li>a. Representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area;</li> <li>b. Representative of a range of backgrounds and expertise that is supportive to each other in the consideration of matters referred to the advisory planning commission;</li> <li>c. Where feasible and practical of a balanced representation of gender and age groups.</li> </ol> <p>Consideration shall be given to the following criteria in any appointment:</p> <ul style="list-style-type: none"> <li>• Previous experience as a member of a Board of Variance;</li> <li>• Experience on a local government council, board, local trust committee, commission or other body;</li> <li>• Experience with other volunteer boards, commissions or committees;</li> <li>• Experience and credential in a planning, design or related profession;</li> <li>• Experience and credentials in a building or design trade;</li> <li>• Educational background;</li> <li>• Length of residency in the local trust area;</li> <li>• Availability, and willingness to travel between local trust areas.</li> </ul>
2.	March 26, 2015	GM-2015-018	Amend APC appointment guidelines	<p><b>It was MOVED and SECONDED,</b> that the Gambier Island Local Trust Committee amend the APC appointment guidelines to allow for representation of members to be weighted to a geographic area subject to a current top priority project.</p>

No	Meeting Date	Resolution No.	Issue	Policy
3.	October 26, 2017	GM-2017-065	Development Permit Area (DPA) No. 3: Riparian Areas administration	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee adopt a Standing Resolution which directs staff to administer Development Permit Area (DPA) No. 3: Riparian Areas in the interim before formal amendments are made to the DPA, as follows:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul>
4.	December 11, 2017	GM-2017-078	Adding item to agenda	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee request staff to add to each agenda “First Nations Activities” under the Reports section.</p>
5.	January 25, 2018	GM-2018-009	First Nations Words, Phrases and Place Names	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> <li>a) That staff incorporate First Nations’ words, phrases, and place names in Local Trust Committee communications, as appropriate.</li> </ul>
6.	July 25, 2019	GM-2019-031	Model Cell Tower Consultation Process	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee adopt the model strategy for antenna systems.</p>

No	Meeting Date	Resolution No.	Issue	Policy
7.	November 21, 2019	GM-2019-061	First Nations Reconciliation engagement	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavors to:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul>
8.	July 23, 2020	GM-IC-2020-001	Bylaw Enforcement investigation	<p><b>It was MOVED and SECONDED</b> that the Gambier Island Local Trust Committee request Bylaw Enforcement staff to cease investigation and enforcement of complaints on Keats Island regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a principal use and both parcels are held under common ownership.</p>

No	Meeting Date	Resolution No.	Issue	Policy
9.	February 10, 2023	GM-RWM-2023-001	Bylaw Enforcement deferral	<p><b>It was MOVED and SECONDED</b> 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.'</p>
10.	August 29, 2023	GM-RM-2023-027	Unlawful Land Uses and Planning Applications	<p><b>It was MOVED and SECONDED</b> that Gambier Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>

## Active Projects Report

### Gambier Island

#### 1. Major Project - Gambier OCP & LUB Targeted Review - Phase 2

#### 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 (Continued)

#### 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. <i>Administrative</i>	Responsible	Date Received
<ul style="list-style-type: none"> <li>- Development Approval Information Bylaw: Develop and adopt a D.A.I bylaw for the Gambier Trust Area.</li> <li>- Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area.</li> </ul>		01-Sep-2022
2. <i>OCP &amp; LUB</i>	Responsible	Date Received
<ul style="list-style-type: none"> <li>- Pump out stations: develop advocacy policies</li> <li>- 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.</li> <li>- Consider adoption of a Heritage Conservation Area</li> </ul>		01-Sep-2022
3. <i>LUB</i>	Responsible	Date Received
<p>Gambier LUB:</p> <ul style="list-style-type: none"> <li>- Recreational Camp and Private Institutional Regulation Review</li> <li>- Temporary Overnight Accommodation bylaw review with regards to short-term vacation rentals</li> </ul> <p>Keats LUB:</p> <ul style="list-style-type: none"> <li>- Update definition of 'dwelling' in the Keats Island Land Use Bylaw No. 78.</li> </ul>		01-Sep-2022

## Future Projects Report

### Gambier Island

<b>4. OCP</b>	Responsible	Date Received
N/A		01-Sep-2022
<b>5. Advocacy and Communications</b>	Responsible	Date Received
N/A		01-Sep-2022
<b>6. Bylaw Enforcement</b>	Responsible	Date Received
N/A		01-Sep-2022
<b>7. LUB (Gambier, Keats, Associated Islands, Bowyer &amp; Passage Islands)</b>	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