Gambier Island Local Trust Committee
Regular Meeting Agenda

Date: November 26, 2024
Time: 10:00 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 10:00 AM - 10:05 AM

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

2. APPROVAL OF AGENDA

3. REPORTS 10:05 AM - 10:20 AM

3.1 Trustee Reports

3.2 Chair's Report

3.3 Electoral Area Director's Report

4. PUBLIC COMMENTS 10:20 AM - 10:30 AM

5. MINUTES 10:30 AM - 10:35 AM

5.1 Local Trust Committee Meeting dated October 1, 2024 - for adoption 3 - 11

5.2 Section 26 Resolutions-Without-Meeting Report - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES 10:35 AM - 10:50 AM

6.1 Follow-up Action List dated November 19, 2024 12 - 15

7. DELEGATIONS - none

8. APPLICATIONS AND REFERRALS 10:50 AM - 11:20 AM

8.1 GM-DVP-2023.4 (Joos) - Staff Report 16 - 59

8.2 GM-DVP-2023.2/GM-DP-2023.1 (Delane & Cumming) - Staff Report 60 - 143

9. LOCAL TRUST COMMITTEE PROJECTS 11:20 AM - 11:45 AM

9.1 Minor Project: Keats Shoreline Protection Project - Post Public Hearing Staff Report 144 - 164

10. CORRESPONDENCE - none

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

11. NEW BUSINESS - none

12. STAFF REPORTS 11:45 AM - 12:15 PM

12.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report 165 - 169

12.2 Draft 2025/26 Gambier Island Local Trust Committee Annual Meeting Schedule - Request for Decision 170 - 172

12.3 Trust Conservancy Report - Highlights of October 1st, 2024 Board Meeting 173 - 174

12.4 Trust Conservancy - The Heron - Fall Edition 175 - 178

12.5 Applications Report dated November 19, 2024 179 - 180

12.6 Trustee and Local Expense Report dated September, 2024 181 - 181

12.7 Adopted Policies and Standing Resolutions 182 - 185

12.8 First Nations Relationship Building Update

12.9 Local Trust Committee Webpage

13. WORK PROGRAM 12:15 PM - 12:30 PM

13.1 Active Projects Report dated November 19, 2024 186 - 186

13.2 Future Projects Report dated November 19, 2024 187 - 188

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled to be Decided

15. ADJOURNMENT 12:30 PM - 12:30 PM

Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: **October 1, 2024**
Location: **Electronic Meeting**

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

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

Others Present: **There were no members of the public in attendance.**

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports
Trustee Stamford indicated that she provided a written report to community members.

Trustee Bernardo reported attendance at Trust Council during which a letter to the Province requesting a governance review was endorsed.

3.2 Chair's Report
Chair Luckham reported recent attendance at Trust Council and the Union of BC Municipalities conference.

3.3 Electoral Area Director's Report
Electoral Area Director Stamford reported the following:

- Attended local Truth and Reconciliation event and acknowledged the history and impacts of St. Augustine's residential school that operated in Sechelt;
- Attended Sunshine Coast Regional District board meeting during which the budget status report was reviewed;
- Noted Sunshine Coast Regional District is facing infrastructure issues due to aging and climate change impacts; and

- Attended Union of BC Municipalities conference and had opportunity to advocate New Brighton dock issue.

4. PUBLIC COMMENTS - None

5. MINUTES

5.1 Local Trust Committee Meeting dated July 30, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of July 30, 2024 were adopted.

5.2 Local Trust Committee Meeting dated July 31, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of July 31, 2024 were adopted.

5.3 Local Trust Committee Public Hearing Record dated July 31, 2024 - for receipt
Received for information.

5.4 Section 26 Resolutions-Without-Meeting Report dated September 23, 2024
Received for information.

5.5 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated September 23, 2024
Received for information.

6.2 Gambier Island Advisory Planning Commission Bylaw No. 159 - Staff Report
The Planner summarized the staff report.

Discussion ensued and the following points were noted:

- Local Advisory Planning Commission (APC) cannot operate effectively with an in-person meeting restriction;
- Members can attend electronically but would not be allowed to vote;
- Local Trust Committee can appoint APC members to a working group which would allow them to meet electronically; and
- Islands Trust Act requires amendment to allow APC to hold electronic meetings.

GM-2024-035
It was MOVED and SECONDED
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."

<u>**CARRIED**</u>

7. DELEGATIONS

7.1 Coastal Flood Mapping Project - Sunshine Coast Regional District

Sunshine Coast Manager of Sustainable Development Raphael Shay provided a presentation about the coastal flood mapping project and highlighted the following:

- Climate change will lead to storm intensification;
- Coastal flooding will increase due to sea level rise;
- Intent of project is to develop a map to identify erosion susceptibility and provide a better understanding of flood probability when king tides occur;
- Outreach and education programs are in progress; and
- Mapping will highlight majority of the coastlines of Keats and Gambier Islands.

8. APPLICATIONS AND REFERRALS - none

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project: Keats Shoreline Protection Project - Bylaw Nos. 153 and 154 - Post Public Hearing for Second and Third Readings - Staff Report

The Planner summarized the staff report.

Trustees requested proposed technical amendments be reviewed.

GM-2024-036
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', 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.”

CARRIED

Bylaw 154 amendments were reviewed and it was agreed that the following changes would be made:

- Section 1.9: “Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling served by the dock, up to a maximum float size of 1.54 square metres (1,130.2 square feet), provided a covenant is registered on the dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 use of the shared dock freely.”; and
- Section 5(j): correct spelling of word contaminants.

The meeting was recessed for a break at 11:22 p.m. and reconvened at 11:30 p.m.

Trustee Bernardo provided additional amendments for consideration.

GM-2024-037
It was MOVED and SECONDED
that proposed Bylaw No. 154 be amended by the insertion of the following exemption as subsection 9.3.2(c): "Additions to pre-existing buildings, structures, and utilities situated between 7.5 metres and 15 metres from the natural boundary of the sea, provided always that:

i. no part of the work may involve the use of earth moving machinery or the removal of native tree species;
ii. the addition does not exceed 50 square metres (540 square feet) in area and must be erected on previously disturbed land; and
iii. the work does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.

(TABLED)

Trustee Bernardo spoke to continued concerns voiced by some Keats Island community members at the Public Hearing and noted that the justification for the bylaw has been to enhance environmental protection of the shores but he has not heard any rationale for said justification, and any potential addition would be built on land already developed and therefore, should not need a Development Permit.

Discussion ensued and the following points were made:

- Property owners can apply for a variance based on individual factors;
- Additions increases the footprint of structures within a sensitive area within the setback;
- Squamish Nation has requested a larger setback than that proposed by the Local Trust Committee;
- Development Permit Areas are created to encourage people to develop outside of sensitive areas; and
- Proposed maximum of 540 square feet is arbitrary and an alternative maximum size could be proposed.

The meeting was recessed for a break at 12:45 p.m. and reconvened at 1:15 p.m.

Planner reiterated that the Local Trust Committee cannot hear any new information post public hearing and that it is possible the proposed amendment cannot be adopted unless the Local Trust Committee convenes another public hearing. The Planner will confer with management and report back to the LTC.

Chair Luckham deferred further discussion to a future meeting.

GM-2024-038
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee Bylaw No. 154 cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021" be amended as follows:

a) 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 dwelling 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 dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 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 dwelling 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 dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 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, Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling 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 dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 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 "contaminants"; 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).

CARRIED

GM-2024-039
It was MOVED and SECONDED
that Trustee Bernardo's motion GM-2024-037 be tabled to next meeting of the Local Trust Committee.

CARRIED

GM-2024-040
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a second time, as amended.

CARRIED

GM-2024-041
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be read a second time, as amended.

CARRIED

GM-2024-042
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee ask staff to determine the consequences of Motion GM-2024-037 brought to the Local Trust Committee by Trustee Bernardo.

CARRIED

9.2 Major Project: Gambier Island Official Community Plan and Land Use Targeted Review Project - Staff Report

The Planner summarized the staff report and indicated plans for public engagement are outlined in the project charter and Local Trust Committee business meetings, agenda packages, minutes, and Advisory Planning Commission recommendations are available for public information.

Discussion ensued.

GM-2024-043
It was MOVED and SECONDED
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.

CARRIED

GM-2024-044
It was MOVED and SECONDED
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 5.2, 5.3, 5.4 and 5.5.

CARRIED

GM-2024-045
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee affirms its support for the implementation of Squamish Nation recommendation A6 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 other local funding organizations and the 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."*

CARRIED

GM-2024-046
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee affirms its support for the implementation of Squamish Nation recommendation B4 and B10 “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 homes in the Gambier Local Trust Area.

CARRIED

GM-2024-047
It was MOVED and SECONDED
that the Gambier Island Local Trust Committee affirms its support for the implementation of Squamish Nation recommendation D2 and D4 and requests the Executive Committee:

1) 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
2) Meet with or send correspondence to the Provincial Minister of Forests requesting changes to provincial dock tenure applications in the Gambier Local Trust Area so that all new dock applications in the area 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 the infrastructure proposed.

CARRIED

GM-2024-048
It was MOVED and SECONDED
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;” and “Develop advocacy policies for pump out stations across the Local Trust Area.”

CARRIED

GM-2024-049
It was MOVED and SECONDED
That the Gambier Island Local Trust Committee refer a question of early engagement options to the Gambier Island Advisory Planning Commission regarding endorsed topics and Motion No. GM-2024-044.

CARRIED

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Dark Sky Principles Adoption Advocacy – Briefing
Received for information.

12. STAFF REPORTS

12.1 Trust Conservancy Report – none
Received for information.

12.2 Trust Conservancy - The Heron - Summer Edition
Received for information.

12.3 Applications Report - none

12.4 Trustee and Local Expense Report dated July 31, 2024
Received for information.

12.5 Adopted Policies and Standing Resolutions
Received for information.

12.6 First Nations Relationship Building Update - none

12.7 Local Trust Committee Webpage
No updates at this time.

13. WORK PROGRAM

13.1 Active Projects Report dated September 23, 2024
Received for information.

13.2 Future Projects Report dated September 23, 2024
Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, November 26, 2024 at 10:00 am and will be held electronically.

15. ADJOURNMENT

By **general consent**, the meeting was adjourned at 3:17 p.m.

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Peter Luckham, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder

Islands Trust

Follow Up Action Report

Gambier Island

29-Apr-2024

Progress	Activity	Responsibility	Dates	Status
0%	**1** 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. - UPDATE NOV 2024 staff will initiate request early in the new year.	Joe Elliott Renee Jamurat Sonja Zupanec		In Progress

28-May-2024

Progress	Activity	Responsibility	Dates	Status
50%	**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. *- Deferred to future LTC meeting due to Information Services staffing shortages.*	William Shulba	Target: 01-Oct-2024	In Progress
50%	**2** Prepare a report regarding amendments to the Bylaw Enforcement Notification bylaw (add a penalty for failure to obtain a development permit.) Ensure report includes policy merits, implications across all islands in the LTA.	Warren Dingman		In Progress

Print Date: November 19, 2024

Follow Up Action Report

Gambier Island

01-Oct-2024

Progress		Activity	Responsibility	Dates	Status
0%	1	staff to determine the consequences of the motion brought to the LTC post public hearing by Trustee Bernardo. The motion is regarding adding an exemption to the DPA to allow additions to pre-existing buildings, structures, and utilities that are situated between 7.5 metres and 15 metres from the natural boundary of the sea. *No legislative requirement to redo Public Hearing as the exemption does not change use or density.*	David Marlor Marlis McCargar Renee Jamurat		Completed
25%	2	Staff to implement the following OCP/LUB project recommendations from Squamish Nation listed in Table 1 attached to the staff report dated October 1, 2024 and 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.	Sonja Zupanec		In Progress
100%	3	staff refer the following to the GM APC: ·a question of early engagement options to the Gambier Island Advisory Planning Commission regarding endorsed topics; and ·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.	Chloe Straw Sonja Zupanec		Completed
100%	4	GM LTC request 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	Carolyn Stewart Sonja Zupanec		Completed

Follow Up Action Report

Gambier Island

01-Oct-2024

Progress	Activity		Responsibility	Dates	Status
0%	5	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.	Clare Frater Renee Jamurat Sonja Zupanec		In Progress
100%	6	Add the following agenda items to the next Sunshine Coast Regional District Protocol meeting agenda for discussion: 1.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; 2.Opportunities for rebates and energy efficiency upgrades for home in the Gambier Local Trust Area. 3.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 Items included in draft agenda for 2025 meeting (MB)	Michelle Backe Sonja Zupanec		Completed

Print Date: November 19, 2024

Follow Up Action Report

Gambier Island

01-Oct-2024

Progress		Activity	Responsibility	Dates	Status
0%	**7**	Requests for Executive Committee: 1.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 2.Meet with or send correspondence to the Provincial Minister of Forests requesting changes to provincial dock tenure applications in the GM LTA 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.	Sonja Zupanec		In Progress
100%	**8**	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.	Sonja Zupanec		Completed

Islands Trust

STAFF REPORT

File No.: GM-DVP-2023.4

DATE OF MEETING:	July 30, 2024
TO:	Gambier Island Local Trust Committee
FROM:	Marlis McCargar, Island Planner Northern Team
COPY:	Warren Dingman, Bylaw Enforcement and Compliance Manager
SUBJECT:	Development Variance Permit (GM-DVP-2023.4) Applicant: Annie Lalande Location: PID: 026-869-888

RECOMMENDATION

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

REPORT SUMMARY

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

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

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

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

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

APPLICANT RATIONALE FOR VARIANCE

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

- Applicant submits they built the cabin on the largest available flat area on the property, close to the water. They misunderstood bylaw setback regulations. Locating the dwelling farther from the natural boundary was not possible; as it would have required excavating into rock.

- Applicant submits the deck structure was already constructed when they purchased the property and they did not check for permits.

BACKGROUND

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

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

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

- Approx. 66m^2 single family dwelling; and
- Deck.

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

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

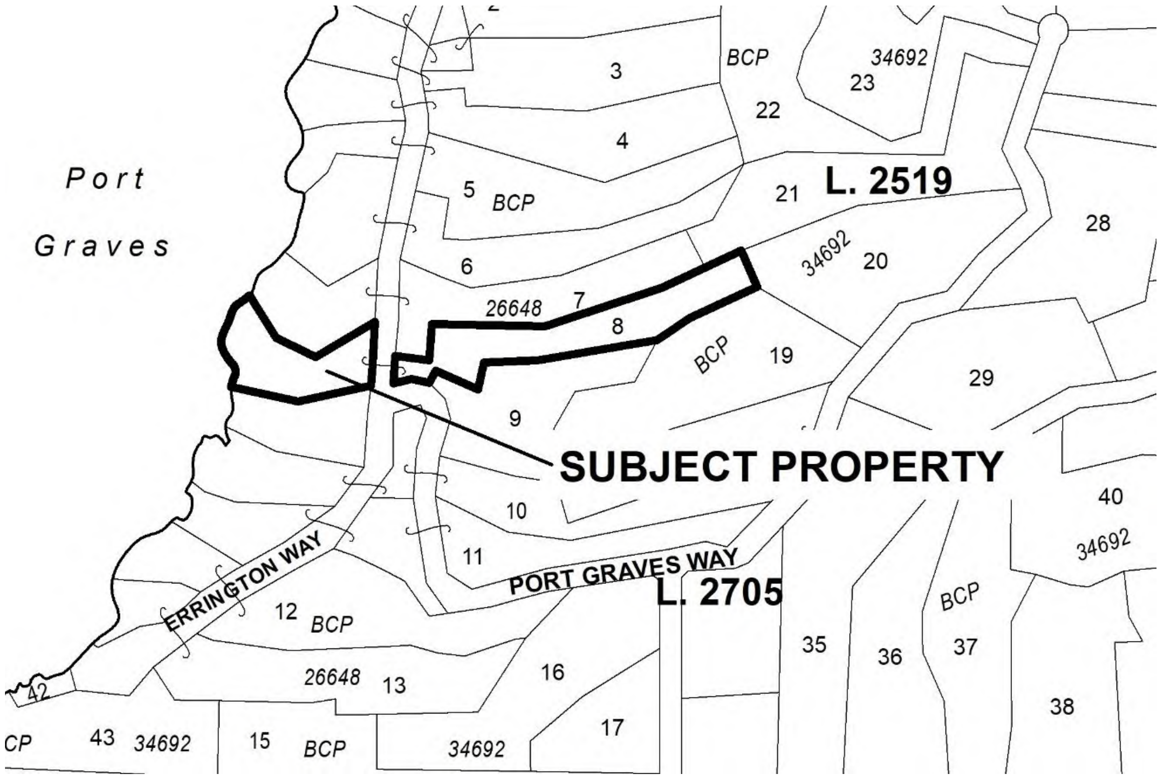


Figure 1. Subject property map.

ANALYSIS

Policy/Regulatory

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

Official Community Plan:

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

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

> ***3.1 Criteria for determining land and foreshore use:***
>
> v) the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses;

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

3.7 General Land Use Policies

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

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

7.41 Marine and Foreshore Areas

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

Land Use Bylaw:

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

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

3.3 Siting and Setback Regulations

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

And further:

3.4. Siting and Setback Exemptions

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

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

Existing Dwelling:

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

Existing Deck:

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

Development Permit Area:

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

a. *development taking place outside of the areas described below in 9.3(3)(a)(i) though 9.3(3)(a)(iv):*

   i. *For a watercourse that is not located in a ravine, a 30 metre strip on both sides of the watercourse measured from the high water mark;*

   ii. *For a watercourse located within a ravine that is less than 60 metres wide, a strip on both sides of the watercourse measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;*

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

   iv. *For a wetland, the area within 30 metres of the high water mark of the wetland;*

Covenants

There are covenants and easements registered on the subject property.

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

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

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

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

Issues and Opportunities

Existing Deck

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

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

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

Single Family Dwelling

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

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

Consultation

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

First Nations

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

Rationale for Recommendation

Variance Request for Setback of Existing Single Family Dwelling

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

Variance Request for Setback of Existing Deck

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

ALTERNATIVES

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

1. **Request further information**

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

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

2. **Deny the application**

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

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

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

ATTACHMENTS

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

ATTACHMENT #1 – SITE CONTEXT

LOCATION

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

LAND USE

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

HISTORICAL ACTIVITY

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

POLICY/REGULATORY

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

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

SITE INFLUENCES

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

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

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR BUILDING ON LOT 8 DISTRICT LOT 2519 AND 2705
GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP26648

SCALE 1:500 ALL DIMENSIONS IN METRES

PID: 026-869-888
ADDRESS: LOT 8 PLAN BCP26648 (NO LEGAL ADDRESS)
GAMBIER ISLAND, B.C

ACCESS BY WATER ONLY

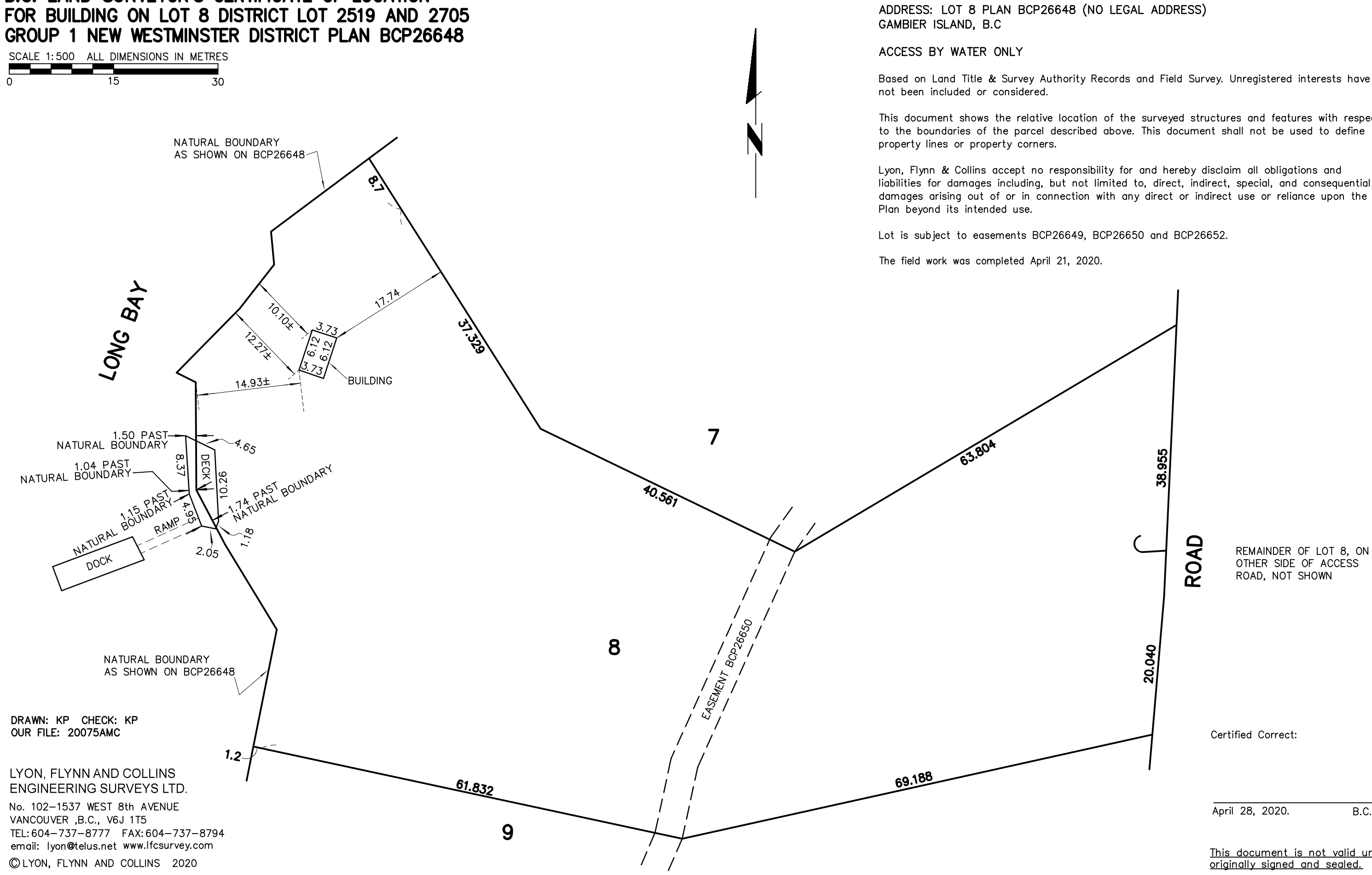
Based on Land Title & Survey Authority Records and Field Survey. Unregistered interests have not been included or considered.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Lyon, Flynn & Collins accept no responsibility for and hereby disclaim all obligations and liabilities for damages including, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with any direct or indirect use or reliance upon the Plan beyond its intended use.

Lot is subject to easements BCP26649, BCP26650 and BCP26652.

The field work was completed April 21, 2020.



DRAWN: KP CHECK: KP
OUR FILE: 20075AMC

LYON, FLYNN AND COLLINS
ENGINEERING SURVEYS LTD.
No. 102–1537 WEST 8th AVENUE
VANCOUVER ,B.C., V6J 1T5
TEL:604–737–8777 FAX:604–737–8794
email: lyon@telus.net www.lfcsurvey.com

Certified Correct:

April 28, 2020. B.C.L.S.

This document is not valid unless originally signed and sealed.

Application for variance

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

Purpose of application:

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

1. CABIN

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

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

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

The house is all wood, to blend into nature.

2. DECK

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

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

PROPOSED

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

TO: Emilie Joos

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

HEA PID: 026-869-888
LOT 8 DISTRICT LOT 2519 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP26648

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

1. PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection 3.3(1) "No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw."; is varied:
   - To reduce the setback for the existing dwelling from 15 metres to 10.10 metres.

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

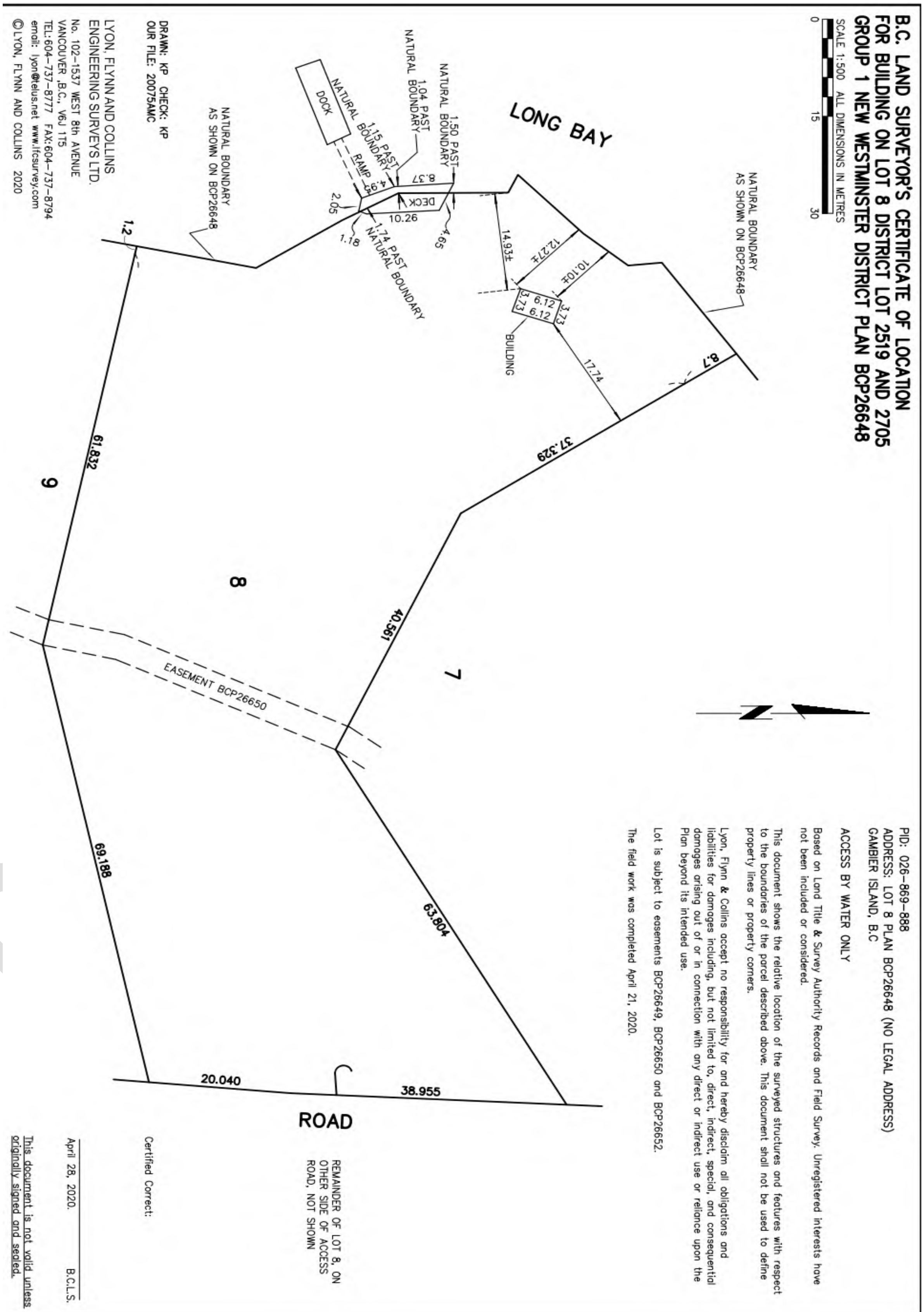
AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 202X.

______________________________________	______________________________________
Deputy Secretary, Islands Trust	**XX, XX, 202X**

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

PROPOSED

Schedule "A" – Site Survey



ATTACHMENT #05 – SITE PHOTOS, JULY 2019

Photo 1: View from water.

Photo 2: View from water.

NOTICE
GM-DVP-2023.4
GAMBIER ISLAND LOCAL TRUST COMMITTEE

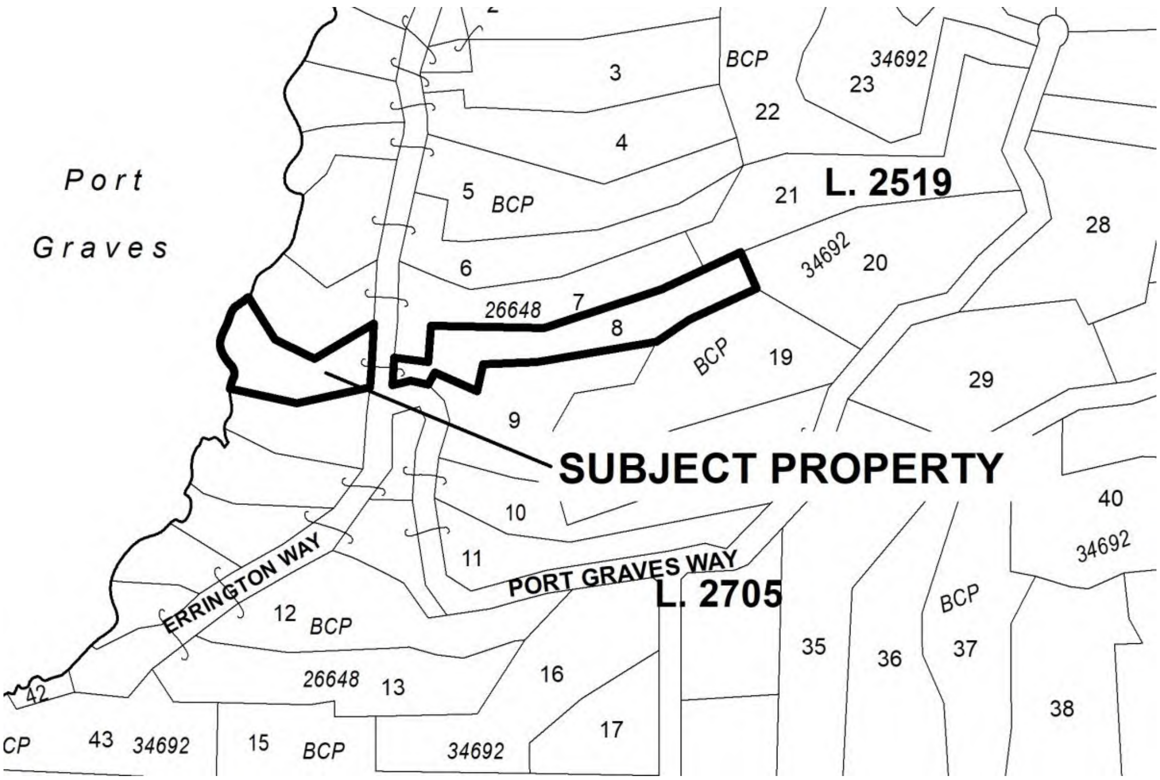
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gambier Island Land Use Bylaw No. 86, 2004 by:

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

The property is legally described as:

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

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



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

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

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

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

Nadine Mourao, Deputy Secretary

PROPOSED

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

TO: Emilie Joos

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

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

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

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

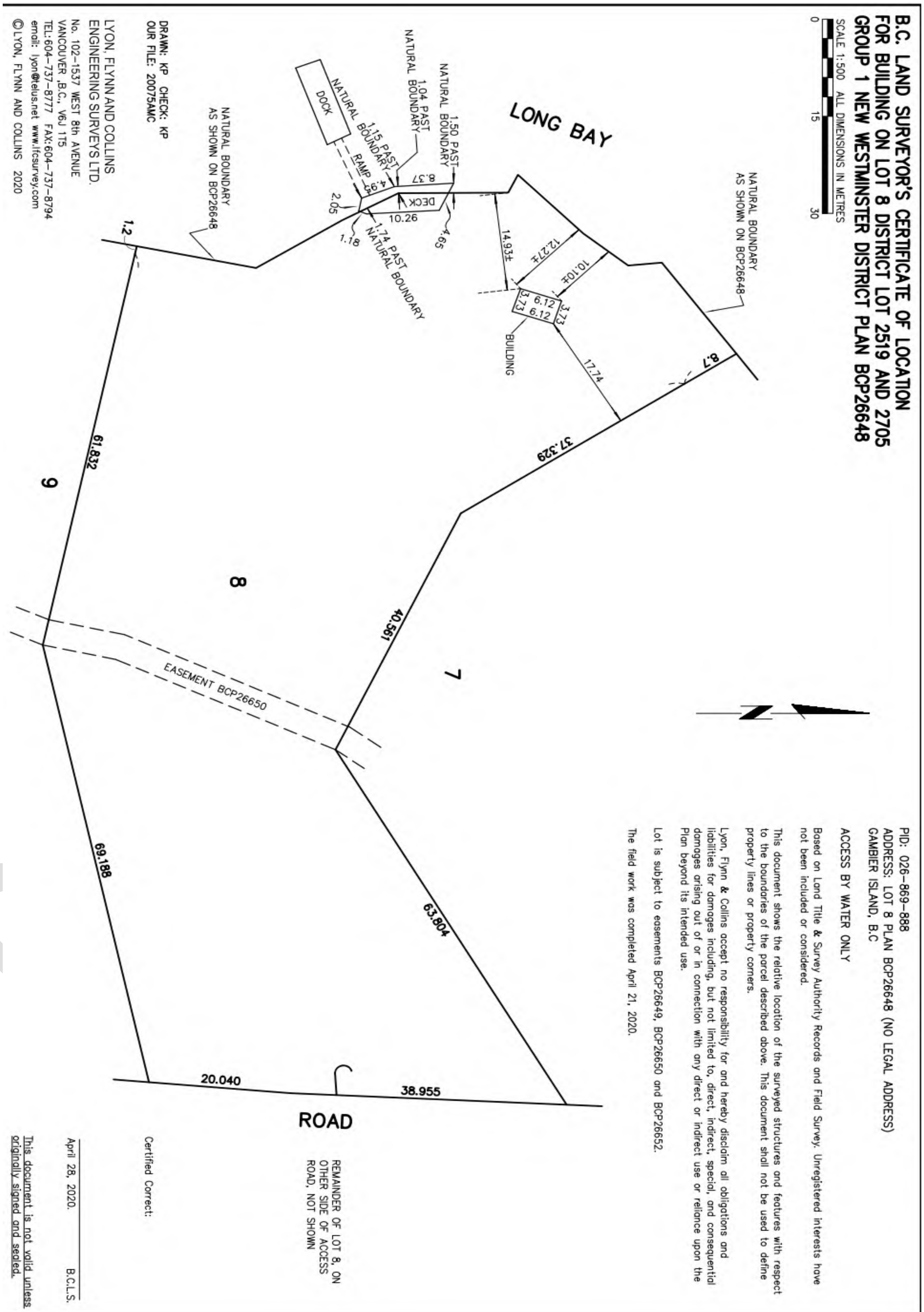
__________________________________ __________________________________

Deputy Secretary, Islands Trust **XX, XX, 202X**

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

PROPOSED

Schedule "A" – Site Survey



BA328502 19 OCT 2006 10 30 BA328503

LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia
GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* Page 1 of 15 pages

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

S. Clark

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

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

3. NATURE OF INTEREST:

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

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

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

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

5. TRANSFEROR(S):

as to 25/100 Int as to 75/100 Int

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

6. TRANSFEREE(S): *(including postal address(es) and postal code(s)**
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by the Minister of Transportation, having its offices at Parliament Buildings, Victoria, British Columbia, V8V 1X5

7. ADDITIONAL OR MODIFIED TERMS:*
N/A

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

21

DYE & DURHAM CLIENT No. 11061
SURVEY DEPT.

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

OFFICER SIGNATURE(S)	EXECUTION DATE Y	M	D	PARTY(IES) SIGNATURE(S)
(No advice given) Jeffrey Merrick, Solicitor #2600-595 Burrard St., Van., BC V7X 1L3	06	09	22	WATEEN DEVELOPMENTS LTD. by its authorized signatory(ies): Name: JAMES GREEN Name: CHRISTOPHER WATERS
JENNIFER M. WILLIAMS *Barrister & Solicitor* BLAKE, CASSELS & GRAYDON LLP Suite 2600, Three Bentall Centre 595 Burrard St., P.O. Box 49314 Vancouver, B.C. V7X 1L3 (604) 631-3367	06	09	22	HOPE POINT INVESTMENTS INC. by its authorized signatory(ies): Name: JEFFREY MERRICK Name:
JENNIFER M. WILLIAMS *Barrister & Solicitor* BLAKE, CASSELS & GRAYDON LLP Suite 2600, Three Bentall Centre 595 Burrard St., P.O. Box 49314 Vancouver, B.C. V7X 1L3 (604) 631-3367	06	09	22	HOPE POINT MORTGAGE CO. INC.by its authorized signatory(ies): Name: JEFFREY MERRICK Name:
(No advice given) Jeffrey Merrick, Solicitor #2600 - 595 Burrard St. Van BC V7X 1L3	06	09	22	VENTURELAND MANAGEMENT LTD by its authorized signatory(ies): Name: JAMES GREEN Name:

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

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

LAND TITLE ACT

FORM D

Executions continued

OFFICER SIGNATURE(S)	EXECUTION DATE	PARTY(IES) SIGNATURE(S)
J. Merrick No advice given	06 09 22	C. Waters **CHRISTOPHER WATERS**

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

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

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

4

LAND TITLE ACT
FORM E

SCHEDULE

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

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

(PID)	(LEGAL DESCRIPTION)
	Lot 1, District Lot 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 2, District Lot 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 3, District Lot 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 4, District Lot 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 5, District Lot 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 6, District Lot 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 7, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 8, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP26648
	Lot 9, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP 26648
	Lot 10, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648
	Lot 11, District Lot 1654 and 2705, Group 1, New Westminster District, Plan BCP 26648
	Lot 12, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648
	Lot 13, District Lot 2705, Group 1, New Westminster District, Plan BCP26648
	Lot 14, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648

TERMS OF INSTRUMENT - PART 2

RESTRICTIVE COVENANT

DEFINITIONS:

a. The **"Transferor"** means **WATEEN DEVELOPMENTS LTD**. and **HOPE POINT INVESTMENTS INC**.

b. The **"Transferees"** mean the Transferees as set out in Item 6 on Page 1 (Form C) of the attached General Instrument - Part 1.

c. The **"Lands"** mean the Lots as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

WHEREAS:

A. The Transferor is the registered owner of the Lands.

B. The Transferees have requested that the Transferor enter into a covenant over the Lands, pursuant to Section 219 of the *Land Title Act*, in the terms hereinafter set forth.

C. Section 219 of the *Land Title Act* provides that there may be annexed to any land a condition or covenant that the land is to be used in a particular manner or that land is not to be subdivided except in accordance with the covenant.

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

1. The Transferors covenant and agree with the Transferees that no building or structure, or any part of a building or structure, including any fixed equipment, mobile home or modular home, shall be constructed, reconstructed, moved, extended or located on the Lands unless the Transferors comply with the recommendations set out in the report of C.N. Ryzuk & Associates Ltd. dated May 15, 2006, and attached as Schedule A hereto.

2. The Transferors will indemnify and save harmless the Transferees and their servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of this Agreement.

3. No term, condition, covenant, or other provision of this Agreement will be considered to have been waived by the Transferees unless the waiver is expressed in writing by the Transferees.

4. Any waiver by the Transferees of any term, condition, covenant, or other provision of this Agreement or any waiver by the Transferees of any breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant, or other provision of this Agreement or any further or other breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement.

5. The terms, conditions, covenants, and other provisions of this Agreement will extend to, be binding upon, and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

6. In this Agreement, unless the context otherwise requires, the singular includes the plural and vice versa.

7. This Agreement will be interpreted according to the laws of the Province of British Columbia.

8. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of like effect and all enactments referred to are enactments of the Province of British Columbia.

9. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

10. All obligations on and benefits accruing to the persons comprised in the Transferees or the Transferors apply only in respect of such benefits or obligations which arise during the period in which any such person is registered as owner of any portion of the Lands.

11. This Agreement runs with the Land and will be registered as a charge against the title to the Land under Section 219 of the *Land Title Act*.

12. Nothing contained or implied in this Agreement shall impair, limit, prejudice, or affect the Transferees' rights and powers in the exercise of their functions pursuant to any public or private statutes or any other enactment including the Transferees' bylaws, orders, policies, and regulations and all such powers and rights may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Transferors.

13. The Transferors will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.

14. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219(9) of the *Land Title Act*.

15. This is the Instrument creating the condition or covenant entered into under Section 219 of the *Land Title Act* by the registered owner referred to herein and shown on the print of plan BCP 20604

Approving Officer HOWARD HUNTER
Ministry of Transportation

CONSENT

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

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

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

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

CONSENT

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

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

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

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

SCHEDULE A

8

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

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

May 15, 2006
File No: 8-4299-2

Ventureland Management Ltd.
Suite 507 – 5525 West Boulevard
Vancouver, B.C.
V6M 3W6

Attention: Mr. J. Green

Dear Sir,

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

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

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

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

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

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

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

 Continued ...

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

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

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

Lots 10 to 13 lie south of the mouth of Masset Creek No. 2 and north of the common dock facilities where the main access road begins. Although portions of some of these lots are north of Masset Creek, the probable building sites all lie south of the creek and relatively close to the shoreline (subject to the required setback from the shoreline or natural boundary of the site as discussed above). The portion of Lot 10 located below the road and above the lower driveway is steep, and has all been included in an RBA or a creek covenant, as has the southern portion of Lot 11 between the road and the shoreline. The northern boundary of the RBA on Lot 11 is defined by geotechnical reference ribbons GEO 13 and GEO 14 and the point where the southern edge of the creek covenant meets the downslope edge of the road allowance. All of Lots 12 and 13 between the road and shoreline are considered safe building sites. As before, the portions of these lots located above (east of) the road, which include the wells and proposed septic field sites, were not examined during our field assessments and therefore have been included in an RBA.

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

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

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

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

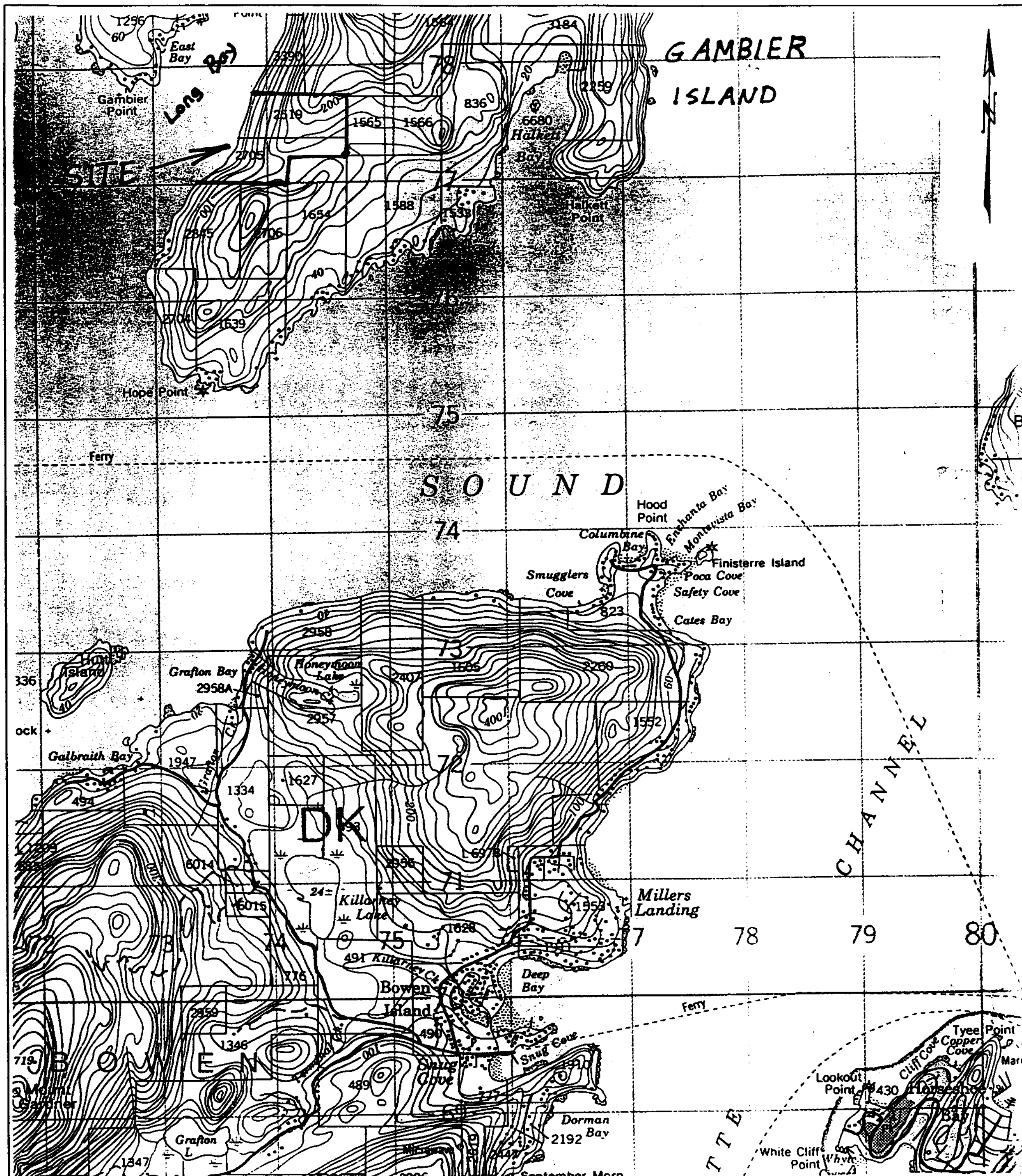
Bruce R. Dagg, P.Eng.
Geotechnical Engineer

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
B. R. DAGG
3/10/06

Attachments

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

12



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

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

STATEMENT OF TERMS OF ENGAGEMENT

GENERAL

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

COMPENSATION

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

TERMINATION

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

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

ENVIRONMENTAL

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

PROFESSIONAL RESPONSIBILITY

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

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

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

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

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

DOCUMENTS AND REPORTING

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

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

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

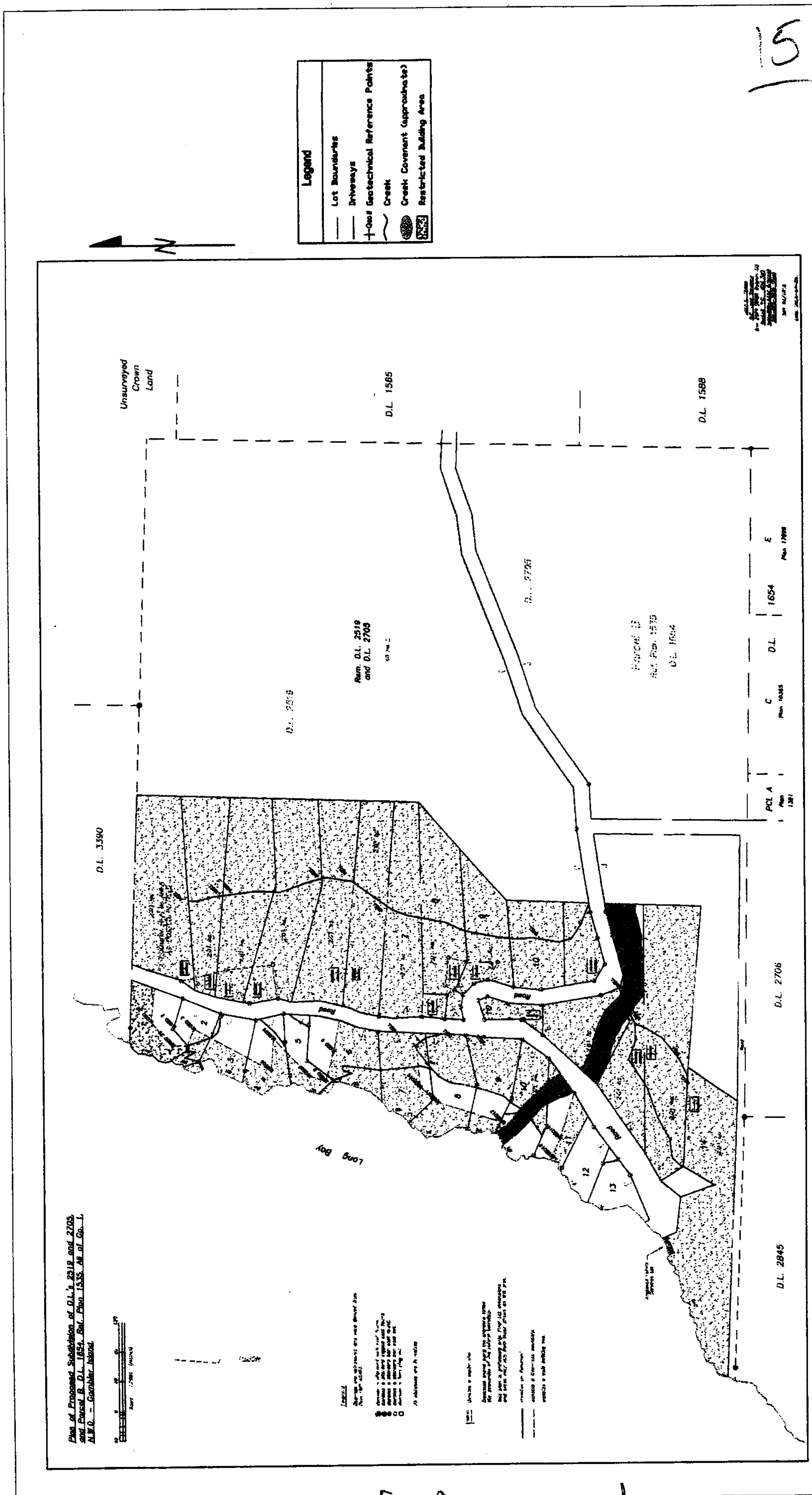
Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts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

JOBSITE SAFETY AND CONTROL

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

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

15



Ventureland Management Ltd.	DRAWN ADO
LOCATION PLAN	DATE May, 2006
Proposed Long Bay Subdivision	APPROVED
Long Bay (Port Graves) Gambier Island, B.C.	SCALE 1:5000
C.N. RYZUK & ASSOCIATES LTD. Geotechnical Engineering	DRAWING No. 8-4269-2-2

Notes:

1. Base plan provided by Ventureland Management Ltd.
2. Boundaries of Restricted Building Areas drawn by C. N. Ryzuk & Associates Ltd. (CNRA) and referenced to fixed points in the field such as survey hubs, geotechnical reference points, and lot boundaries. See CNRA letter of May 15, 2006 for more information.

END of Document

19 OCT 2006 10 31 BA328506

BA328505

Fol 4u70

2 # 1 FREE C46

LAND TITLE ACT
FORM C
(Section 233)
Province of British Columbia
GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* Page 1 of 10 pages

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

S. Clark

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

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

3. NATURE OF INTEREST:

DESCRIPTION	*DOCUMENT REFERENCE (page and paragraph)*	*PERSON ENTITLED TO INTEREST*
Section 219 Covenant	Entire Document	Transferee
Priority Agreement over Mortgage/Assign of Rents No. BW520867/BW520868 & Mortgage/Assign. of Rents BW520869 and BW520870	Page 7 & 8	Transferee

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

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

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

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

5. TRANSFEROR(S):

as to 25/100 Int. as to 75/100 Int.

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

6. TRANSFEREE(S): *(including postal address(es) and postal code(s)*)*
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by the Minister of Transportation, having its offices at Parliament Buildings, Victoria, British Columbia, V8V 1X5

7. ADDITIONAL OR MODIFIED TERMS:*
N/A

...E & DURHAM CLIENT No. 11061
SURVEY DEPT.

33/

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

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

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

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

LAND TITLE ACT

FORM D

Executions continued

OFFICER SIGNATURE(S)	EXECUTION DATE	PARTY(IES) SIGNATURE(S)
No advice given	06 09 06	**CHRISTOPHER WATERS**

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

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

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

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LAND TITLE ACT
FORM E

SCHEDULE

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

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

(PID)	(LEGAL DESCRIPTION)
______	Lot 1, District Lot 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 2, District Lot 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 3, District Lot 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 4, District Lot 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 5, District Lot 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 6, District Lot 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 7, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 8, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 9, District Lot 2705 and 2519, Group 1, New Westminster District, Plan BCP 26648
______	Lot 10, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648
______	Lot 11, District Lot 1654 and 2705, Group 1, New Westminster District, Plan BCP 26648
______	Lot 12, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648
______	Lot 13, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648
______	Lot 14, District Lot 2705, Group 1, New Westminster District, Plan BCP 26648

TERMS OF INSTRUMENT - PART 2

RESTRICTIVE COVENANT

DEFINITIONS:

a. The **"Transferor"** means **WATEEN DEVELOPMENTS LTD.** and **HOPE POINT INVESTMENTS INC.**

b. The **"Transferees"** mean the Transferees as set out in Item 6 on Page 1 (Form C) of the attached General Instrument - Part 1.

c. The **"Lands"** mean the Lots as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

WHEREAS:

A. The Transferees have informed the Transferor that the Lands are environmentally sensitive and may be subject to periodic flooding, but nevertheless the Transferor desires to place, construct and/or occupy and use buildings upon the Lands.

B. The Transferees have requested that the Transferor enter into a covenant over the Lands, pursuant to Section 219 of the *Land Title Act*, in the terms hereinafter set forth.

C. Section 219 of the *Land Title Act* provides that there may be annexed to any land a condition or covenant that the land or any specified portion thereof, is not to be built upon or is not to be used in a particular manner.

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

1. (a) With respect to Lots 1 through 14 ("lots"):

(i) Hereafter, no building shall be constructed, or mobile home located, on any lot within the distance from the natural boundary of the sea identified for that lot in the Geotechnical Report prepared by C.N. Ryzuk & Associates Ltd., dated May 14, 2006 2006, a copy of which is attached as Schedule A hereto.

(ii) Hereafter, no area used for habitation, business or storage of goods damageable by flood waters shall be located within any building at an elevation such that the underside of the floor system thereof is less than one point five (1.5) meters above the natural boundary of the sea.

(b) The required elevation may be achieved by structural elevation of the said habitable, business, or storage area, or by adequately compacted landfill on which any building is going to be constructed, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwaters. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in Condition 1(a) above. The face of the landfill slope shall be adequately protected against erosion from flood flows.

2. The Transferor acknowledges that the Transferees do not represent to the Transferor or any other person that any building constructed or mobile home located in accordance with Condition 1 herein will not be damaged by flooding or erosion, and the Transferor covenants and agrees not to claim damages from the Transferees, or hold the Transferees responsible for damages caused by flooding or erosion to the land or to any building, improvement, or other structure built, constructed, or placed upon the Lands and to any contents thereof.

3. The Transferor will indemnify and save harmless the Transferees and their servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of this Agreement.

4. No term, condition, covenant, or other provision of this Agreement will be considered to have been waived by the Transferees unless the waiver is expressed in writing by the Transferees.

5. Any waiver by the Transferees of any term, condition, covenant, or other provision of this Agreement or any waiver by the Transferees of any breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant, or other provision of this Agreement or any further or other breach, violation, or non-performance of any term, condition, covenant, or other provision of this Agreement.

6. The terms, conditions, covenants, and other provisions of this Agreement will extend to, be binding upon, and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

7. In this Agreement, unless the context otherwise requires, the singular includes the plural and vice versa.

8. This Agreement will be interpreted according to the laws of the Province of British Columbia.

9. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of like effect and all enactments referred to are enactments of the Province of British Columbia.

10. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

11. All obligations on and benefits accruing to the persons comprised in the Transferees or the Transferor apply only in respect of such benefits or obligations which arise during the period in which any such person is registered as owner of any portion of the Lands.

12. This Agreement runs with the Lands and will be registered as a charge against the title to the Lands under Section 219 of the *Land Title Act*.

13. Nothing contained or implied in this Agreement shall impair, limit, prejudice, or affect the Transferees' rights and powers in the exercise of their functions pursuant to any public or private statutes or any other enactment including the Transferees' bylaws, orders, policies, and regulations and all such powers and rights may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Transferor.

14. The Transferor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.

15. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219(9) of th*e Land Title Act*.

16. This is the Instrument creating the condition or covenant entered into under Section 219 of the *Land Title Act* by the registered owner referred to herein.

HOWARD HUNTER
Approving Officer
Ministry of Transportation

CONSENT

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

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

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

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

CONSENT

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

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

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

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

SCHEDULE A

9

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

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

May 14, 2006
File No: 8-4299-2

Ventureland Management Ltd.
Suite 507 – 5525 West Boulevard
Vancouver, B.C.
V6M 3W6

Attention: Mr. J. Green

Dear Sir,

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

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

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

10

C.N. RYZUK & ASSOCIATES LTD.

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

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

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

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

B R Dagg

Bruce R. Dagg, P.Eng.
Geotechnical Engineer

PROFESSIONAL PROVINCE OF B. R. DAGG BRITISH COLUMBIA ENGINEER 5/6/06

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STAFF REPORT

File No.: GM-DP-2023.1 &
GM- DVP-2023.2

DATE OF MEETING:	November 26, 2024
TO:	Gambier Island Local Trust Committee
FROM:	Ian Cox, Planner 2 Northern Team
SUBJECT:	Concurrent Development Variance Permit & Development Permit Applications Applicant: Stephen Delane Location: West Bay Road, Gambier Island; PID 013-387-031 BLOCK 62 DISTRICT LOT 1297 PLAN 2848

RECOMMENDATIONS

1. **That the Gambier Island Local Trust Committee approve issuance of GM-DP-2023.1 with the condition that the development is in accordance with the Riparian Areas Protection Regulation Detailed Assessment Report by Cascade Environmental Ltd. attached to and forming part of the development permit.**

2. **That the Gambier Island Local Trust Committee deny issuance of GM-DVP-2023.2.**

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider two concurrent applications: Development Variance Permit (DVP) GM-DVP-2023.2 and Development Permit (DP) GM-DP-2023.1. The joint applications seek to facilitate new residential development on the subject property (**Attachment 1a & 1b**). The Applications are in response to Bylaw Enforcement file, GM-BE-2023.2, for preparatory land works within Development Permit Area DPA 3 - Riparian Areas (the DPA) commenced without a permit. Staff recommends that the LTC issue the DP based on the development plans, recommendations, mitigation measures, monitoring, and reporting as provided in the *Riparian Areas Protection Regulation* (*RAPR*) Detailed Assessment Report by Cascade Environmental (the *RAPR* Report, or Report) in **Attachment 2**. The professional report has been reviewed and accepted by the Province of BC under the *RAPR* legislation, with the development plans found on page 14 of the Report.

Staff does not recommend issuing the DVP, as the variance requests for the buildings and structures as submitted by the applicant in the site plan (**Attachment 1b**) are inconsistent with the plans included in the *RAPR* Report.

BACKGROUND

The property is a 0.32 hectare undeveloped lot within DPA 3 on Gambier Island, containing two permanent non-fish-bearing streams and a roadside ditch. As identified in the *RAPR* Report, the presence of three watercourses on the lot and their respective 15.0 meter setbacks from the natural boundary under the Gambier Island Land Use Bylaw No. 86 (LUB), presents challenges to developing the lot for the uses allowed under its Settlement Residential – SR zoning; particularly the siting of the principal residence and septic system. The Applicants are requesting reductions to 10.0 metres, 5.4 metres, and 2.0 metres from the 15.0 metre setback to a watercourse as required by section 3.3(1) of the LUB and as detailed below in the Development Variance Permit section of this report.

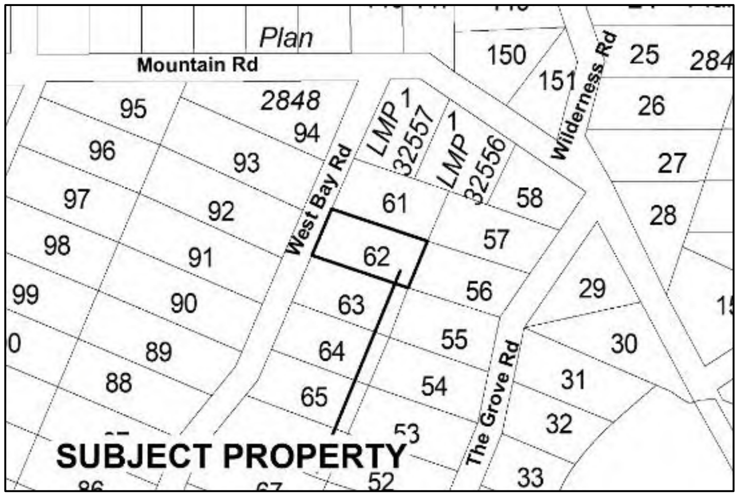


Figure 1 - Subject Property

The 15 metre LUB watercourse setback was in force prior to adoption of the Riparian Areas DPA 3 and continues to provide protection for water features that are not *RAPR*-applicable. In this case, the water features are considered *RAPR*-applicable per the QEP's assessment, but have been given a reduced Streamside Protection and Enhancement Area buffer (SPEA) per the Report submitted in support of the DP application. The Report considers a principal residence, associated septic system, driveway and parking, all shown to be outside of the LUB 15 metre setback area (**Attachment 2**). The QEP Report meets the *RAPR* legislation as accepted by the Province of BC and ensures protection of the identified streams, provided the development is substantially in accordance with the plan and measures identified in the Report.

There is a discrepancy between the provincially accepted *RAPR* QEP Report plans and the most recent site plan as submitted by the applicant (**Attachment 2**); chiefly, there are more structures and in different locations on the plan than as included in the *RAPR* Report. The applicant is seeking variances for these additional structures. When local governments receive a notice of an accepted *RAPR* Report from the province, information is included which states that if development plans change, a new assessment and DP are required. For this reason, staff are recommending the LTC grant only the DP as it conforms with the Report (proposed DP in **Attachment 7**), and refuse the DVP which requests variances for siting of structures not considered in the Report.

ANALYSIS

Official Community Plan (OCP)

The OCP designates the subject property as Settlement Residential (SR) and within DPA 3 - Riparian Areas. The objectives for DPA 3 are as follows:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
2. To protect the natural environment necessary to provide productive habitat for fish and other aquatic species, including both fish bearing and non-fish-bearing water features, and the adjacent land and vegetation; and
3. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas.

Development approval information is required for non-exempt development activities within the DPA, in the form of a report submitted by a Qualified Environmental Professional (QEP) developed in accordance with the Guidelines under LUB section 9.3. The applicant has provided the required report.

Land Use Bylaw (LUB)

The property is zoned Settlement Residential (SR) in the LUB. Single family residential use and associated principal and accessory structures are permitted in the zone. The development (principal and accessory uses) as proposed in the *RAPR* Report and the most current site plan, complies with the LUB regulations except for section 3.3(1), which states that buildings and structures must be set back at least 15.0 metres from the natural boundary of a watercourse - the subject of the DVP application.

Development Permit

A Development Permit (DP) is required for works within DPA 3 that are not exempted under LUB section 9.3. As required, Development Approval Information in the form of a Detailed Assessment Report was prepared by Cascade Environmental, dated September 16, 2023, under the BC provincial *RAPR* and conducted using the provincial methodology. The SPEA, or buffer, for the watercourses determined by the QEP under the methodology, is calculated in the *RAPR* Report to be a 10.0 metre buffer from the top of bank for No-Name Creek # 1 and No-Name Creek #2, and 5 metres for the Roadside Ditch. The Report requires the stream channel and SPEA to be delineated by a land surveyor as shown in **Attachment 03**. Analysis of how the DP application and the Report meet the DPA 3 Guidelines is provided in **Attachment 4.**

Staff consider the proposed development **in the *RAPR* Report** to meet the DPA 3 Guidelines for riparian areas protection; requisite conditions aligning the permit with the mitigation and monitoring measures in the Report have been included in the draft permit (**Attachment 7**).

Development Variance Permit

The applicant is requesting the following reductions to the required 15.0 metre LUB minimum setback to watercourses for buildings and structures, in order to align with the identified SPEAs in the *RAPR* Report (**Attachment 8**):

- For the proposed septic system and woodshed accessory building: from 15 metres to a minimum of 5.0 metres;
- For a single family dwelling, yoga studio accessory building, art studio accessory building, and children's playhouse accessory building: from 15 metres to a minimum of 10.0 metres;
- For a residential driveway: from 15 metres to a minimum of 5.48 metres.

However, the only structures considered in the *RAPR* Report are the residence (single family dwelling), septic system, alternate driveway configuration, and driveway - described in section 1 on page 4 of the *RAPR* Report and shown in the map plan on page 14. The other structures are not considered. For this reason and as mentioned earlier in the report, staff do not recommend issuing the DVP. The *RAPR* Report shows the residence and associated development in compliance with the 15 metre LUB setback.

<u>Intent of Regulations Being Varied</u>

The 15 metre LUB setback is intended to protect watercourses, as defined in the bylaw, from the adverse impacts of development, both for aquatic and land-based flora and fauna. DPA 3 for Gambier Island was subsequently enacted to implement the BC provincial *RAPR* legislation. As such, protection for streams that are *RAPR*-applicable is ensured through the DP application and *RAPR* assessment report processes. The 15 metre LUB watercourse setback now effectively ensures protection for water features that are not considered "streams" under the *RAPR* following an initial professional assessment. For *RAPR*-applicable streams – the case for the subject property watercourses - the specific siting of all development must be considered in a *RAPR* Report and conform to the final plan as included in that report. Therefore, granting a relaxation to the 15 metre LUB setback should be done in accordance with a development plan that contemplates specific siting for all buildings and structures.

Potential Impact of Granting the Variances

Granting a variance can create expectation in a community with regard to future requests of a similar nature. Variance requests consider the unique circumstances of a particular situation that may warrant the relaxation of specific zoning regulations. In reviewing DVP applications, the TLC should consider the each application on its own merits.

Notification

In accordance with the *Local Government Act* (*LGA*) and the Gambier Island Development Procedures Bylaw No. 50, notification of the DVP application was distributed to neighbouring property owners and tenants within 100 metres of the subject property on November 7, 2024 (**Attachment 5**). A notice was sent out earlier in the year but the application was not included on the intended LTC agenda due to an incomplete administrative step which has now been resolved. In response, two pieces of correspondence were received and distributed to the LTC for consideration, raising concerns about the work commenced without a permit and the impacts on water quality for neighbouring properties. Staff note that the applicant has provided a receipt of the Record of Sewerage System filed with Vancouver Coastal Health for a professionally designed septic system (**Attachment 6**).

A second re-notification has been completed because the required legislative time has elapsed since the original notice and the November 26, 2024 LTC business meeting. No correspondence was received prior to distribution of the second notification or at the time of writing. Any submissions received following the preparation of this staff report will form part of the public record and will be presented to the LTC for consideration during its regular business meeting on November 26, 2024.

First Nations | Archaeology

While the structures are not expected to impact provincially recorded archeological sites, the application is in proximity to a documented archeological site (within 200 metres) as indicated by the provincial Remote Access to Archaeological Data (RAAD) system. At the time the application file was opened, the applicant was provided with information on the Islands Trust Cultural Protocol and BC provincial Chance Find Procedures[1] that contain information about what actions must be undertaken if archaeological material is encountered during development. In such a case, all work must cease and the provincial Archaeology Branch contacted immediately. A *Heritage Conservation Act* permit may be required before further development is undertaken.

[1] BC Provincial Chance Find Procedures, accessed at https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/report-a-find, November 12, 2024

Rationale for Recommendation

The *RAPR* Report prepared by Cascade Environmental sets out impact mitigation measures and monitoring requirements for the proposed development as shown in the report, which staff consider to meet the DPA 3 Guidelines and to be consistent with the intent and objectives of Gambier OCP policies.

Staff do not consider the DVP application to be consistent, because of the discrepancy between the requested variances and the scope of development as contemplated in the *RAPR* Report.

Therefore staff recommends the LTC issue the proposed DP presented in **Attachment 7** and deny the DVP, with example resolution wording found on page 1 of this report. This would only allow the development as contained in the *RAPR* Report to be commenced.

ALTERNATIVES

The LTC may issue or deny either of the permits. However, staff does not recommend issuing the DVP separately, because the rationale for granting it should be linked directly to the professional recommendations of a QEP contained in a *RAPR* Report that includes all proposed development. The LTC can consider the following alternatives to the recommendations:

1. **Request additional information**

   The LTC can request additional information before making a decision and should describe the specific information needed. Recommended wording:

   That the Gambier Island Local Trust Committee request additional information prior to making a decision on application GM-DP-2023.1 and/or GM-DVP-2023.2 in the form of [specify information required].

2. **Issue the DVP**

   The LTC could choose to issue the DVP exercising its discretion, but should be aware that regardless of such an approval, the applicant would remain responsible for compliance with the provincial *RAPR* and would require a new QEP assessment report and DP or DP amendment application that includes all of the structures before commencing development. Staff do not recommend issuing DVPs that are conditional on the issuance of other permits such as DPs.

3. **Deny both applications**

   The LTC may deny both applications and must state the specific reason(s) for denial, particularly in the case of the DP and why it does not consider the DPA Guidelines to have been met. Recommended wording:

   That the Gambier Island Local Trust Committee deny application GM-DP-2023.1 and GM-DVP-2023.2 for the following reasons [specify reasons].

NEXT STEPS

Staff will issue GM-DP-2023.1 if the LTC chooses to approve it as recommended, or will proceed with alternate direction. If the DP is denied, the issue will be forwarded back to Islands Trust Bylaw Enforcement to address the DPA compliance matter. For clarity, the DP application is the mechanism identified by staff as a possible remedy to the bylaw contravention issue.

Submitted By:	Ian Cox, Planner 2	November 12, 2024

Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	November 15, 2024

ATTACHMENTS

1. Site Plan & Site Context
2. Cascade Environmental *RAPR* Report
3. Site Survey (Channel Flagging)
4. DPA 3 Guidelines
5. Statutory Public Notice
6. Septic System Design and Filing
7. Proposed DP
8. Proposed DVP

ATTACHMENT 01A – SITE CONTEXT

LOCATION

Legal Description	BLOCK 62 DISTRICT LOT 1297 PLAN 2848
PID	013-387-031
Civic Address	West Bay Rd, Gambier Island

LAND USE

Current Land Use	Vacant Lot (Residential)
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GM-BE-2023.2	Works commenced without a DP within DPA 3 – Riparian Areas

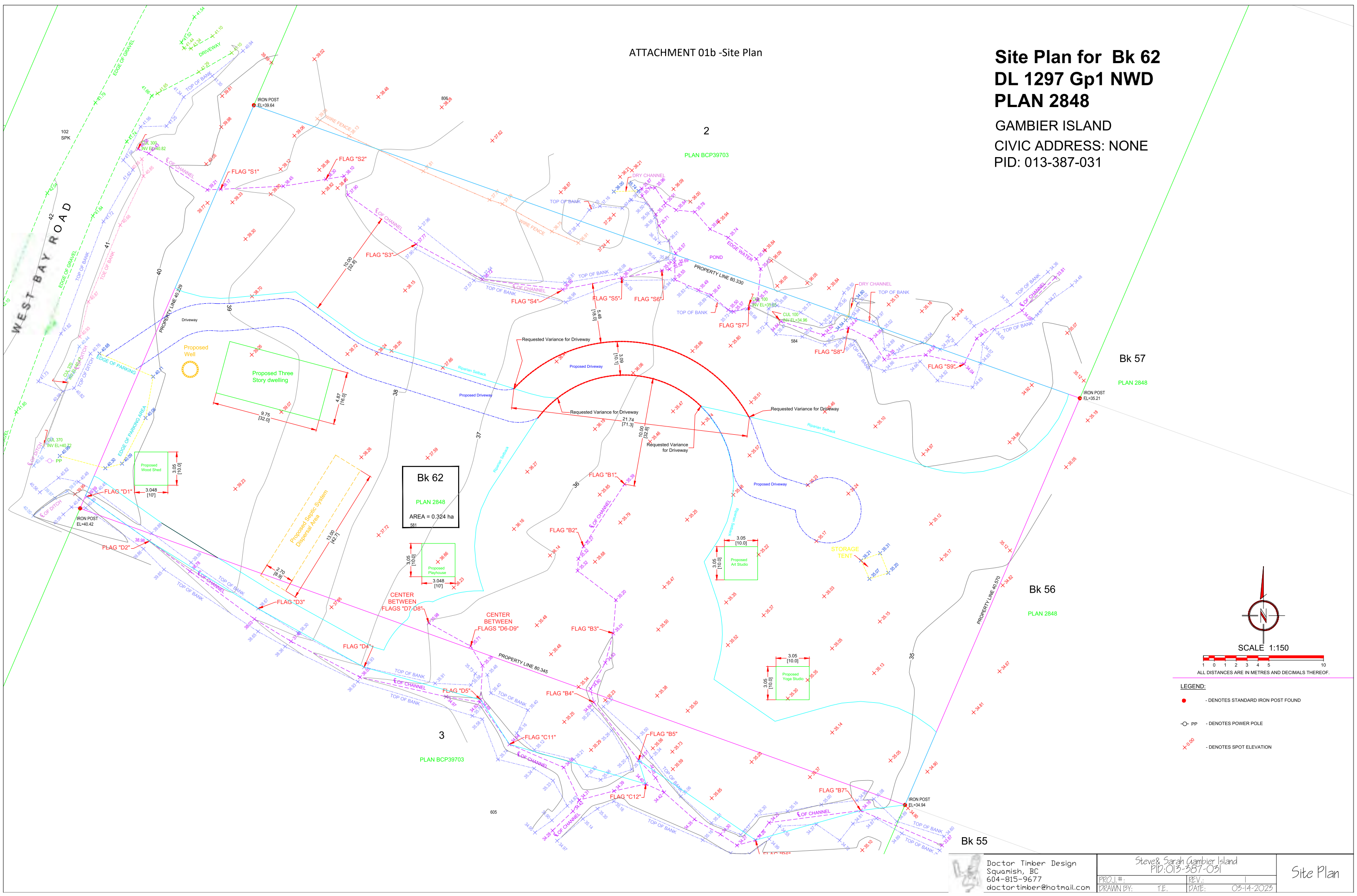
POLICY/REGULATORY

Official Community Plan Designations	Settlement Residential (SR) DPA3 – Riparian Areas
Land Use Bylaw	Settlement Residential (SR)
Covenants	None
Bylaw Enforcement	See above historic activity

SITE INFLUENCES

Islands Trust Conservancy	There are no ITC covenants or properties in the immediate area. Referral to ITC not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is Medium. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	Gambier LTC - SAR Critical Habitat, Marbled Murrelet The federal Recovery Strategy for the Marbled Murrelet states that activities likely to result in the destruction of Critical Habitat include: harvesting of suitable nesting habitat, road building, land clearing for urban development, and habitat modifications that result in increased predator concentrations.
Sensitive Ecosystems	Western hemlock - Douglas-fir - Oregon beaked moss, CWH, Very Dry Maritime,
Hazard Areas	Schedule E of the OCP does not indicate the subject property is within an area with a slope of 35% or greater.
Archaeological Sites	RAAD Mapping indicates the presence of registered archaeological sites within 200m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is

	still a chance that the lot itself may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Tree removal would result in a loss of carbon storage and sequestration.
Shoreline Classification	Not Applicable


ATTACHMENT 01b -Site Plan
Site Plan for Bk 62
DL 1297 Gp1 NWD
PLAN 2848
GAMBIER ISLAND
CIVIC ADDRESS: NONE
PID: 013-387-031
WEST BAY ROAD
Bk 62
PLAN 2848
AREA = 0.324 ha
Bk 57
Bk 56
Bk 55
PLAN BCP39793
Proposed Three Story dwelling
Proposed Well
Requested Variance for Driveway
Proposed Driveway
PROPERTY LINE 80.330
PROPERTY LINE 80.345
SCALE 1:150
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
LEGEND:
- DENOTES STANDARD IRON POST FOUND
- DENOTES POWER POLE
- DENOTES SPOT ELEVATION
Doctor Timber Design
Squamish, BC
604-815-9677
doctortimber@hotmail.com
Steve& Sarah Gambier Island
PID:013-387-031
DATE: 03-14-2023
Site Plan

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2024-09-16

I. Primary QEP Information

First Name	Candace	Middle Name		
Last Name	Rose-Taylor			
Designation	R.P.Bio.	Company: Cascade Environmental Resource Group Ltd.		
Registration #	2826	Email crosetaylor@cerg.ca		
Address	3-1005 Alpha Lake Road			
City	Whistler	Postal/Zip V8E 0H5	Phone #	604-938-1949
Prov/state	BC	Country Canada	BC	Country

II. Secondary QEP Information (use **Form 2** for other QEPs)

First Name	Ken	Middle Name	
Last Name	McNamara		
Designation	R.P.Bio.	Company: Cascade Environmental Resource Group Ltd.	
Registration #	3330	Email: info@cerg.ca	
Address	3-1005 Alpha Lake Road		
City	Whistler	Postal/Zip V8E 0L9	Phone #
Prov/state	BC	Country Canada	

III. Developer Information

First Name	Sarah	Middle Name
Last Name	Cumming	
Company		
Phone #	1- 778 319 7450	Email: sarah.cumming@gmail.com
Address	PO Box 894	
City	Squamish	Postal/Zip V8B 0A6
Prov/state	BC	Country Canada

IV. Development Information

Development Type	Construction: Residential		
Area of Development (ha)	0.048	Riparian Length (m)	180
Lot Area (ha)	0.32	Nature of Development	New Development
Proposed Start Date	October 2024	Proposed End Date	Nov 2025

V. Location of Proposed Development

Street Address (or nearest town)	62 West Bay Road	
Local Government	Islands Trust Regional District	City Gambier Island
Stream Name	No Name Creeks 1 & 2 and a roadside ditch leading to No Name Creek 2	
Legal Description (PID)	Lot 62, Plan VAP2848, (PID: 013-387-031)	Region South Coast
Stream/River Type	Stream	DFO Area 2

Watershed Code	None, both creeks lead to Howe Sound						
Latitude	49º	27	44	Longitude	-123º	25	22

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed. Insert that form immediately after this page.

II. Additional QEP Information

First Name	Vicki	Middle Name		
Last Name	Legris			
Designation	R.P.Bio.		Company: Cascade Environmental Resource Group Ltd.	
Registration #	2834		Email: vlegris@cerg.ca	
Address	3-1005 Alpha Lake Road			
City	Whistler	Postal/Zip	V8E 0H5	Phone # 604 938 1949
Prov/state	BC	Country	Canada	

Table of Contents for Assessment Report

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Sarah Cumming wishes to develop the lot located at Lot 62 West Bay Road (Map 1), on Gambier Island, BC (Block 62, VAP2848, PID 013-387-031). The development will consist of a family dwelling with septic field and parking. As the property is intersected by three watercourses (two No Name Creeks and a roadside ditch) Cascade Environmental Resource Group Ltd (Cascade) was retained to conduct a riparian assessment as per the BC provincial Riparian Areas Protection Regulation (RAPR).

All lands within 30 m of a fish bearing watercourse, or watercourse that flows into fish bearing waters, within The Islands Trust, and are subject to a RAPR assessment per the Gambier Island (GI) Official Community Plan (OCP) Bylaw 73, 2001 and Land Use Bylaw 86, 2004. The objectives of the OCP are to “protect, terrestrial, aquatic and marine habitat” (Obj. 8.3 GI OCP) The bylaw is structured to enhance watercourse ecosystems such as stream corridors, lake or pond edges, wetlands, and other riparian areas and fish habitat, in accordance with the *Riparian Areas Protection Act*, and identify Streamside Protection and Enhancement Areas (SPEAs), also known as riparian buffer areas, which must remain free of development, including the disturbance of soils and vegetation. The Land Use Bylaw section 3.3.(1) also states “No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse”.

Watercourse Description

The subject property (49^0 27’ 44”N 123^0 25’ 21”W) has no dwelling, with small (S1) drainages on either side (No Name Creeks 1 & 2) and a roadside ditch along West Bay Road in the southwestern portion of Gambier Island.

No Name Creek 1 flows from west to east through the lot (Photos 1 & 2). During the site inspection on August 12th, 2022, the subject reach of No Name Creek 1 had an average wetted width of 1.57 m and maximum bank full width of 2.77 m (Photos 1 & 2). The average water depth was 0.2 m. The substrate was composed of gravels and organic fines. The creek had a low gradient ranging from 2% to 7%. The area of No Name Creek 1 included in this assessment had width ranges from 0.73 m to 2.77 m. The banks were shallow, steep, vegetated and approximately 0.25m to 0.5m. Some coarse woody debris (CWD) was present within the vegetated riparian area and, but no CWD occurred within the creek.

No Name Creek 2 flows north to southwest originating from ground water in the center of the subject property where it flows initially south before turning west at the lot boundary (Photos 3 to 5). The average water depth was 0.3 m. The substrate was composed of gravels and organic fines. The creek had a low gradient ranging from 3% to 4%. The area of No Name Creek 2 included in this assessment had width ranges from 1.20 m to 2.74 m. The banks were shallow, steep, vegetated and approximately 0.25 m to 0.5 m. Some coarse woody debris (CWD) was present within the vegetated riparian area and the creek.

The roadside ditch has no upslope water sources and collects road runoff to a ditch that flows along the southern property boundary and empties into No Name Creek 2 (Photos 6 to 8). The substrate was composed of gravels and organic fines. The ditch had a low gradient ranging from

1% to 3%. The area of the roadside ditch included in this assessment had width ranges from 1.27 m to 1.97 m.

Both creeks have very low potential for fish presence due to shallow, low flow water and limited habitat throughout each of the reaches. The ditch is unlikely to be able to sustain any fish presence; however, in the absence of a fish presence/absence survey the ditch status defaults to fish-bearing and it is designated a SPEA of 5 m.

Canopy cover was dominated by western hemlock (*Tsuga heterophylla) with some western redcedar (Thuja plicata)*, Sitka Spruce (*Picea sitchensis*), and red alder (*Alnus rubra*), providing a crown closure of 10-15%. Understory vegetation included salmonberry (*Rubus spectabilis)*, hardhack (*Spiraea douglasii)* and red elderberry (*Sambucus racemosa*). Ground cover comprised of bracken (*Pteridium spp.*) and sword (*Polystichum munitum*) ferns and mosses.

The function of the riparian area of both No Name Creeks includes sediment and nutrient control as well as habitat to several wildlife species. The riparian area provides habitat to numerous birds, mammal, and amphibian species, which utilize the area for drinking, cover, movement, forage, breeding, and preening areas. The SPEA for the watercourses on the site are shown in Map 2, along with the Land Use Bylaw riparian setbacks for No Name Creek 1 and 2 (the ditch is not considered a watercourse under the GI OCP).

An RAPR Assessment Report update was submitted for this property on April 4, 2024. Since the April 4 submission, the client has worked to remove the intrusion into the SPEA by eliminating all development from riparian setbacks. These changes are presented below and in Map 3.

The proposed development consists of a primary dwelling with deck and a septic field, parking is provided by an existing parking pad at the front/west of the property. A tree preservation fence will be constructed along the Island Trust setback or the SPEA, which ever is greater, to create a tree preservation zone. The Cascade QEP determined that the proposed development will not cause a harmful alteration, disruption or destruction of natural features, functions and conditions in the SPEA that support the life processes of protected fish.

Section 2. Results of Riparian Assessment (SPEA width)

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

2.1 Results of Detailed Riparian Assessment No Name Creek 1

Date: 2022-08-12

Description of Water bodies involved (number, type): No Name Creek 1

Stream	**X**
Wetland	
Lake	
Ditch	
Number of reaches	**1**
Reach #	**1**

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)		Gradient (%)
starting point	1.57		5
upstream	0.89		
	0.73		
	1.37		
downstream	0.87		
	1.52		
	2.22		5
	2.22		
	2.77		
			4
Total: minus high /low	14.16		
mean	1.57		
	R/P	C/P	S/P
Channel Type	**X**		

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;* ;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		**X**	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;*
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type			X	

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type				

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	**1**	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	**10.0**					
Litter fall and insect drop ZOS (m)	**4.71**					
Shade ZOS (m) max	**10.0**	South bank	Yes		No	**X**
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	**10.0**	(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes	**X**	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	**10.0**	(For ditch use table3-7)				

I, Ken McNamara hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;*

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Comments

Nine measurements were only taken due to the shortness of the creek; therefore, no upper and lower values were eliminated in the calculation of the mean stream width.

2.2 Results of Detailed Riparian Assessment No Name Creek 2

Date: 2022-08-12

Description of Water bodies involved (number, type): No Name Creek 2

Stream	**X**
Wetland	
Lake	
Ditch	
Number of reaches	**1**
Reach #	**1**

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
starting point	2.48	4
upstream	2.74	
	1.20	
	1.48	
downstream	2.20	
	1.98	
	2.70	1
	1.36	
	2.28	
		3
Total: minus high /low	18.42	
mean	2.05	

	R/P	C/P	S/P
Channel Type	**X**		

I, Ken McNamara, hereby certify that:
e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;* ;
f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		**X**	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Ken McNamara, hereby certify that:
e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act.*
f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming.
g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No:

LC	SH	TR	Method employed if other than TR

SPVT Type			X	

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type				

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	**1**	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	**10.0**						
Litter fall and insect drop ZOS (m)	**6.15**						
Shade ZOS (m) max	**10.0**	South bank	Yes		No	**X**	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**10.0**	(For ditch use table3-7)					

Segment No:	**2**	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	**10.0**						
Litter fall and insect drop ZOS (m)	**6.15**						
Shade ZOS (m) max	**10.0**	South bank	Yes	**X**	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**10.0**	(For ditch use table3-7)					

I, Ken McNamara hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;*

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Comments

Nine measurements were only taken due to the shortness of the creek adjacent to the subject property; therefore, no upper and lower value was eliminated in the calculation of the mean stream width.

2.3 Results of Detailed Riparian Assessment – Ditch

Date: 2022-08-12

Description of Water bodies involved (number, type): Ditch

Stream	
Wetland	
Lake	
Ditch	**X**
Number of reaches	**1**
Reach #	**1**

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
upstream	1.71	1
	1.32	
	1.40	
	1.27	
	1.97	
starting point	1.47	
	1.70	2
	1.70	
	1.47	
	0.78	
downstream		3
Total: minus high /low	14.79	
mean	1.48	

	R/P	C/P	S/P
Channel Type			

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		**X**	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Riparian Areas Protection Act;*

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No: **1**

LC	SH	TR	Method employed if other than TR

SPVT Type			**X**	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	**1**	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)	**2.0**					
Litter fall and insect drop ZOS (m)	**2.0**					
Shade ZOS (m) max	**2.0**	South bank	Yes	**X**	No	

Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)	**Manmade channel collecting runoff from West Bay Road with no other upland inputs.**

Ditch Fish Bearing	Yes	**X - Unknown**	No		If non-fish bearing insert no fish bearing status report	

SPEA maximum	**5.0**	(For ditch use table3-7)

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

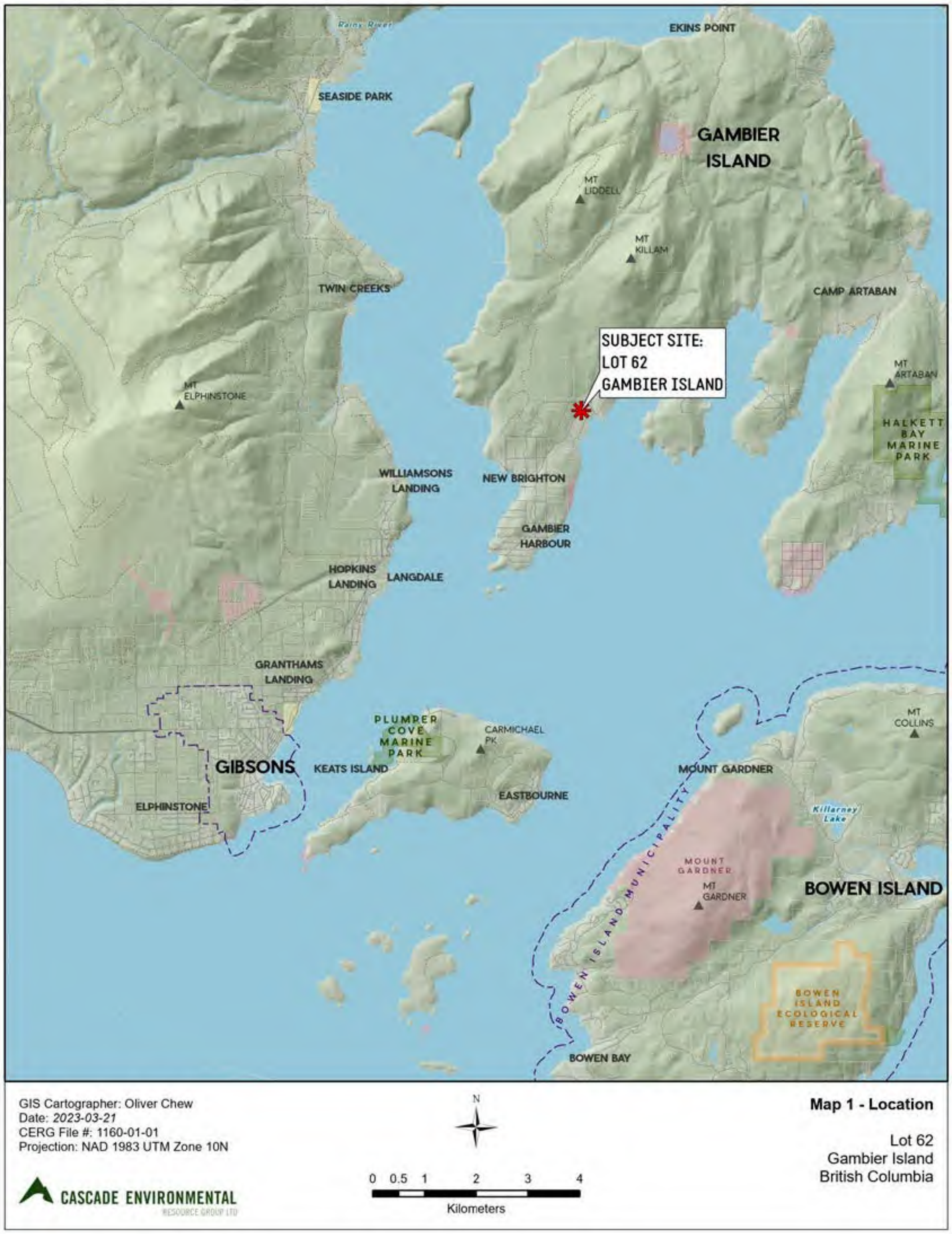
Comments

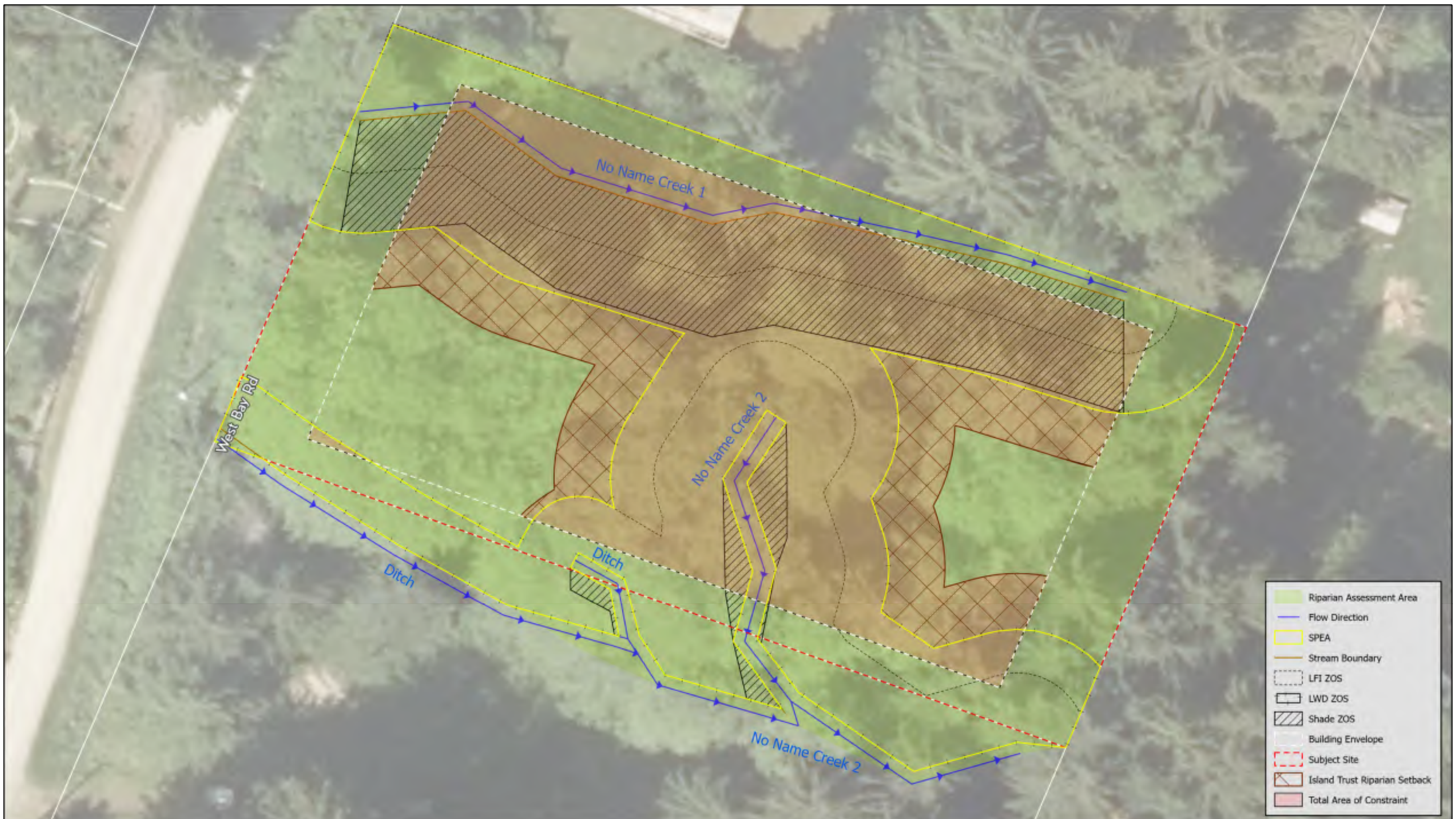
The ditch is likely non-fish bearing; however, in the absence of a fish-bearing status report, the ditch defaults to fish-bearing status and the SPEA minimum setback is 5.0 m from top of bank.

Section 3. Site Plan

Site Plan

Map 1. Location Map





GIS Cartographer: Nicola Church
Date: *8/12/2024*
CERG File #: 1160-01-01
Projection: NAD 1983 UTM Zone 10N

CASCADE ENVIRONMENTAL
RESOURCE GROUP LTD

N

0 5 10 20 30 40
Meters

Map 2 - Riparian Assessment

Lot 62
Gambier Island
British Columbia

GIS Cartographer: Nicola Church
Date: *8/12/2024*
CERG File #: 1160-01-01
Projection: NAD 1983 UTM Zone 10N

CASCADE ENVIRONMENTAL RESOURCE GROUP LTD

Map 3 - Proposed Development

Lot 62
Gambier Island
British Columbia

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	√
A danger tree assessment was conducted on August 12th, 2022, by Ken McNamara of Cascade (Danger Tree Assessor # P1615). No danger trees were identified. I, Ken McNamara, hereby certify that: i) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*; j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming; k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
2. Windthrow	√
A windthrow assessment was included as part of the danger tree assessment above, with an expected 40-65 km/hr wind speed. No windthrow hazards were observed. I, Ken McNamara, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
3. Slope Stability	√
The subject site has a low gradient and no indicators of slope instability were observed. I, Ken McNamara, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
4. Protection of Trees	√
Prior to development, the proponent will install tree protection fencing along the *tree protection zone* (TPZ) as guided by a QEP. The TPZ fencing will be installed on the SPEA or the Islands Trust setback, whichever is greater. The Islands Trust setback will act as an additional TPZ to protect SPEA trees. No trenching may occur through the roots of SPEA trees, no paving may occur around SPEA trees, no parking may occur under SPEA trees, and no pollutants may contaminate the soil around SPEA trees. I, Ken McNamara, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
5. Encroachment	√
Prior to development the SPEA must be staked by a BC Land Surveyor and temporary fencing (e.g. sediment fencing) must be installed along this boundary before construction. The proponent may also wish to install temporary signage along the SPEA boundary to aid in communication with contractors.	

The RAPR requires permanent demarcation of the SPEA boundary for the Unknown Creeks 1 & 2 and the ditch upon completion of construction to prevent encroachment. Two options are recommended for the subject property, including (1) fence or (2) vegetation with signage identifying the area beyond as a SPEA.

I, Ken McNamara, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

6. Sediment and Erosion Control	√

Prior to commencement of the proposed development, sediment fencing will be installed along the TPZ boundary where required. This fence will need to be inspected after heavy rainfall events, maintained when necessary. The SPEA must not be used to filter sediment laden water and sediment laden water cannot be discharged into the ditch or underground storm sewer, as these are connected to fish bearing waters. To prevent any runoff of sediment during construction, all stockpiles of soil on the subject site are to be covered with plastic or geo-textile, or be surrounded by sediment fencing. The sediment fencing along the SPEA boundary will also protect the waterways from any runoff and should be maintained until exposed soils have been re-vegetated. All exposed soils should be replanted and/or seeded as soon as possible following completion of the works.

I, Ken McNamara, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

7. Stormwater Management	√

The stormwater from the roof, foundation, driveway and perimeter storm drainage of the proposed development will be directed to ground infiltration points located outside any of the SPEAs. No drainage will be flowing from the site to the SPEA. Turbid water and other deleterious substances must not be discharged into watercourses or ditches. Water must be bio-filtered on site via one or more infiltration pits as advised by a QEP.

I, Ken McNamara, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

8. Floodplain Concerns (highly mobile channel)	√

The subject property is not within any historic floodplain and no floodplain concerns from upland creeks and ditches were observed. Both creek channels appeared small, well established, and stable.

I, Ken McNamara , hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Environmental monitoring for the proposed works is required. It is the proponent's responsibility to inform the QEP of the commencement date for development, starting with land clearing, and to ensure that all construction activities comply with the requirements of the RAPR.

Once informed of commencement, the QEP will schedule site visits accordingly. Environmental monitoring will include a site visit at the start of project construction to ensure that staking and fencing of the SPEA boundary is complete. Additional site visits will be made by the QEP periodically throughout construction to ensure that the measures to protect the SPEA have been implemented and maintained. A follow-up visit will also be made upon completion of construction so that the QEP can prepare a report to submit to the BC Ministry of Water, Land and Resource Stewardship (WLARS) RAPR notification system website database and the Islands Trust.

Should any development activities be non-compliant with the requirements detailed in this report, the attached RAR forms, the *Riparian Areas Protection Regulation*, the provincial *Water Sustainability Act* or the federal *Fisheries Act*, the non-compliant activities will be reported to the proponent, WLARS and Fisheries and Oceans Canada (DFO) through the RAPR Notification System, and the Islands Trust.

Section 6. Photos

Photo 1: Looking west at Flag S1 on No Name Creek 1. August 12th, 2022.

Photo 2: Looking west at Flag S8 on No Name Creek 1. August 12th, 2022.

Photo 3: Looking north at Flag C 11 on No Name Creek 2. August 12th, 2022.

Photo 4: Looking downstream/ south at Flag B1 on No Name Creek 2, August 12th, 2022.

Photo 5: Looking downstream/ south at Flag B8 on No Name Creek 2, August 12th, 2022.

Photo 6: Looking south at the roadside dich on the left of the photo on Lot 62, August 12th, 2022.

Photo 7: Looking downstream/ south at Flag B1 on No Name Creek 2, August 12th, 2022.

Photo 8: Looking downstream/ south at Flag B1 on No Name Creek 2, August 12th, 2022.

Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date | Sept 16, 2024 |

1. I/We Candace Rose-Taylor (R.P.Bio #2826) Ken McNamara (R.P.Bio #3330) and Vicki Legris (R.P.Bio. #2834)

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b) I am/We are qualified to carry out the assessment of the proposal made by the developer Sarah Cumming, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

a) [ ] the site of the proposed development is subject to undue hardship, (**if applicable, indicate N/A otherwise**) and
b) [X] the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

Submission Instructions
Riparian Areas Protection Regulation – Qualified Environmental Professional – Assessment Report RAR-QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: Refer to Part 4 of the RAPR and the Technical Manual for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be submitted complete with all information specified and posted to the notification system to be reviewed by the province. Upon approval notification will be provided to the local government.

Tips for working with MS Word Template Forms

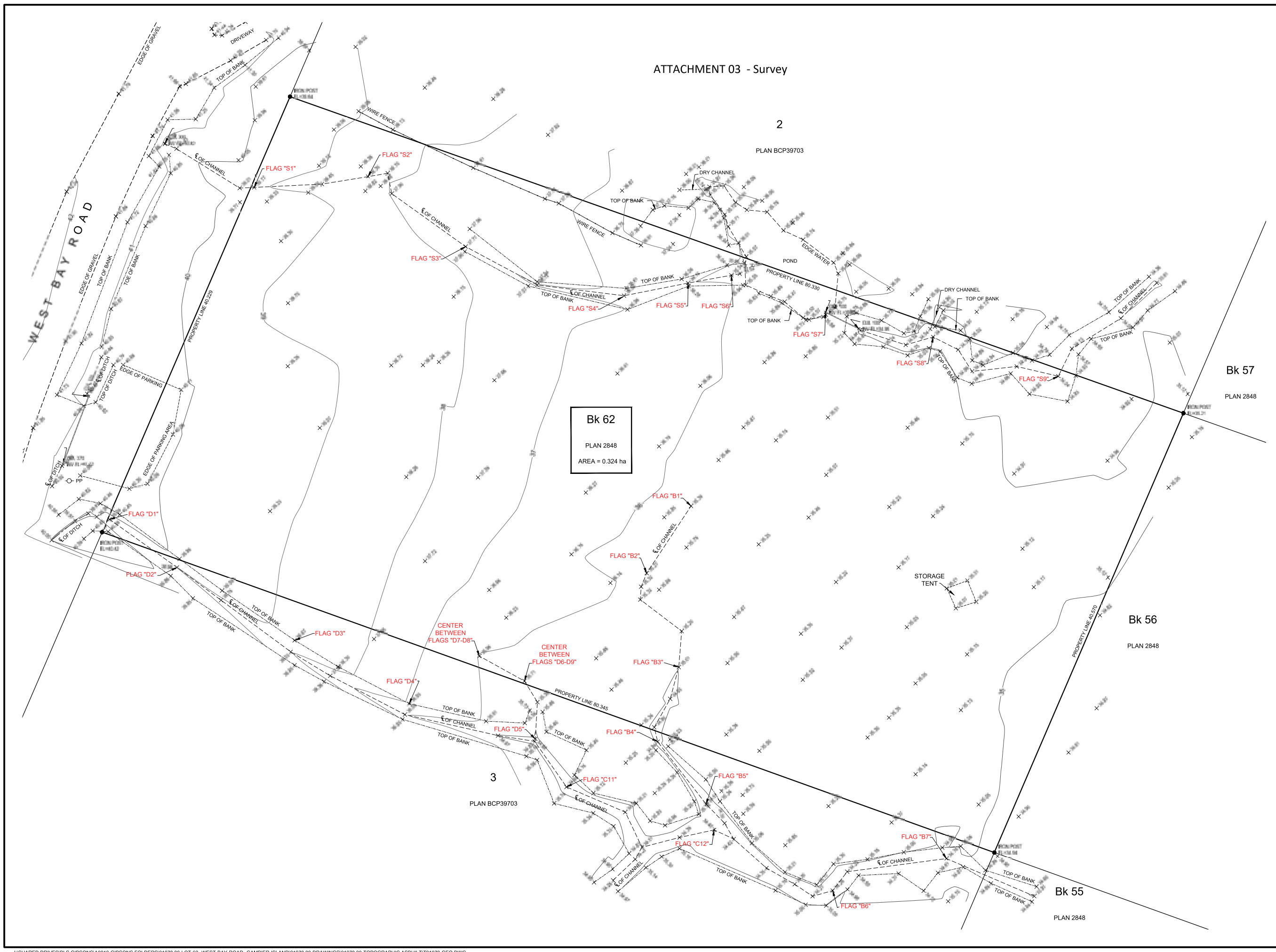
Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site

ATTACHMENT 03 - Survey



TOPOGRAPHIC SURVEY PLAN OF FEATURES ON Bk 62 DL 1297 Gp1 NWD PLAN 2848

GAMBIER ISLAND

CIVIC ADDRESS: NONE
PID: 013-387-031

SCALE 1:150

1 0 1 2 3 4 5 10

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

LEGEND:

● - DENOTES STANDARD IRON POST FOUND

-O- PP - DENOTES POWER POLE

+0.00 - DENOTES SPOT ELEVATION

DATUM:

ELEVATIONS ARE GEODETIC.

CONTOUR INTERVAL = 1.0 METRES.

PROPERTY:

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY.

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.

GENERAL:

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.

BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.

bennett ©
LAND SURVEYING (COASTAL) LTD.
BC LAND SURVEYORS
634 FARNHAM ROAD GIBSONS, BC V0N 1V8
TEL 604-886-2531 www.bennettsurveys.com

DATE:	BY:
2022-09-21	SC
REVISION:	0

THIS PLAN HAS BEEN PREPARED FOR CONSTRUCTION PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.

BENNETT LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

CERTIFIED CORRECT

THIS __________ DAY OF ________________________________ , 2022.

____
JAVIER SIU, B.C.L.S.

FIELD SURVEY COMPLETED ON SEPTEMBER 14, 2022.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

FB3024 P24-33

J:\SHARED DRIVES\BLS GIBSONS\A0010-GIBSONS FOLDERS\91078.00-LOT-62--WEST-BAY-ROAD--GAMBIER-ISLAND\91078.00-DRAWINGS\91078.00-TOPOGRAPHIC ASBUILT\T91078-GEO.DWG

ATTACHMENT 04 – DEVELOPMENT PERMIT AREA GUIDELINES

DPA3 – RIPARIAN AREAS

Part 2 Guidelines	Complies	Planner Comments
(k) A Qualified Environmental Professional (QEP) experienced in riparian, stream or wetland ecology must be retained to inspect the development site, identify the location of watercourses and wetlands, and prepare a report that includes recommendations on the location and width of riparian buffers that will maintain the biological integrity of the riparian area and associated watercourses and wetlands. The report may be combined with the initial report described above the Part 1 Guidelines.	yes	In the Detailed RAPR Assessment Report (Report) by Cascade Environmental, dated April 2023, the QEP identifies “No-Name Creek #1”, “No-name Creek #2” and a roadside ditch on the property and includes provincially required mitigation and monitoring measures included as DP conditions. The QEP assesses “No-Name Creek #1” and “No-Name Creek #2” to have SPEA/buffer of 10 metres and the roadside ditch a 5 metre buffer they consider sufficient for the site.
(l) The QEP’s report must clearly describe the context and inherent value of the riparian area and associated watercourse or wetland and identify mitigation measures that ensure the long- term protection of the specified buffer from any nearby development activities. Mitigation measures should include (but not be limited to): (i) erosion control during ground disturbance activities to minimize the potential for sediment transportation; (ii) protection of critical tree root zones; (iii) protection of riparian buffers from potential blow-down of trees associated with any increases in exposure to wind; (iv) management of deleterious substances brought onto the land for the purpose of development activities; (v) proper management of storm water from any impermeable surfaces; and (vi) prevention of encroachment into the riparian buffer (e.g. through the implementation of temporary construction-phase and/or long term fencing/signage). The mitigation measures may be included as conditions of the development permit.	yes	In the Report the QEP includes recommends mitigation measures that address (i) through (vi), to maintain water quality and to mitigate any impacts to the watercourses. Prior to development the SPEA must be staked by a BC Land Surveyor and temporary fencing (ie. sediment fencing) must be installed along this boundary before construction. The recommended mitigation and monitoring measures have been included as conditions of the draft Development Permit.
(m) A QEP should assess and report on the status of the riparian area and watercourse or wetland with regards to biological integrity and should note the occurrence of invasive species (both plant and	yes	QEP describes presence of Himalayan blackberry (Rubus armeniacus), Common Burdock (Arctium L.), Hounds Tongue (Cynoglossum officinale),

animal) where applicable. Wetlands should be classified as either bog, fen, marsh, swamp, shallow water or wet meadow. The QEP should also assess for and report on any previous disturbance or constraints imposed on the riparian area and associated watercourse or wetland (e.g. wetland infilling, channelization, bank destabilization, vegetation removal or dam construction) and recommend appropriate restoration where necessary. Where restoration is recommended, prescriptive replanting plans should be included in the QEP's report. Prescriptive invasive species removal, long-term management and disposal methods should also be included in the QEP's report where appropriate.		English Holly (ilex aquifolium), Morning Glory (Ipomoea purpurea) and Canada Thistle (Cirsium arvense) extending from West Bay Road to the upper portions of the subject property. Locations were flagged in the field. The QEP identifies both creeks have very low potential for fish presence due to shallow, low flow water and limited habitat throughout each of the reaches and the ditch has no way of sustaining any fish presence. The function of the riparian area of both No Name Creeks includes sediment and nutrient control as well as habitat to several wildlife species. The riparian area provides habitat to numerous birds, mammal, and amphibian species, which utilize the area for drinking, cover, movement, forage, breeding, and preening areas. QEP provides management techniques for invasive spread but not replanting or restoration. Requires on-site monitoring by QEP during development to ensure RAPR is followed.
(n) The QEP's assessment of the riparian area and associated watercourse or wetland should describe habitat suitability for rare elements including species at risk, provincially red or blue listed plants, animals and ecosystems. The QEP should also report on any documented occurrences of rare elements noted in relevant databases, such as the provincial Conservation Data Centre, and note any confirmed observations of rare elements encountered during the inspection of the site.	yes	No rare or listed/Species at Risk were identified.
(o) In addition to assessing the general integrity and condition of the riparian area and associated watercourse or wetland, the QEP should assess for any specific habitat attributes such as wildlife trees, raptor nests, coarse woody debris abundance/distribution (influencing terrestrial foraging/security habitat values for amphibians), and amphibian breeding habitat potential, especially for rare species.	yes	The Report describes canopy cover and understory, and general function of riparian habitat as providing for numerous birds, mammal, and amphibian species, which utilize the area for drinking, cover, movement, forage, breeding, and preening areas and includes development monitoring measures.
(p) The QEP's report should also include appropriate measures for addressing hazard tree management in or nearby the riparian buffer, if applicable. Tree management must be undertaken in such a way that it decreases any potential impacts to the riparian area. Appropriate measures such as topping to remove dangerous tree stems and/or pruning to remove dangerous tree limbs should be considered. Any tree stems and/or large limbs should be left in the riparian area.	yes	A separate danger tree and wind throw assessment by Cascade was conducted revealing no concerns within the riparian buffers. The Report includes buffering measures for tree protection.
(q) The QEP should consider recommending the establishment of specific buffers that limit	yes	Prior to development, the SPEA and matching tree protection zone (TPZ) will be flagged out by a QP.

construction activities adjacent to permanent riparian buffers, where necessary to protect the integrity of riparian habitat (e.g. establishing critical root zones around trees where excavations are to be avoided).		The proponent must install a combination of silt fencing and/or tree protection fencing along the TPZ as guided by a QEP. The RAPR and Report require permanent demarcation of the SPEA boundary for the Unknown Creeks 1 & 2 and the ditch upon completion of construction to prevent encroachment. Two options are recommended for the subject property, including (1) fence or (2) vegetation with signage identifying the area beyond as a SPEA.
(r) Any work within the watercourse or wetland (e.g. culverts or bridges) should be done in a way that avoids any negative changes to surface or subsurface hydrology and maintains pre-existing connectivity throughout the watercourse or wetland.	yes	QEP requires sediment fencing be installed along the SPEA boundary. This fence will need to be inspected after heavy rainfall events, maintained when necessary. The storm water from the roof, foundation, driveway and perimeter storm drainage of the proposed development will be directed to ground infiltration points located outside any of the SPEAs.
Guidelines 9.3 (s) through (v) are for proposed subdivisions – n/a to this application		

ATTACHMENT 05 - Public Notice

NOTICE
GM-DVP-2023.2
GAMBIER ISLAND LOCAL TRUST COMMITTEE

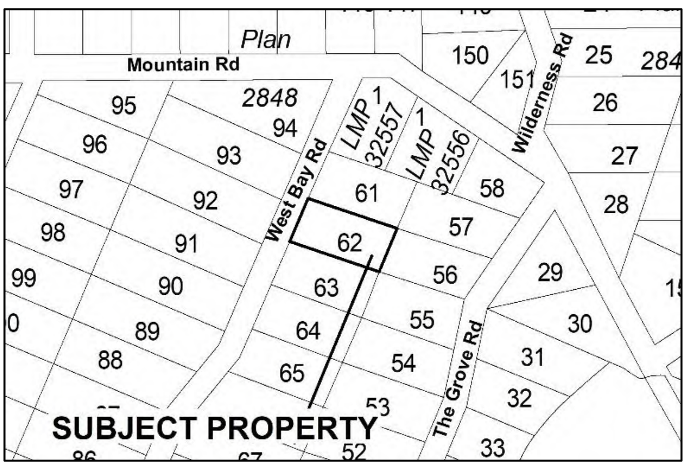
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gambier Island Land Use Bylaw No. 86, 2004 by reducing the required 15 metre setback to a *watercourse* to a minimum of:

- 10.0 metres and 5.4 metres from two unnamed creeks; and
- 2.0 metres from a roadside ditch;

to accommodate a proposed Single Family Dwelling and associated Septic System, Art Studio, Yoga Studio, Playhouse, Wood Shed, and residential driveway.

The works are within Development Permit Area 3 – Riparian Areas, for Gambier Island. The owner must also successfully obtain a Development Permit from the Gambier Local Trust Committee, for which a Detailed Assessment Report carried out by a Qualified Environmental Professional under the provincial *Riparian Areas Protection Regulation* is required. The development permit and development variance permit will be considered together in a combined staff report to the Gambier Local Trust Committee.

The property is located on West Bay Road and is legally described as BLOCK 62 DISTRICT LOT 1297 PLAN 2848 (PID: 013-387-031). The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing November 12, 2024 and continuing up to and including November 25, 2024.

Enquiries or comments should be directed to Ian Cox, Planner 2, at (250) 247-2207, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, November 25, 2024.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during its Electronic Regular Meeting-Zoom Webinar starting at 10:00 am on November 26, 2024.

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

Nadine Mourao, Deputy Secretary

PROPOSED

Islands Trust	**GAMBIER ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.2**

TO: Sarah Cumming & Stephen Delane

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

BLOCK 62 DISTRICT LOT 1297 PLAN 2848
PID: 013-387-031

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

1. PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection 3.3(1) "No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse… "; is varied:

- To reduce the setback for a Single Family Dwelling from 15.0 metres to 10.0 metres;
- To reduce the setback for a residential Septic System from 15.0 metres to 2.0 metres;
- To reduce the setback for a Yoga Studio (residential accessory building) from 15.0 metres to 10.0 metres;
- To reduce the setback for an Art Studio (residential accessory building) from 15.0 metres to 10.0 metres;
- To reduce the setback for a children's Playhouse (residential accessory building) from 15.0 metres to 10.0 metres; and
- To reduce the setback for a Wood Shed (residential accessory building) from 15.0 metres to 2.0 metres; and
- To reduce the setback for a residential driveway from 15.0 metres to 5.4 metres.

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

PROPOSED

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

___________________________________ ___________________________________

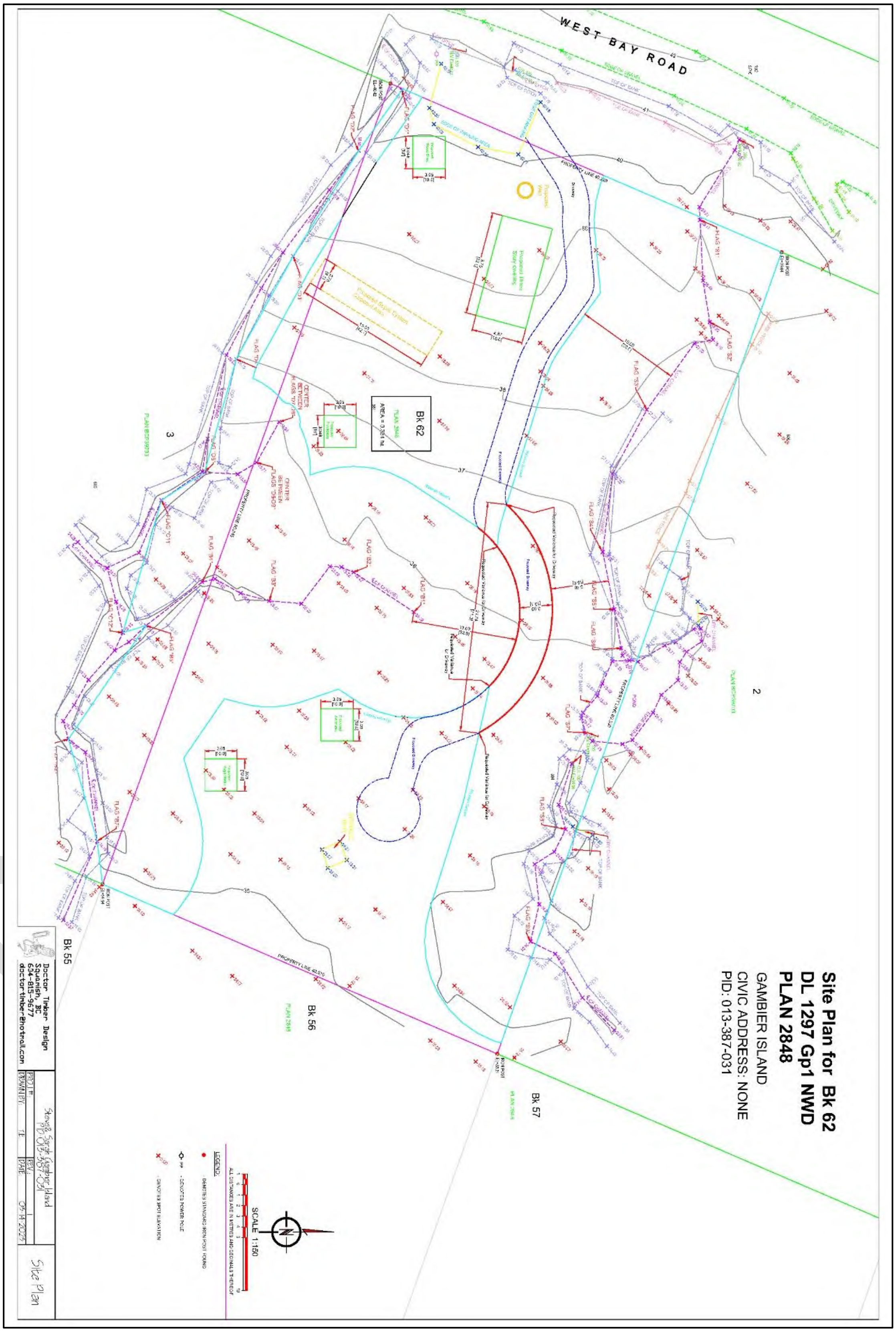
Deputy Secretary, Islands Trust **Date of Issuance**

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

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2023.2

Schedule "A" – Site Plan



Vancouver Coastal Health

HEALTH PROTECTION

RECEIPT OF RECORD OF SEWERAGE SYSTEM

This receipt acknowledges that the Health Authority has received a completed Record of Sewerage System for the following location:

RECEIPT NUMBER FOR RSS FILING FEE: 1139

TAX ASSESSMENT ROLL NUMBER: 746.02051.000

AUTHORIZED PERSON: COREY SMITH

CIVIC ADDRESS: WEST BAY ROAD, GAMBIER ISLAND

LEGAL DESCRIPTION: DL 1297, BLK 62, VAP 2848

EFFECTIVE DATE: JANUARY 31, 2023

Please note that the system work must be completed and a Letter of Certification filed with the Health Authority within two years of the effective date noted.

EXPIRY DATE: JANUARY 31, 2025

RESOLUTE
SEPTIC SERVICES

Resolute Septic Services Ltd.
13338 Sunshine Coast Hwy
Madeira Park, BC, V0N2H1
604 989 5673
resolutesepticservices@gmail.com

Date: January 30, 2023

Sewerage System Design

Client and property Information:

Sarah Cumming and Stephen Delane
(Street # undetermined)West Bay Rd, Gambier
Block 62, DL 1297
VAP 2848
PID: 013-387-031
Folio: 746.02051.000

Scope of this report:

This report constitutes a design for a *residential sewerage system* for the above address, as set out by the Applied Science Technologists and Technicians of British Columbia, hereinafter ASTTBC. This design has been prepared according to the standards of the *Sewerage System Standard Practice Manual Version 3.*

Proposed wastewater system:

Daily design flow is 1000 L/day.
Type 1 effluent with pressure distribution to a raised seepage bed.

<u>Septic Tank</u>

Us Canwest RKS1000LP/2, or equivalent

<u>Dose Chamber</u>

Use Canwest RKP300LP

<u>Pump</u>

Liberty FL50 series, or equivalent.
Minimum pump requirements: 42 gpm @30' head.

<u>System Controls</u>

Use Rhombus EZ series simplex control panel.

<u>Treatment Field</u>

Pressure distribution demand dose to be used to a **seepage bed 2.7 m wide x 13 m long, using 3 distribution laterals.**

Installers shall refer to construction details and diagrams following.

<u>Site Information:</u>

Total parcel size: .79 acres.

Potable Water Source: well

Topography: The proposed dispersal system alignment is on contour, with an approximate 5-10% slope perpendicular to the bed centerline.

Site and Soils Evaluation

Brown sand structureless to 100cm,
100cm + seasonal high water

Vertical separation to limiting condition based on the soil analysis is **100 cm.**

Design Rationale

Based on the vertical separation, a pressure dosing system was chosen over a gravity dispersal system. To maintain required vertical separation for the purpose of proper treatment with pressure dosing, a raised seepage bed was chosen.

Design Calculations and Specifications

Source

Wastewater flows and strength stipulate that there will be no garburators, water softening devices or unusual usage. Design presumes *typical residential sewage* not exceeding the following:

cBOD5 (mg/L)	290-560
TSS (mg/L	175-400
Oil and grease (mg/L)	35-60

Daily Design Flow (DDF)

DDF was chosen from the standard tables for a declared 2-bedroom house. No unusual flows were declared.

DDF from tables: **1000L/day**

Hydraulic Loading Rate (HLR)

The hydraulic loading rate was chosen based on type 1 effluent being applied to sand with favourable structure.

HLR from tables: **30L/day/m^2**

Area of Infiltrative Surface (AIS)

Minimum area of infiltrative surface is DDF÷HLR = 1000÷30 = 33.3, rounded up to **34 m^2**

Linear Loading Rate (LLR)

The LLR is chosen based on the slope, vertical separation, loamy sand soil type and permeability rate. LLR from the tables is 90L/day/m.

The **minimum system length** is therefore, DDF÷100 = 1000÷90 = 11.11m.

Dispersal Field Size

AIS÷2.7m bed width (chosen to suit 3 laterals over spacing requirements) = 34÷2.7 = 12.59m, checked against the minimum system length from the LLR is sufficient, so rounded up system length of **13 m** is chosen.

Dispersal field size: **2.7m x 13m**

Dispersal System Layout

Use a **2.7m x 13m bed = 35.1 m^2,** which exceeds the minimum required AIS. Use three laterals spaced 90 cm on centre, at 45 cm from each bed edge. The total length of laterals will be **39m.**

Number of Orifices

Based on the SPM standard of .56 m^2/orifice, AIS 34 ÷ .56 = 60.71 or **61** minimum orifices.
61 ÷ 3 laterals = **21 orifices / lateral**.

Orifice Spacing

Total length of laterals 39 m ÷ 63 orifices = .61 m, rounded down to **60 cm**, starting and ending 30cm from each end of the lateral.

Orifice size

Use 3/16" orifices at 2.5ft of squirt height.

Dosing volume

Laterals are to be kept full to minimize dose volume, while maintaining higher than the minimum percentage of dose delivered at full pressurization.
Use micro dosing to achieve maximum treatment in unsaturated soil.
Minimum doses/day from SPM table II-10 is **8 doses,** therefore, 1000L/day ÷ 8 = max 125 L doses.

Alarm Reserve volume:

Provide maximum available reserve.

Float Switch Settings

Set float switches to provide for above volumes.

<u>Construction Specifications</u>

***See illustrations below**

Raised Seepage Bed

Scarify the dispersal area bottom before placing the bed. Place **two 4" pvc observation ports**, with ½" holes drilled around the circumference to a height of 15cm to allow entry of effluent, 5cm into the infiltrative surface, 15cm from each outer lateral. Provide a flanged bottom to prevent accidental retraction. Level the minimum bed area and size (**13m x 2.7m**) with c33 sand. Bed must be level to within 1.25cm side to side, and no greater than 5cm in 30m along its length.

Place a level bed of washed and screened pea gravel (less than 1% by weight passing through sieve 200), at 2.7m x 13m, on top of the levelled sand to a minimum depth of 15cm.

Place three 13m 1 ½” pvc schedule 40 laterals, 90 cm on centre, and 45cm from either edge of the bed, with a 2” end manifold, reducing to 1 ½” isolation valves for each lateral. Using two 45 deg. elbows per lateral, extend the ends of the laterals vertically and cap with cleanout caps.

Drill 3/16” holes, all facing up, or at 12 o’clock orientation, at 60cm on centre, to provide 21 orifices per lateral, a total of 63 orifices, starting and ending approx. 30cm from each end of the laterals.

Construct the manifold of 2” pvc schedule 40, using side by side tees, extending the manifold beyond the last lateral horizontally, and raised with a swept 90 or two 45 deg. elbows, and cap with a 2” threaded cleanout cap.

Install orifice shields on all orifices.

Provide lawn box access for the cleanouts and the isolation valves.

Place a minimum of 5 cm of pea gravel over the laterals and the orifice shields.

Cover the pea gravel with geotextile (landscape fabric) of a lightweight, non-woven, non-water repellent nature.

Cover the landscape fabric with a minimum of sand, and cap the bed with native soil of loamy sand, to a depth of at least 15cm, graded out to at least 60 cm beyond each bed edge. Assure positive drainage and minimize visual impact of the bed in the landscape. Establish or ensure the owner establishes suitable vegetative cover over the seepage bed.

Septic Tank

Use Canwest RKP1000LP/2 tank, or equivalent, placed level in the excavation to ensure at least a 2% fall from the sewer line to the tank.

Ensure through riser height that lids are at finished landscaped grade.

Equip the outlet of the tank with a 4” Simtech stf-110 effluent filter, or equivalent.

Ensure against settling or tank movement by using pea gravel or bedding sand in the bottom of the excavation.

Add water to the tank before backfilling to further reduce risk of movement during backfilling.

Ensure against settling of the inlet and outlet pipes by using appropriate backfill in excavation trenches, suitably compacted, or use pea gravel beneath the pipes to the full depth of the excavation.

Ensure against tank flotation if conditions warrant, by draining the tank excavation appropriately, or anchoring the tank according to the manufacturer’s specifications.

Ensure that the tank and the pipes connections to the tank are watertight. Provide a test for water tightness by plugging the inlet and outlet and filling the tank with water into the riser column, marking and testing for water tightness after 24 hours to a maximum leakage rate of 0.1% of volume.

Ensure a maximum of 10mm or 3/8” coarse aggregate size in bedding for all pipes, to a depth of 25 mm under, and 75 mm over piping.

All piping shall conform to CAN/CSA 8181.1, 8181.2, 8182.1, 8182.2 standards.

Pump Chamber

Canwest pump chamber RKP300 polyethelyne dose chamber.

Ensure excavation elevation allows for a minimum 1% fall from the outlet of the septic tank.

Ensure pump chamber float wires and pump power wire passes through conduit that allows easy extraction of wires for future maintenance, without the need for splicing between the pump chamber and the control panel.

Ensure through riser height that lids are at finished landscaped grade.

Ensure against settling or tank movement by using pea gravel or bedding sand in the bottom of the excavation.

Add water to the tank before backfilling to further reduce risk of movement during backfilling.

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All piping shall conform to CAN/CSA 8181.1, 8181.2, 8182.1, 8182.2 standards.

Pump and Pump Controls

Use a **Liberty FL50 ½ HP 115v** pump with a **Rhombus EZ series simplex control panel.** Install the control panel on the side of the house, within sight of the pump chamber, at least 90 cm off the ground.

Install the 2” pvc schedule 40 force main with a threaded union and valve, accessible to within 15 cm of the lid for ease of maintenance and future removal.

Install a 2” check valve in the vertical portion of the force main at a height of 90 cm from the pump chamber bottom with a 3/16” hole drilled immediately below it to prevent air lock of the system.

Include a 3/8” poly rope attached to the pump for ease of removal.

Install a float hanger with stainless hardware and weighted floats. Do not attach floats to the force main.

Install float switches to provide max. 125 L doses, with 45 L at a minimum between pump on, and alarm on.

Ensure that pump off float allows for pump to remain immersed in effluent.

Ensure the max. reserve volume allowable by the volume of the pump chamber between alarm on, and max volume of chamber.

Electrical

All electrical work to be done by a certified electrical contractor to applicable codes, but including the specifications herein as applicable to sewerage system standards.

Provide two separate 115v circuits, one for the pump and one for the control panel and alarm, using the control panel as a junction box for hardwiring of pump, with control floats wired to the appropriate terminals inside the panel.

Rhombus panel to be placed at least 90 cm from the ground on the outside of the building, within sight of the pump chamber.

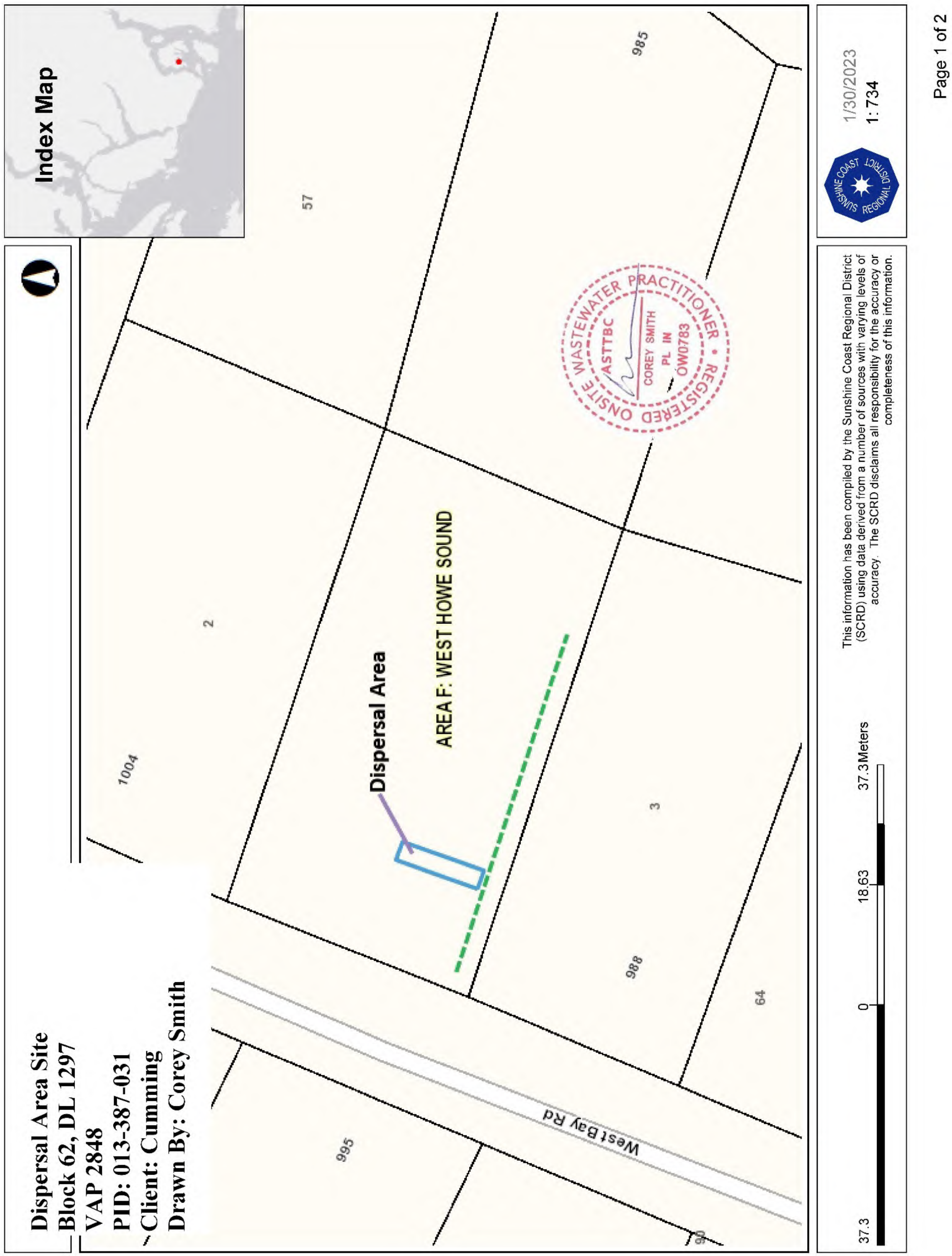
Ensure conduit allows for ease of removal of wires in the future. Conduits must be sealed to prevent intrusion of gases into the control panel. No electrical connections or junctions shall be used inside the pump chamber.

System Commissioning

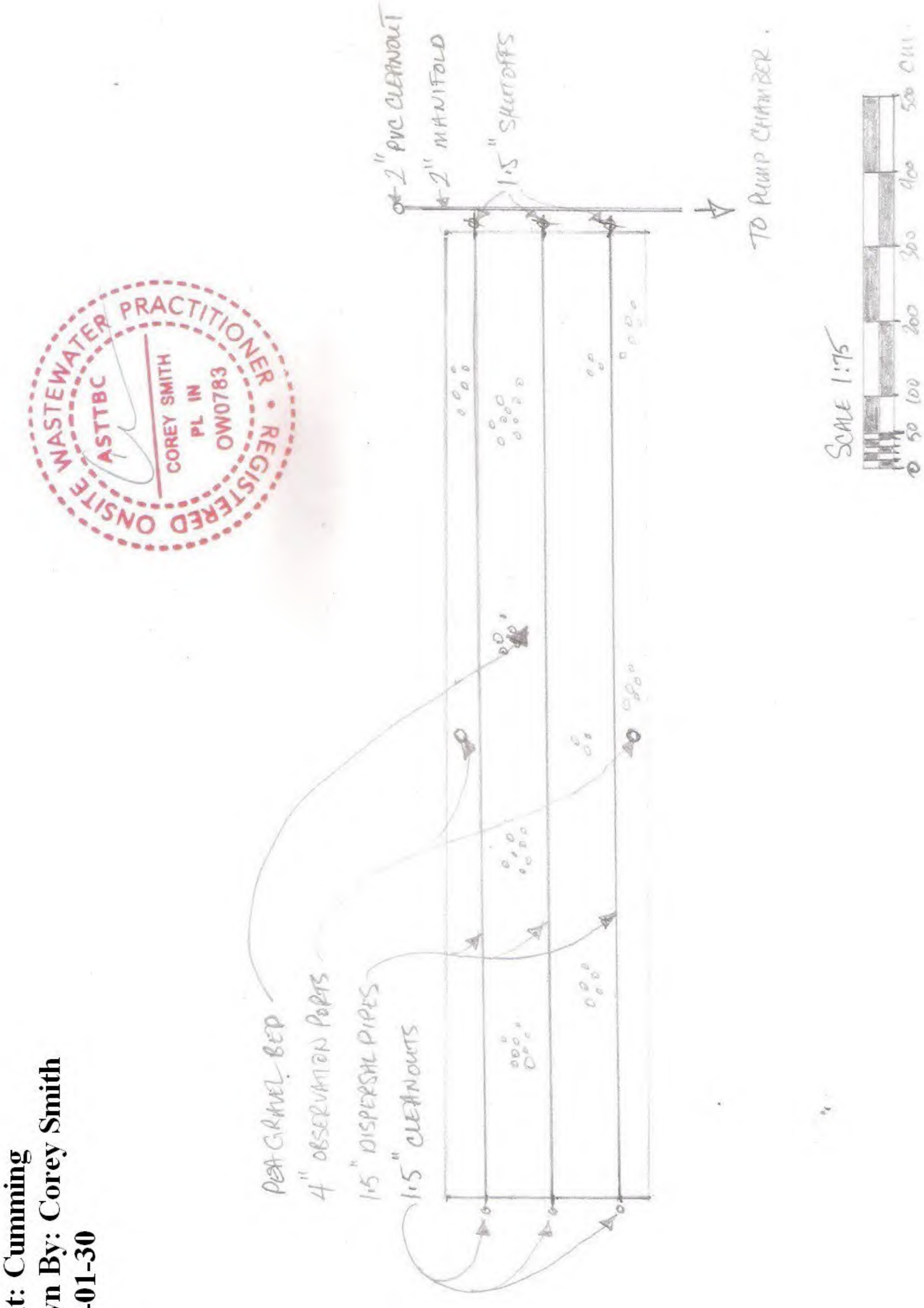
Flush the force main with clean water using the effluent pump by closing all lateral isolation valves and opening the force main cleanout.

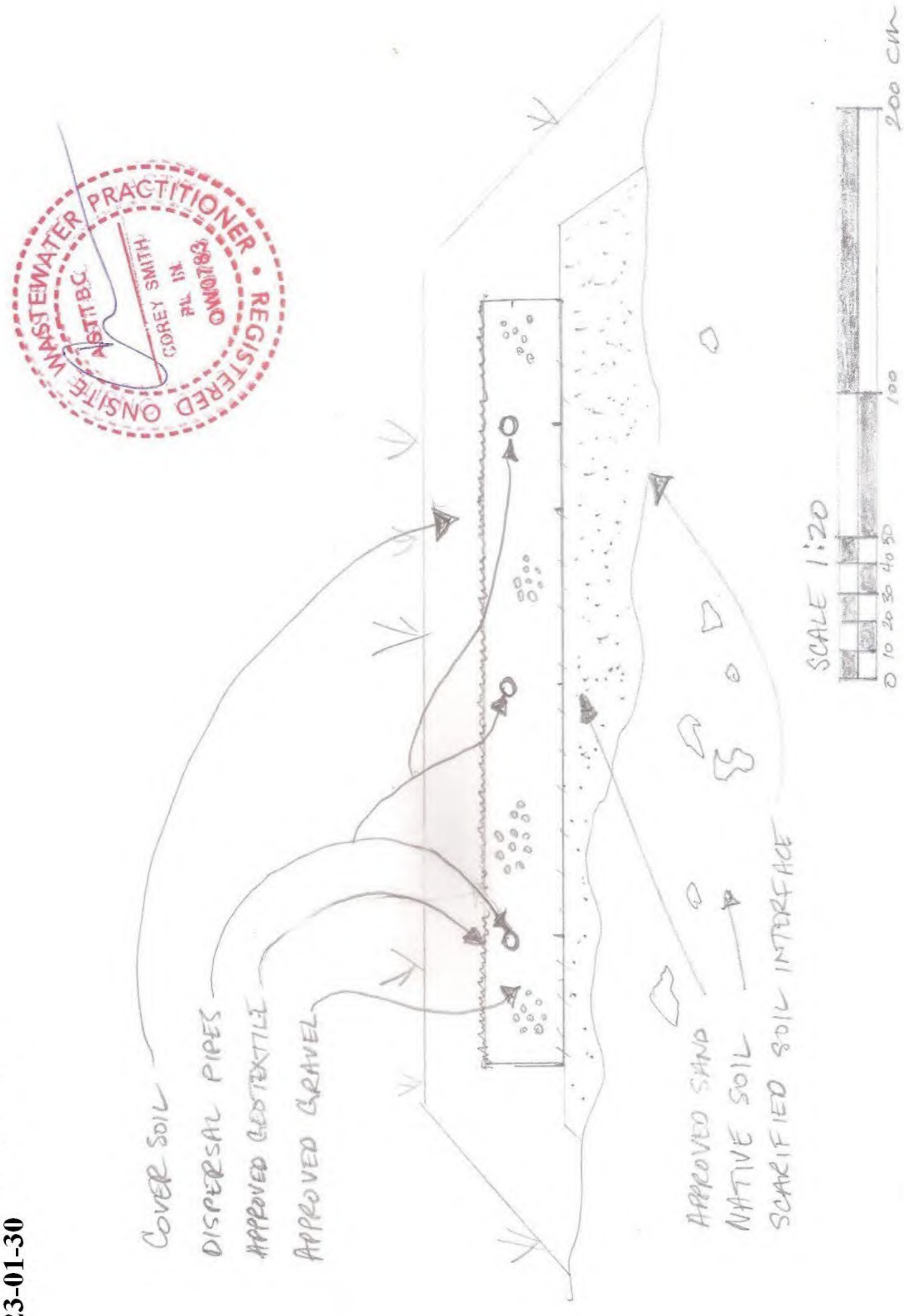
Replace the force main cleanout and flush each lateral individually by removing the cleanout cap and opening the individual valve for each lateral. Repeat for all laterals, ensuring that only the isolation valve for the lateral being flushed is open.

Perform a squirt test of the entire system (all laterals at once) to ensure squirt height and distribution. Adjust flow to each lateral to ensure even distribution.


Dispersal Area Site
Block 62, DL 1297
VAP 2848
PID: 013-387-031
Client: Cumming
Drawn By: Corey Smith
Index Map
Dispersal Area
AREA F: WEST HOWE SOUND
West Bay Rd
57
985
2
1004
3
988
64
995
90
ONSITE WASTEWATER PRACTITIONER • REGISTERED
ASTTBC
COREY SMITH
PL IN
OW0783
This information has been compiled by the Sunshine Coast Regional District (SCRD) using data derived from a number of sources with varying levels of accuracy. The SCRD disclaims all responsibility for the accuracy or completeness of this information.
37.3
0
18.63
37.3Meters
SUNSHINE COAST REGIONAL DISTRICT
1/30/2023
1: 734
Page 1 of 2

Dispersal System Detail
Block 62, DL 1297
VAP 2848
PID: 013-387-031
Client: Cumming
Drawn By: Corey Smith
2023-01-30





Dispersal System Elevation
Block 62, DL 1297
VAP 2848
PID: 013-387-031
Client: Cumming
Drawn By: Corey Smith
2023-01-30

This design was performed by Corey Smith, ROWP, director, Resolute Septic Services Ltd.

Islands Trust

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
GM-DP-2023.1

To: Sarah Cumming & Stephen Delane

1. This Development Permit (the "Permit") applies to the land described below:

   BLOCK 62 DISTRICT LOT 1297 PLAN 2848
   (PID: 013-387-031)

2. The is permit is authorized in accordance with the following schedules attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust:

   Schedule "A" *Riparian Areas Protection Regulation* (*RAPR*) Detailed Assessment Report by Cascade Environmental Resource Group Ltd. (September 16, 2024)

   Schedule "B" Site Survey (Channel Flagging) by Bennett Land Surveying Ltd. (September 21, 2022)

3. The permit is subject to the following conditions:

   3.1 No development, including vegetation or tree removal, shall take place in the specified area of the subject lot within Development Permit Area 3 – Riparian Areas, except in accordance with the Cascade Environmental *RAPR* Detailed Assessment Report attached as Schedule "A", including but not limited to section 4, Measures to Protect and Maintain the SPEA as detailed in the following subsections 3.2 – 3.6.

   3.2 <u>Protection of Trees</u>

   Prior to development, the proponent will install tree protection fencing along the *tree protection zone* (TPZ) as guided by a QEP. The TPZ fencing will be installed on the SPEA or the Islands Trust setback, whichever is greater. The Islands Trust setback will act as an additional TPZ to protect SPEA trees. No trenching may occur through the roots of SPEA trees, no paving may occur around SPEA trees, no parking may occur under SPEA trees, and no pollutants may contaminate the soil around SPEA trees.

   3.3 <u>Encroachment</u>

   Prior to development the SPEA much be staked by a BC Land Surveyor and temporary fencing (i.e., sediment fencing) must be installed along the boundary before construction. The proponent may also wish to install temporary signage along the SPEA to aid in communication with contractors.

   The RAPR requires permanent demarcation of the SPEA boundary for Unknown Creeks 1 & 2 and the ditch upon completion of construction to prevent encroachment. This may be accomplished by one of two options: (1) fence or (2) vegetation with signage identifying the area beyond as a SPEA.

   3.4 <u>Stormwater Management</u>

The stormwater from the roof, foundation, driveway and perimeter storm drainage of the proposed development will be directed to ground infiltration points located outside of the SPEAs. No drainage will be flowing from the site to the SPEA. Turbid water and other deleterious substances must not be discharged into watercourses or ditches. Water must be bio-filtered on site via one or more bio-filtration pits as advised by a QEP

3.5 <u>Sediment and Erosion Control</u>

Prior to commencement of the proposed development, sediment fencing will be installed along the TPZ boundary where required [by the QEP]. This fence will need to be inspected after heavy rain events, maintained when necessary [as directed by the QEP]. The SPEA must not be used to filter sediment laden water and sediment laden water cannot be discharged into the ditch or underground storm sewer, as these are connected to fish bearing waters. To prevent any runoff of sediment during construction, all stockpiles of soil on the subject site are to be covered with plastic or geo-textile, or be surrounded by sediment fencing. The sediment fencing along the SPEA boundaries will also protect the waterways from any runoff and should be maintained until exposed soils have been revegetated. All exposed soils must be replanted and/or seeded as soon as possible following the works.

3.6 <u>Environmental Monitoring</u>

Environmental monitoring for the proposed works is required. It is the proponent's responsibility to inform the QEP of the commencement date for the development, starting with land clearing, and to ensure that all construction activities comply with the requirements of the RAPR.

Once informed of commencement, the QEP will schedule site visits accordingly. Environmental monitoring will include a site visit at the start of project construction to ensure that staking and fencing of the SPEA boundary is complete. Additional site visits will be made by the QEP periodically throughout construction to ensure that the measures to protect the SPEA have been implemented and maintained. A follow-up visit will also be made upon completion of construction so that the QEP can prepare a report to submit to the BC Ministry of Water, Land, and Resource Stewardship (WLARS) RAPR notification system website database and the Islands Trust.

Should any development activities be non-compliant with the requirements detailed in this report, the attached RAPR forms, the Riparian Areas Protection Regulation, the provincial *Water Sustainability Act*, or the federal *Fisheries Act*, the non-compliant activities will be reported to the proponent, WLARS and Fisheries and Oceans Canada (DFO) through the RAPR Notification System, and the Islands Trust.

4. All development on the property shall take place in the specified areas of the subject lot in accordance with Schedules "A" and Schedule "B".

3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.

5. This permit does not relieve the applicant from complying with the provisions of the Gambier Island Land Use Bylaw unless varied by this Permit.

Islands Trust

PROPOSED

5.1 This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Gambier Island Land Use Bylaw No. 86, 2004 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, 2026.

____

Deputy Secretary, Islands Trust

____

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 2026, THIS PERMIT AUTOMATICALLY LAPSES.

Islands Trust

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
GM-DP-2023.1

SCHEDULE 'A'

Riparian Areas Protection Regulation (*RAPR*) Detailed Assessment Report by Cascade Environmental Resource Group Ltd.

(Begins on next page)

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date: 2024-09-16

I. Primary QEP Information

First Name	Candace	Middle Name		
Last Name	Rose-Taylor			
Designation	R.P.Bio.	Company: Cascade Environmental Resource Group Ltd.		
Registration #	2826	Email crosetaylor@cerg.ca		
Address	3-1005 Alpha Lake Road			
City	Whistler	Postal/Zip V8E 0H5	Phone #	604-938-1949
Prov/state	BC	Country Canada	BC	Country

II. Secondary QEP Information (use **Form 2** for other QEPs)

First Name	Ken	Middle Name	
Last Name	McNamara		
Designation	R.P.Bio.	Company: Cascade Environmental Resource Group Ltd.	
Registration #	3330	Email: info@cerg.ca	
Address	3-1005 Alpha Lake Road		
City	Whistler	Postal/Zip V8E 0L9	Phone #
Prov/state	BC	Country Canada	

III. Developer Information

First Name	Sarah	Middle Name
Last Name	Cumming	
Company		
Phone #	1- 778 319 7450	Email: sarah.cumming@gmail.com
Address	PO Box 894	
City	Squamish	Postal/Zip V8B 0A6
Prov/state	BC	Country Canada

IV. Development Information

Development Type	Construction: Residential		
Area of Development (ha)	0.048	Riparian Length (m)	180
Lot Area (ha)	0.32	Nature of Development	New Development
Proposed Start Date	October 2024	Proposed End Date	Nov 2025

V. Location of Proposed Development

Street Address (or nearest town)	62 West Bay Road	
Local Government	Islands Trust Regional District	City Gambier Island
Stream Name	No Name Creeks 1 & 2 and a roadside ditch leading to No Name Creek 2	
Legal Description (PID)	Lot 62, Plan VAP2848, (PID: 013-387-031)	Region South Coast
Stream/River Type	Stream	DFO Area 2

Watershed Code	None, both creeks lead to Howe Sound					
Latitude	49º	27	44	Longitude	-123º	25	22

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.

II. Additional QEP Information

First Name	Vicki	Middle Name		
Last Name	Legris			
Designation	R.P.Bio.	Company: Cascade Environmental Resource Group Ltd.		
Registration #	2834	Email: vlegris@cerg.ca		
Address	3-1005 Alpha Lake Road			
City	Whistler	Postal/Zip	V8E 0H5	Phone # 604 938 1949
Prov/state	BC	Country	Canada	

Table of Contents for Assessment Report

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Sarah Cumming wishes to develop the lot located at Lot 62 West Bay Road (Map 1), on Gambier Island, BC (Block 62, VAP2848, PID 013-387-031). The development will consist of a family dwelling with septic field and parking. As the property is intersected by three watercourses (two No Name Creeks and a roadside ditch) Cascade Environmental Resource Group Ltd (Cascade) was retained to conduct a riparian assessment as per the BC provincial Riparian Areas Protection Regulation (RAPR).

All lands within 30 m of a fish bearing watercourse, or watercourse that flows into fish bearing waters, within The Islands Trust, and are subject to a RAPR assessment per the Gambier Island (GI) Official Community Plan (OCP) Bylaw 73, 2001 and Land Use Bylaw 86, 2004. The objectives of the OCP are to "protect, terrestrial, aquatic and marine habitat" (Obj. 8.3 GI OCP) The bylaw is structured to enhance watercourse ecosystems such as stream corridors, lake or pond edges, wetlands, and other riparian areas and fish habitat, in accordance with the *Riparian Areas Protection Act*, and identify Streamside Protection and Enhancement Areas (SPEAs), also known as riparian buffer areas, which must remain free of development, including the disturbance of soils and vegetation. The Land Use Bylaw section 3.3.(1) also states "No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse".

Watercourse Description

The subject property (49^0 27' 44"N 123^0 25' 21"W) has no dwelling, with small (S1) drainages on either side (No Name Creeks 1 & 2) and a roadside ditch along West Bay Road in the southwestern portion of Gambier Island.

No Name Creek 1 flows from west to east through the lot (Photos 1 & 2). During the site inspection on August 12th, 2022, the subject reach of No Name Creek 1 had an average wetted width of 1.57 m and maximum bank full width of 2.77 m (Photos 1 & 2). The average water depth was 0.2 m. The substrate was composed of gravels and organic fines. The creek had a low gradient ranging from 2% to 7%. The area of No Name Creek 1 included in this assessment had width ranges from 0.73 m to 2.77 m. The banks were shallow, steep, vegetated and approximately 0.25m to 0.5m. Some coarse woody debris (CWD) was present within the vegetated riparian area and, but no CWD occurred within the creek.

No Name Creek 2 flows north to southwest originating from ground water in the center of the subject property where it flows initially south before turning west at the lot boundary (Photos 3 to 5). The average water depth was 0.3 m. The substrate was composed of gravels and organic fines. The creek had a low gradient ranging from 3% to 4%. The area of No Name Creek 2 included in this assessment had width ranges from 1.20 m to 2.74 m. The banks were shallow, steep, vegetated and approximately 0.25 m to 0.5 m. Some coarse woody debris (CWD) was present within the vegetated riparian area and the creek.

The roadside ditch has no upslope water sources and collects road runoff to a ditch that flows along the southern property boundary and empties into No Name Creek 2 (Photos 6 to 8). The substrate was composed of gravels and organic fines. The ditch had a low gradient ranging from

1% to 3%. The area of the roadside ditch included in this assessment had width ranges from 1.27 m to 1.97 m.

Both creeks have very low potential for fish presence due to shallow, low flow water and limited habitat throughout each of the reaches. The ditch is unlikely to be able to sustain any fish presence; however, in the absence of a fish presence/absence survey the ditch status defaults to fish-bearing and it is designated a SPEA of 5 m.

Canopy cover was dominated by western hemlock (*Tsuga heterophylla) with some western redcedar (Thuja plicata)*, Sitka Spruce (*Picea sitchensis*), and red alder (*Alnus rubra*), providing a crown closure of 10-15%. Understory vegetation included salmonberry (*Rubus spectabilis)*, hardhack (*Spiraea douglasii)* and red elderberry (*Sambucus racemosa*). Ground cover comprised of bracken (*Pteridium spp.*) and sword (*Polystichum munitum*) ferns and mosses.

The function of the riparian area of both No Name Creeks includes sediment and nutrient control as well as habitat to several wildlife species. The riparian area provides habitat to numerous birds, mammal, and amphibian species, which utilize the area for drinking, cover, movement, forage, breeding, and preening areas. The SPEA for the watercourses on the site are shown in Map 2, along with the Land Use Bylaw riparian setbacks for No Name Creek 1 and 2 (the ditch is not considered a watercourse under the GI OCP).

An RAPR Assessment Report update was submitted for this property on April 4, 2024. Since the April 4 submission, the client has worked to remove the intrusion into the SPEA by eliminating all development from riparian setbacks. These changes are presented below and in Map 3.

The proposed development consists of a primary dwelling with deck and a septic field, parking is provided by an existing parking pad at the front/west of the property. A tree preservation fence will be constructed along the Island Trust setback or the SPEA, which ever is greater, to create a tree preservation zone. The Cascade QEP determined that the proposed development will not cause a harmful alteration, disruption or destruction of natural features, functions and conditions in the SPEA that support the life processes of protected fish.

Section 2. Results of Riparian Assessment (SPEA width)

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

2.1 Results of Detailed Riparian Assessment No Name Creek 1

Date: 2022-08-12

Description of Water bodies involved (number, type): No Name Creek 1

Stream	**X**
Wetland	
Lake	
Ditch	
Number of reaches	**1**
Reach #	**1**

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)		Gradient (%)
starting point	1.57		5
upstream	0.89		
	0.73		
	1.37		
downstream	0.87		
	1.52		
	2.22		5
	2.22		
	2.77		
			4
Total: minus high /low	14.16		
mean	1.57		
	R/P	C/P	S/P
Channel Type	**X**		

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;* ;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		**X**	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;*
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type			X	

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type				

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	**10.0**					
Litter fall and insect drop ZOS (m)	**4.71**					
Shade ZOS (m) max	**10.0**	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	**10.0**	(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes	X	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	**10.0**	(For ditch use table3-7)				

I, Ken McNamara hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;*

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Comments

Nine measurements were only taken due to the shortness of the creek; therefore, no upper and lower values were eliminated in the calculation of the mean stream width.

2.2 Results of Detailed Riparian Assessment No Name Creek 2

Date: 2022-08-12

Description of Water bodies involved (number, type): No Name Creek 2

Stream	**X**
Wetland	
Lake	
Ditch	
Number of reaches	**1**
Reach #	**1**

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
starting point	2.48	4
upstream	2.74	
	1.20	
	1.48	
downstream	2.20	
	1.98	
	2.70	1
	1.36	
	2.28	
		3
Total: minus high /low	18.42	
mean	2.05	

	R/P	C/P	S/P
Channel Type	**X**		

I, Ken McNamara, hereby certify that:
e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;* ;
f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		**X**	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Ken McNamara, hereby certify that:
e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act.*
f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming.
g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No:

LC	SH	TR	Method employed if other than TR

SPVT Type			X	
Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type				
Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	**1**	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	**10.0**					
Litter fall and insect drop ZOS (m)	**6.15**					
Shade ZOS (m) max	**10.0**	South bank	Yes		No	**X**
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	**10.0**	(For ditch use table3-7)				

Segment No:	**2**	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	**10.0**					
Litter fall and insect drop ZOS (m)	**6.15**					
Shade ZOS (m) max	**10.0**	South bank	Yes	**X**	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	**10.0**	(For ditch use table3-7)				

I, Ken McNamara hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act;*

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Comments

Nine measurements were only taken due to the shortness of the creek adjacent to the subject property; therefore, no upper and lower value was eliminated in the calculation of the mean stream width.

2.3 Results of Detailed Riparian Assessment – Ditch

Date: 2022-08-12

Description of Water bodies involved (number, type): Ditch

Stream	
Wetland	
Lake	
Ditch	**X**
Number of reaches	**1**
Reach #	**1**

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)		Gradient (%)
upstream	1.71		1
	1.32		
	1.40		
	1.27		
	1.97		
starting point	1.47		
	1.70		2
	1.70		
	1.47		
	0.78		
downstream			3
Total: minus high /low	14.79		
mean	1.48		
	R/P	C/P	S/P
Channel Type			

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		**X**	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Riparian Areas Protection Act;*

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No: **1**

LC	SH	TR	Method employed if other than TR

SPVT Type			X	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	**2.0**						
Litter fall and insect drop ZOS (m)	**2.0**						
Shade ZOS (m) max	**2.0**	South bank	Yes	**X**	No		

Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)	**Manmade channel collecting runoff from West Bay Road with no other upland inputs.**

Ditch Fish Bearing	Yes	**X - Unknown**	No		If non-fish bearing insert no fish bearing status report	

SPEA maximum	**5.0**	(For ditch use table3-7)

I, Ken McNamara, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

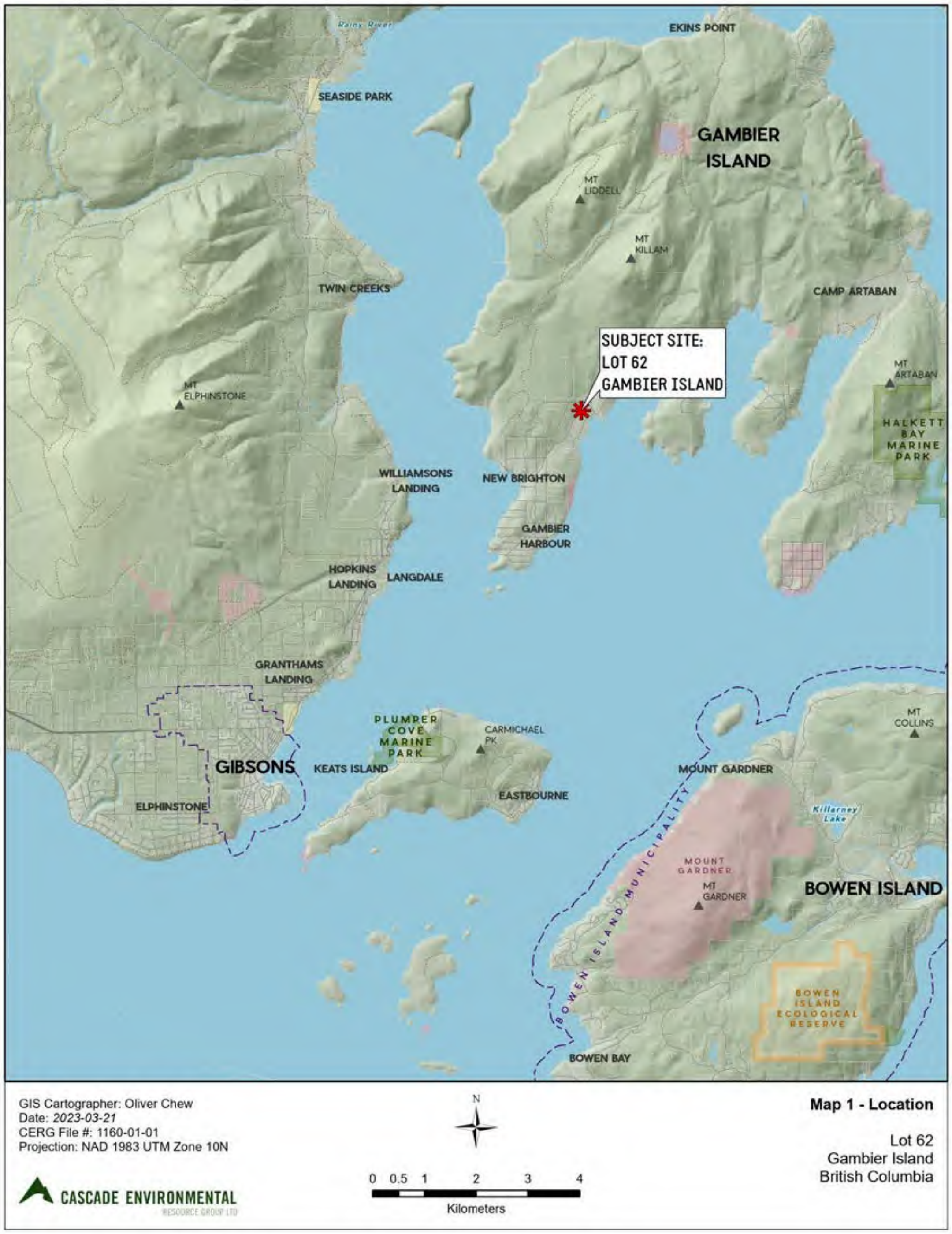
Comments

The ditch is likely non-fish bearing; however, in the absence of a fish-bearing status report, the ditch defaults to fish-bearing status and the SPEA minimum setback is 5.0 m from top of bank.

Section 3. Site Plan

Site Plan

Map 1. Location Map



GIS Cartographer: Nicola Church
Date: *8/12/2024*
CERG File #: 1160-01-01
Projection: NAD 1983 UTM Zone 10N

CASCADE ENVIRONMENTAL
RESOURCE GROUP LTD

Map 2 - Riparian Assessment

Lot 62
Gambier Island
British Columbia

GIS Cartographer: Nicola Church
Date: *8/12/2024*
CERG File #: 1160-01-01
Projection: NAD 1983 UTM Zone 10N

CASCADE ENVIRONMENTAL RESOURCE GROUP LTD

Map 3 - Proposed Development

Lot 62
Gambier Island
British Columbia

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	√

A danger tree assessment was conducted on August 12th, 2022, by Ken McNamara of Cascade (Danger Tree Assessor # P1615). No danger trees were identified.

I, Ken McNamara, hereby certify that:
i) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

2. Windthrow	√

A windthrow assessment was included as part of the danger tree assessment above, with an expected 40-65 km/hr wind speed. No windthrow hazards were observed.

I, Ken McNamara, hereby certify that:
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

3. Slope Stability	√

The subject site has a low gradient and no indicators of slope instability were observed.

I, Ken McNamara, hereby certify that:
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

4. Protection of Trees	√

Prior to development, the proponent will install tree protection fencing along the *tree protection zone* (TPZ) as guided by a QEP. The TPZ fencing will be installed on the SPEA or the Islands Trust setback, whichever is greater. The Islands Trust setback will act as an additional TPZ to protect SPEA trees. No trenching may occur through the roots of SPEA trees, no paving may occur around SPEA trees, no parking may occur under SPEA trees, and no pollutants may contaminate the soil around SPEA trees.

I, Ken McNamara, hereby certify that:
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

5. Encroachment	√

Prior to development the SPEA must be staked by a BC Land Surveyor and temporary fencing (e.g. sediment fencing) must be installed along this boundary before construction. The proponent may also wish to install temporary signage along the SPEA boundary to aid in communication with contractors.

The RAPR requires permanent demarcation of the SPEA boundary for the Unknown Creeks 1 & 2 and the ditch upon completion of construction to prevent encroachment. Two options are recommended for the subject property, including (1) fence or (2) vegetation with signage identifying the area beyond as a SPEA.

I, Ken McNamara, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

6. Sediment and Erosion Control	√

Prior to commencement of the proposed development, sediment fencing will be installed along the TPZ boundary where required. This fence will need to be inspected after heavy rainfall events, maintained when necessary. The SPEA must not be used to filter sediment laden water and sediment laden water cannot be discharged into the ditch or underground storm sewer, as these are connected to fish bearing waters. To prevent any runoff of sediment during construction, all stockpiles of soil on the subject site are to be covered with plastic or geo-textile, or be surrounded by sediment fencing. The sediment fencing along the SPEA boundary will also protect the waterways from any runoff and should be maintained until exposed soils have been re-vegetated. All exposed soils should be replanted and/or seeded as soon as possible following completion of the works.

I, Ken McNamara, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming ;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

7. Stormwater Management	√

The stormwater from the roof, foundation, driveway and perimeter storm drainage of the proposed development will be directed to ground infiltration points located outside any of the SPEAs. No drainage will be flowing from the site to the SPEA. Turbid water and other deleterious substances must not be discharged into watercourses or ditches. Water must be bio-filtered on site via one or more infiltration pits as advised by a QEP.

I, Ken McNamara, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

8. Floodplain Concerns (highly mobile channel)	√

The subject property is not within any historic floodplain and no floodplain concerns from upland creeks and ditches were observed. Both creek channels appeared small, well established, and stable.

I, Ken McNamara , hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Sarah Cumming;
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report.
Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Environmental monitoring for the proposed works is required. It is the proponent's responsibility to inform the QEP of the commencement date for development, starting with land clearing, and to ensure that all construction activities comply with the requirements of the RAPR.

Once informed of commencement, the QEP will schedule site visits accordingly. Environmental monitoring will include a site visit at the start of project construction to ensure that staking and fencing of the SPEA boundary is complete. Additional site visits will be made by the QEP periodically throughout construction to ensure that the measures to protect the SPEA have been implemented and maintained. A follow-up visit will also be made upon completion of construction so that the QEP can prepare a report to submit to the BC Ministry of Water, Land and Resource Stewardship (WLARS) RAPR notification system website database and the Islands Trust.

Should any development activities be non-compliant with the requirements detailed in this report, the attached RAR forms, the *Riparian Areas Protection Regulation*, the provincial *Water Sustainability Act* or the federal *Fisheries Act*, the non-compliant activities will be reported to the proponent, WLARS and Fisheries and Oceans Canada (DFO) through the RAPR Notification System, and the Islands Trust.

Section 6. Photos

Photo 1: Looking west at Flag S1 on No Name Creek 1. August 12th, 2022.

Photo 2: Looking west at Flag S8 on No Name Creek 1. August 12th, 2022.

Photo 3: Looking north at Flag C 11 on No Name Creek 2. August 12th, 2022.

Photo 4: Looking downstream/ south at Flag B1 on No Name Creek 2, August 12th, 2022.

Photo 5: Looking downstream/ south at Flag B8 on No Name Creek 2, August 12th, 2022.

Photo 6: Looking south at the roadside dich on the left of the photo on Lot 62, August 12th, 2022.

Photo 7: Looking downstream/ south at Flag B1 on No Name Creek 2, August 12th, 2022.

Photo 8: Looking downstream/ south at Flag B1 on No Name Creek 2, August 12th, 2022.

Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date | Sept 16, 2024 |

1. I/We Candace Rose-Taylor (R.P.Bio #2826) Ken McNamara (R.P.Bio #3330) and Vicki Legris (R.P.Bio. #2834)

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
b) I am/We are qualified to carry out the assessment of the proposal made by the developer Sarah Cumming, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

a) [ ] the site of the proposed development is subject to undue hardship, (**if applicable, indicate N/A otherwise**) and
b) [X] the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

Submission Instructions
Riparian Areas Protection Regulation – Qualified Environmental Professional – Assessment Report RAR-QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: Refer to Part 4 of the RAPR and the Technical Manual for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be submitted complete with all information specified and posted to the notification system to be reviewed by the province. Upon approval notification will be provided to the local government.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site

Islands Trust

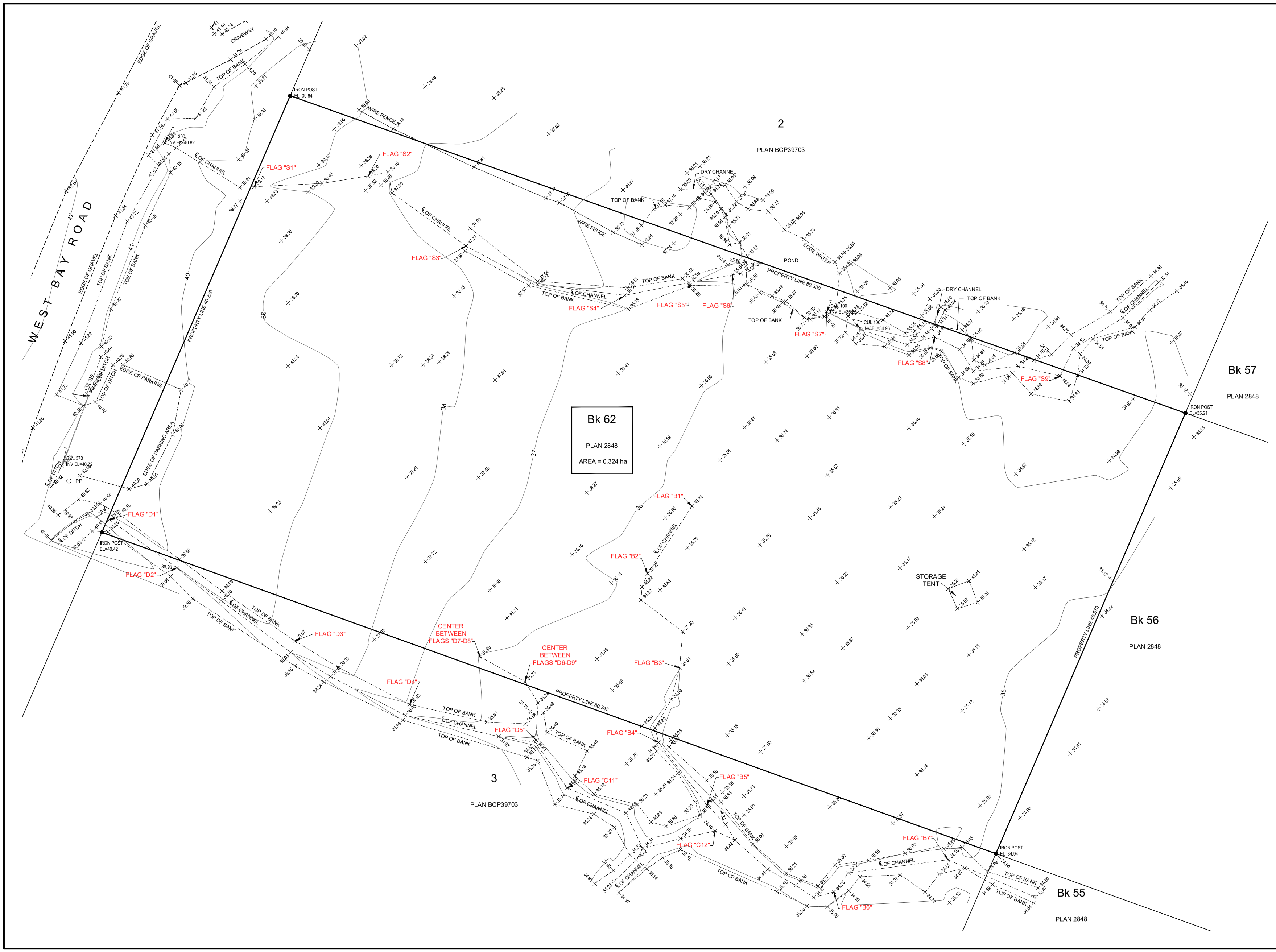
PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
GM-DP-2023.1

SCHEDULE 'B'

Site Survey (Channel Flagging) by Bennett Land Surveying Ltd.

(Begins on next page)



TOPOGRAPHIC SURVEY PLAN OF FEATURES ON Bk 62 DL 1297 Gp1 NWD PLAN 2848

GAMBIER ISLAND

CIVIC ADDRESS: NONE
PID: 013-387-031

SCALE 1:150

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

LEGEND:

- ● - DENOTES STANDARD IRON POST FOUND
- -O- PP - DENOTES POWER POLE
- + 0.00 - DENOTES SPOT ELEVATION

DATUM:

ELEVATIONS ARE GEODETIC.

CONTOUR INTERVAL = 1.0 METRES.

PROPERTY:

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY.

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.

GENERAL:

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.

BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.

bennett ®
LAND SURVEYING (COASTAL) LTD.
BC LAND SURVEYORS
634 FARNHAM ROAD GIBSONS, BC V0N 1V8
TEL 604-886-2531 www.bennettsurveys.com

DATE:	BY:
2022-09-21	SC

REVISION: 0

CERTIFIED CORRECT

THIS ________ DAY OF ______________________, 2022.

JAVIER SIU, B.C.L.S.

FIELD SURVEY COMPLETED ON SEPTEMBER 14, 2022.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

FB3024 P24-33

PROPOSED

Islands Trust	**GAMBIER ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT VARIANCE PERMIT NO. GM-DVP-2023.2**

TO: Sarah Cumming & Stephen Delane

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

BLOCK 62 DISTRICT LOT 1297 PLAN 2848
PID: 013-387-031

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

1. PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection 3.3(1) "No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse… "; is varied:

- To reduce the setback for a Single Family Dwelling from 15.0 metres to 10.0 metres;
- To reduce the setback for a residential Septic System from 15.0 metres to 2.0 metres;
- To reduce the setback for a Yoga Studio (residential accessory building) from 15.0 metres to 10.0 metres;
- To reduce the setback for an Art Studio (residential accessory building) from 15.0 metres to 10.0 metres;
- To reduce the setback for a children's Playhouse (residential accessory building) from 15.0 metres to 10.0 metres; and
- To reduce the setback for a Wood Shed (residential accessory building) from 15.0 metres to 2.0 metres; and
- To reduce the setback for a residential driveway from 15.0 metres to 5.4 metres.

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

PROPOSED

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

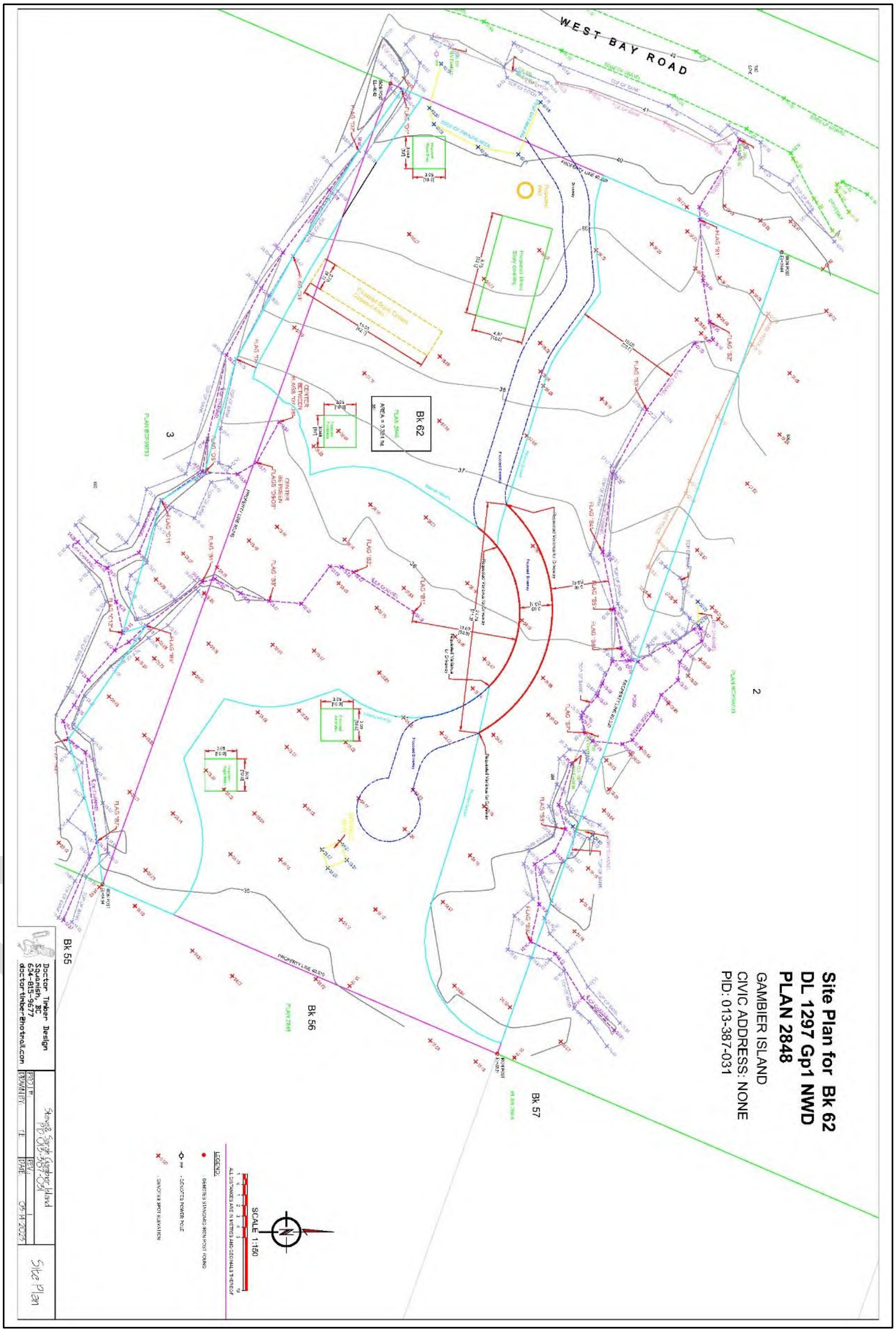
___________________________________	___________________________________
Deputy Secretary, Islands Trust	**Date of Issuance**

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

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2023.2

Schedule "A" – Site Plan



Islands Trust

STAFF REPORT

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

DATE OF MEETING:	November 26, 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

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 read a third time.**

2. **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.**

3. **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.**

4. **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.

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 a Public 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; and
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.

At the October 1, 2024 LTC Meeting, the LTC made amendments to bylaws Nos. 153 and 154 for clarity and to eliminate redundancies. At that time the bylaws were given Second Reading, as amended. However, the LTC did not advance the bylaws further through the legislative process; instead, the LTC tabled the following motion:

GM-2024-037
that proposed Bylaw No. 154 be amended by the insertion of the following exemption as subsection 9.3.2(c): "Additions to pre-existing buildings, structures, and utilities situated between 7.5 metres and 15 metres from the natural boundary of the sea, provided always that:

i. no part of the work may involve the use of earth moving machinery or the removal of native tree species;
ii. the addition does not exceed 50 square metres (540 square feet) in area and must be erected on previously disturbed land; and
iii. the work does not result in environmental degradation of any kind anywhere within DP3 or to the ecology of the foreshore.

(TABLED)

DISCUSSION

The LTC has discussed the proposed exemption to Bylaw No. 154 in several meetings (October 31, 2023, November 21, 2023, and April 29, 2024), but consensus has yet to be reached on the final text of the bylaws as shown in the deferred motion above. Recorded public feedback on the issues identified in the motion have been limited, including comments made during the Public Hearing, and there was no written feedback received.

Islands Trust Council policy emphasizes that natural habitats and processes in the Trust Area must be protected and that development should not cause significant marine or coastal habitat loss or disrupt coastal processes. Development activities on the upland, such as land clearing and increased impermeable surfaces, can negatively impact drainage, bank stability, nesting habitats, sensitive areas, and intertidal zones vital for fish habitat, as well as cultural heritage sites.

Bylaw No. 154 currently restricts exemptions to alterations within an existing footprint. Staff do not recommend extending the exemption to include additions in the 7.5m-15m zone of the DPA for several reasons:

- It risks undermining DPA objectives by permitting new construction in sensitive coastal areas;
- Allowing additions may set a precedent that weakens DPA protections;
- Incremental expansions, even if small, can lead to cumulative impacts on sensitive habitats; and
- Property owners can apply for Development Permits as needed, ensuring individual property impact assessment.

The current stage of this project requires decisive direction from the LTC. The Regional Planning Manager, through Staff asks the LTC to consider the following options:

1. **Withdraw or defeat the motion** to proceed with the bylaws to third reading as presented in this staff report. This approach would allow staff to conclude work on these bylaws and reallocate resources to other LTC priority projects.
2. **Carry the motion; incorporate the proposed exemption** and amend the bylaws to reflect this.
3. **Defeat the bylaws altogether**, if the LTC finds that Proposed Bylaw No. 154 no longer meets community or LTC expectations. This would prevent additional resources from being invested in a bylaw that may ultimately not proceed.

Proceeding with a vote on the tabled motion would provide the clarity needed for either completing this project or redirecting staff efforts toward other LTC initiatives. Staff remind the LTC that a majority vote is required, not a unanimous vote.

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	November 6, 2024

Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	November 12, 2024

ATTACHMENTS

1. Bylaw 153 (OCP)
2. Bylaw 154 (LUB)

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

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

1. Bylaw No. 77, cited as "Keats Island Official Community Plan, 2002" is amended as per Schedules "1" and "2" attached to and forming part of this bylaw.

2. This bylaw may be cited for all purposes as "Keats Island Official Community Plan, 2002, Amendment No. 1, 2021".

READ A FIRST TIME THIS	22ND	DAY OF	JULY	, 2021
READ A SECOND TIME THIS	1ST	DAY OF	OCTOBER	, 2024
PUBLIC HEARING HELD THIS	31ST	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 MUNICPAL 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."

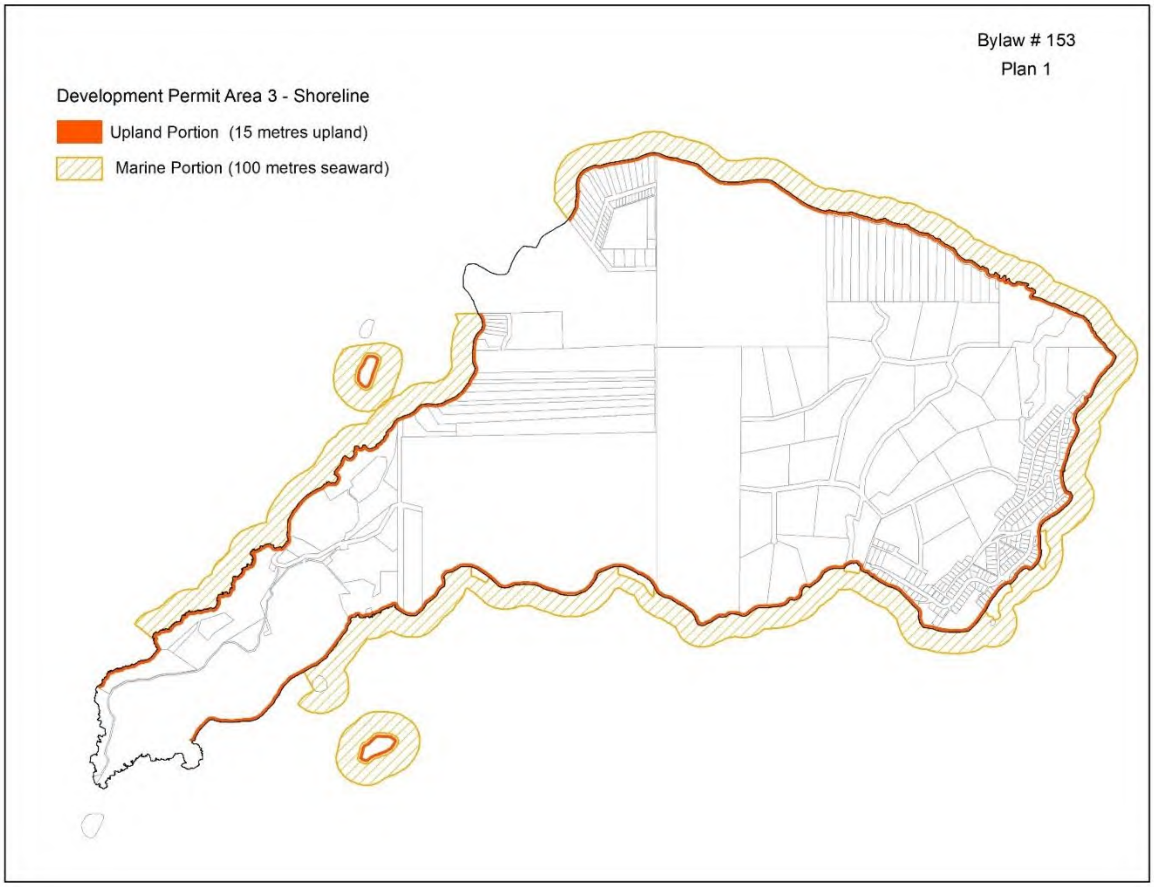
GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153

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. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

1. Bylaw No. 78, cited as "Keats Island Land Use Bylaw, 2002" is amended as per Schedule "1" attached to and forming part of this bylaw.

2. This bylaw may be cited for all purposes as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021".

READ A FIRST TIME THIS	14TH	DAY OF	OCTOBER	, 2021
READ A SECOND TIME THIS	1ST	DAY OF	OCTOBER	, 2024
PUBLIC HEARING HELD THIS	31ST	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"

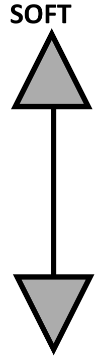
1. Schedule "A" of Keats Island Land Use Bylaw, 2002 is amended as follows:

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:

• **Vegetation enhancement** • **Upland drainage control** • **Biotechnical measures** • **Beach enhancement** • **Anchor trees** • **Gravel placement** • **Rock (rip rap) revetments** • **Gabions** • **Concrete groins** • **Retaining walls or bulkheads** • **Seawalls**	**SOFT**  **HARD**

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 dwelling 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 dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 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 dwelling 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 dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 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, Despite Subsection 4.1.6, the maximum float area may be increased by 30 square metres (322.9 square feet) per residential dwelling 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 dock prohibiting the use or construction of a dock on or from that residential lot and identifying the property on which the shared dock shall be situated 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 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.

Islands Trust

STAFF REPORT

File No.: Policy Statement Amendment Project (PSAP)

DATE OF MEETING:	Fall 2024
TO:	Local Trust Committees Bowen Island Municipality
FROM:	Trust Area Services
SUBJECT:	Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP)

RECOMMENDATION

1. **That [*name of LTC/Bowen Island Municipality*] select Engagement Option(s) [*Insert option #s here*] for Phase 4 community engagement about the new draft Islands Trust Policy Statement.**

REPORT SUMMARY

The purpose of this report is to provide local trust committees (LTCs) and Bowen Island Municipality (BIM) with the opportunity to advise Trust Council which, if any, local public engagement activities the LTC/BIM would prefer used to seek community input to inform the LTC's/BIM's referral response to Trust Council about the draft new Policy Statement. Trust Council will refer the new Policy Statement to LTCs and Bowen Island Municipality for comment once Trust Council has provided approval in principle.

The project work plan anticipates that virtual and on-Island engagement will take place between May and October 2025.

BACKGROUND

Through approval of the Policy Statement Amendment Project Charter, Islands Trust Council has confirmed its intent to support a six-month local engagement window once Trust Council grants the draft Policy Statement approval in principle.

The project charter for the Policy Statement Amendment Project envisions Phase 4 engagement taking place simultaneously at the federation-wide and local trust area/Bowen Island levels. At the federation-wide level, the following engagement activities are planned:

- A survey[1], available both online and in hard copy that can be picked up at key locations on the islands; and
- An online workshop open to all that wish to attend.

[1] There will be an opportunity for people to phone in their answers to the survey as well.

Options for on-island engagement are laid out in the table below.

This will be the fourth time that local communities have been engaged as part of the Policy Statement Amendment Project. Information about previous engagement phases is available in the "Project Library" on the Islands 2050 webpage.

ANALYSIS

On-Island Engagement Options

Option Number	Option Type	Option Description	Trust Area Services Staff Participation	Option Cost (from PSAP budget)
1.	No formal on-Island engagement	LTC/BIM receives the draft policy statement and develops a referral response based on their own perspectives or information gathered informally in the community[2]	N	$0
2.	Town Hall during regular LTC/BIM meeting(s)	LTC/BIM allocates time within one or more regular LTC meetings to hear views of community members	N	$0
3.	LTC/BIM-led Community Information Meeting prior to regular LTC meeting	LTC/BIM requests and advertises Community Information Meeting to be held on regular LTC/BIM meeting day specific to the draft new Policy Statement	N	$XXX (advertising) $XXX (engagement materials)
4.	Staff-led Community Information Meeting prior to regular LTC/BIM meeting	LTC/BIM requests and advertises for Community Information meeting to be held on regular LTC/BIM meeting day specific to the Policy Statement	Y	$XXX (advertising) $XXX (engagement materials)
5.	Staff-led Community Information Meeting outside of regular LTC/BIM meeting[3]	LTC requests and advertises for special meeting to be held specific to the Policy Statement	Y	$XXX (advertising) $XXX (engagement materials) $XXX (hall rental + catering) $XXX (minute taker)

[2] Trustees are welcome to convene informal gatherings at their own cost, but use of project funds requires a more formal structure (minute taker/recorder etc).

[3] On-Island engagement events that involve TAS staff will likely involve total overtime, travel, and potentially accommodation costs in the order of between $250 and $1,000.

6.	Staff-run info booth	Staff set up a booth at a popular community hub to share information about the PSAP and gather feedback for presentation to LTC/BIM	Y	$XXX (advertising) $XXX (engagement materials)
7.	Staff-run info booth on the ferry	Staff set up a booth on the ferry to share information about the PSAP and gather feedback for presentation to LTC/BIM	Y	$XXX (advertising) $XXX (engagement materials)

Issues and Opportunities

Need for Local Engagement

LTCs/BIM considering Phase 4 local engagement for the Policy Statement Amendment Project should consider the nature of the information they hope to receive to inform their referral response. LTCs/BIM are under no obligation to pursue on-island engagement if they are satisfied they can comment on the draft Policy Statement without it. A survey option will be available to on-Island residents regardless of an LTC's/BIM's on-island engagement selection.

Project Budget

Subject to Trust Council approval, the anticipated budget for Phase 4 on-island community engagement is $20,000. This is not sufficient for staff-supported engagement on all 13 large islands or associated islands. Once all LTCs/BIM have submitted their engagement requests, staff will review the nature of each request, and if it does not seem feasible to deliver the type of engagement requested with the existing budget, staff will advise Executive Committee and propose options and alternatives.

Rationale for Recommendation

The purpose of this report is to solicit LTC/BIM direction so Trust Area Services staff can prepare appropriate opportunities and materials in support of local trust committee engagement on the Policy Statement. The content of any recommendations is at the LTC's/BIM's discretion.

ALTERNATIVES

1. **Request alternative approach to engagement**

   The LTC/BIM may have ideas for local engagement that staff have not included above. If this is the case, and provided such ideas are feasible within both project budget and timeline, then LTC/BIM may request this approach. If this is the case, the following resolution is appropriate :

   That the [name of LTC/Bowen Island Municipality] requests the following form of local engagement for Phase 4 community engagement about the new draft Policy Statement . . . .

NEXT STEPS

Staff will collate the on-island engagement requests of all LTCs/BIM and assess them for feasibility relative to project budget and staff resources. Depending on the results of that assessment, staff will draft a public engagement plan and schedule for Trust Council approval and/or seek direction from Executive Committee if LTC/BIM requests exceed budget or resourcing limits.

Submitted By:	Jason Youmans, Senior Policy Advisor	September 26, 2024
Concurrence:	Clare Frater, Director, Trust Area Services	October 2, 2024

ATTACHMENTS

1. Policy Statement Amendment Project Charter V9

Policy Statement Amendment Project - Project Charter V9

Purpose To support Trust Council's update of the Islands Trust Policy Statement bylaw, incorporating feedback from Indigenous Governing Bodies, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with Indigenous Governing Bodies (IGBs) and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council's commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, IGBs, and partner agencies.

In Scope

- Amendment drafting of V1 as directed by TC resolutions, communications, legal review, and implementation planning
- IGB engagement, public engagement, and agency referrals
- Four readings/Ministerial approval

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

Major Deliverable/Milestone	Dates
Past Years (FY 2019-20, 2021-22, 2022-23, 2023-24) -IGB early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council's committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023) - IGB Early engagement Phase 3	2019-2024
Present (FY 2024-25) - Review and revision of draft Policy Statement by Committee of the Whole	May - December 2024
Proposed Next Steps (FY 2024-25) **-Approval in principle by Trust Council** -Six month public engagement (referrals to local trust committees and Island Municipalities for local engagement; Trust-wide survey; and virtual community workshop) - Amendments and **First Reading** - Bylaw referral to IGBs, regional districts, Conservancy Board and others	Jan 2025 May– October 2025 Nov- Dec 2025 Dec 2025 - March 2026
Final Adoption (FY 2025-26/2026-27) -Trust Council receives referral responses and passes resolutions on further revisions required -Amendment drafting and amendment/**Second** and **Third** Reading by Trust Council -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review - **Ministerial Approval (**estimated—no statutory timeline), and **Adoption** -Final graphic design and distribution, celebration event, implementation planning	April 2026 May 2026 May2026 Dec 2026 Dec 2026—Jan 2027

Project Team

Executive Committee Trust Programs Committee Director, TAS	Project Champion Policy Content Advisors Project Director
Sr. Policy Advisor	Project Manager & Policy Writer
Program Coordinator	Public Engagement Coordinator
Communications Specialist	Communications Coordinator

Budget

Item	FY 24-25	FY25-26	FY26-27
Communications	$10,000	$26,000	$10,000
Public Engagement	$0	$60,000	$0
Legal Review	$25,000	$5,000	$5,000
Capacity Funding	$4,000	$0	$0
Total Activity Costs:	**$39,000**	**$91,000**	**$15,000**

Approved by:

Clare Frater, Director, TAS

Endorsement: TC

Date: TC-2024-077, Sept, 25, 2024

***Timeline assumes Trust Council schedules special meetings between regular quarterly meetings.**

Islands Trust

REQUEST FOR DECISION

To:	Gambier Island Local Trust Committee	**For the Meeting of:**	November 26, 2024
From:	Meeting Administrator	**Date Prepared:**	October 17, 2024

SUBJECT: **Draft 2025/26 Gambier Island Local Trust Committee Annual Meeting Schedule**

RECOMMENDATION: **THAT Gambier Island Local Trust Committee approve their January, 2025 to March, 2026 Meeting Schedule.**

DIRECTOR COMMENTS: The work of developing the proposed 2025 committee schedule has been centralized thereby allowing the Executive Coordinator and Meeting Administrator to consider, at length, the many factors involved in creating an effective schedule that meets the requirements of each committee, the chairpersons, and committee members. The proposed schedule allows decisions made by local trust committees to move onto the relevant standing committee's agenda to Executive Committee in a timely manner allowing for increased efficiency. Adoption of the proposed meeting schedule will increase productivity by allowing a seamless process in completing the work required to organize and publish the meetings without need for significant re-ordering of the schedule.

1 PURPOSE:

To approve the Gambier Island Local Trust Committee Business Meeting Schedule from January 1, 2025 to March 31, 2026

2 BACKGROUND:

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular annual business meeting schedule for 2025/26. Pending Trust Council's decision at its December meeting, Trust Council Bylaw No. 197, 2024 Section 5 proposes that local trust committee meetings be scheduled for the fiscal year instead of the calendar year. Therefore, if Bylaw No. 197, 2024 is adopted the local trust committee meetings will be scheduled from January 1, 2025 through March 31, 2026 and then April 1 through March 31 thereafter.

As part of this endorsement, the LTC will need to designate which meeting dates are anticipated to be electronic or in-person. This would allow staff to plan further in advance to accommodate meeting logistics, enable staff to book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only at a later date.

Factors that have been considered when putting together the schedule are as follows:

- LTC's preferred meeting days and times;
- Number of meetings held per year;
- Anticipated project commitments and application volumes;
- Chair and trustee availability and conflicts with Executive Committee and Trust Council Standing Committee meeting dates;
- Chair travel;
- Trust Council meeting dates;

- Trust Council Standing Committees including: Executive, Financial Planning and Audit Committee, Governance, Regional Planning, Trust Programs
- Flow of work from LTCs through standing committees to Financial Planning Committee to Executive Committee and then to Trust Council;
- Islands Trust Conservancy Board meetings, Bowen Island Municipality meetings, Union of BC Municipalities, Association of Vancouver Island and Coastal Communities, and other conferences;
- Other local trust committee meeting dates;
- Statutory holidays including Christmas closures;
- Preference to hold as few meetings in August as possible;
- Available staff and financial resources; and
- Ferry and travel schedules.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: If Gambier Island LTC makes significant amendments to the schedule there will be a substantial re-ordering of LTC and Council Committee meeting dates as a result.

FINANCIAL: LTCs decisions whether to hold electronic meetings or in–person meetings will affect budgets. Electronic meetings do not incur venue costs or travel status costs from trustees or staff.

POLICY:
Trust Council Bylaw No. 197 (Proposed).
LTC Meeting Procedure Bylaws.

IMPLEMENTATION/COMMUNICATIONS: Dates and locations of meetings will be posted immediately following adoption and as per LTC Meeting Procedures Bylaws.

FIRST NATIONS RELATIONS: None.

OTHER: Adoption of an April to March fiscal LTC meeting schedule will provide each LTC with advance notice of meeting dates for the following year as Trust Council and local trust committees will continue to adopt the schedule in November or December of the previous year.

4 RELEVANT POLICY(S):
Trust Council Bylaw No. 197 (Proposed).
LTC Meeting Procedure Bylaws.

5 ATTACHMENT(S):
1. GM-LTC_2025_MAR2026_BusinessMtg_SCH_DRAFT.pdf

RESPONSE OPTIONS

Recommendation: As provided.

Alternative: *THAT Gambier Island Local Trust Committee approve their January 1, 2025 to December 31, 2025 Business Meeting Schedule.*

Prepared By: Lisa Millard, Meeting Administrator

Reviewed By/Date: Stefan Cermak, Director, Planning Services / October 25, 2024

Islands Trust

DRAFT

Gambier Island Local Trust Committee
January, 2025 – March, 2026 Regular Meetings

The Gambier Island Local Trust Committee will be meeting to consider land use applications, bylaws, correspondence, and various community planning topics.

Meetings are subject to change. Please visit the Islands Trust website for up-to-date schedule information.

DATE		TIME	MEETING TYPE	LOCATION
Tuesday	January 28, 2025	10:00 a.m.	Regular	Electronic or In-Person
Tuesday	March 25, 2025	10:00 a.m.	Regular	Electronic or In-Person
Tuesday	June 24, 2025	10:00 a.m.	Regular	Electronic or In-Person
Tuesday	September 2, 2025	10:00 a.m.	Regular	Electronic or In-Person
Tuesday	November 25, 2025	10:00 a.m.	Regular	Electronic or In-Person
Tuesday	January 27, 2026	10:00 a.m.	Regular	Electronic or In-Person
Tuesday	March 24, 2026	10:00 a.m.	Regular	Electronic or In-Person

In Person Meeting Options:
1. John Braithwaite Community Centre, Room #3, 145 W 1st Street, North Vancouver
2. Gambier Community Centre, 721 Andys Bay Road, Gambier Island
3. Keats Camp, Keats Road, Keats Island

The proposed meeting agenda is generally available one week prior to the meeting and may be obtained at the Islands Trust office or on our website.

Please note that correspondence received from the public may become part of a meeting agenda that is published online.

VISIT OUR WEBSITE: https://islandstrust.bc.ca/location/gambier/

CONTACT US AT 250-247-2063 OR: northinfo@islandstrust.bc.ca

Updated: October 23, 2024

ISLANDS TRUST CONSERVANCY REPORT TO
LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY OCTOBER 1ST, 2024 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit https://islandstrust.bc.ca/whats-happening/meetings-and-events/

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Board welcomed new Provincially Appointed Board Member, Tanner Timothy.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board adopted Islands Trust Conservancy Bylaw No. 4, cited as "Islands Trust Conservancy Freedom of Information and Protection of Privacy Bylaw No. 4, 2024".
- The ITC Board directed staff to request meetings with Executive Committee three times per year for focused discussion on topics of mutual interest, with an optional fourth meeting, if needed.
- The ITC Board directed staff to review policies related to the acquisition of lands and covenants, giving consideration to how to best address topics such as potential cutting of firewood within covenanted areas, need for priority of covenants related items over mortgages, minimum size, and landholder supports.
- The ITC Board received the Budget Report for information. The ITC Board directed staff to add $4,000 to the 2025-26 budget request for bookkeeping services, and to add $1,160 per covenant to property management funds to reflect new covenants taken on in the 2024-25 fiscal year.
- The ITC Board received the 2024 ITC Annual Work Plan mid-year update. Discussion ensued on funding and First Nations engagement/ITC Five Year Plan project.
- Trustee Elliott provided an update to the ITC Board from Executive Committee. Items reported include support from Trust Council on Trust Area Services staffing item recommendation, Chief Administrative Officer (CAO) Hiring Committee updates, and First Nations engagement.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including approval from Trust Council on a comprehensive Provincial review of Islands Trust and the *Islands Trust Act*.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board rose and reported that it had authorized staff to spend up to $6,000 from existing budgets towards the cost of a land survey, an Ecological Gifts Program appraisal, and the costs of covenant registration for a NAPTEP covenant on Salt Spring Island.
- The ITC Board authorized the Chair to sign a covenant with Yarrow Koontz for the protection of a portion of land on Gabriola Island, and directed staff to register the covenant through the Natural Area Protection Tax Exemption Program (NAPTEP).

- The ITC Board authorized the Chair to sign a covenant with Skye Larmour for the protection of a portion of land on Salt Spring Island, and directed staff to register the covenant through the NAPTEP.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board directed staff to continue work on the management plan for the Ruby Alton Nature Reserve.
- The ITC Board received the Public Acquisitions Report and Public Covenants Report for information.

5. COMMUNICATIONS AND OUTREACH

- Correspondence was received from Minister Kang to Chair Smith regarding fund investment and land management in the absence of an approved Islands Trust Conservancy Plan. Chair Smith clarified that ITC has funds requiring investment and that the ITC Board had asked Minister Kang if ITC could invest its money. The Minister responded yes.
- Correspondence was received from Stewart Brands, a long-term resident of Galiano Island, regarding protective covenants and the need for Islands Trust to financially support conservation by private landholders. By general consent, the ITC Board agreed that Chair Smith would draft a response to Stewart Brands and provide a draft to the Ecosystem Protection Specialist for review.

Learn more about Islands Trust Conservancy: https://islandstrust.bc.ca/conservancy/

Subscribe for Islands Trust Conservancy updates: https://islandstrust.bc.ca/subscribe/

ISLANDS TRUST CONSERVANCY

the Heron

A newsletter from the Islands Trust Conservancy, protecting islands in the Salish Sea | islandstrust.bc.ca/conservancy FALL 2024

Take me home!
This newsletter is provided FREE by ITC

William's Story
Islands Trust Conservancy's Youngest Donor
p.3

WATERFALL ON SALT SPRING ISLAND. PHOTO: KRISTINE MAYES

For links and additional media, visit the Heron Newsletter online.
www.islandstrust.bc.ca/conservancy/heron-newsletter/

SCAN ME

ALSO IN THIS ISSUE

FALL FOLIAGE. PHOTO: CARLA FUNK

BEACH WOOD. PHOTO: LISA WILCOX

Stewardship Tips for Fall

Join us in protecting and preserving the unique and special nature of the islands in the Salish Sea as the seasons change. We want to make it easy for you to participate in land and species stewardship on your property and in your community, so in this issue, we're sharing some helpful stewardship tips for fall.

Leave the Leaves

LEAVES AT MOSS MOUNTAIN NAPTEP COVENANT. PHOTO: CARLA FUNK

Leaving fallen leaves and plant stems is one of the most valuable things you can do to protect pollinators and other invertebrates. Leaves provide habitat essential to the survival of everything from moths and butterflies, to snails and spiders.

For example, some butterflies lay their eggs on fallen leaves, so that the leaves can be eaten by the caterpillars as soon as they emerge. For other species, cocoons and chrysalises are actually made of leaves, or camouflaged to look like leaves.

Bumblebees and other butterfly caterpillars rely on leaf litter for shelter from winter weather and predators. Similarly, hollow plant stems provide an excellent place for native bees to hibernate.

Plant and Sow Native Plants

OCEANSPRAY. PHOTO: CARLA FUNK

Fall is the best time to enhance your garden with native species because we can mimic natural cycles. Many native wildflowers naturally drop their seed at the end of summer and some require exposure to cold, moist conditions for a period of time in order to germinate (this is called cold-stratification).

Fall is also a good time for planting because it allows roots to establish before the winter freeze, so they are strong and ready to support above-ground growth as soon as spring arrives.

Consider plants that birds can forage on through the fall and winter in years to come. Satinflower Nurseries suggests hardhack/spirea, coastal mugwort, Canada goldenrod, California aster, oceanspray, and snowberry as good sources of nourishing seeds and berries.

Protect Migrating Birds

It's always a good time of year to mark up reflective windows with bird-safe tape, Acopian bird savers, soap, or decals to prevent collisions as birds migrate through our region to their wintering grounds.

RUFOUS HUMMINGBIRD. PHOTO: TODD CARNAHAN

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 BOḰEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEȽ, Qualicum, scəw̓aθən, səlilw̓ətaɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SȾÁUTW̱, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱ JOȽEȽP, W̱SIḴEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy.

William's Story: ITC's Youngest Donor

In 2011, William Holzapfel, six years old at the time, donated to Islands Trust Conservancy (ITC) with a portion of his allowance, becoming the youngest person to donate to the organization. Now a 19 year old student at Vancouver Island University, William shares that he wanted to make a contribution to the Conservancy at age six to protect the island he grew up on for generations to come. "I spent the first 10 years of my life on Salt Spring Island, going to school and enjoying hikes on land that the Conservancy protects. After learning more about ITC through my mom, I knew I wanted to make a contribution to the organization to ensure the land and beauty of the nature around me was protected forever."

William's donation was placed in the Opportunity Fund which since 2005, has supported countless conservation projects across the islands in protecting land and preserving species and ecosystems. Today, William highly encourages others to donate to the Conservancy.

"One small donation can make a huge impact."

Join William in giving back to the islands you love. Learn more about donating to ITC at islandstrust.bc.ca/donate-to-conservancy-2/.

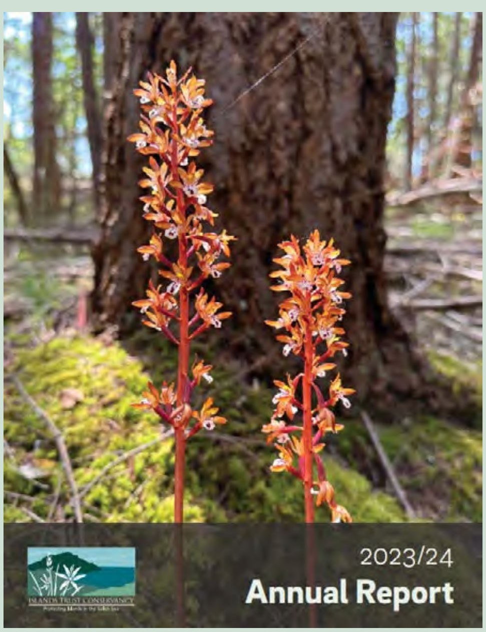
WILLIAM AT AGE SIX ON SALT SPRING ISLAND

If you've named ITC in your Will, we'd love to hear from you!
Knowing ahead of time helps us plan future conservation efforts. Connect with our Strategic Fund Development Specialist, Mike Richards:

250-405-5186

itcmail@islandstrust.bc.ca

First Nations Engagement at ITC



COVER OF 2023/24 ITC ANNUAL REPORT.

Under the Islands Trust Act, Islands Trust Conservancy is required to prepare a Plan at least every five years to guide its work. The Plan sets out five year goals and policies for approval by the Minister of Municipal Affairs.

In January 2024, the Minister asked the Islands Trust Conservancy Board to engage First Nations to further inform the ITC Board of First Nations' interests as they relate to the Conservancy's work and to the 2026-2030 Five Year Plan that will be developed in 2025. The ITC Board has made First Nations engagement a priority for 2024/2025.

ITC is looking forward to growing relationships with First Nations around land stewardship in the coming year and into the future.

Read more in our 2023/2024 Annual Report at islandstrust.bc.ca/conservancy/our-impact/.

W	R	Q	X	Z	K	P	F	J	K	C	M	W	P	D	F	A	C	N	Q	P
A	E	G	F	T	A	Q	S	U	R	F	S	C	O	T	E	R	D	A	J	U
Q	H	S	A	Y	B	N	X	G	J	R	W	M	X	T	I	Z	O	N	K	R
R	L	I	T	T	L	E	B	R	O	W	N	M	Y	O	T	I	S	T	W	P
W	V	Z	J	E	P	D	I	U	C	B	J	X	J	G	U	H	E	J	S	L
E	N	W	K	S	R	S	J	P	Q	S	D	Z	B	I	S	D	J	A	H	E
S	Q	R	A	M	W	N	V	F	D	L	W	M	V	F	B	C	U	R	E	M
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E	X	W	E	S	T	E	R	N	S	C	R	E	E	C	H	O	W	L	E	Z

SURF SCOTER. PHOTO: KRISTINE MAYES

Species at Risk Word Search

1. Marbled Murrelet
2. Western Painted Turtle
3. Taylor's Checkerspot
4. Little Brown Myotis
5. Surf Scoter
6. Purple Martin
7. Western Screech-Owl
8. Western Bumble Bee
9. Hoary Bat
10. Barn Owl

Learn more about the work we do to protect Species at Risk through our Species at Risk Program!

islandstrust.bc.ca/conservancy/species-at-risk/

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youtube.com/IslTrustConservancy

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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.*

To donate online visit: islandstrust.bc.ca/donate-to-conservancy

SCAN ME

Questions? Contact us!

250-405-5186 itcmail@islandstrust.bc.ca

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

Name

Address

City

Country

Prov/State

Postal/Zip code

Phone

Email

☐ 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

11/19/2024

Gambier Local Trust Committee Open Applications Report

Type	Application Number	Applicant	Address	Description	Planner	Date Received	Status	Most Recently Completed Activity
Subdivision								
	GM-SUB-2021.1	Ken & Joan Pedersen	119 ESPLANADE RD; 123 ESPLANADE RD	PIDs: 010-892-486 and 010-892-567 Lot line adjustment. Civic address: 123 and 119 Esplanade Road, Eastbourne, Keats Island.	Margot Thomaidis	06/29/2021	In Abeyance	Generate Complete Application Letter
	GM-SUB-2022.2	Jim Green	2435 COTTON BAY RD, GAMBIER ISLAND, BC V0N 1V0	PIDs: 015-980-324 and 027-998-967 10 lot subdivision. Civic address: Andy's Bay Road, New Brighton, Gambier Island, BC.	Margot Thomaidis	08/31/2022	In Abeyance	Generate Complete Application Letter
	GM-SUB-2022.3	Leah & Laura Mallen & King	1888 MOUNT ARTABAN RD	PID: 026-162-679 Two lot subdivision. Civic address: 1888 Mount Artaban Road, Gambier Island, BC	Margot Thomaidis	10/18/2022	Under Review	Generate Complete Application Letter
Development Variance Permit								
	GM-DVP-2022.1	Carolyn & David Philip	1598 MT ARTABAN RD, GAMBIER ISLAND, BC V0N 1V0	PID: 026-162-890 To bring structures within compliance with setbacks. Civic address: Lot 27 Mount Artaban Road,	Margot Thomaidis	02/14/2022	Under Review	Generate Complete Application Letter
	GM-DVP-2022.3	Kenneth & Joan Pedersen	123 ESPLANADE RD	PID: 010-892-567 To permit existing seawall within 25 foot setback. Civic address: 123 Esplanade Road, Eastbourne,	Margot Thomaidis	06/14/2022	Under Review	Generate Complete Application Letter
	GM-DVP-2023.2	Stephen & Sarah Delane & Cumming	0 WEST BAY RD	PID: 013-387-031 request for variance to riparian setback requirement at Lot 62, West Bay Rd on Gambier Island.	Ian Cox	05/10/2023	Under Review	Add Optional Referrals
	GM-DVP-2023.4	Emilie Joos	0 ERRINGTON WAY	Requesting variance for a cabin and a deck at Lot #8 Sunset	Marlis McCargar	11/28/2023	Under Review	Add Optional Referrals
Development Permit								
	GM-DP-2022.1	Carolyn & David Philip	1598 MT ARTABAN RD, GAMBIER ISLAND, BC V0N 1V0	PID: 026-162-890 To bring structures into compliance with setbacks. Civic address: Lot 27 Mount Artaban Road, Gambier	Margot Thomaidis	02/14/2022	Under Review	Generate Complete Application Letter

11/19/2024

Gambier Local Trust Committee Open Applications Report

Type	Application Number	Applicant	Address	Description	Planner	Date Received	Status	Most Recently Completed Activity
	GM-DP-2023.1	Steve & Sarah Delane & Cumming	0 WEST BAY RD	PID 013-387-031 new SFD at Lot 62, West Bay Road on Gambier Island.	Ian Cox	05/01/2023	Under Review	Add Optional Referrals
Number of Open Applications	**9**							

Islands Trust

LTC EXP SUMMARY REPORT F2025

Invoices posted to Month ending September 2024

630 Gambier	Invoices posted to Month ending September 2024	Budget	Spent	Balance
65000-630	LTC "Trustee Expenses"	250.00	150.47	99.53
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	1,740.00	1,209.26	530.74
65210-630	LTC - Local Exp - APC Meeting Expenses	650.00	0.00	650.00
TOTAL LTC Local Expense		2,390.00	1,209.26	1,180.74
Projects				
73001-630-4094	Gambier Keats Island Shoreline Protection Review	5,000.00	4,976.35	23.65
TOTAL Project Expenses		5,000.00	4,976.35	23.65

Gambier Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	**It was MOVED and SECONDED** that the Gambier Island Local Trust Committee endorses the following guidelines for the appointment of members to the advisory planning commission and requests that such guidelines be posted on the Islands Trust website and are used in any posting to solicit expressions of interest from candidates for advisory planning commission membership: "The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are: a. Representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area; b. Representative of a range of backgrounds and expertise that is supportive to each other in the consideration of matters referred to the advisory planning commission; c. Where feasible and practical of a balanced representation of gender and age groups. Consideration shall be given to the following criteria in any appointment: • Previous experience as a member of a Board of Variance; • Experience on a local government council, board, local trust committee, commission or other body; • Experience with other volunteer boards, commissions or committees; • Experience and credential in a planning, design or related profession; • Experience and credentials in a building or design trade; • Educational background; • Length of residency in the local trust area; • Availability, and willingness to travel between local trust areas.
2.	March 26, 2015	GM-2015-018	Amend APC appointment guidelines	**It was MOVED and SECONDED,** that the Gambier Island Local Trust Committee amend the APC appointment guidelines to allow for representation of members to be weighted to a geographic area subject to a current top priority project.

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

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

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

Active Projects Report

Gambier Island

1. *Major Project - Gambier OCP & LUB Targeted Review - Phase 2*	Responsible	Dates
Activity: 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.	Sonja Zupanec	Rec'd: 12-Feb-2015

2. *Minor Project - Keats Island Shoreline Protection Project - Phase 3 (Continued)*	Responsible	Dates
Activity: Review of OCP and LUB to implement shoreline protection measures. Establish Shoreline DPA and updates marine structure regulations.	Marlis McCargar	Rec'd: 31-Jan-2019

Future Projects Report

Gambier Island

1. *Administrative*	Responsible	Date Received
- Development Approval Information Bylaw: Develop and adopt a D.A.I bylaw for the Gambier Trust Area. - Identification of all Crown reserves (strips) and similar Crown properties (i.e. islets) in the Gambier Island Local Trust Area.		01-Sep-2022

2. *OCP & LUB*	Responsible	Date Received
- Pump out stations: develop advocacy policies - Thormanby Island Foreshore Protection: Review of setback regulations and designation of a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions. - Consider adoption of a Heritage Conservation Area		01-Sep-2022

3. *LUB*	Responsible	Date Received
Gambier LUB: - Recreational Camp and Private Institutional Regulation Review - Temporary Overnight Accommodation bylaw review with regards to short-term vacation rentals Keats LUB: - Update definition of 'dwelling' in the Keats Island Land Use Bylaw No. 78.		01-Sep-2022

Future Projects Report

Gambier Island

4. *OCP*	Responsible	Date Received
N/A		01-Sep-2022

5. *Advocacy and Communications*	Responsible	Date Received
N/A		01-Sep-2022

6. *Bylaw Enforcement*	Responsible	Date Received
N/A		01-Sep-2022

7. *LUB (Gambier, Keats, Associated Islands, Bowyer & Passage Islands)*	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