

Regular Meeting Revised Agenda

Date: October 1, 2020
Time: 10:30 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 10:30 AM - 10:35 AM

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

2. APPROVAL OF AGENDA

2.1. Electronic Meetings Resolution

That in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Gambier Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

Therefore in order to meet the principles of openness, transparency and accessibility, meetings of the Gambier Island Local Trust Committee will be held electronically over the period October 1 to November 19, 2020, will be live streamed and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

2.2. Rise and Report - regarding Closed Meeting held July 23, 2020

3. REPORTS 10:35 AM - 10:55 AM

3.1. Trustee Reports

3.2. Chair's Report

3.3. Electoral Area Director's Report

4. DELEGATIONS - none

5. TOWN HALL 10:55 AM - 11:05 AM

6.	MINUTES	11:05 AM - 11:10 AM	
6.1.	Local Trust Committee Meeting dated July 23, 2020 - for adoption		4 - 12
6.2.	Section 26 Resolutions-Without-Meeting Report dated September 23, 2020		13 - 13
6.3.	Advisory Planning Commission Minutes - none		
7.	BUSINESS ARISING FROM MINUTES	11:10 AM - 11:25 AM	
7.1.	Follow-up Action List dated September 23, 2020		14 - 16
8.	APPLICATIONS, REFERRALS AND BYLAWS	11:25 AM - 12:00 PM	
8.1.	GM-DP-2020.1 (Atchison) - Staff Report		17 - 35
8.2.	GM-RZ-2019.1 (South Keats Investments LTD.) - Staff Report		36 - 69
8.3.	GM-RZ-2004.1 (DL696 Keats Island) - Bylaw No. 143 - for adoption		70 - 80
	That Gambier Island Local Trust Committee Bylaw No. 143 cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016", be adopted.		
9.	LOCAL TRUST COMMITTEE PROJECTS	12:00 PM - 1:00 PM	
9.1.	Project Management Presentation - (Powerpoint)		
9.2.	Keats Shoreline Project - Staff Report		81 - 88
	----- BREAK 1:00 PM TO 1:30 PM -----		
9.3.	Gambier Associated Islands (Anvil and Bowyer) Streamside Protection and Riparian Areas Development Permit Areas - Staff Report	1:30 PM - 2:30 PM	89 - 132
10.	CORRESPONDENCE		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
11.	NEW BUSINESS	2:30 PM - 3:15 PM	
11.1.	Climate Change Mitigation and Adaptation		
11.2.	New Brighton Dock - for update and discussion		
11.2.1.	<u>Marine Transportation Zoning (W2) - Options to Strengthen the Intent of the Zoning - for discussion</u>		
11.2.2.	<u>Letter to Elected Officials, Federal, Provincial and Regional</u>		133 - 134
11.2.3.	<u>Letter to Squamish Nation</u>		135 - 137

11.2.4.	<u>Letter dated August 7, 2020 to Sunshine Coast Regional District Board</u>	138 - 138
11.3.	Subdivision Service Delivery - Issues with Long-Term Management of Subdivisions on Gambier - for discussion	
11.4.	Gambier Island Advisory Planning Commission (APC) - Staff Report	139 - 143
12.	REPORTS	3:15 PM - 3:25 PM
12.1.	Trust Conservancy Report dated July 14, 2020	
12.1.1.	<u>News Release regarding Species at Risk funding</u>	144 - 145
12.2.	Applications Report dated September 23, 2020	146 - 151
12.3.	Trustee and Local Expense Report dated July, 2020	152 - 152
12.4.	Adopted Policies and Standing Resolutions	153 - 155
12.5.	First Nations Activities	
12.6.	Local Trust Committee Webpage	
13.	WORK PROGRAM	3:25 PM - 3:45 PM
13.1.	Top Priorities Report dated September 23, 2020	156 - 156
13.2.	Projects List Report dated September 23, 2020	157 - 159
14.	INFORMATION ITEMS	3:45 PM - 3:55 PM
14.1.	Contiguous Forest Patches in Gambier-Keats Trust Area	160 - 160
15.	UPCOMING MEETINGS	
15.1.	Next Regular Meeting Scheduled for Thursday, November November 19, 2020 at 10:30 am via Electronic Zoom Meeting	
16.	ADJOURNMENT	3:55 PM - 3:55 PM



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: July 23, 2020
Location: Electronic Meeting

Members Present: Sue Ellen Fast, Chair
Dan Rogers, Local Trustee
Kate-Louise Stamford, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Sonja Zupanec, Island Planner (in part)
Diane Corbett, Recorder

Also Present: 4 (four) Members of the Public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting."

Chair Fast called the meeting to order at 10:32 am. She acknowledged that the electronic meeting was being held across the territory of Coast Salish peoples in the Islands Trust.

Chair Fast noted that trustees and staff were working from home due to COVID-19, and introduced trustees, staff and the recorder.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 11.4 Format of the agenda

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford announced she had sent out a brief report to residents of Gambier Island the previous day. A copy of the report would be posted to the Trustee Corner on the Islands Trust website. (To sign up for the email list to receive the trustee's reports, contact gambierkate@gmail.com).

Her main focus of the past few months was the New Brighton dock and trying to work out a long-term solution for consideration by Squamish Nation Council. There had been a number of activities on that file.

Trustee Rogers announced he had been sending out regular email reports to about 240 people in the area. He reported on:

- Attendance at a meeting of Keats Island Shoreline Protection Project Working Group in June.
- Participation in a consultation regarding the Coopers Green boat launch in Halfmoon Bay area, a link to islands.
- Trust Programs Committee review of statements around climate change, reconciliation and affordable housing, all of which are part of Islands Trust strategic plan; discussions are ongoing.
- Keats Island is very busy, with lots of people. There is a noticeable real estate turnover.
- Discussions have been happening about living in the forest-rural interface and issues pertaining to animals, like raccoons and coyotes.

3.2 Chair's Report

Chair Fast reported on a recent Islands Trust Council meeting, which was held via Zoom, where highlights of discussion included a request for amendments regarding Private Managed Forest Lands, and an address to BC Ferries service; information is available on Islands Trust website. The next Trust Council meeting will be held electronically on September 15 and 16, 2020.

3.3 Electoral Area Director's Report – none

4. DELEGATIONS – none

5. TOWN HALL

A member of the public said “hi” to trustees. There were no other comments.

6. MINUTES

6.1 Local Trust Committee Meeting dated May 28, 2020 - for adoption

The following amendment to the minutes of May 28, 2020 was presented for consideration:

- page 1, item 3.1, bullet 1: replace “resource” with “services phone directory”.

Trustee Rogers requested that staff copy trustees when letters are sent out to public officials.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting – none

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 16, 2020

Received.

7.2 Map of Potential Private Managed Forest Land (PMFL)

The map of potential Private Managed Forest Lands on Gambier Island was received. Discussion ensued. There was support for the map showing how much of the island could become subject to forestry.

GM-2020-015

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

that the Gambier Island Local Trust Committee request staff to include Crown land forestry in the map of forestry lands for Gambier Island.

CARRIED

8. APPLICATIONS AND REFERRALS

8.1 GM-DVP-2020.1 (Maltby)

The Regional Planning Manager reported that an issue had arisen regarding Development Variance Permit GM-DVP-2020.1 (Maltby) issued at the last LTC meeting; there was a set of stairs missing from the site plan. The drawings for the approved building permit from the SCRD included the set of stairs.

GM-2020-016

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

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

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Gambier Associated Islands (Anvil & Bowyer) Streamside Development Permit Area (DPA)

Island Planner Zupanec presented the staff report on the Gambier Associated Islands Streamside Protection and Riparian Areas Development Permit Area (Anvil & Bowyer). The report provided analysis of the referral response from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to the Bowyer and Anvil Island draft bylaws related to Riparian Areas. Upon further analysis, staff had recommended changes to proposed Bylaw Nos. 145 and 147, and draft Bylaw No. 146.

Trustee Rogers pointed out that he had asked that members of Anvil and Bowyer be given advance notice of this discussion prior to this meeting; he discussed the previous participation in the riparian bylaws process by members from those islands. Staff noted that deferral of a decision on this and notification of Bowyer, Anvil, and South Thormanby Island residents was listed as an option in the staff report.

Discussion ensued and points included:

- 2019 amendments to *Riparian Areas Protection Regulation* (RAPR) (formerly *Riparian Areas Regulation*, or RAR);
- involvement and influence on the bylaw process of biologists from Bowyer Island;

- concern about lack of notice to the community since community members had been so engaged in the process;
- concern that Orchid Creek, currently not designated as a RAR stream, fits into the same category as Silver Creek on Keats, set up as a Streamside Protection Area;
- confusion about some proposed edits to the bylaws, and a request to include the island names in the titles to help clarify the bylaws.

There was a break from 11:25-11:27am to address technical issues.

GM-2020-017

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009” for Local Trust Committee consideration:

- a. Re-designate Orchid Creek on Bowyer Island within Development Permit Area 1: Riparian Areas;
- b. Add new amendments to update Development Permit Area 1: Riparian Areas that are based on the recently adopted Gambier Island Development Permit Area 3: Riparian Areas and so that Development Permit Area 1 aligns with the recent amendments to Riparian Area Protection Regulation as per comments from Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

CARRIED

GM-2020-018

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to prepare revisions to draft Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017” for Local Trust Committee consideration by:

- a. Remove Development Permit Guidelines for a Streamside Protection Development Permit Area and replace with a new Development Permit Guidelines for a Riparian Areas Development Permit Area and that the Guidelines are based on recently adopted Gambier Island Development Permit Area 3: Riparian Areas, and include updates to align with recent amendments to Riparian Area Protection Regulation as per comments from Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

CARRIED

GM-2020-019

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that when the revised bylaws are presented to the Local Trust Committee for consideration, the report contains a “track changes” version of the current bylaws showing all changes, as well as a clean copy of the proposed bylaw.

CARRIED

GM-2020-020

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that staff provide its report related to this matter to residents of Anvil and Bowyer Island as far as possible ahead of the Local Trust Committee meeting where the report will be presented.

CARRIED

9.2 Keats Shoreline Protection Project

Planner Dubyna gave an overview of a Memorandum with an update on the Keats Island Shoreline Protection Project and described recent activities of the Working Group.

The Working Group members recently received information from staff to assist them in making recommendations on the regulatory options presented in the Discussion Paper for shoreline protection. Members were requested to submit comments and recommendations individually to staff by August 14. The Planner advised that the comments and recommendations would be forwarded for the LTC's consideration at the October 1, 2020 regular business meeting.

Trustee Rogers offered comments on his experience of Working Group discussions at its June meeting, and his interest in receiving member recommendations.

Trustee Stamford commented on how the informal structure of the Working Group was functioning well, on a topic that was quite divisive when it was first approached, and hoped to use this approach for other projects in the Gambier Local Trust Area.

10. CORRESPONDENCE – none

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

11. NEW BUSINESS

11.1 Climate Change Mitigation and Adaptation

11.1.1 March 2020 Pinna Sustainability Report regarding Climate Projections for Islands Trust Area

http://www.islandstrustconservancy.ca/media/84991/itc_climateprojectionsreport_final.pdf

Trustee Stamford explained that this summary report from Islands Trust Conservancy brings together data on climate projections and potential impacts for the Islands Trust Area, intended to support decision-making on how to adapt future acquisition and stewardship of land to appropriately consider climate change.

11.2 New Brighton Dock Update

Trustee Stamford announced that the future of the New Brighton dock is a topic that has become more active. Squamish Nation Council is looking at options for them to divest the dock in a way that is best for their membership. The trustee reported there has been a lot of communication with their staff regarding what they are looking for.

The dock is a critical infrastructure piece for this area, and is impacted by the Sunshine Coast Regional District (SCRD) and its long-term view for its docks. She mentioned she had been interacting with residents of the New Brighton area regarding potential options.

Although this port is zoned as a public facility, she noted she did not know how that would impact a private owner, and wanted further support from Islands Trust on that. She had had discussions with the CAO on approaches and was developing a survey regarding the dock. Discussion ensued.

GM-2020-021

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee send correspondence under the signature of the Chair requesting that the Sunshine Coast Regional District take active steps to help resolve the issue of ownership and maintain public access to the New Brighton dock.

CARRIED

Trustee Stamford will draft a letter.

11.3 RCMP Car Parking on Community Center Property – Choices for Minimizing Costs for a Community Amenity

Trustee Stamford reported the RCMP was looking at placing a police car in the region of the island near the Gambier Community Centre. It would need a secure area around it. There is a location on the Community Centre property that would work, and would require a Qualified Environmental Professional (QEP) report and to go through a Riparian Areas Protection Regulation process. Given that it would be a community amenity, the trustee inquired if there were any options for funds for mitigating the costs for this community project.

Discussion ensued. It was suggested that the Community Centre apply for an SCRD grant, or that perhaps the RCMP could pay for the costs. Trustee Stamford will follow up regarding this matter with the SCRD West Howe Sound / Area F Director Mark Hiltz.

11.4 Format of the Agenda

Trustees discussed the use of links within the agenda, and the format for presenting links within the agenda package. Links were found useful in communicating with constituents through email, and may minimize the size of the paper agenda package.

12. REPORTS

12.1 Trust Conservancy Report dated May 26, 2020

12.1.1 Contiguous Forest Mapping in the Islands Trust Area Report

http://www.islandstrust.bc.ca/media/349568/524_tc_2020-06-16_contiguous-forest-mapping-project_rfd.pdf

Trustee Stamford explained and introduced this project of the Local Planning Committee. It is part of Islands Trust Strategic Plan and is also in support of the Douglas-

fir Toolkit. It shows the different levels of forests on all the islands. The Gambier Local Trust Area is profiled, but it does not include Thormanby Islands.

The trustee remarked that it would be nice to have this in further detail, with all the different levels of “where we are at” with forestry. This speaks to planning opportunities and long term planning. Another opportunity is a research network on Salt Spring. She expressed interest in using this type of information to further interpret how we manage ecological systems.

Chair Fast noted that page 30 of the project report shows the Howe Sound area.

12.2 Applications Report dated July 16, 2020

Received.

There was discussion about the current status of processes pertaining to the development of District Lot 696 on Keats Island.

It was reported that the last twenty one-acre lots on Gambier were mostly sold, rendering a potential increase in the population in West Bay area.

12.3 Trustee and Local Expense Report dated May, 2020

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

There was discussion about a November 2019 resolution regarding reaching out to First Nations and engaging with them. Planner Dubyna indicated she would check to see if there were any responses to ensuing correspondence that had been sent to the Squamish Nation.

12.5 First Nations Activities

Trustee Rogers attended a training session regarding land acknowledgements and the appropriateness of those. Islands Trust Intergovernmental Policy Advisor Lisa Wilcox led the webinar.

It was observed that a lot of the First Nations contacts were not as accessible as they used to be, thus making it challenging to communicate with them

12.6 Local Trust Committee Webpage – none

12.7 What We Heard – Islands 2050 Policy Statement Project Update

http://www.islandstrust.bc.ca/media/349569/625_policy_statement_what-we-heard_brf.pdf

Received.

Trustees Rogers and Stamford sent the Islands 2050 Policy Statement Amendment Project Update to their island contact lists.

Chair Fast explained that it is the beginning of the process to revisit the Islands Trust Policy Statement. She mentioned that on page “small number” 6 showed the number of people who responded to the public open house and things they said. For Gambier, the focus/bulk of comments was infrastructure, transportation and services. Key themes around values are identified (page small number 8): nature connection; preserve and protect mandate; planning, policy and governance; rural island culture; community resilience; infrastructure, transportation and services. There was lots of support for Islands Trust among participants. To date, twenty-four events have been held across the whole Trust Area. It is a multi year process; there will be more work ahead and chances for people to participate.

13. WORK PROGRAM

13.1 Top Priorities Report dated July 16, 2020

Received.

13.2 Projects List Report dated July 16, 2020

Received.

14. INFORMATION ITEMS

14.1 June 2016 Climate Projections for Metro Vancouver

<http://www.metrovancouver.org/services/air-quality/AirQualityPublications/ClimateProjectionsForMetroVancouver.pdf>

Received.

14.2 Spring 2020 Metro Vancouver Nature and Ecosystems Discussion Paper

<http://www.metrovancouver.org/services/air-quality/climate-action/climate2050/regional-priorities/nature/updates/Pages/default.aspx>

Received.

Chair Fast reported that input/feedback is requested by September.

14.3 Travelling to the Islands – COVID 19 News Release

Received.

Islands Trust put out information for the public in a news release dated June 24, 2020 regarding COVID-19 prevention measures.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, October 1, 2020 at 10:30 am – Location to be determined

There was discussion about the COVID-19 state of emergency currently slated to the end of August, and the possible need for a resolution for LTCs to be able to have an electronic meeting beyond that date. Trustees determined that, if a motion is needed, it could be done by Resolution-Without-Meeting.

Chair Fast announced that, to be notified of future meetings, LTC agendas and other information, people can subscribe by email to northinfo@islandstrust.bc.ca or via the Islands Trust website under “Contact us”.

Feedback about these meetings can be sent to northinfo@islandstrust.bc.ca.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GM-2020-022

It was MOVED and SECONDED

by the Gambier Island Local Trust Committee that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated May 28, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

Chair Fast announced that the Local Trust Committee would move to closed meeting after a 20-minute break, and subsequently would not resume in open meeting.

16.2 Recall to Order – none

16.3 Rise and Report – none

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:46 pm.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder

Resolutions Without Meetings Log

Gambier Island

Resolution Number	Action	Date
2020-006 (Standing) That the Gambier Island Local Trust Committee amend GM-2018-035 to add the words "otherwise lawful" after the word "regarding", and that it become a standing resolution. Resolution GM-2018-035 amended now reads: 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.	Carried	19-Aug-2020
2020-005 THAT the Gambier Island Local Trust Committee seek a legal opinion on specific questions developed by staff in conjunction with the Local Trust Committee on: a) The applicability of the zoning to the specific water lease for the New Brighton dock; b) The use that a 'new owner' could make of the New Brighton dock given the current zoning; c) Presuming a new owner is not a First Nation or the Federal or Provincial government, which restrictions would there be on an owner of the New Brighton dock to: i) charge a fee for access or use of the dock; ii) provide priority access to members or those who pay a higher fee; iii) restrict upland access to the dock; and, iv) restrict or control use of the facility by BC Ferries.	Carried	13-Aug-2020



Follow Up Action Report

Gambier Island

28-Jun-2018

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

13-Dec-2018

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

28-May-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

28-May-2020

Activity	Responsibility	Dates	Status
1 Staff to develop a plain language communique to be distributed to Gambier residents on the history, challenges, current situation, and possible timeline of the Gambier Island OCP Review project.	Heather Kauer		Completed

23-Jul-2020

Activity	Responsibility	Dates	Status
1 8.1 Amend GM-DVP-2020.1 (Maltby) by removing Schedules A and B and replacing with Schedules A and B.	Becky McErlean Bronwyn Sawyer		Completed
2 7.2 Include Crown land in Map of Forestry Lands, formerly Map of Potential Privately Managed Forest Land. Share revised map with LTC for their information.	Jaime Dubyna		Completed
3 9.1 LTC request the following of staff: 1. prepare draft amendments to proposed Bylaw 145 (Bowyer) as recommended in the staff report; 2. prepare revisions to draft Bylaw No. 146 (Bowyer) as recommended in the staff report; 3. staff include a 'track changes' version of the current bylaws showing all changes, as well as a 'clean' copy of the proposed bylaws; 4. provide staff report related to this matter to Anvil and Bowyer residents as far in advance of the LTC meeting in which it will be presented.	Becky McErlean Marnie Eggen		In Progress

Follow Up Action Report

Gambier Island

23-Jul-2020

Activity	Responsibility	Dates	Status
4 11.2 To draft correspondence under signature of the Chair requesting the SCRD take active steps to resolve ownership and maintain public access to New Brighton Dock.	Kate-Louise Stamford		Completed
5 11.2 Staff to confirm zoning and provide clarity regarding the permitted uses, buildings and structures at the site of the New Brighton Dock.	Heather Kauer Jaime Dubyna		Completed
6 12.4 Staff to provide LTC with an update of any responses received regarding the letters sent in Standing Resolution - GM-2019-061.	Jaime Dubyna		In Progress

File No.: GM-DP-2020.1
(Atchison)

DATE OF MEETING: October 1, 2020
TO: Gambier Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
SUBJECT: Riparian Areas Development Permit for driveway construction
Applicant: Nathan Atchison
Location: 981 West Bay Road, Gambier Island
PID 013-387-332
BLOCK 90 DISTRICT LOT 1297 PLAN 2848

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of GM-DP-2020.1

REPORT SUMMARY

The applicant is retroactively seeking a development permit (DP) for a driveway that was constructed through an area applicable to the relatively new Gambier Island Local Trust Committee (LTC) Development Permit Area 3 - Riparian Areas (DPA 3) (See **Attachment 1**). The property owner/applicant engaged a Qualified Environmental Professional (QEP) who submitted what staff consider an appropriate and adequate environmental impact assessment report (EIA), including plans for revegetation and recommended mitigation measures for future development. Staff finds that the report addresses the objectives and intent of the information required under the DPA 3 Guidelines and is therefore recommending issuance of the permit.



Figure 1 - Subject Property Air Photo

BACKGROUND

This application is preceded by the clearing of vegetation, construction of an access driveway, and installation of a culvert in the adjacent road right-of-way to the subject property within the DPA 3 – Riparian Areas. This resulted in an Islands Trust Bylaw Enforcement file for the removal of vegetation without an issued DP. That file will be closed and resolved pending the outcome of this DP application.

It is not possible to conduct an Assessment Report under the RAPR for completed development; a RAPR Assessment Report is intended to assess proposed development and potential hazards and impacts in a Riparian Assessment Area (RAA). Where development has already occurred and is determined to be within the DPA, an environmental impact assessment report (EIA) determines post-development impacts and remediation measures. Staff note that an EIA does not replace a RAPR Assessment Report for any future proposed development activities.

As stated in the Discussion and Recommendations section of the EIA report by Strategic Natural Resource Consultants Inc. submitted as required information for the DP application (see **Attachment 3**), since the ditch was a previously identified [Riparian Areas Protection Regulation (RAPR)] [sic] waterway, a DP application would have been required for the driveway if authorization had been sought prior to construction. For reasons mentioned in the EIA, provincial authorization under the *Water Sustainability Act (WSA)* would also have been required under what is termed a “Section 11 Notification” - referring to Section 11 of the *WSA* for construction within the watercourse itself.

Regardless of whether the LTC issues the DP, responsibility remains with the owner/applicant to comply with any provincial regulations beyond what is in this case a local government approval.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement (ITPS) directive policies are relevant to this application and are addressed through DP-3 – Riparian Areas:

- 3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.*
- 3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.*

This application is not contrary to the ITPS.

Official Community Plan:

The subject property is currently designated as Settlement Residential (SR) in the Gambier Island Official Community Plan Bylaw No. 73 (OCP).

According to OCP Schedule I, the subject property lies within DPA 3, including the adjacent road right-of-way where the identified ditch is located (see **Attachment 3**). The DPA Guidelines in the Gambier Island Land Use Bylaw No. 86 (LUB), identifies the development permit area to be:

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;

Land Use Bylaw:

The subject property is zoned Settlement Residential (SR) under the LUB. The guidelines for DPA 3 are found under LUB Section 9.3(4).

The proposed development complies with DPA 3 Guidelines (see **Attachment 2**) and the proposed development appears to meet all other LUB requirements.

Issues and Opportunities

DPA 3 Implementation

The Gambier Island Riparian Areas DPA 3 was adopted in December, 2019. Since then, staff has encountered more than several instances of confusion as property owners discover the need to apply for a DP after submitting a building permit application to the Sunshine Coast Regional District (SCRD). Islands Trust receives a referral from the District to check for conformance of the proposed development with LTC bylaws and identify any further authorizations that might be required, such as this DP application. This is mentioned because of the retroactive nature of this application. It is understandable that not all Gambier residents might yet be fully aware of the new requirements and so staff finds the submitted EIA to be adequate to fulfil the DPA protection objectives and information requirements in this case.

It should be noted that considerable effort was made by staff and the LTC to provide Riparian Areas educational materials to Gambier residents and property owners, including printed materials also posted to the Gambier Island webpage, technical reports used in the development of the DP Area, a webinar with presentation slides available for reference, and so on; all materials are currently available on the Gambier webpage¹. That said, the issuance of this permit will afford some measure of protection to the stream that might not have otherwise taken place. The applicant was very forthcoming and timely in producing the required information.

Consultation

Public consultation and notification are not required for development permit applications.

Rationale for Recommendation

Concerning the completed clearing of vegetation, access driveway construction and installation of a culvert within the area adjacent to the subject property as described in the EIA report, staff advises that the Guidelines for DPA 3 – Riparian Areas appear to be satisfied through the recommendations of the EIA report by Strategic Natural Resource Consultants Inc., dated March 26, 2019.

In order to ensure stabilization of the ditch bank and to reduce potential erosion and sedimentation into the watercourse, within 1 year of issuance of the DP, the applicant would have the responsibility via the permit

¹ <http://www.islandstrust.bc.ca/islands/local-trust-areas/gambier/projects-initiatives/riparian-areas-protection/>

conditions, to seed exposed soils at the ditch/driveway junction according to the EIA recommendations. These conditions are imposed pursuant to the authority conferred by the *Local Government Act* under Section 491(1)(e).²

Staff recommends issuance of the DP as noted on page 1 of this report.

Alternatives

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

1. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the specific reasons for denial and how it finds the application does not meet the Guidelines, since local governments must issue a development permit if the DPA Guidelines are found to have been met. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee deny application GM-DP-2020.1 for the following reasons [insert reasons].

The permit will be issued as presented in the draft if the LTC elects to follow the recommendation of staff.

Submitted By:	Ian Cox – Planner 1, Northern Team	September 8, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 17, 2020

ATTACHMENTS

1. Site Context
2. DPA 3 Guidelines
3. Draft Development Permit (including Environmental Impact Assessment Report)

² https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_14#section491

SITE CONTEXT

GM-DP-2020.1 Staff Report - Attachment 1

LOCATION

Legal Description	BLOCK 90 DISTRICT LOT 1297 PLAN 2848
PID	013-387-332
Civic Address	981 West Bay Road
Lot Size	1.17 acres 0.47 hectares

LAND USE

Current Land Use	Vacant – proposed Residential
Surrounding Land Use	Residential



Figure 1. Air Photo of subject property (shown in yellow)

HISTORICAL ACTIVITY

File No.	Purpose
GM-BE-2020.1	Vegetation removal without issued DP

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: SR – Settlement Residential Development Permit Area 3 (DPA 3 – Riparian Areas)
Land Use Bylaw	Zone: Settlement Residential (SR) Permitted Uses (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited: (a) Single family residential use; (b) Associated secondary dwelling use; (c) Domestic agriculture; (d) Agriculture;

	(e) Accessory uses including but not limited to home occupations.
Other Regulations	The provincial <i>Riparian Areas Protection Regulation</i> (RAPR) requires local governments to protect riparian areas during residential, commercial and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed activities. Under Section 12 of the RAPR, <i>(12) An assessment of a <u>proposed</u> development for the purposes of this regulation must be carried out</i> <i>(a) by one or more qualified environmental professionals, and</i> <i>(b) in accordance with</i> <i>(i) section 13, and</i> <i>(ii) the technical manuals.</i> The applicant has provided a copy of an Environmental Impact Assessment (EIA) report by a Qualified Environmental Professional (QEP), rather than an assessment report regulated under the RAPR. The purpose of the EIA report is to assess the impact of the completed development on the riparian area and recommend any remediation measures.
Covenants	Easement – CA7650996
Bylaw Enforcement	GM-BE-2020.1 Vegetation removal without issued DP

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Plan	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM; however, Gambier Island as a whole has been identified as a HIGH priority and HIGH need for protection.
Species at Risk	None mapped.
Sensitive Ecosystems	Riparian Area, Young Forest, CDF – not SEI
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or near to 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 may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Provincial Chance Find Procedures ¹ must be followed.

¹ <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

Climate Change Adaptation and Mitigation	n/a
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Part 1 of the Guidelines apply to any application related to a “stream” that meets that definition, and Part 2 of these Guidelines apply to all other applications.

GAMBIER ISLAND DPA 3 - RIPARIAN AREAS

Part 1 Guidelines 9.3.4	Complies	Planner Comments
(a) Applications for development permits must also include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the Riparian Areas Regulation and submitted to the B.C. Ministry of Environment’s Riparian Areas Regulation Notification System. The report must include the QEP’s recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee. The report may be combined with the initial report described above.	yes	A RAPR Assessment Report cannot be conducted in cases where development has already occurred. In such situations, an Environmental Impact Assessment Report is required.
(b) In general, all development in this Development Permit Area should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.	yes	The Environmental Impact Assessment (EIA) Report by Strategic Natural Resource Consultants Ltd., dated March 26, 2019, has indicated revegetation measures and recommendations to decrease potential erosion and sedimentation flows into the ditch. Staff is of the opinion that requiring a security for replanting of grass seed, as recommended by the EIA report, would be unnecessary. Follow-up /monitoring will be conducted by staff before the one year specified timeline for the works is due. Staff has included the measures and recommendations identified by the QEP as conditions of the draft Development Permit.
(c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the	yes	Staff have included a condition in the permit that no development shall take place within the area identified by the QEP except as permitted by the DP

assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.		in accordance with the EIA report.
(d) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.	yes	Prior to undertaking any additional applicable development activities within DPA 3, a development permit would be required, and would trigger the requirement for a RAPR Assessment Report.
(e) If the nature of the proposed project within the DPA changes after the RAR assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.	n/a	EIA report is post development.
(f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.	n/a	n/a



GM-DP-2020.1
Staff Report - Attachment 3

COMMITTEE
2020.1

To: [REDACTED]

1. This permit applies to:
PID: 013-387-332
BLOCK 90 DISTRICT LOT 1297 PLAN 2848
2. Whereas the constructed driveway and culvert providing access to the subject property as described above lies within "Development Permit Area No. 3 – Riparian Areas" designated under Gambier Island Official Community Plan Bylaw No. 73, and this development permit is issued under Gambier Island Land Use Bylaw No. 86 that authorizes the **already constructed access driveway and embedded culvert in accordance with Schedule "A" Impact Assessment Report, attached to and forming part of this permit.**
3. The Permit is subject to the following conditions:
 - 3.1 No residential, commercial or industrial development shall take place in the specified area of the subject lot within Development Permit Area 3 – Riparian Areas, except in accordance with the Environmental Impact Assessment Report by Strategic Natural Resource Consultants Ltd., dated March 26, 2019, attached as Schedule "A".
 - 3.2 Within one year of issuance of development permit GM-DP-2020.1, the property owner is required to seed exposed soils at the junction of the driveway and road ditch, with a focus on the side slopes of the driveway. Seeding works should be completed during the optimal germination period in early spring.

This permit does not relieve the applicant from complying with the provisions of *the Gambier Island Official Community Plan Bylaw No. 73, 2001* and the *Gambier Island Land Use Bylaw No. 86, 2004*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS _____TH DAY OF _____, 20__.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE _____TH DAY OF _____, 20__ THIS PERMIT AUTOMATICALLY LAPSES.



**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GM-DP-2020.1**

Schedule "A" – Impact Assessment Report

By Strategic Natural Resource Consultants Inc., March 26, 2020

DRAFT

Date: March 26, 2019

To: Nathan Atchison

From: Cindy Hannah, RPBio
Strategic Natural Resource Consultants
321-1180 Ironwood Street
Campbell River, BC V9W 5P7

Subject: Assessment of Potential Impacts from Driveway Construction through Riparian Assessment Area.

Background

Nathan Atchison is in the process of constructing a residence on vacant land located at Lot 90 West Bay Road on Gambier Island within the Islands Trust Municipality (Figure 1). He was requested to have a Qualified Environmental Professional assess the site after a complaint that he constructed a driveway through a riparian area without a development permit. Strategic Natural Resource Consultants (SNRC) was retained by Mr. Atchison to determine if any negative impacts have occurred to the riparian area and any mitigation measures that should be implemented. The subject property is located within Development Permit Area 3 (Riparian Areas) under the Gambier Island OCP.



Figure 1: Area map showing location of subject property.

Lot 90 West Bay Road Environmental Assessment

The Islands Trust had previously had all Riparian Areas Regulation (RAR) waterways assessed and mapped in 2015¹. A ditch was identified along West Bay Road and there is a stream that forms from a spring at the north side of Mr/ Atchinson's property (Figure 2, excerpt from Madrone report).

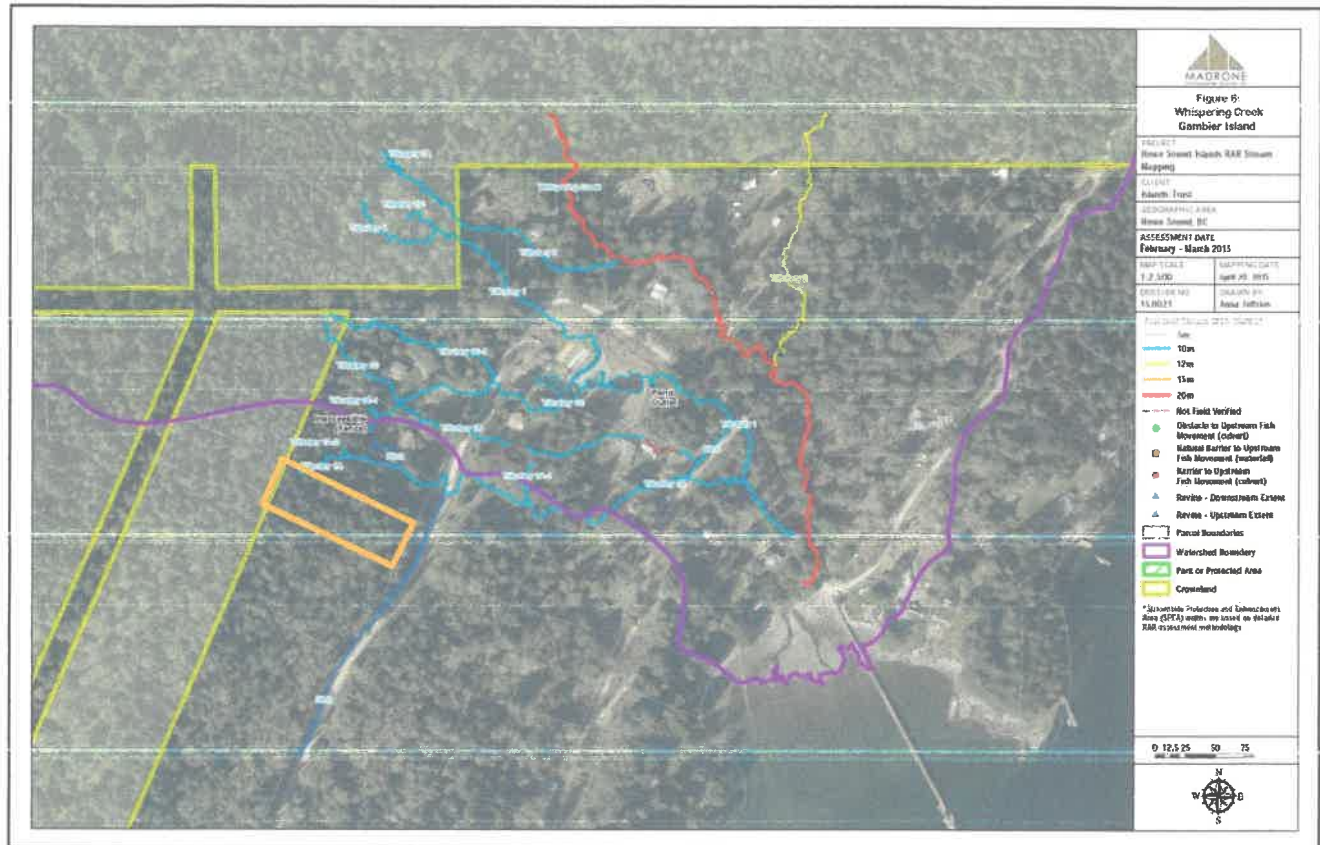


Figure 2, Madrone map showing ditch (dark blue) along east side of subject property (outlined in orange).

On March 19, 2020 an assessment of the driveway was conducted by Cindy Hannah, RPBio of SNRC.

The area of assessment is within the Whispering Creek drainage that flows into West Bay. There is no upstream fish access into the ditch due to steep gradients on the stream that it drains into. The Madrone report indicated that there is anecdotal information regarding resident cutthroat trout in the upper reaches of the stream, but this has not been confirmed.

Field Observations

The area in the vicinity of the driveway was assessed to note any potential impacts. The driveway has been installed on an angle through the riparian assessment area of the ditch due to the steep topography of the lot (Figure 3, Photo 1). Due to this topography an easement on the adjacent property to the south was acquired in order to access the property (Figure 4). The driveway has been constructed with a pipe culvert to maintain flow in the ditch (Photos 2 and 3). The small seasonal ditch has a predominantly fines substrate and is infilled with vegetation (Photos 4-5). There was minimal water in the ditch at the time of the assessment. It is very unlikely to be utilized by fish based on downstream barriers to upstream fish access, but no sampling was conducted to confirm fish absence.

¹ Madrone Environmental Services Ltd. 2015. Riparian Area Regulation Stream Identification Gambier, Keats, Anvil and Bowyer Islands. Islands Trust.

Lot 90 West Bay Road Environmental Assessment

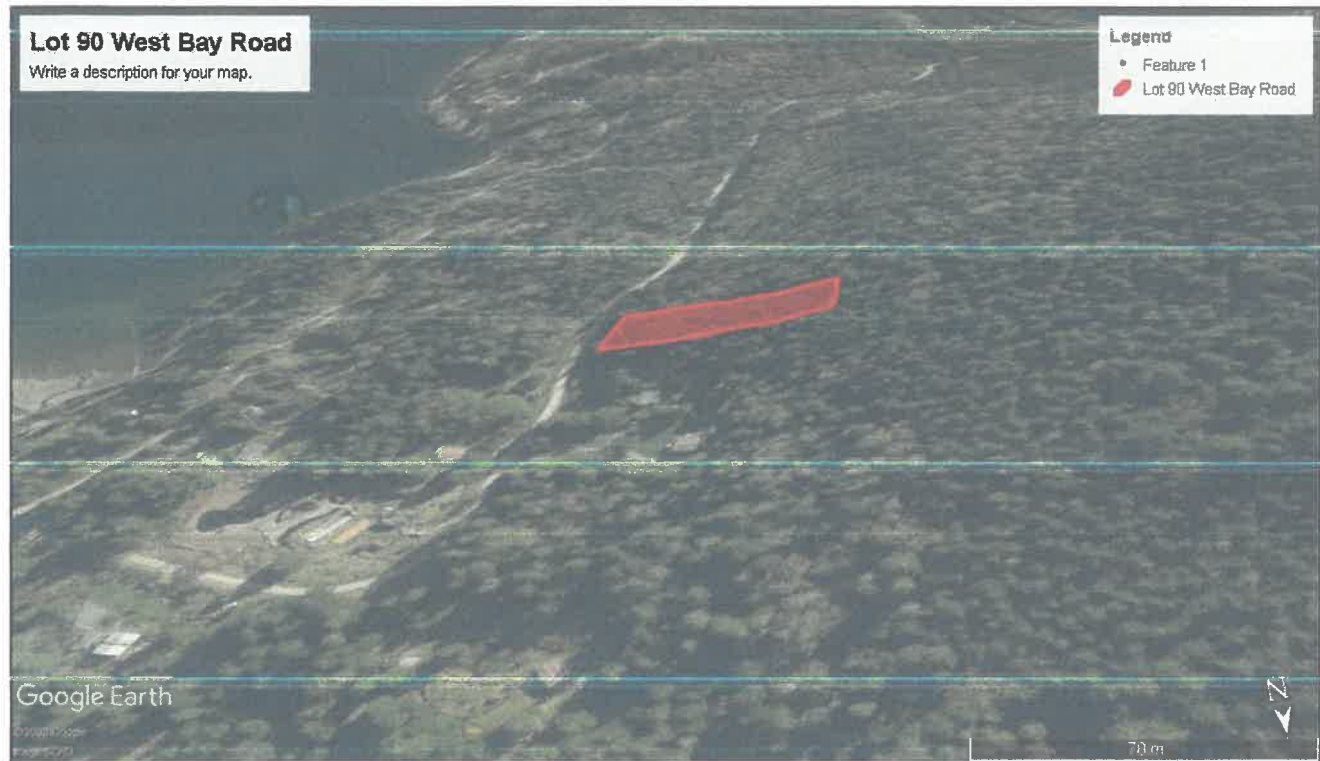


Figure 3, Imagery showing steep topography of property.

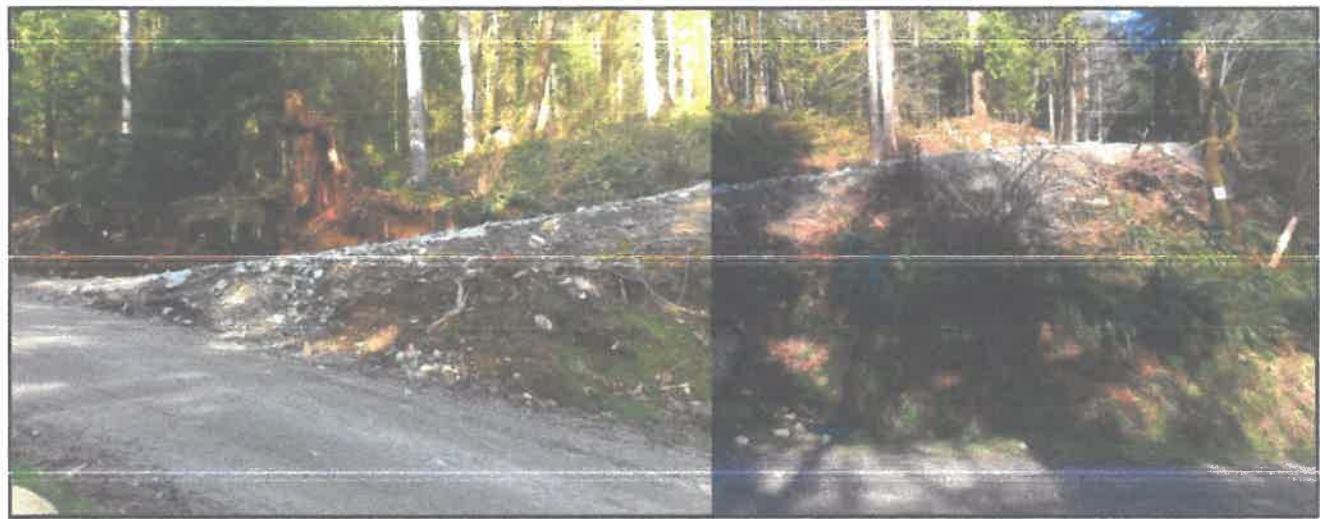


Figure 4, The driveway was constructed on an angle due to the steep topography.

The riparian area along the ditch consists of rocky outcrops vegetated in predominantly understory species including sword ferns and salmonberry immediately adjacent to the ditch, then transitions to forest with a variety of tree species present including big leaf maple, Sitka spruce, red alder and western redcedar (Photo 6).

The house is being constructed towards the back of the property outside of the riparian assessment area (Figure 5, Appendix 1).

Lot 90 West Bay Road Environmental Assessment

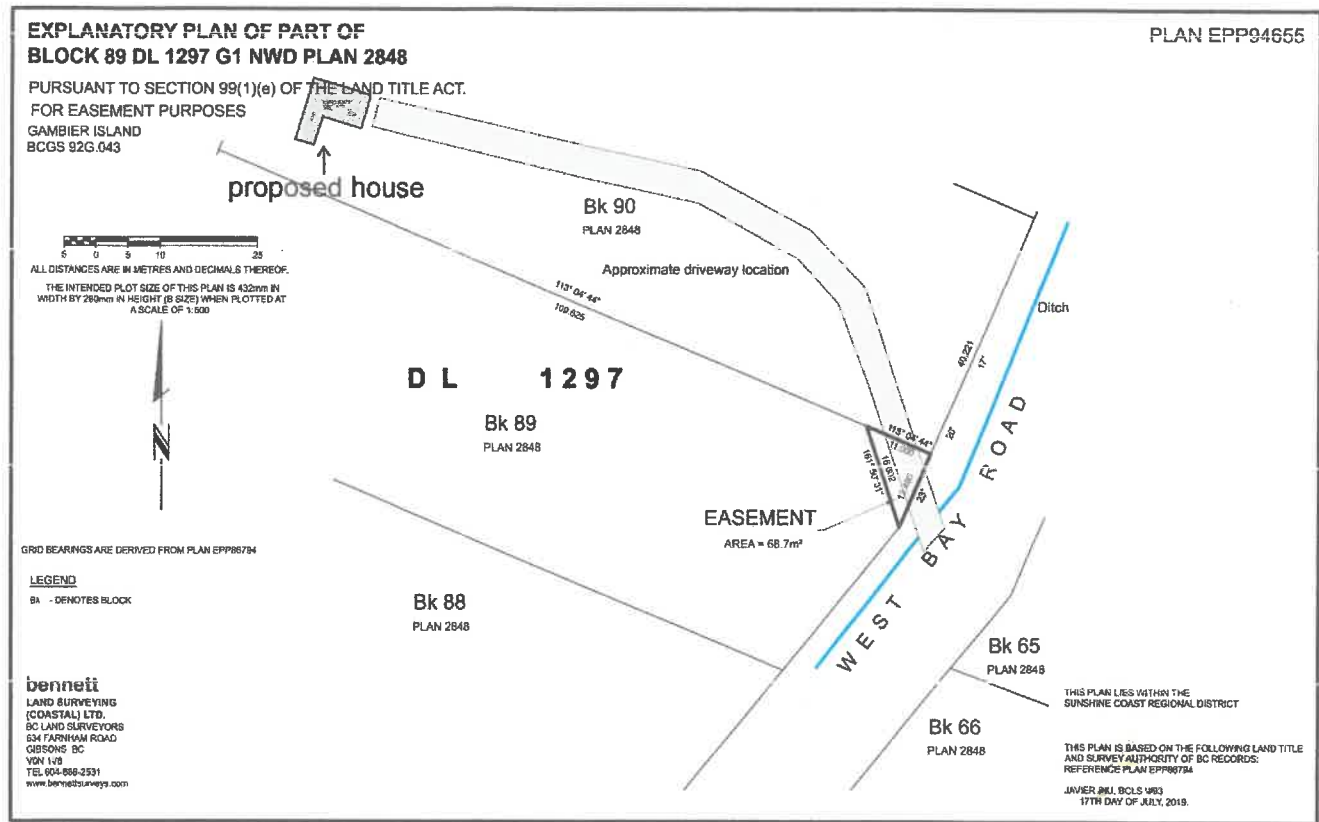


Figure 5, Site plan showing easement on adjacent property and approximate location of driveway and house.

Discussion and Recommendations

As the ditch is a previously identified RAR waterway, a development permit application would have been triggered for the driveway. As the driveway required crossing the ditch and through the riparian area, it would have required a Water Sustainability Act notification given the disturbance through the riparian area is outside the RAR methodology which requires no encroachment. It is important to note that driveway access across a ditch is allowed and would have been granted, but the process was not followed.

The construction of the driveway required the removal of only four trees (pers. comm. Nathan Atchison) and most of the driveway was a fill build rather than extensive excavation. The location options were very limited due to the topography, thus accessing perpendicular to the ditch through the riparian area was not possible.

The ditch does connect directly to fish habitat, and it is important to maintain water quality and avoid causing sedimentation during further development. The following are recommendations to ensure that water quality within the ditch is maintained and any impacts to the ditch are mitigated:

- Spread grass seed (legume mix) over exposed soils at the junction of the driveway and road ditch, focusing on the side slopes of the driveway. There is a small area of exposed soil, which could cause sedimentation downslope. Placement of straw or mulch over the seed will aid in holding moisture as well as provide erosion control until the grass establishes. Seeding should be completed as soon as possible, early spring is a favourable time for seed germination.
- Any works required that will result in exposed soils sloping towards the road/ditch should have appropriate sediment and erosion control measures in place. Sediment fencing could be installed at the base of exposed areas.

Lot 90 West Bay Road Environmental Assessment

- Ensure there is sufficient sediment and erosion control devices available when working in inclement weather. This could include having polysheeting to cover exposed soils, sediment control fencing to contain runoff, etc.

Please feel free to contact me at 250-616-3758 or by email at channah@snrc.ca if you have any questions.



Cindy Hannah, RPBio
Strategic Natural Resource Consultants Inc.



COPY
Original signed and sealed on file

Appendix 1



Photo 1:

The property is steeply sloped requiring the driveway to be angled through the riparian area of the ditch.



Photo 2:

A pipe culvert has been installed on the driveway to maintain flow. View is upslope showing culvert inlet.



Photo 3:

A pipe culvert has been installed on the driveway to maintain flow. View is downslope showing culvert outlet.



Photo 4:

The small seasonal ditch has a predominantly fines substrate and is infilled with vegetation. There was minimal water in the ditch at the time of the assessment. View downslope from center of property.



Photo 5:

The small seasonal ditch has a predominantly fines substrate and is infilled with vegetation. There was minimal water in the ditch at the time of the assessment. View upslope from center of property.



Photo 6:

The riparian area along the ditch consists of rocky outcrops vegetated in predominantly understory species including sword ferns and salmonberry immediately adjacent to the ditch, then transitions to forest with a variety of tree species present including big leaf maple, itka spruce, red alder and western redcedar.

File No.: GM-RZ-2019.1
(South Keats Investments
Ltd)

DATE OF MEETING: October 1, 2020

TO: Gambier Island Local Trust Committee

FROM: Courtney Simpson, Consulting Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

SUBJECT: Amend CD1 zone to allow for three docks in the marine area
Applicant: Harold Copping for South Keats Investment Ltd.
Location: 255 Esplanade Road (Lot 18, Block 5, District Lot 1594, Plan 12701)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020” be read a first time.
2. That Proposed Bylaw No. 152 be referred to the following First Nations, local governments and agencies for comment:
 - a) First Nations: Squamish Nation, Musqueam Nation, Stz’uminus First Nation, Penelakut Tribe, Cowichan Tribes, Lyackson First Nation, Lake Cowichan First Nation, Halalt First Nation, and Tsleil-Waututh Nation.
 - b) Local governments and agencies: Sunshine Coast Regional District and Ministry of Forests, Lands and Natural Resources Operations.
3. That the Gambier Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020”.
4. That the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 152, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020”, is not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this report is to recommend a draft amendment to the Keats Island Land Use Bylaw, 2002 (LUB) for first reading. The bylaw amendment changes the permitted number of docks on the subject property from one to three so that the existing docks conform to the LUB. The bylaw amendment is required for the Province to issue Crown leases for the three docks.

BACKGROUND

The property owner, South Keats Investments Ltd, is a non-profit land holding company with the purpose of sharing property ownership among multiple individuals and families. The upland property has nine dwellings which is the maximum permitted in the Comprehensive Development (CD1) zone (figure 1). Six of the nine dwellings are on the waterfront and the remaining three are inland. There are three docks abutting the property. One dock is used exclusively by one waterfront home, a second dock is shared by two homes, and the third dock is a communal dock for shared access for all dwellings. Figure 2 shows the location of the three docks: Dock A is known as the Madden Dock, Dock B is known as the Mowat Dock, and Dock C is the Communal Dock.

Further background to this application is within the Site Context Report (Attachment 1) and the [preliminary staff report](#) presented at the October 10, 2019 LTC meeting.

The docks predate the 2002 LUB when the current CD1 zone was established. The CD1 zone allows only one dock but allows multiple floats to a maximum of 65 square metres or up to 158 square metres with registration of a covenant. The total float area of the existing three docks is 80.4 square metres, below the maximum area permitted.

In 2016, the property owners were notified by the Ministry of Forests, Lands and Natural Resource Operation and Rural Development (MFLNRORD) that a Crown Land tenure under the Land Act was required for the docks. They subsequently made application for tenure, but their tenure application could not proceed without Islands Trust zoning permitting three docks instead of one. The owners then made application to the Islands Trust to amend the CD1 zone to allow the three existing docks.

On October 10, 2019, the Gambier Island LTC passed the following motion with respect to the rezoning application:

That the Gambier Island Local Trust Committee:

- 1. Request the applicant to provide a plan signed by a B.C. Land Surveyor showing the present natural boundary of the sea in proximity to existing and proposed structures within 7.5 metres of the natural boundary of the sea;*
- 2. Request the applicant to provide a biologist report assessing the environmental impact of the docks and will use the Marine Guide to Small Boat Moorage Fact Sheet checklist prepared by Fisheries and Oceans Canada to determine if any modifications to the docks are necessary to reduce environmental impacts;*
- 3. Request staff to draft a Comprehensive Development 1 (CD1) Zone amendment to the Keats Island Land Use Bylaw, 2002 permitting a maximum of three docks in the marine area abutting PID 008-861-102.*

In April 2020, the applicant submitted an aquatic environment effects determination completed by Foreshore Marine & Environmental Services ("Biologist Report") (Attachment 5), and a BC Land Surveyors certificate of location of present natural boundary of the sea ("Survey") (Attachment 6). This staff report reviews relevant Islands Trust and Gambier LTC policy and regulation with respect to the Biologist Report and Survey and presents a draft amendment to the CD1 zone for the docks in the marine-based portion of the zone so that the owners may apply for Crown land tenure.

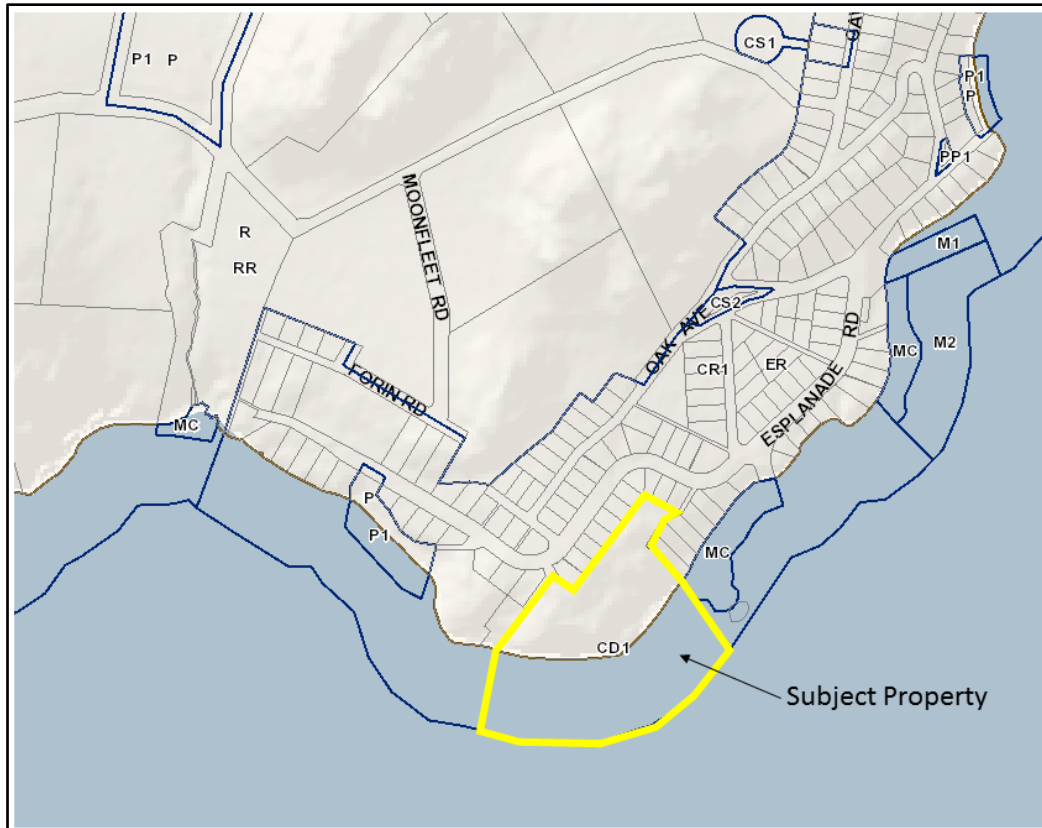


Figure 1: CD1 zone

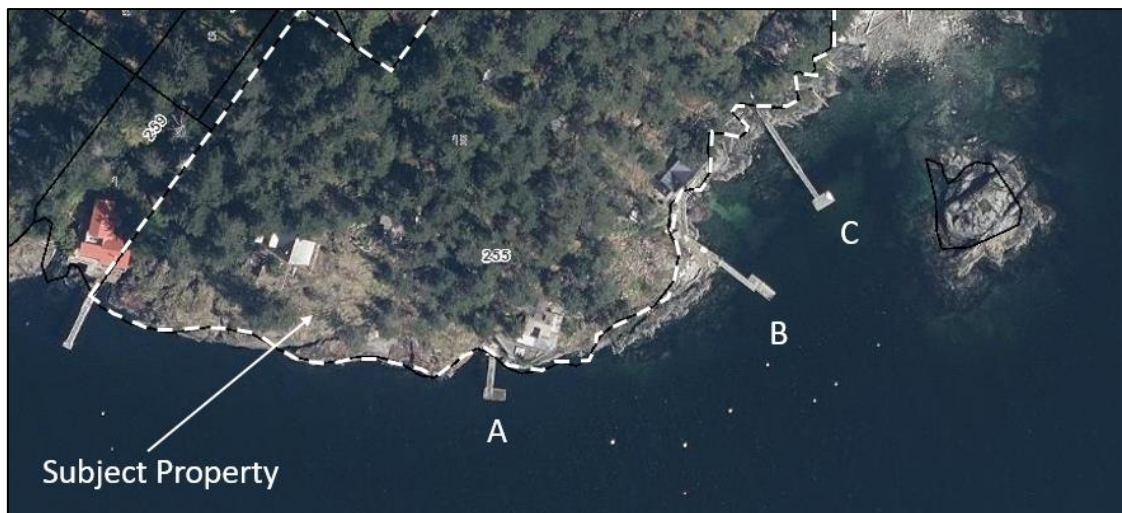


Figure 2: 2018 Ortho photo showing dock locations

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

In the October, 2019 staff report, the rezoning application was noted to be potentially at variance with three directive policies in the Islands Trust Policy Statement. With the additional information received in the Biologist Report and Survey, it is now recommended that the application is consistent with the Islands Trust Policy Statement (see Attachment 3 – Islands Trust Policy Statement Directive Policies). The three directive policies are discussed below:

4.5.9 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.

Policy 4.5.9 is not applicable. The three docks are not marinas and marina is not a permitted use the CD1 zone.

4.5.10 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

The draft bylaw amendment is considered to not be at variance with Policy 4.5.10. The shoreline is classified as sea cliff (Keats Island Shoreline Mapping, 2013) and is not accessible to foot traffic or beach launching of boats. The Biologist Report concludes that the gangways and floats do not currently pose any substantive adverse environmental risks or effects and do not require any modifications to reduce environmental impacts.

1.5.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas

The draft bylaw amendments are considered to not be at variance with Policy 1.5.5. The docks existed at these three locations prior to adoption of the current LUB and the LUB amendment does not propose any changes that would allow for new docks. The Biologist Report indicates that there are no modifications that could be made as a condition of the zoning amendment to reduce environmental impacts.

Official Community Plan

The subject property (upland) is located in the Eastbourne Residential (ER) designation and the water portion is designated Marine (M) in the Keats Island Official Community Plan Bylaw No. 77, 2002. See Attachment 2 for review of applicable OCP policies.

Land Use Bylaw

The foreshore and upland property are located in the CD1 zone. The CD1 zone allows for a maximum of one dock in the marine area abutting each water front lot. The zone states a maximum area that may covered by dock floats (65 square metres), which, upon registration of a restrictive covenant, can be increased by 47 square metres per residential dwelling served, up to a maximum float size of 158 square metres. The maximum ramp width is 2.4 metres. Floats, docks, dock ramps, stairs, piers, dolphins and pilings are all permitted in the zone. Attachment 4 shows the CD1 zone with recommended changes in red.

For the upland area, the Keats Island LUB Section 2.7.3 includes the following setback from the sea with exemptions related to foreshore access, docks and wharfs:

No building or structure except platforms not exceeding a combined floor area of 10 square metres, a permitted boathouse, pump/utility house, or stairs, or walkways required to access the foreshore or a permitted float, dock, wharf, or other permitted marine related structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.

Table 1 Docks and their measurements

Dock	Float Area	Float Dimensions	Ramp Width	Other
A (Madden)	20.5 sq m	6.25 m x 3.28 m	1.3 m	Concrete wall
B (Mowat)	39.15 sq m	2.9 m x 13.5 m	1.37 m	Pier
C (Communal)	20.8 sq m	6.5 m x 3.2 m	1.2 m and 1.5 m	
Total	80.4 sq m			

Issues and Opportunities

Number of Docks and Crown Land Tenure

Although the three docks were present when the CD1 zone was adopted in 2002, the CD1 zone only allows one dock per lot but with multiple floats. The owners have an internal lot structure to establish building sites for the nine dwellings, but there is only one legal lot. The LUB policy of one dock per lot refers to the legal lot and not the internal lot structure that is a private agreement between the owners. If the bylaw is not amended to allow the three existing docks, the owners could remove two docks and expand the float area of the remaining dock to accommodate all owners.

It is the owners' understanding that their three docks were authorized in the 1980's during a time when the Province published information stating that seasonal private moorage did not require tenure. However, MFLNRORD now requires tenure for these docks. MFLNRORD has a policy to allow only one dock per lot, but have indicated that they will consider a variance to this policy given the history of the docks and that three docks provide access to a total of nine dwellings. Sharing docks to reduce their overall number is the basis of the LUB and MFLNRORD policies of one dock per lot.

Concrete Wall with Madden Dock

The Madden Dock (Figure 3) is anchored to the top of a concrete wall with a landing area on top. The October, 2019 staff report indicated uncertainty about the location of the concrete wall relative to the natural boundary of the sea. The Survey completed in 2020 shows that the concrete wall is above the present natural boundary and not located on the Crown foreshore. The concrete wall is considered to be integral to the dock and as such is permitted within the setback to the sea pursuant to Keats Island LUB Section 2.7.3.



Figure 3: Madden Dock

Pier with Mowat Dock

The Mowat Dock (Figure 4) is attached to land via a pier of 5.26 metres wide and 11.75 metres long with an area of approximately 50 square metres. Approximately half of the pier is below the present natural boundary and within the Crown foreshore. The dock including its component pier, ramp and float, is a permitted structure in the marine-based portion of the zone and its component parts providing access on the land-based portion are permitted in the land-based setback from the sea.

The CD1 zone does not include a maximum area of piers but does set a maximum area of floats and maximum width of ramps. Other residential zones in the LUB similarly do not set a maximum area of pier.



Figure 4: Mowat Dock

Total Float Area and Covenant

The total float area of the three docks is 80.4 square metres. The floats are shown in Figures 3, 4 and 5. This exceeds the base maximum in the CD1 zone of 65 square metres, but is well below the maximum of 158 square metres allowed with registration of a restrictive covenant. The LUB does not expand on what would be the purpose of the covenant. The original intent may have been for the covenant to allow access to the dock from neighbouring properties to limit the overall number of docks on the Keats Island shoreline over time. A covenant alone may not be able to accomplish this, as access easements over land would also be required. Given that sharing of the docks is already effectively ensured through a maximum of three docks for nine dwellings, a covenant is not recommended. The requirement for a covenant can be removed from the LUB through the amendment bylaw.



Figure 5: Community Dock

Keats Island Shoreline Project

The current Keats Island Shoreline Project is a top priority of the Gambier Island LTC. Through the project, amendments to OCP and LUB related to docks may be considered. It was previously determined that this rezoning application should proceed concurrent to the Keats Island Shoreline Project. This rezoning application is limited to amending the CD1 zone to allow three existing docks so that the owners can apply for a Crown tenure, and any future OCP or LUB amendments as a result of the project may still apply to the docks fronting the subject property.

Environmental Impacts

The purpose of the Biologist Report was to assess the habitat conditions at the dock site to establish whether the docks require modifications to reduce their environmental impact, pursuant to the Fisheries and Oceans Marine Guide to Small Boat Moorage. The report concludes that the gangways and floats do not currently pose any substantive adverse environmental risks or effects and that they do not require modification to reduce environmental impacts.

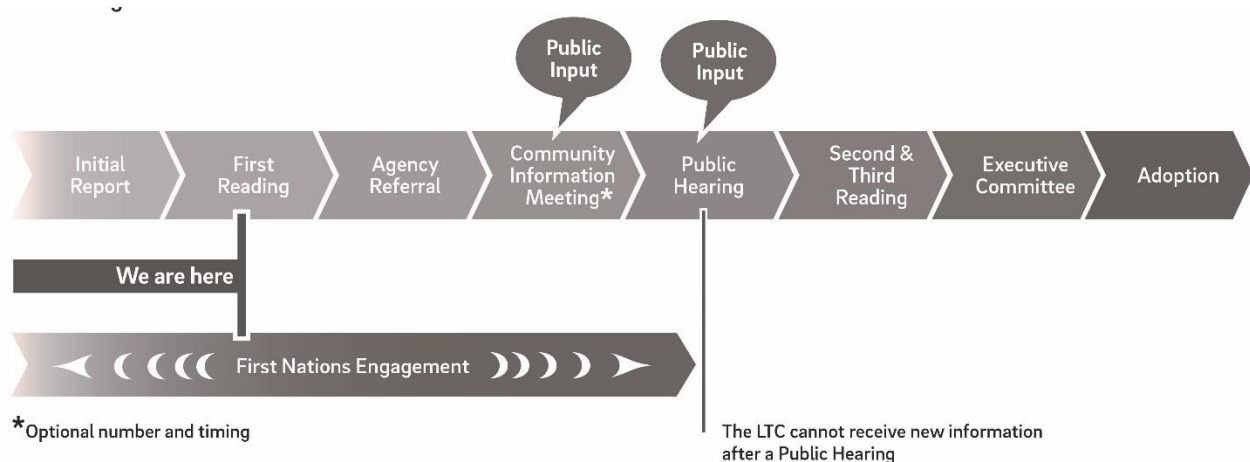
Consultation

A CIM will be held after first reading of the bylaw amendment and before the public hearing. A virtual CIM over Zoom with the recording available on the Islands Trust website is proposed.

Statutory notification of a public hearing for the proposed rezoning will be made in accordance with Section 466 of the *Local Government Act* and the Gambier Island Development Procedure Bylaw No. 50, 1992. This will involve newspaper advertising and neighbourhood notification. The public hearing will be scheduled for a date later than the close of the 60 day referral period, as the LTC cannot receive any new information after the close of the public hearing. Correspondence related to this application may be sent to northinfo@islandstrust.bc.ca.

The LTC may consider undertaking additional consultation than identified above and direct staff accordingly.

Timeline



Protocols

There is a protocol agreement between the Sunshine Coast Regional District and the Gambier Island LTC that agrees to coordinate land use planning activities. A bylaw referral will be sent to the Sunshine Coast Regional District pursuant to this protocol agreement.

Agencies

After first reading, referrals will be sent to the following agencies and local governments for comment:

- Sunshine Coast Regional District
- Ministry of Forests, Lands and Natural Resources Operations

First Nations

The following First Nations include Keats Island as part of their marine, land territory or Treaty area. After first reading, referrals will be sent to the following First Nations for comment:

- Squamish Nation
- Musqueam Nation
- Stz'uminus First Nation
- Penelakut Tribe
- Cowichan Tribes

- Lyackson First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Tsleil-Waututh Nation

Rationale for Recommendation

The three docks connected to the subject property have existed for many years, pre-dating the introduction of the CD1 zone in 2002. This draft bylaw is limited to changing the permitted number of docks from one to three for this lot only.

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. This would delay the bylaw amendment and the owner's Crown land tenure application. 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 (specify requested information).

2. Direct that a CIM be held before 1st reading

For more complex rezoning applications, a CIM is recommended prior to 1st reading so that input received may be incorporated into the bylaw amendments.

3. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are the MFLNRORD would not receive confirmation that the private docks have the necessary zoning and MFLNRORD may require that two of the three docks are removed. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee deny application GM-RZ-2019.1 for the follows reasons [insert reasons].

NEXT STEPS

After first and second reading of the LUB amendment, bylaw referrals will be sent to agencies and First Nations and a CIM and public hearing will be scheduled.

Submitted By:	Courtney Simpson, RPP MCIP Consulting Planner	September 16, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	9/16/2020

ATTACHMENTS

1. Site Context
2. OCP Policies Review
3. Islands Trust Policy Statement Directive Policies
4. CD1 Zone with Recommended Changes
5. Aquatic Environment Effects Determination Report
6. BC Land Surveyors Certificate of Location of Present Natural Boundary
7. Draft Bylaw No. 152

ATTACHMENT 1 – SITE CONTEXT

September 16, 2020

LOCATION

Legal Description	Lot 18, Block 5, District Lot 1594, Plan 12701
PID	008-861-102
Civic Address	255 Esplanade Road, Gambier Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GM-BP-2017.7	Building permit for a cottage (withdrawn)

POLICY/REGULATORY

Islands Trust Policy Statement	See ITPS Directives Only Checklist (Attachment 3)
Keats Island Official Community Plan Bylaw No. 77, 2002	ER (Eastbourne Residential) Sensitive ecosystem inventory (SEI) identified as Coastal Bluff Not within 'dock access areas' because it is accessible by public road. Also See OCP Policy Review (Attachment 2)
Keats Island Land Use Bylaw No.78, 2002	Comprehensive Development 1 (CD1) – upland and foreshore See CD1 zone showing recommended changes (Attachment 4)
Other Regulations	Rockfish conservation protected area Eel grass ecosystem (fringing and fringing continuous) Foreshore identified in sensitive ecosystem mapping (SEM)
Covenants	219 Covenant (SCRD)
Bylaw Enforcement	None on file
Islands Trust Conservancy	None on file

SITE INFLUENCES

Islands Trust Conservancy	Not applicable
Regional Conservation Plan	Marine Shorelines & Nearshore Zone The nearshore zone - where land meets water - holds some of the highest rates of biodiversity in the islands. People are attracted to beaches more than any other natural area in the islands. But the habitats of the nearshore zone are especially sensitive to disturbance. Species in this zone depend on precise physical and biological conditions, such as wave action or available sunlight. Docks, seawalls, gardens and homes can all seriously damage habitats of nearshore areas. Table 9 on page 40 of the Regional Conservation Plan <i>Evaluation of conservation priority for each local trust area/island municipality</i> - Indicates that Gambier Local Trust Area has a HIGH need for sensitive ecosystem protection, need for forest protection, eelgrass shoreline protection and disturbance threat. Gambier Local Trust Area is also identified as being having a HIGH priority.
Species at Risk	None mapped
Sensitive Ecosystems	Secondary sensitive Herbaceous Woodland ecosystems mixed with a non-sensitive primary ecosystem
Hazard Areas	www.islandstrust.bc.ca/media/347344/keats-shoreline-maps-3.pdf Shoreline Map identifies shoreline as structurally altered Area of low wave exposure
Archaeological Sites	The owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Increased boat traffic could be a source of GHG emission. Sea level rise could impact dock infrastructure
Shoreline Classification	Rock Shoreline - Sea Cliff

ATTACHMENT 2 – OCP POLICY REVIEW

GM-RZ-2019.1

September 16, 2020

KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

OCP Policy	Complies	Comments
Policy 4.16 Zoning regulations should provide for the existing public wharves, public barge ramp, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements.	Yes	The three docks pre-date adoption of the OCP.
Policy 4.17 Upon application for rezoning, a change, expansion, or downsizing in existing foreshore uses including public wharves, public and private barge ramps or boat launches, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements may be considered by the Local Trust Committee. Each application should address issues such as ensuring public access to the foreshore and safety issues. INFORMATION NOTE: Once the Local Trust Committee has considered the application, a public hearing is required by legislation prior to a change in use of the foreshore. As part of the application review process, the Local Trust Committee will consider location, proposed use and scale, level of community support, environmental impacts, impacts on the immediate surroundings, and the potential impacts on Keats Island growth and development patterns. Community information and consultation meetings should be held on Keats Island prior the public hearing.	In progress	A community information meeting will be held prior to the public hearing.
Policy 4.18 Any foreshore rezoning proposal should only receive favourable consideration by the Local Trust Committee when the proposal is made in response rather than in anticipation of the needs and desires of the Keats Island community, at a time when establishment of such a use would enjoy widespread support within the community as a whole.	Yes	The three docks predate adoption of the OCP.

Policy 4.22 Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.	Yes	The proposed rezoning only formalizes the existing three docks and does not propose any change to the LUB regarding emphasis on retaining natural characteristics.
Policy 5.85 Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves.	Yes	The three docks provide access to nine dwellings on the subject property (six waterfront, three inland), subject to specific agreements among the owners.

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GM-RZ-2019.1

File Name: South Keats Investments

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

ATTACHMENT 4 – CD1 ZONE WITH RECOMMENDED CHANGES

4.3 COMPREHENSIVE DEVELOPMENT 1 (CD1) ZONE

Permitted Uses

- .1 The following uses of land, buildings and structures are permitted in the land-based area:
single family residential;
home occupation, subject to Section 2.2;
horticulture;
uses, buildings and structures accessory to a permitted use;
public service utility uses; and
natural area parks and conservation.
- .2 The following uses of land, buildings and structures are permitted in the marine-based area:
non-commercial anchorage and moorage of private vessels, where such use is
accessory to a permitted residential use on the adjacent upland.

Permitted Buildings and Structures

- .3 The following buildings and structures are permitted in the land-based area:
single family dwelling;
buildings and structures accessory to a permitted use;
community sewer system facilities;
electrical and telecommunication utilities;
pedestrian trails;
fences, subject to Section 2.4;
fire huts;
pump/ utility houses;
utility poles, wires, traffic controls and underground utility systems; and
signs, subject to Part 5.
- .4 The following structures are permitted in the marine-based area:
mooring buoys, floats, docks, dock ramps, stairs and piers providing marine access to a
lot abutting the water area in which the structure is located; including dolphins and
pilings necessary for the establishment or operation of a use permitted in this zone.
marine navigational aids; and
signs, subject to Part 5.

Marine Based Structures Limitations

- .5 No building may be erected, constructed or placed on any float, dock, ramp, stairs or pier.
- .6 The maximum area that may be covered by dock floats in the marine-area is 158 square metres (1,700 square feet). ~~65 square metres (700 square feet)~~.
- ~~.7 Despite Subsection 4.3.6, the maximum float area may be increased by 47 square metres (500 square feet) per residential dwelling served up to a maximum float size of 158 square metres (1,700 square feet), provided a restrictive covenant subject to Subsection 1.2.4 is registered.~~

~~.78~~ The maximum width of a ramp associated with a dock is 2.4 metres (8 feet).

Density

.9 A maximum of one single family residential dwelling is permitted on lots less than 2.0 hectares (5 acres).

.10 A maximum of nine single family residential dwelling units are permitted on lots of 2.0 hectares (5 acres) or larger.

.11 A maximum of ~~one-three~~ docks ~~is-are~~ permitted in the marine-area. ~~abutting each water front lot.~~

Floor Area

.12 The maximum floor area of a fire hut is 9.3 square metres (100 square feet).

Setbacks

.13 The setback requirements of Section 2.7 apply.

Height

.14 The height requirements of Section 2.8 apply to land-based areas.

Lot Coverage

.15 The maximum combined lot coverage of buildings and structures is 25 per cent of the lot area.

Subdivision Lot Area Requirements

.16 The minimum lot area permitted by subdivision is 4.0 hectares (10 acres).

From: Scott Christie <scott@foreshore.ca>
Sent: Friday, May 1, 2020 3:40 PM
To: Bronwyn Sawyer; 'Jim Maynard (james.a.maynard@gmail.com)'
Cc: Harold Copping; Dave Mowat; 'Peter Madden (madpet63@gmail.com)'
Subject: Re: South Keats Investments Ltd., Keats Island Docks
Attachments: 9015-R-01.3 Keats Island AEED Final.pdf

Jim and Bronwyn,

Please find attached an aquatic environment effects determination (AEED) in regards to the South Keats Investments Ltd.'s dock facilities on Keats Island.

If you have any questions, please contact me.

Regards

Scott

Scott Christie, R.P.Bio

President



A Member of the BRIGGS Marine Group

Foreshore Technologies Inc.

120 Garden Ave., North Vancouver, B.C. V7P 3H2

Tel. 604.983.3111 | Fax. 604.983.3454 | www.foreshore.ca

April 29, 2020

Foreshore File No.: 9015-R-01.3

Harold Copping, Secretary
South Keats Investments Ltd.
604-657-3592

Via E-Mail: haroldcopping@outlook.com

**Re: Aquatic Environment Effects Determination of the
South Keats Investments Ltd. Docks, Keats Island, B.C.,**

Please find below the results of Foreshore's biophysical survey of the South Keats Investments Ltd. (SKIL) community dock structures located on Keats Island, British Columbia (see Photo 1).

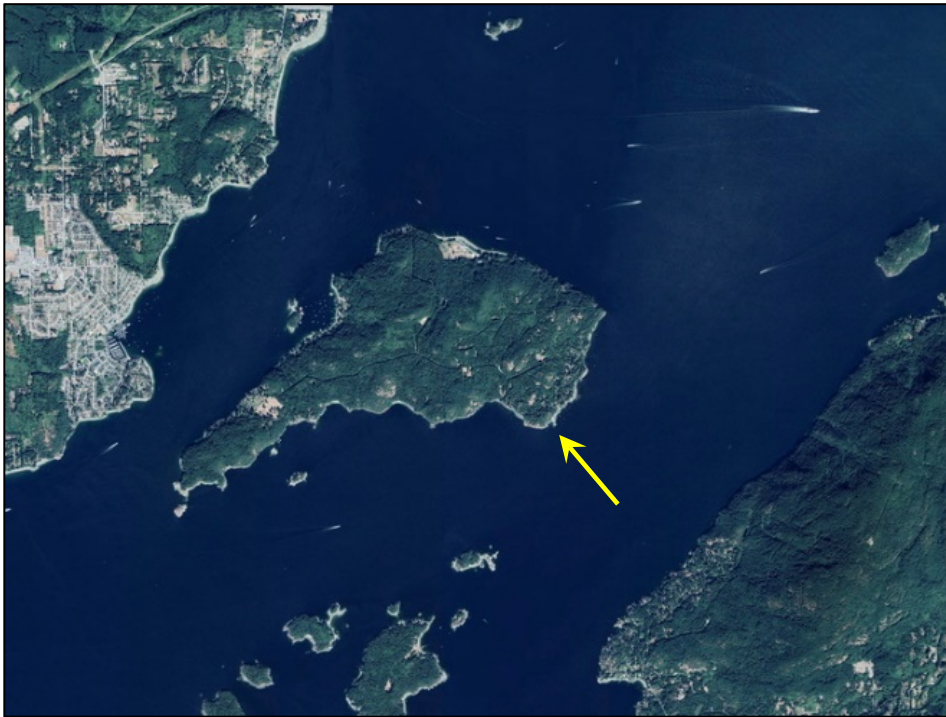


Photo 1. Location of the South Keats Investment Ltd. community on the southeast corner of Keats Island.

1 Introduction

The purpose of the survey was to identify the habitat conditions at the SKIL dock sites (see Bennet drawing in Appendix 1) in order to establish whether the docks (float, anchor system and gangway) require modifications, identified in Fisheries and Oceans Marine Guide to Small Boat Moorage, to reduce impacts. The SKIL docks are typical of Howe Sound property access structures including aluminium gangways that lead down onto timber floats anchored by chains and concrete blocks (see Photos 2 through 5).



Photo 2. Left to right, Sites 4, 3 and 7 docks.



Photo 3. Site 4 float and gangway.



Photo 4. Site 3 float and gangway.



Photo 5. Site 7 float and gangway.

2 Biophysical Survey Methodology

2.1 General

Foreshore's Qualified Environmental Professionals (QEPs), with knowledge and experience of the local aquatic environment performed an underwater biophysical survey of the SKIL dock sites on February 27th, 2020. Reconnaissance dives were performed within the footprint of the dock sites and adjacent areas. Photographs illustrating site substrate and biota conditions were recorded and are included in the body of the report.

2.2 Substrate and Biota

The survey included the mapping of surface substrates and biota as well as their abundance, elevation and distribution. Substrate conditions were identified on the basis of the following criteria:

Table 1. Substrate Categories

Substrate Type	Diameter (mm)
Mud	<0.625
Sand	0.625 to <2
Pebble	2 to <64
Cobble	64 to < 255
Boulder	>255
Riprap (angular rock)	>255

Other substrate conditions that will be recorded if observed include any significant build-up of shell hash, woody debris and/or anthropogenic materials.

Species and biota groups chosen for surveying were selected by the QEPs at the time of the survey as those that best represented the environmental and habitat conditions present. The abundance levels of selected species or biota groups were based on the Table 2 criteria:

Table 2. Abundance Categories

Abundance Category	Percent Areal Coverage (PAC)	Individuals / Square Metre (ISM)
Rare	<5%	1
Sparse	5% to 25%	2 to 5
Few	26% to 50%	6 to 10
Common	51% to 75%	11 to 30
Abundant	>75%	> 30

Abundance categories were adapted from the Department of Fisheries and Oceans' Coastal/Estuarine Fish Habitat Description and Assessment Manual (1990). Percent areal coverage refers specifically to areas where a species was observed.

2.3 Elevations

Elevations within the surveyed area were recorded relative to Canadian Hydrographic Service (CHS) Chart Datum (CD) and were referred to the Point Atkinson Reference Station. All elevations are displayed in metres (m) CD. The survey area included approximately 1,200m² of boat basin seabed and 500m² of adjacent foreshore from the high-water elevation (+5.0m CD) down to approximately minus 2m CD.

3 BIOPHYSICAL OBSERVATIONS

3.1 Physical Conditions

3.1.1 Site 4 Dock Substrate

Primary substrates inshore of the Site 4 float were bedrock and scattered boulders. Below and offshore of the float were primarily composed of sand/silt with scattered boulders (see Photos 6 and 7). Water depth under the float at low tide is 3.5m.

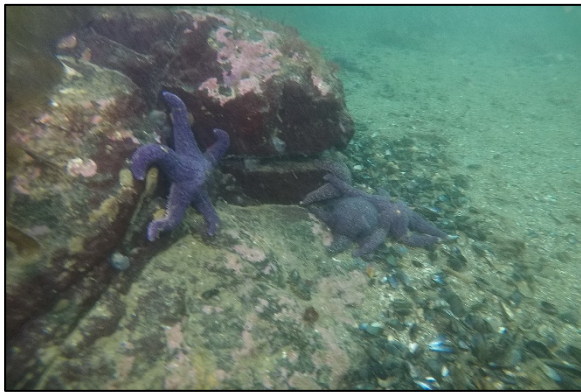


Photo 6. Toe of bedrock slope ending in sand/silt substrate.



Photo 7. Scattered boulders over sand/silt.

3.1.2 Site 3 Dock Substrate

Dominant substrate inshore and under the Site 3 float was bedrock and large boulders (see Photo 8). Substrates located on either side of the float are primarily sand/silt (see Photo 9). The water depth under the float at low tide is 3m.



Photo 8. Typical bedrock substrate and biota.

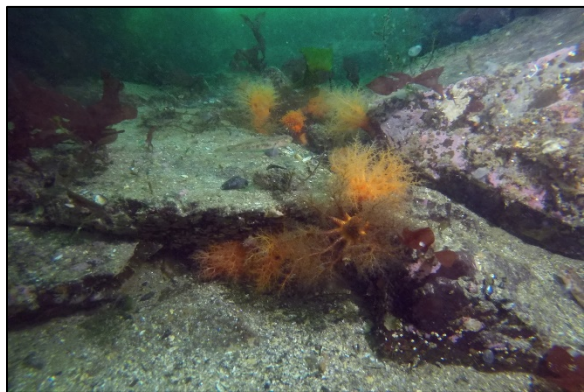


Photo 9. Scattered boulders with adjacent sand/silt substrates

3.1.3 Site 7 Dock Substrate

The substrate beneath the Site 7 float was primarily sand/silt with areas of scattered pebbles and cobbles (see Photos 10 and 11). The water depth under this float at low tide was 2.5m.



Photo 10. Cobble/pebble substrate amongst sand/silt.

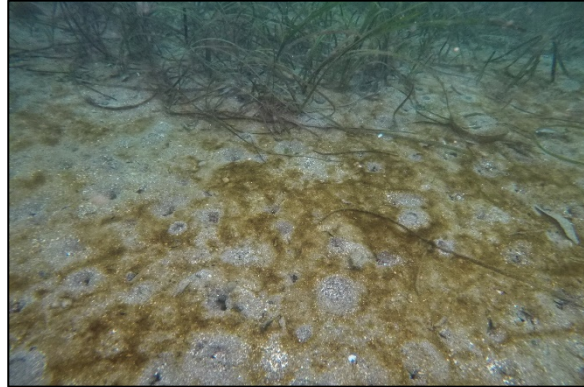


Photo 11. Typical sand/silt substrate

3.2 Biological Conditions

In general, the greatest diversity of biota was found on the larger stable substrates such as exposed bedrock and large stable boulders. Burrowing species were abundant in the soft sediments as indicated by the numerous holes (see Photo 12). Typical plant species found included Sargassum, red filamentous algae, Sugar Wrack Kelp, and Eelgrass (see Photos 13 through 16). Typical animals found included anemones, sea stars, sea slugs, sea cucumbers, and sea urchins (see Photos 17, 18 and 19). For a list of the species observed see Table 3.

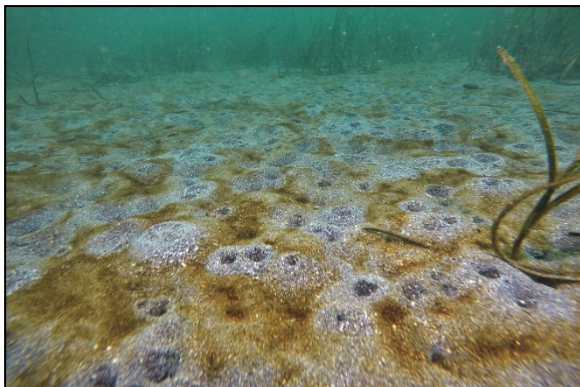


Photo 12. Abundant siphon holes in subtidal sand and silt substrates.

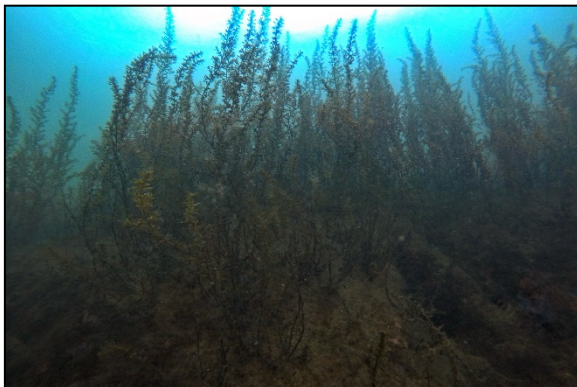


Photo 13. Dense sargassum on boulder substrates in intertidal zone.



Photo 14. Sugar Wrack Kelp attached to boulders scattered on sand/silt substrates in shallow subtidal and intertidal areas.



Photo 15. Red filamentous algae and Sargassum on bedrock.

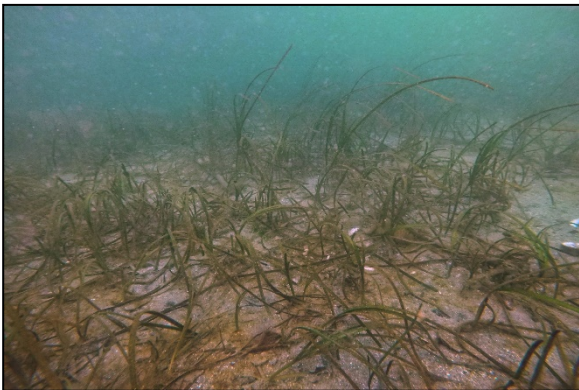


Photo 16. Eel grass located offshore of Site 7 float.



Photo 17. Ochre sea stars clustered on bedrock.



Photo 18. Grazing urchins have cleared a boulders bladed kelp leaving only their stipes.



Photo 19. Plumose anemones attached to an anchor line.

Table 3: Observed Marine Biota Species and Abundance

Common Name	Scientific Name	Abundance ³	Method ³
Brown Algae			
Sargassum	<i>Sargassum miticum</i>	Abundant	PAC
Rockweed	<i>Fucus gardneri</i>	Few	PAC
Sugar Wrack Kelp	<i>Laminaria saccharina</i>	Few	PAC
Iridescent Seaweed	<i>Mazzaella splendens</i>	Rare	PAC
Red Algae			
Filamentous Seaweed	<i>Unidentified</i>	Sparse	PAC
Bladed Red Algae	<i>Unidentified</i>	Few	PAC
Green Algae			
Sea Lettuces	<i>Ulva spp.</i>	Sparse	PAC
Flowering plants			
Eelgrass	<i>Zostera spp.</i>	Few	PAC
Sponges			
Orange Cratered Encrusting	<i>Hamigera spp.</i>	Rare	PAC
Anemones			
Plumose Anemone	<i>Metridium farcimen</i>	Sparse	IPT
Short Plumose Anemone	<i>Metridium senile</i>	Sparse	IPT
Tube Dwelling Anemone	<i>Pachycerianthus fimbriatus</i>	Sparse	IPT
Worms			
Scaleworm	<i>Unidentified</i>	Rare	IPT
Calcareous Tube Worm	<i>Unidentified</i>	Sparse	PAC
Chitons			
Lined Chiton	<i>Tonicella spp.</i>	Sparse	IPT
Bivalves			
Pacific Blue Mussel	<i>Mytilus trossulus</i>	Abundant	PAC
Siphon Holes	<i>Unidentified</i>	Common	PAC
Limpets/ Nudibranchs			
Noble Sea Lemon	<i>Peltodoris nobilis</i>	Rare	IPT
Monterey Sea Lemon	<i>Doris montereyensis</i>	Sparse	IPT
Hudsons Dorid	<i>Acanthodoris hudsoni</i>	Sparse	IPT
Opalescent Nudibranch	<i>Hermisenda crassicornis</i>	Rare	IPT
Limpets	<i>Unidentified</i>	Rare	IPT
Crustaceans			
Hermit Crab	<i>Unidentified</i>	Sparse	IPT
Barnacles			
Acorn	<i>Balanus glandula</i>	Common	PAC
Giant Acorn	<i>Balanus nubilus</i>	Rare	IPT

Sea Stars			
Ochre Star	<i>Pisaster ochraceus</i>	Common	IPT
Leather Star	<i>Dermasterias imbricata</i>	Few	IPT
Mottled Star	<i>Evasterias troschelii</i>	Sparse	IPT
Giant Pink Star	<i>Pisaster brevispinus</i>	Sparse	IPT
Velcro Star	<i>Stylasterias forreri</i>	Sparse	IPT
Vermillion Star	<i>Mediaster aequalis</i>	Sparse	IPT
Blood Star	<i>Henricia leviuscula</i>	Rare	IPT
Brittle Star	<i>Unidentified</i>	Abundant	IPT
Rose Star	<i>Crossaster papposus</i>	Sparse	IPT
Urchins			
Green Sea Urchin	<i>Strongylocentrotus droebachiensis</i>	Abundant	IPT
Sea Cucumbers			
Giant Sea Cucumber	<i>Parastichopus californicus</i>	Sparse	IPT
Red Sea Cucumber	<i>Cucumaria miniata</i>	Few	IPT
Fish			
Blackeye Goby	<i>Rhinogobiops nicholsii</i>	Few	IPT
Tunicates			
Transparent Tunicate	<i>Corella spp.</i>	Abundant	IPT
Broadbase Tunicate	<i>Cnemidocarpa finmarkiensis</i>	Few	IPT

Notes: ³ See Table 2 for definitions.

4 ENVIRONMENTAL EFFECTS

4.1 Potential Adverse Environmental Effects

The float site and related activities with the potential to have adverse environmental effect in relation to the SKIL dock structures are:

- operation of equipment related to recreational boating; and,
- physical effects of the dock structures placed in the marine environment.

The associated potential adverse environmental effects include:

4.1.1 Equipment Leaks

Increase in contaminants concentrations as a result of fueling operations and equipment leaks.

The stressor link to that adverse effect will be broken through appropriate equipment maintenance and standard best management practices associated with the operation of recreational vessels.

4.1.2 Change in Shoreline Morphology

The physical presence of the dock systems results in changes to the shoreline morphology and associated changes in hydraulics.

The stressor link to that adverse effect is broken through appropriate float locations, design, and construction: the floats are located far enough offshore, at sufficient depth, and with sufficiently low profiles to mitigate any change in local hydraulics and minimize impacts. Gangways and approachway footings are sufficiently small enough to not affect shoreline hydraulics.

4.1.3 Change in Substrate Composition

Adverse change in food supply as a result of change in substrate composition.

The food supply provided by the current substrate composition within the dock footprints are not a limiting factor. The substrate change represented by the anchor system, submerged portions of the floats and concrete footing have provided additional hard surfaces for biota colonization and a greater more diverse food supply. Floats are located in water depths sufficient enough to prevent propeller wash impacts of the seabed.

4.1.4 Change in Habitat Structure

Adverse change in habitat cover (shading) as a result of floats.

The stressor link to that adverse effect is broken through the size and location of the floats in water depths great enough to allow light penetration below the floats and the lack of suitable substrates for colonization by light sensitive biota.

4.1.5 Burial of Sedentary Biota

Death of aquatic organisms due to burial of sedentary and/or non-mobile organisms under float anchor materials placed on seabed.

The existing concrete anchors will have resulted in some unavoidable death of aquatic organisms through burial. The species, life stages, and numbers of those organisms cannot be reasonably determined. However, the buried organisms would have been limited to infauna, with no burial of fin fish or mobile crustaceans.

Burial of organisms would have been mitigated by the mobility of epibenthic organisms to move away. Further, the float anchor materials are not placed in a contiguous blanket covering the seabed and do not represent a significant change in the type or form of the naturally occurring substrates in the float sites. The hard surfaces of the concrete anchors currently increase seabed relief and provide valued habitat opportunities for sessile biota.

4.2 Residual Environmental Effects

After taking into account the nature of the dock sites, the physical and biological characteristics of the dock sites, and the standard mitigation measures associated with safe recreational boating the SKIL dock sites will not result in any significant negative long-term effects.

The existing seabed surface and subsurface materials within the docks' footprints are not limiting factors in local ecosystem function. The burial of pre-existing substrates with anchors or shading by floats will have no substantive adverse effect on local ecosystem function.

5 CLARIFICATIONS AND LIMITATIONS

This report has been prepared by Foreshore Technologies Inc. (Foreshore) for the exclusive use and benefit of the Proponent. The contents, implied or written, of this document and related media may not be utilized in part or in whole by parties other than the Proponent, without the signed written authorization of Foreshore.

This report has been prepared by QEPs familiar with fish and wildlife associated with marine shores and associated marine riparian and foreshore habitat features; and with related coastal processes.

This document reflects Foreshore's best judgment in light of the information available at the time of its preparation, consistent with the Project scope of work and, accurate and complete to the best of Foreshore's knowledge. Foreshore's services associated with the preparation of this document have been carried out in a manner consistent with that level of skill and care ordinarily exercised by QEPs currently practicing under similar conditions. No warranty, express or implied, is made.

This report does not constitute approval under any municipal, provincial, or federal legislation and does not relieve anyone from any obligation to comply with relevant municipal, provincial, or federal legislation or requirements.

6 CONCLUSIONS AND SIGNATURES

In Foreshore's opinion, the gangways and floats located at the SKIL dock sites do not currently pose any substantive adverse environmental risks or effects:

- There is no substantive loss of fish or wildlife habitat as a result of the current docks.
- The current docks do not cause death of fish, or harmful alteration, disruption, or destruction of fish habitat.
- The current docks are unlikely to have any adverse effect on any species or ecosystem at risk.
- The docks do not require modification to reduce environmental impacts.

PREPARED BY:



Sarah Frioult, B.I.T.
Project Biologist

REVIEWED BY:



Scott Christie, R.P.Bio.
President, Senior Biologist



Original Signed and Sealed

Appendix 1 - Drawings

bennett

LAND SURVEYING (COASTAL) LTD.

Keats Island, 255 Esplanade Road PID: 008-861-102

Drawing No.: 90266.00 2020-01-28 FB4008 P84-95 KC-HR

ATTACHMENT 7
DRAFT

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 152**

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

1. Citation

This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020.”

2. Schedule “A” of the Keats Island Local Trust Committee Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002,” **PART 4 - ZONE REGULATIONS**, Section **4.3 Comprehensive Development (CD1) Zone** is amended as follows:

2.1 Subsection **Marine Based Structures Limitations**, .6, is amended by deleting “65 square metres (700 square feet)” and replacing with “158 square metres (1,700 square feet)”.

2.2 Subsection **Density**, .11 is deleted in its entirety and replaced with “.11 A maximum of three docks are permitted in the marine-area”.

2.3 Subsection **Marine Based Structures Limitations**, .7 is deleted in its entirety and subsequent subsections renumbered accordingly.

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

Chair

Secretary



File No.: GM-RZ-2004.1
(CBCBC, DL 696 Keats Island)

DATE OF MEETING: October 1, 2020
TO: Gambier Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Rezoning Application GM-RZ-2004.1 Final Reading BL 143 (DL 696, Keats Island)
Applicant: Kevin Healey, Creus Engineering
Location: District Lot 696, Keats Island

RECOMMENDATION

1. **The Gambier Island Local Trust Committee Bylaw No. 143, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”, be adopted.**

PURPOSE

The applicant has fulfilled all necessary requirements imposed by the Local Trust Committee (LTC) in order for Proposed Bylaw No. 143 (Attachment 1), to be considered for final reading/adoption. The adoption of the bylaw will trigger the next steps outlined below. Upon adoption of the bylaw, staff will close bylaw amendment application GM-RZ-2004.1; close the cost recovery account associated with this complex, multi-year application and update the Keats Island Land Use Bylaw with the necessary amendments.

NEXT STEPS

Subject to LTC concurrence, staff will advise the applicant and the applicants' solicitor, to proceed with their requirements as per their letter of undertaking dated July 15, 2020 (Attachment 2), to:

- deposit the subdivision plans with the BC Land Title Office for a Phase 1 - three block subdivision which will result in the transfer of the Sandy Beach Nature Reserve Parcel to the Islands Trust Conservancy; community parkland dedication to the Sunshine Coast Regional District and public road dedication to the Ministry of Transportation and Infrastructure;
- register three covenants on DL696 which have all been signed by the LTC;
- discharge the land use contract between the owner and the LTC.

Submitted By:	Sonja Zupanec, RPP Island Planner	September 28, 2020
Concurrence:	Heather Kauer, MCIP, RPP Regional Planning Manager	September 28, 2020

ATTACHMENTS

1. *Proposed Bylaw No. 143*
2. *Letter of Undertaking July 15, 2020*

Z:\09 Current Planning\05 GM\3650 RZ\25 Applications (P)\2004\GM-RZ-2004.1 (DL696)\Staff Reports\GM_LTC_2020-10-01_RZ-2004.1 RPT_FINAL_hk.docx

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 143

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

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

1. Citation

This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 2, 2016”.

2. Gambier Island Local Trust Committee Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. Land Use Contract G314 authorized by Gambier Island Trust Committee Land Use Contract Authorization Bylaw No. 4, 1978 (Convention of Baptist Churches of British Columbia) is discharged.

READ A FIRST TIME THIS	20 TH	DAY OF	SEPTEMBER	, 2017
READ A SECOND TIME THIS	25 TH	DAY OF	JANUARY	, 2018
PUBLIC HEARING HELD THIS	18 TH	DAY OF	APRIL	, 2018
READ A THIRD TIME THIS	19 TH	DAY OF	APRIL	, 2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	18 TH	DAY OF	MAY	, 2018
ADOPTED THIS		DAY OF		, 201x

SECRETARY

CHAIRPERSON

Gambier Island Local Trust Committee

Bylaw No. 143

Schedule 1

- 2.1 **PART.1– ADMINISTRATION AND INTERPRETATION**, Section **1.5 DEFINITIONS**, Subsection 1.5.1 is amended by:
- a) deleting the word “residential” from the definition of “boat house”;
 - b) adding a new definition: “**dormitory** means a building without a kitchen that provides sleeping quarters and washroom facilities for the temporary accommodation of persons attending or employed at a private institutional camp” after the definition of “dock”;
 - c) deleting the words “where such use is established by a Regional District, government or other public agency” at the end of the definition for “public service utility use”.
- 2.2 **PART 3 – ESTABLISHMENT OF ZONES**, Section **3.1 DIVISION INTO ZONES**, Subsection 3.1.1 is amended by:
- a) deleting “Community Residential 2 CR2”, “Private Institutional 1 PI1” and “Community Service 2 CS2”;
 - b) adding “Comprehensive Development 2 CD2” after “Comprehensive Development 1 CD1”;
- 2.3 **PART 4 – ZONE REGULATIONS**, is amended by removing Section **4.2 COMMUNITY RESIDENTIAL 2 (CR2) ZONE** in its entirety and renumbering Section **4.3 COMPREHENSIVE DEVELOPMENT 1 (CD1) ZONE** to Section 4.2;
- 2.4 **PART 4 – ZONE REGULATIONS** is amended by adding new Section **4.3 COMPREHENSIVE DEVELOPMENT 2 (CD2) ZONE** as follows:

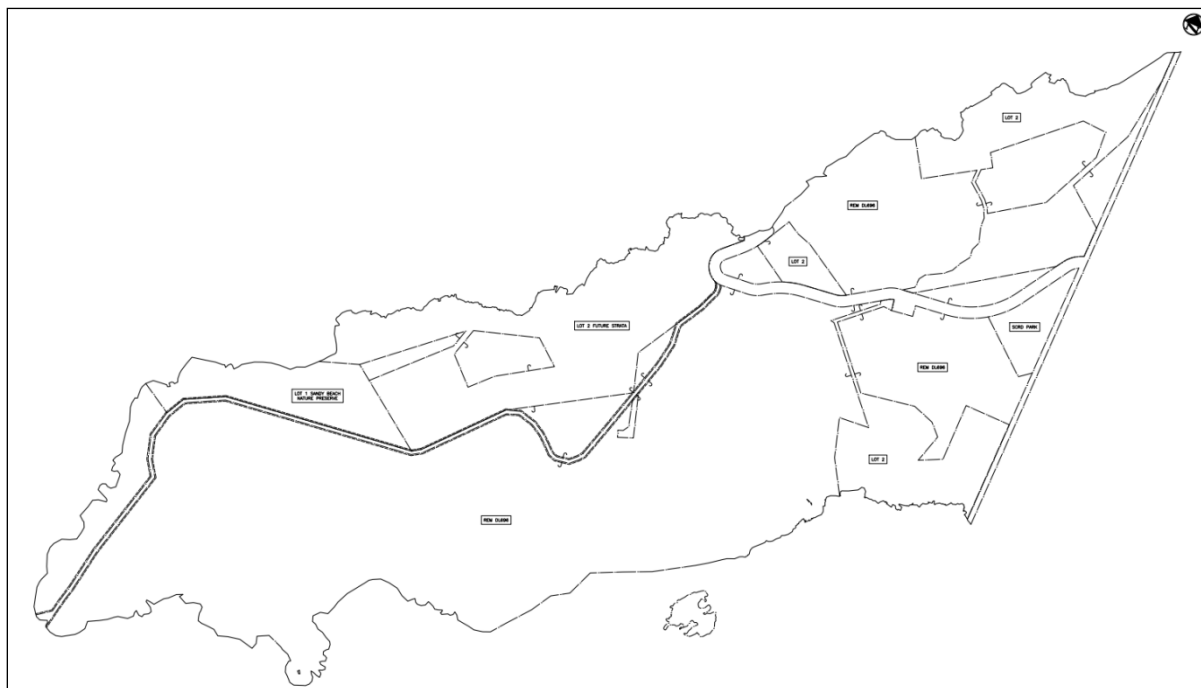
“4.3 COMPREHENSIVE DEVELOPMENT 2 (CD2) ZONE

Subdivision

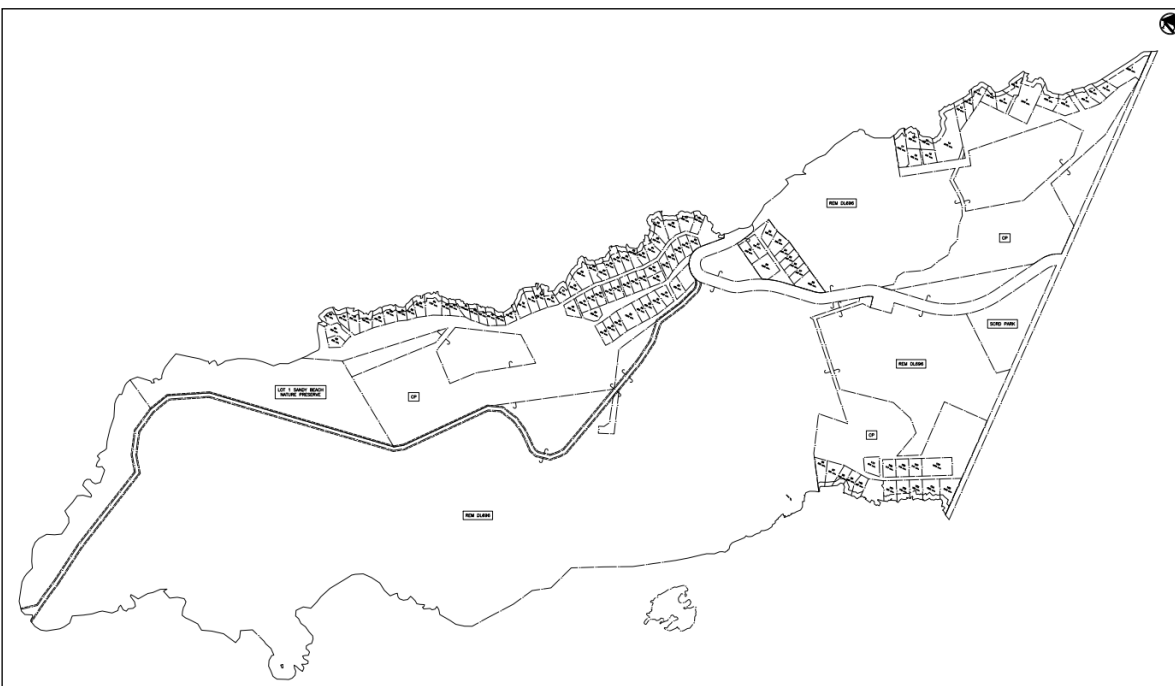
- .1 Land in the CD2 zone may be subdivided only as follows, and only in the following sequence:
 - a) so as to create, together with such park and highway dedications as the approving officer may require, the three parcels described as follows, which parcels must have an area no more than 5% greater than and no more than 5% less than the areas indicated:
 - (i) a 3.40 ha parcel for nature conservation uses;
 - (ii) a 19.0 ha parcel to be further subdivided by strata plan for residential development, only as described in Subsection b);
 - (iii) a 68.0 ha parcel for institutional camp and nature conservation uses, which parcel may not be further subdivided,

which subdivision shall be in general compliance, as to the location and configuration of each of the three parcels, with the Block Subdivision Plan; and

- b) so as to create not more than 110 strata lots by strata subdivision of the parcel described under Subsection a)(ii), in accordance with the Strata Subdivision Plan, and the subdivision may vary from the Strata Subdivision Plan but not so as to affect the distribution of strata lots as among the six principal lot clusters, or so as to create any lot with an area or width less than 95% of that of the smallest or narrowest lot shown on the Strata Subdivision Plan.
- .2 In Section 4.3.1, “Block Subdivision Plan” means Revision No. 3 of Drawing No. KEY-BLK prepared by Creus Engineering Ltd. for the Convention of Baptist Churches of B.C. and dated September 6, 2017, a print copy of which is set out below and an original digital version of which is in the records of the Islands Trust, and “Strata Subdivision Plan” means Revision No. 3 of Drawing No. KEY-STR prepared by Creus Engineering Ltd. for the Convention of Baptist Churches of B.C. and dated September 6, 2017, a print copy of which is set out below and an original digital version of which is in the records of the Islands Trust.
- .3 Section 7.4.1 of this bylaw does not apply to the subdivision described in Subsection b).
- .4 The parcels created by subdivision under Section 4.4.1a)(i), (ii) and (iii) respectively are referred to in this Section 4.3 as the Sandy Beach Parcel, the Residential Parcel and the Camp Parcel.



Block Subdivision Plan.



Strata Subdivision Plan.

Permitted Uses

- .5 The Sandy Beach Parcel may be used only for natural area parks and conservation once it has been created by subdivision.
- .6 The following uses of land, buildings and structures are permitted on the Residential Parcel once it has been created by subdivision:
- single family residential uses
 - home occupations, subject to Section 2.2
 - horticulture and other uses accessory to a permitted residential use
 - public service utility uses and private utility uses including pump/utility houses
 - natural area parks and conservation
- .7 The following uses of land, buildings and structures are permitted on the Camp Parcel once it has been created by subdivision:
- private institutional camp
 - residential uses accessory to a private institutional camp use
 - one confectionery and gift shop accessory to a private institutional camp use
 - public service utility uses and private utility uses including pump/utility houses
 - natural area parks and conservation

Permitted Buildings and Structures

- .8 The following types of buildings and structures are permitted on the Residential Parcel:
- single family dwellings on individual strata lots
 - buildings and structures accessory to a permitted residential use

- community sewer system facilities
 - public service utility uses
 - pedestrian trails
 - fire huts
 - fences, subject to Section 2.4
 - signs accessory to single family residential uses, subject to Part 5
- .9 The following uses of land, buildings and structures are permitted on the Camp Parcel:
- up to five dwellings
 - dormitories and campgrounds for overnight accommodation
 - non-residential buildings and structures accessory to a private institutional camp use
 - up to three boathouses accessory to a private institutional camp use
 - community sewer system facilities
 - public service utility uses
 - pedestrian trails
 - fire huts
 - fences, subject to Section 2.4
 - signs accessory to a private institutional camp use, subject to Part 5

Density of Use

- .10 A maximum of one single family dwelling is permitted per lot on the Residential Parcel.
- .11 The maximum floor area of a fire hut on the Residential Parcel is 9.3 square metres.
- .12 The maximum aggregate floor area of dormitories and dwellings on the Camp Parcel is 4195 square metres.
- .13 The maximum aggregate floor area of buildings and structures other than dormitories and dwellings on the Camp Parcel is 3231 square metres.
- .14 The floor area of a boathouse on the Camp Parcel must not exceed 60 square metres.
- .15 The floor area of a confectionery and gift shop on the Camp Parcel must not exceed 200 square metres.

Setbacks

- .16 The minimum setback between buildings on the Residential Parcel is 3.0 metres.
- .17 The minimum setback from any lot line of any building or structure on the Camp Parcel, other than a fence, pump house, fire hut or boat house, is 10 metres.

Height of Buildings and Structures

- .18 The maximum height of buildings and structures accessory to a permitted residential use on the Residential Parcel is 4.6 m.
- .19 The maximum height of buildings and structures on the Camp Parcel is 13.0 metres except that a boat house may not exceed a height of 4.6 metres.

Lot Coverage

- .20 The maximum lot coverage of all buildings and structures on the Residential Parcel is 33%.
- .21 The maximum lot coverage of all buildings and structures on the Camp Parcel is 5%.”;

2.5 **PART 4 – ZONE REGULATIONS**, is amended by removing Section **4.6 PRIVATE INSTITUTIONAL 1 (PI1) ZONE** in its entirety and by making such consequential numbering alterations to effect this change.

2.6 **PART 4 – ZONE REGULATIONS**, is amended by removing Section **4.10 COMMUNITY SERVICE 2 (CS2) ZONE** in its entirety and by making such consequential numbering alterations to effect this change.

2.7 **PART 4 – ZONE REGULATIONS** renumbered Section **4.13 MARINE 2 – COMMUNAL MOORAGE (M2) ZONE** is amended by adding the following text and table as Subsection 4.13.6:

“Site Specific Regulations

- .6 The following Table 4.1 indicates where despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the regulations:

Table 4.1	
Site Specific Zone	Site Specific Regulations
M2(a)	a) Despite 4.12.4 the maximum size of a dock in the marine area is 65 square metres (700 square feet). The maximum area may be increased by 47 square metres (500 square feet) per residential lot served up to a maximum size of 158 square metres (1,700 square feet).
M2(b)	a) Despite 4.12.2 non-commercial anchorage, moorage of private vessels, and recreational activities accessory to private institutional uses on the adjacent upland are permitted. b) Despite 4.12.3 the maximum height of a building or structure on a float or wharf in the M2(b) area is 5.0 metres (16.5 feet) measured from the upper surface of the float or wharf. c) Despite 4.12.4 the maximum area covered by docks in the

	entire M2(b) zone, including wharf floats and connecting ramps and piers, is 3,000 square metres (32,970 square feet).
--	--

PART 5 – SIGN REGULATIONS, Section 5.1 NUMBER AND TOTAL AREA OF SIGNS, Subsection 5.1.1 Table 1: Sign Regulations is amended by:

- a) deleting the “CR2”, “PI1” and “CS2” zones from the first column;
- b) adding “CD2” zone to the “Zone” column immediately under “CD1”;

2.8 **PART 6 – PARKING REGULATIONS, Section 6.1 REQUIREMENT FOR PARKING SPACES** Subsection 6.1.1 Table 2: Off-Street Parking Requirements is amended by:

- a) replacing the zoning abbreviation “PI1” in the first column with “CD2”;
- b) deleting the third column “Public Parking Lot (CS2 Zone) 15 Parking Spaces”;

2.9 **PART.7 – SUBDIVISION, Section 7.2 EXEMPTIONS FROM MINIMUM AND AVERAGE LOT SIZES,** Subsection 7.2.2 is amended by inserting the words “or nature reserve” following the words “a conservation area”;

2.10 **PART 8 – PERMITS, Section 8.1 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS** Subsection 8.1.1 is amended by:

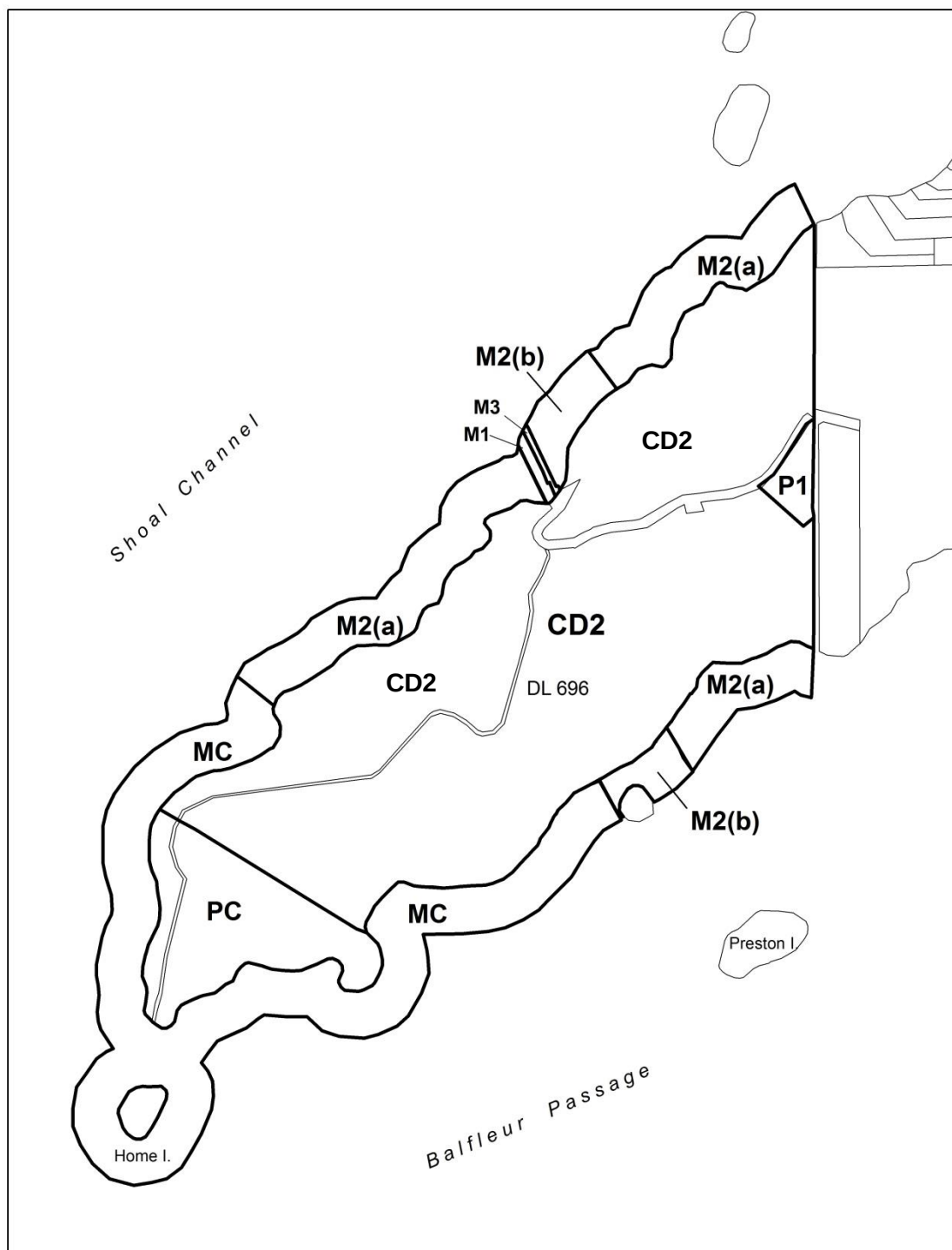
- a) deleting the words “Community Residential 2 (CR2)” and “Private Institutional 1 (PI1)”;
- b) inserting the words “Comprehensive Development 2 (CD2)” after “Comprehensive Development 1 (CD1)”;

2.11 Keats Island Land Use Bylaw, 2002, Schedule B, is amended by changing the zoning classifications to those shown on Plan 1, attached to and forming part of this Bylaw.

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 143

PLAN 1



July 15, 2020

By Email *szupanec@islandstrust.bc.ca*

Islands Trust
700 North Road
Gabriola Island, B.C. VoR 1X3

Attention: Sonja Zupanec, RFP, Island Planner

Dear Ms. Zupanec:

Re: Bylaw 143 and District Lot 696

We represent The Convention of Baptist Churches of British Columbia and have been asked on behalf of our client to write in respect of Gambier Island Local Trust Committee Bylaw No. 143 - A Bylaw To Amend The Keats Island Land Use Bylaw, 2002 ("**Bylaw 143**").

Specifically, we have been requested to provide to you our undertaking in respect to the deposit of certain plans and documents related to Bylaw 143. This letter replaces our previous letter dated November 23, 2019.

Accordingly, upon adoption of Bylaw 143 and upon receipt of fully executed true copies of the documents listed below by the required parties, along with such other appropriate *Land Title Act* forms, we undertake to finalize the E-file copy(ies) for the purposes of electronic registration and to file the E-file copy(ies) in the Vancouver Land Title Office the:

1. Subdivision Plan EPP89532 of Part of District Lot 696 (copy attached);
2. S.219 Covenant in favour of Gambier Island Local Trust Committee – Wellhead Protection as shown on Plan EPP98120;
3. S.219 Covenant in favour of Gambier Island Local Trust Committee – Water Conservation over proposed Lot 2 and Remainder DL696 created by Plan EPP89532; and
4. S.219 Covenant/S.218 Statutory Right of Way in favour of Gambier Island Local Trust Committee – Salmon Rock Conservation over portion of Remainder DL696 as shown on Plan EPP89533.

After submitting Subdivision Plan EPP89532 for registration, our client will transfer to Islands Trust Conservancy legal title to the newly created Lot 1 (Sandy Beach). As part of the conveyance, and within one (1) year of the transfer, Islands Trust Conservancy will grant in favour of Sunshine Coast Conservation Association and TLC The Land Conservancy of British Columbia a S.219 Conservation Covenant/S.218 Statutory Right of Way. As a result, we are not able to undertake to submit for registration this document as it will not be within our control.

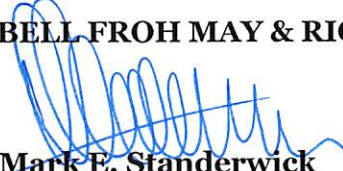
We confirm having previously provided you with a tax certificate in respect of District Lot 696 together with a title search print.

If you have any questions regarding the foregoing, please do not hesitate to contact the writer.

Yours truly,

CAMPBELL FROH MAY & RICE LLP

Per:


Mark E. Standerwick

MES/tim

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

DATE OF MEETING: October 1, 2020
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Keats Islands Shoreline Protection Project 'Phase 2' – Next Steps

RECOMMENDATION

1. That the Gambier Island Local Trust Committee endorse the establishment of a Shoreline Development Permit Area in the “Keats Island Official Community Plan, 2002” for the purposes of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions.
2. That the Gambier Island Local Trust Committee request staff to report back with an outline of options for proceeding with a Shoreline Development Permit Area.

REPORT SUMMARY

This staff report provides the Gambier Island Local Trust Committee (LTC) with recommendations from staff and a summary of comments and recommendations from the Keats Island Shoreline Protection Working Group (“Working Group”) on next steps for the LTC top-priority project, ‘Keats Island Shoreline Protection’.

Staff are recommending a Shoreline Development Permit Area (DPA) be established in the Keats Island Official Community Plan (OCP) Bylaw No. 77, in accordance with Section 488 of the *Local Government Act*. Should the LTC resolve to proceed with establishing a new Shoreline DPA, staff could provide the LTC with an outline of options for proceeding with a Shoreline DPA.

The LTC is asked to consider the Working Group and staff’s recommendations, and provide direction to staff as to how the top-priority project should proceed at this time.

BACKGROUND

The over-arching goal of this project is to explore opportunities for strengthening shoreline protection on Keats Island. While Keats has seen an increase in development in recent years, the Official Community Plan and Land Use Bylaw have not have been updated since their adoption in 2002. The project has included broader community engagement in ‘Phase 1’ through a public survey and community information meetings. ‘Phase 2’ has involved more focused engagement with the Working Group, comprised of eight (8) community members asked to provide the LTC with advice and recommendations on the project.

During ‘Phase 1’ of the project, the Keats community identified a number of environmental and cultural values considered to be of high importance. These include:

- Protecting sensitive ecosystems and areas (i.e. low-lying beaches);

- Maintaining undeveloped/undisturbed areas;
- Maintaining public access to the foreshore and recreational opportunities;
- Maintaining access to privately owned waterfront lots;
- Protecting development from erosion, sea level rise and other hazard; and
- Recognition of existing buildings and structures.

In 'Phase 2', the Working Group have identified similar values, and additional values and concerns, including:

- Protecting important shoreline habitats (i.e. eelgrass) and upland ecosystems (i.e. coastal bluffs);
- Maintaining the rural character of the island;
- Addressing impacts and/or threats of climate change;
- Addressing impacts from increased dock and foreshore development;
- Updating dock regulations (i.e. permitted size, construction materials); and
- Maintaining access to water-access only lots.

Staff presented a [Discussion Paper](#) at the May 28, 2020 LTC meeting that outlined potential options to be considered by the LTC for enhancing shoreline protection through its regulatory and policy framework on Keats Island. The Discussion Paper also provided a summary of relevant existing Keats Island policies and regulations, a summary of other Local Trust Area regulations related to shoreline protection, and a background and context for each option, including both positive and negative considerations.

Following the May 28, 2020 LTC meeting, staff forwarded the Discussion Paper to the Working Group for discussion at their next meeting.

ANALYSIS

Potential Options for Project

Staff have identified five potential options in the Discussion Paper for advancing the project goal of enhancing shoreline protection on Keats Island. The options are:

1. Establish a Shoreline Development Permit Area;
2. Develop a flood protection bylaw;
3. Create marine zones;
4. Establish heritage conservation areas;
5. No change.

In the Discussion Paper, staff have provided a general background and context, along with a list of considerations (or "pros" and "cons"), for each option. Staff direct the LTC to the [Discussion Paper](#) for more information on these options. It is noted that the five options are not a comprehensive list of available policy or regulatory options available to the LTC, and further analysis of additional options could be provided should the LTC direct staff to do so.

Establish a Shoreline Development Permit Area

Development permit areas (DPA) are a common tool used by local governments to designate areas for specified reasons, and to establish guidelines in which a development permit may be obtained to do work in that area. Development permit areas are used in most Local Trust Areas for a number of purposes, and staff have identified seven (7) official community plans within the Islands Trust that have designated a shoreline or marine

DPA. It is noted there are currently two DPAs designated within the Keats Island Official Community Plan (OCP) Bylaw No. 77, both of which were established to protect the natural environment, its ecosystems and biological diversity under Section 488(1)(a) of the *Local Government Act*:

- Development Permit Area 1: Riparian Areas,
- Development Permit Area 2: Streamside Protection.

In the Discussion Paper, staff have noted that a Shoreline DPA could be designated in the OCP for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions.

Staff consider a Shoreline DPA to be the best option to address the greatest number of concerns related to shoreline protection. A Shoreline DPA may be the best (and most flexible) tool available to regulate shoreline development, as a DPA can prescribe how development activities occur. Examples of how this can be achieved include the timing of construction (i.e. during dry season), the construction materials, added protection for identified species, requiring restoration or mitigation measures, etc. Additionally, staff consider this option to be consistent with the over-arching theme in the OCP that supports environmental and rural conservation on Keats Island.

Keats Island Shoreline Protection Working Group

The Discussion Paper was forwarded to the Working Group for discussion at their June 29, 2020 meeting, held electronically via Zoom. At that meeting the Working Group was asked to review and discuss the regulatory options presented in the Discussion Paper, and provide their comments and recommendations to the LTC for the project moving forward. While the Working Group was generally supportive toward establishing a new Shoreline DPA over the other four options in the Discussion Paper, there were concerns raised in relation to the length of time of processing applications; what a Shoreline DPA would look like (i.e. content); impacts on existing buildings and structures; and on the effectiveness of enforcement.

It was determined the Working Group had additional feedback to provide beyond the constraints of an electronic meeting, and the Working Group was asked to provide their comments and recommendations to staff in writing. Staff were asked to compile the Working Group's comments and recommendations, and report back to the LTC. Staff have received correspondence from all eight (8) members of the Working Group. The following is a summary of the Working Group's responses:

- Majority of group supported establishing a Shoreline DPA – a DPA is seen as the best option for addressing the most concerns or issues related to shoreline protection, and the most effective and quick tool to enact protection;
- All were in support of making changes of some kind, none supported the “status quo”;
- The existing setback regulations on Keats are amongst the least restrictive of all islands;
- Requiring an application prior to development activities would ensure that best practices are at least considered, and could instill a “new norm”;
- Some members were supportive of establishing and adopting a DPA quickly, given the current rate of development; while other were supportive of a gradual transition, enacting a process that involves considerable public consultation with plenty of opportunity for feedback;

- While there is general support for protecting shorelines and environmental values are identified as a priority, consideration should also be made for other community values, such as recreation and aesthetic values. Examples include protecting public beaches and areas adjacent to high recreation areas, look-outs, trails, and contiguous undisturbed coastline;
- In addition to the above, consideration should be made to property owner benefits. Examples given include waterfront properties with no road access getting a higher benefit from docks; while properties with road access or properties that are exposed to high wave action, have a reduced benefit from docks;
- The group recognizes the importance of managing or restricting dock development, however there remains support for permitting docks on waterfront lots with no road access. It should be recognized that subdivision plans and maps may indicate a road right of way where a road is not actually constructed;
- Consideration should be made for the irregular-shaped properties, and for the varied and unique shoreline on Keats, i.e. one size does not fit all;
- To reduce the proliferation of docks and walkways along the shoreline, support was given for shared docks, and specifically for incentivizing shared docks;
- Focus should be on soft shore or greenshore approaches, specifically on lots most affected by erosion. These approaches should be incentivized over hardening shorelines;
- Recognize existing buildings and structures, the focus of new regulations should be on new buildings and structures;
- Incorporate First Nations perspectives, knowledge and stewardship.

More specifically, the Working Group provided comments that could be incorporated into a DPA, if the LTC chooses this option:

- Introduce more restrictive guidelines to start, and “adjust course” later on if needed;
- “Borrow” from other islands, there are good examples of DPAs in other Local Trust Areas, and there is comfort in precedent;
- Recognize the interconnectedness of the upland and marine areas by extending setbacks and seaward protection;
- Focus should be on limiting shoreline development;
- Softer shore protection measures should be considered first over “hard” measures, including vegetation enhancement, beach enhancement, anchor trees, restoration measures, etc.;
- Identify areas with more value, such as eelgrass meadows and coastal bluffs, and develop regulations based on those areas. Limit development of shoreline structures, such as docks, in particularly ecologically sensitive areas. This is seen in other DPAs elsewhere, where restrictions are based on specific areas, ecosystems or species. Use the mapping resources that are already available;

- Increasing setbacks from the natural boundary of the sea for structures may not be enough, and consideration should be made for regulating development activities within the setback area. This could include limiting land alteration, tree clearing and removal of vegetation within the setback area to reduce erosion, impacts on drainage and slope stability;
- Regulations should address construction materials for docks to promote a healthy Howe Sound ecosystem (i.e. creosote, Styrofoam, grated walkways). Provincial and federal best practices could be incorporated into regulations for construction materials;
- Manage upland runoff, not just adjacent to the foreshore. Specifically, when extensive tree clearing or road building occurs, there should be requirements for silt fencing or sedimentation ponds.

The concerns raised related to a Shoreline DPA include:

- Unnecessary or unintended restrictions on seasonal properties;
- Costs and procedures necessary to comply with the DPA approach, requirements for professional or technical assessments should be reasonable;
- Implications for existing development, specifically on upland lots with limitations;
- Implications on lots with no road access;
- Impact on property values;
- Requirements should be clear, transparent and equally applied to reduce subjectivity from staff and elected officials, and to reduce landowner frustration;
- Increase enforcement capacity – regulations are only as good as the ability to enforce;
- The most impacted beaches (from erosion, sea level rise, storm action) are often the most popular beaches, and people are inclined to protect the beaches and their upland property.

Rationale for Recommendation

The Discussion Paper provides five options for proceeding with the Keats Island Shoreline Protection project. Staff are recommended proceeding with establishing a Shoreline DPA to enhance shoreline protection on Keats Island. Staff consider a DPA to be the most flexible and broadest option to address the greatest number of concerns related to shoreline protection. Staff consider this option to align with community objectives and policies in the OCP that support environmental and rural conservation.

The eight (8) members of the Working Group have provided their advice and recommendations to the LTC. The Working Group has indicated their preference for establishing a Shoreline DPA, and have provided additional comments that staff consider to be valuable for developing new regulations.

Prior to drafting new DPA language, staff could provide the LTC with an outline of options for proceeding. Details to be considered include applicability (i.e. the whole island or only identified areas, upland and/or marine areas), justification and objectives of a DPA, and the development of guidelines.

The LTC is requested to provide staff with direction on the project moving forward.

ALTERNATIVES

1. Revise project charter; direct staff to draft new Development Permit Area wording

The LTC may endorse proceeding with a Shoreline Development Permit Area, request that staff revise the project charter that reflects the LTC's endorsement, and request that staff provide draft bylaw language for a draft DPA. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request staff to revise the 'Keats Island Shoreline Protection' project charter to reflect the direction to establish a Shoreline Development Permit Area.

That the Gambier Island Local Trust Committee request staff prepare draft bylaw language for the purpose of establishing a Shoreline Development Permit Area for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions.

2. Direction elsewhere

The LTC may choose a different option for proceeding with the project. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee endorse the establishment/development/creation of [option selected by LTC]...

That the Gambier Island Local Trust Committee request staff develop a project charter that reflects the direction to [option selected by LTC]...

3. Request further information

The LTC may request further information prior to making a decision on project direction. Staff advise that the implications of this alternative are additional staff time and project delay. 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 staff provide further information on [specific information needed to be provided by the LTC]...

NEXT STEPS

If the LTC concurs with staff's recommendation, staff will report back to the LTC with options to establish a Shoreline DPA.

Submitted By:	Jaime Dubyna Planner 2	September 9, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 17, 2020

ATTACHMENTS

1. Attachment 1 – Project Charter v. 3.1 (update May 28, 2020)

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

Gambier Island Local Trust Committee

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

Updated: May 28, 2020

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

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

Objectives

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

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

In Scope

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

Out of Scope

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

Workplan Overview

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

Project Team

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

Budget

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

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



DATE OF MEETING: October 1, 2020

TO: Gambier Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

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

RECOMMENDATION

1. That the Gambier Island Local Trust Committee amend Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, as follows:
 - a. Adding new items 2.1, 2.2, and 2.4 that amend Section 6.1 DEVELOPMENT PERMIT AREAS by replacing outdated administrative references to the *Local Government Act* and *Riparian Areas Protection Regulation* to reflect recent legislative changes;
 - b. Adding new item 2.3 that amends Section 6.1 DEVELOPMENT PERMIT AREAS, Development Permit Area 1: Riparian Areas, Location by replacing the first four paragraphs with current *Riparian Areas Protection Regulation* language that is consistent with the definition of “streams” as defined by the *Riparian Areas Protection Regulation*;
 - c. Adding new item 2.5 that amends 6.1 DEVELOPMENT PERMIT AREAS, Development Permit Area 1: Riparian Areas by removing the *Information Note* and replacing it with a new *Information Note* that reflects the amendments to Bylaw no. 145;
 - d. Item 2.1 that amends Section 6.1 DEVELOPMENT PERMIT AREAS by inserting new Development Permit Area 2: Streamside Protection is renumbered to 2.6 and the *Information Note* is amended to reflect amendments to Bylaw No. 145;
 - e. Item 2.2 that amends SCHEDULE E – DEVELOPMENT PERMIT AREAS is renumbered to 2.7 and amends Plan 2 by designating Orchid Creek, Bowyer Island within Development Permit Area 1 Riparian Areas.
2. That the Gambier Island Local Trust Committee Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, be read a first time, as amended.

3. That the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Gambier Island Local Trust Committee Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017”, be read a first time.
5. That the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017” is not contrary to or at variance with the Islands Trust Policy Statement.
6. That the Gambier Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017” for Local Trust Committee consideration:
 - a. That would amend the Development Permit Guidelines for Development Permit Area 1: Riparian Areas enacted in the Gambier Associated Islands Land Use Bylaw, 2013 by updating the language based on the recently adopted Gambier Island Development Permit Area 3: Riparian Areas and so that the Guidelines align with the recent amendments to the *Riparian Areas Protection Regulation* as per comments from the Ministry of Forests, Lands, Natural Resources Operations, and Rural Development.
7. That the Gambier Island Local Trust Committee endorse the revised Project Charter for Riparian Areas Regulation Implementation, dated October 1, 2020.
8. That the Gambier Island Local Trust Committee request staff to advise S. Thormanby residents, who may be affected, of the re-commencement of the Riparian Areas Development Permit Area Project in the Gambier Associated Islands area and proposed Bylaw Nos. 145 and 147.

REPORT SUMMARY

This report delivers amended proposed Bylaw No. 145, and revised draft Bylaw No. 146, and recommends that the bylaws receive first reading. Referrals to First Nations and agencies are not recommended at this time. Staff is, however, again bringing forward their recommendation to amend proposed Bylaw No. 147 to clarify the intent of the recommended changes and to seek confirmation on LTC direction. Staff is also recommending to advise South Thormanby Island residents, who may be affected, of the re-commencement of the Riparian Areas Development Area Project and proposed Bylaw Nos. 145 and 147. A revised project charter is provided and the Gambier Local Trust Committee (LTC) is requested to endorse it.

BACKGROUND

The LTC passed the following motions at their last business meeting held July 23, 2020:

GM-2020-017

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009” for Local Trust Committee consideration:

- a. Re-designate Orchid Creek on Bowyer Island within Development Permit Area 1: Riparian Areas;
- b. Add new amendments to update Development Permit Area 1: Riparian Areas that are based on the recently adopted Gambier Island Development Permit Area 3: Riparian Areas and so that Development Permit Area 1 aligns with the recent amendments to Riparian Area Protection Regulation as per comments from Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

CARRIED

GM-2020-018

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to prepare revisions to draft Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017” for Local Trust Committee consideration by:

- a. Remove Development Permit Guidelines for a Streamside Protection Development Permit Area and replace with a new Development Permit Guidelines for a Riparian Areas Development Permit Area and that the Guidelines are based on recently adopted Gambier Island Development Permit Area 3: Riparian Areas, and include updates to align with recent amendments to Riparian Area Protection Regulation as per comments from Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

CARRIED

GM-2020-019

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that when the revised bylaws are presented to the Local Trust Committee for consideration, the report contains a “track changes” version of the current bylaws showing all changes, as well as a clean copy of the proposed bylaw.

CARRIED

GM-2020-020

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that staff provide its report related to this matter to residents of Anvil and Bowyer Island as far as possible ahead of the Local Trust Committee meeting where the report will be presented.

CARRIED

The above resolutions are addressed in this staff report.

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

ANALYSIS

Issues and Opportunities

The following issues and opportunities are for LTC consideration:

- Summary of Proposed Bylaw No. 145, Draft Bylaw No. 146, and Proposed Bylaw No. 147
- Bylaws Consistent with Islands Trust Policy Statement
- Amended Project Charter

Summary of Proposed Bylaw Nos. 145 and 147, and Draft Bylaw No. 146

Proposed Bylaw No. 145 is amended and draft Bylaw No. 146 is revised with the changes as endorsed by the LTC, and the bylaws are found in Attachments 1 and 3, respectively. A tracked changes version of Bylaw Nos. 145 and 146 are also provided in Attachments 2 and 4, respectively, providing an annotated summary of the changes made to each bylaw.

No changes to proposed Bylaw No. 147 (Attachment 6) were requested by the LTC at their last meeting. However, staff are bringing forward staff's recommendation again to clarify the intent of the recommended changes and to seek confirmation from the LTC on their direction.

Bylaw No. 147 presents an opportunity to bring the DP-1 Riparian Areas Guidelines in the Gambier Associated Islands Land Use Bylaw up to date with recent provincial *Riparian Area Protection Regulation* (RAPR) legislative changes and to align with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) comments. The same is currently underway for corresponding proposed Bylaw No. 145, which intends to update the DP-1 Riparian Areas section of the Gambier Associated Islands Official Community Plan (OCP) that establishes that development permit area, provides justification, and designates the areas of the Associated Islands to which it applies. As such, staff are recommending changes to proposed Bylaw No. 147 that would update the corresponding DP-1 Riparian Areas Guidelines that currently exist in the Gambier Associated Islands Land Use Bylaw No. 120. Staff cannot predict when the next the opportunity to do so may arise again. Not doing so would result in differing language between the Development Permit sections in Gambier Associated Islands OCP No. 109 and Gambier Associated Islands Land Use Bylaw No. 120, where they both should be congruent.

For ease of reference, the following tables are provided below as a reference to the three proposed/draft bylaws. The tables provide a synopsis of the base bylaws intended to be amended, the proposed/draft bylaw amendments, and the LTC endorsed changes.

Table 1: Proposed Bylaw No. 145 (amending Gambier Associated Islands Official Community Plan (OCP))

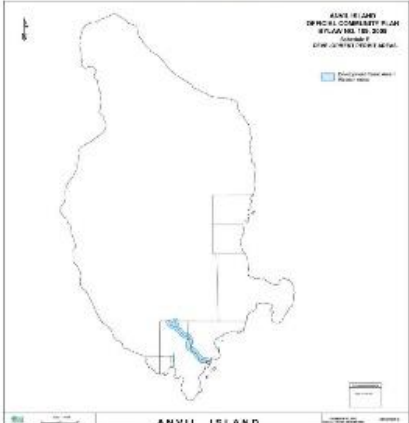
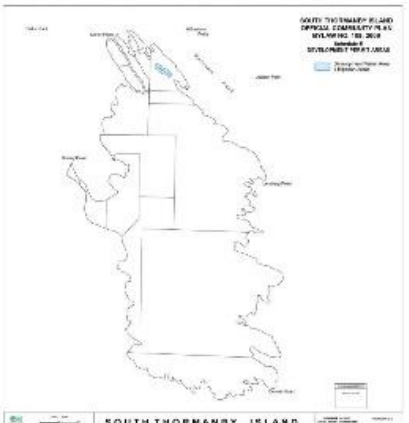
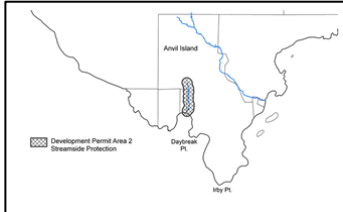
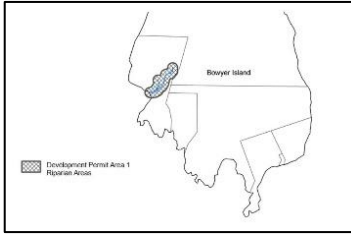
Current Development Permit Area Content in Gambier Associated Islands OCP No. 109	Current Content of Proposed Bylaw No. 145	LTC Endorsed Changes to Content of Proposed Bylaw No. 145
- Establishes DPA 1: Riparian Areas with justification, objectives, and development approval information. - Champside Creek on Anvil Island and unnamed stream on S. Thormanby Island, both RAPR-designated streams are currently designated within DPA 1.  	➔ - Proposes to establish a new DPA 2: Streamside Protection with justification, objectives, and development approval information. - Proposes to designate unnamed Anvil Island stream and Bowyer Island Orchid Creek within DPA 2. Plan No. 1  Plan No. 2 	- Revise Plan No. 2 so that Orchid Creek on Bowyer Island is designated within DPA 1: Riparian Areas instead of DPA 2: Streamside Protection. Plan No. 2  - Update wording in DPA 1: Riparian Areas to be consistent with legislative amendments to RAPR and with FLNRORD comments. - No changes to DPA 2: Streamside Protection.

Table 2: Draft Bylaw No. 146 (amending Bowyer and Passage Island Land Use Bylaw (LUB))

Current Development Permit Area Content in Bowyer and Passage Islands LUB No. 114		Current Content of Draft Bylaw No. 146	LTC Endorsed Changes to Content of Draft Bylaw No. 146
• None, no Development Permit Guidelines.	➡	• Proposes new Guidelines for DP-2 Streamside Protection to apply to Orchid Creek on Bowyer Island.	• Replaces proposed DP-2 Streamside Protection Guidelines with DP-1 Riparian Areas Guidelines instead which will apply to Orchid Creek on Bowyer Island. • Changes are based on Gambier Island DPA 3, and align with legislative amendments to RAPR and with FLNRORD comments.

Table 3: Proposed Bylaw No. 147 (amending Gambier Associated Islands Land Use Bylaw (LUB))

Current Development Permit Area Content in Gambier Associated Islands LUB No. 120		Current Content of Proposed Bylaw No. 147	LTC Endorsed Changes to Content of Bylaw Amendment
• Establishes DP-1 Riparian Areas Guidelines applicable to Champside Creek on Anvil Island and unnamed creek on S. Thormanby Island, both RAPR-designated streams.	➡	• Proposes new Guidelines for DP-2 Streamside Protection to apply to unnamed Anvil Island stream.	• LTC did not request any change. • Staff recommends to update Guidelines for DP-1 Riparian Areas to be based on Gambier Island DPA 3 and to align with new Riparian Areas legislation and FLNRORD comments.

Bylaws Consistent with Islands Trust Policy Statement

Planning staff have reviewed proposed Bylaw No. 145 and draft Bylaw No. 146 against the Islands Trust Policy Statement Directives Only Checklist and concluded that the bylaws as written are not contrary to or at variance with the ITPS (Attachment 5).

Amended Project Charter

The charter is updated with RAPR terminology, an amended timeline and work plan, and is found in Attachment 7.

Consultation

Advanced notice was sent out via email by a Trustee to Anvil and Bowyer residents in early September, notifying them that the Riparian Areas Development Permit Area Project as it relates to Anvil and Bowyer has re-commenced and that bylaws will be considered at the October LTC meeting. Islands Trust webpage links were provided to the July 23, 2020 staff report and LTC meeting video recording.

Staff recommend not to refer Bylaw Nos. 145 and 146 to First Nations and agencies until such time that the LTC has confirmed its intention with amendments to proposed Bylaw No. 147, and after LTC consideration of any such amendments. Staff maintain that Bylaw No. 147 be amended as recommended, and that all three bylaws be sent out to referral agencies at the same time in order to achieve efficiencies in advancing the three bylaws.

Staff also recommends advising S. Thormanby Island residents about the proposed bylaws because the changes to proposed Bylaw No. 145 and proposed Bylaw No. 147 (if recommended changes are endorsed by the LTC) would affect residents.

Rationale for Recommendation

Staff recommends first reading, as amended, of proposed Bylaw No. 145 and first reading of revised draft Bylaw No. 146 in order to advance these bylaws. Referrals to First Nations and agencies are not recommended at this time as it is considered premature, until such time that the LTC confirm their direction for amendments to proposed Bylaw No. 147 and any such amendments are considered by the LTC. Staff also recommends advising S. Thormanby Island residents about the proposed bylaws because the changes to proposed Bylaw No. 145 and proposed Bylaw No. 147 (if recommended changes are endorsed by the LTC) would affect residents. A revised project charter is provided and the Gambier Local Trust Committee (LTC) is requested to endorse it. The staff recommendations are found on page 1 and 2 of this report.

ALTERNATIVES

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

1. Request Amendments to the Project Charter

The LTC may request further changes to the Project Charter. If significant changes are made to the charter as presented, staff will need to bring back a revised timeline, workplan overview and budget for review. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee amend the Riparian Areas Regulation Implementation Project Charter, dated October 1, 2020 by [insert changes] and endorse the Project Charter as amended.

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will prepare amendments to proposed Bylaw No. 147 and advise S. Thormanby residents of the advancement of the Gambier Associated Islands Riparian Areas Protection Project.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	September 22, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 22, 2020

ATTACHMENTS

1. Proposed Amendment Bylaw No. 145, amended (clean copy) –for consideration of 1st reading
2. Proposed Amendment Bylaw No. 145, amended (tracked changes)
3. Draft Amendment Bylaw No. 146, revised (clean copy) –for consideration of 1st reading
4. Draft Amendment Bylaw No. 146, revised (tracked changes)
5. Islands Trust Policy Statement Directives Only Checklists for Bylaw Nos. 145 and 146
6. Proposed Amendment Bylaw No. 147
7. Draft Amended Project Charter

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS

OFFICIAL COMMUNITY PLAN, 2009

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

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

READ A FIRST TIME THIS 27TH DAY OF JULY , 2017

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 201x

READ A SECOND TIME THIS _____ DAY OF _____ , 201x

READ A THIRD TIME THIS _____ DAY OF _____ , 201x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 201x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

THIS _____ DAY OF _____ , 201x

ADOPTED THIS _____ DAY OF _____ , 201x

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

SCHEDULE 1

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

2.1 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Background** is amended by replacing the reference “Section 919.1(1)” with “Section 488”.

2.2 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas** is amended as follows:

- a) By replacing the reference “Section 919.1(1)(a)” with “488(1)”.
- b) By replacing the reference “Section 920.01” with “485(1)”.
- c) By replacing the reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.
- d) By replacing the reference “(RAR)” with “(RAPR)”.

2.3 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Location** is amended by removing the following text:

“The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat:

- (a) watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; or
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

For a stream that is not located in a ravine, the development permit area is a 30 metre (98.42 feet) strip on both sides of the stream measured from the high water mark;

For a stream located within a ravine that is less than 60 metres (196.8 feet) wide, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 30 metres (98.42 feet) beyond the top of the ravine bank;

For a stream located within a ravine that is 60 metres (196.8 feet) wide or greater, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 10 metres (32.8 feet) beyond the top of the ravine bank;

For a lake, wetland or other water body, the development permit area is 30 metres (98.42) around the water body measured from the high water mark of the water body;”

And replacing it with:

“The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat, as defined as a stream in accordance with *RAPR*:

- a) a watercourse or body of water, whether or not usually containing water; and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in (a):
 - (i) a ditch, whether or not usually containing water;
 - (ii) a spring, whether or not usually containing water;
 - (iii) wetland.

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary.

For a stream located within a ravine less than 60 metres wide, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank.

For a stream located within a ravine that is 60 or more metres wide, the development permit area is a 10 metre strip on each side of the stream, measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank.”

2.4 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Development Approval Information** is amended by replacing the reference “920.01” with “485.1”.

2.5 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas** is amended by removing the following text:

“Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw.”

And replacing with:

“Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw, 2013 and the Bowyer and Passage Islands Land Use Bylaw, 2011.”

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

- a) The following text is inserted after **Development Permit Area 1: Riparian Areas** and prior to Section 6.2 TEMPORARY USE PERMITS:

Development Permit Area 2: Streamside Protection

GM-BL-145

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

Location

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

Justification

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

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

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

Objectives:

The objectives of this development permit area are as follows:

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

Development Approval Information

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

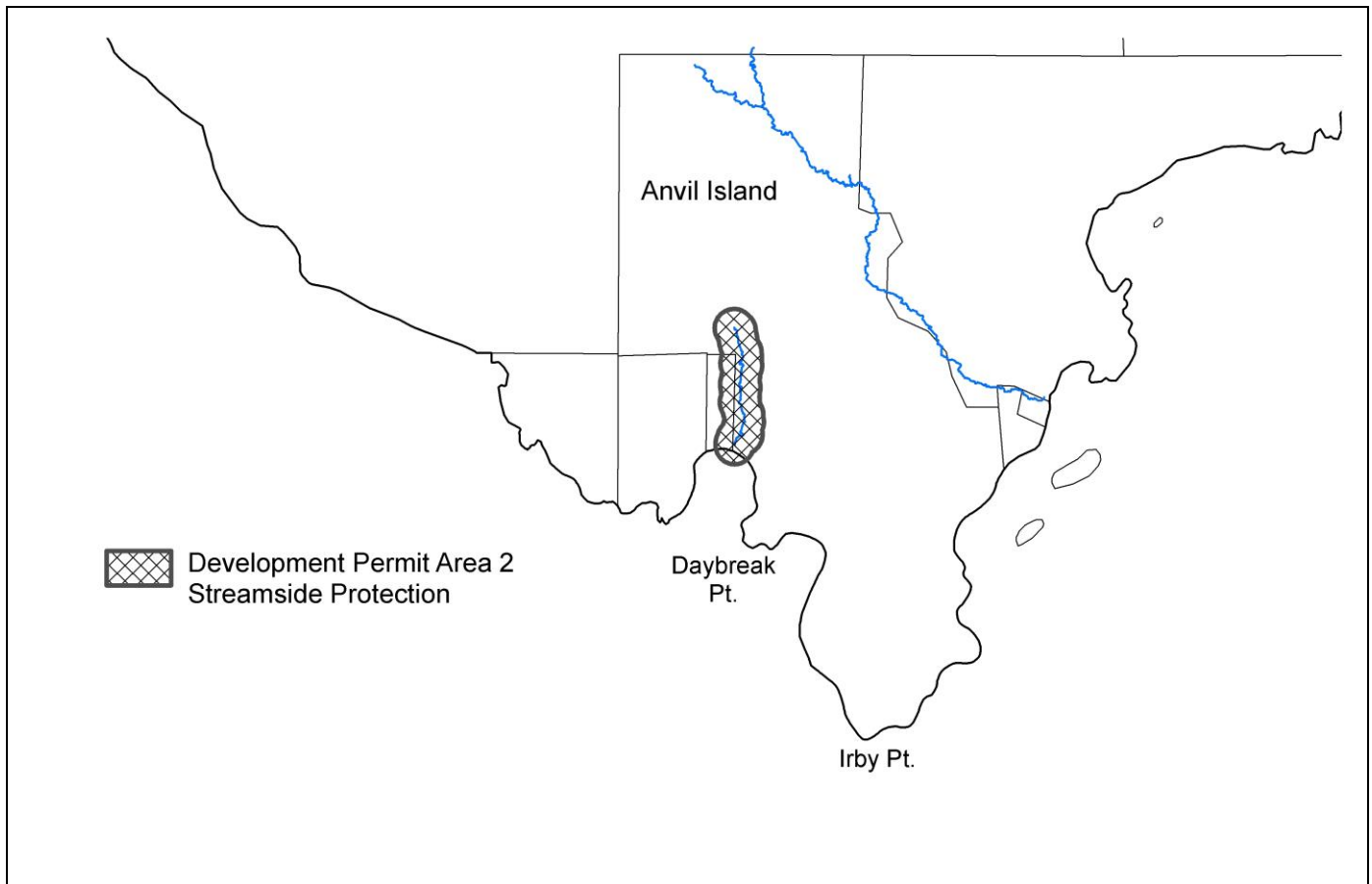
"Information Note: Development Permit Area Guidelines for DP-2 Streamside Protection is in the Gambier Associated Islands Land Use Bylaw, 2013."

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

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

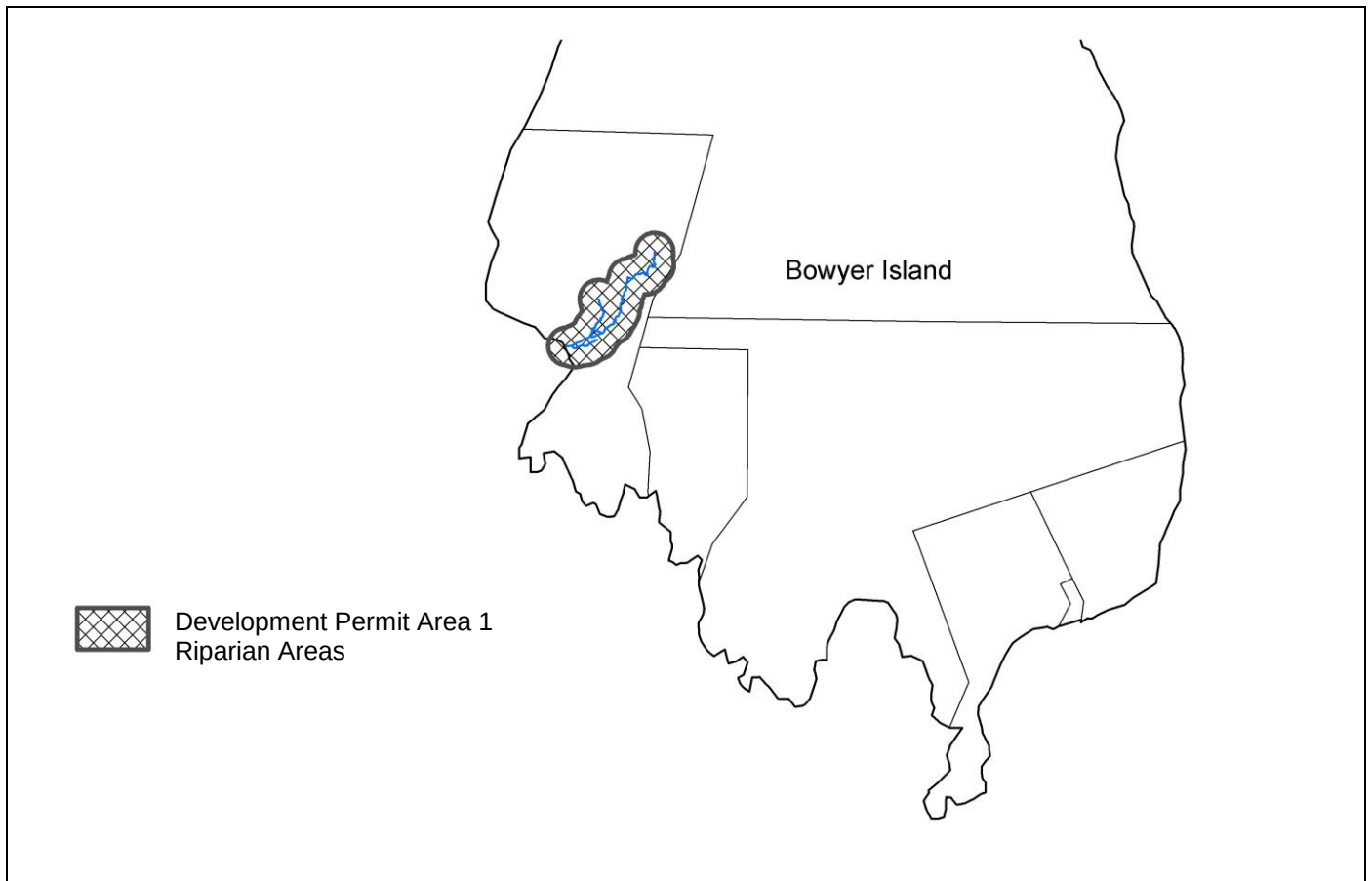
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 145

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

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

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

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

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

SCHEDULE 1

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

2.1 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Background** is amended by replacing the reference “Section 919.1(1)” with “Section 488”.

2.2 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas** is amended as follows:

- a) By replacing the reference “Section 919.1(1)(a)” with “488(1)”.
- b) By replacing the reference “Section 920.01” with “485(1)”.
- c) By replacing the reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.
- d) By replacing the reference “(RAR)” with “(RAPR)”.

Commented [ME1]: Addition replaces outdated references to the Local Government Act and the Riparian Areas Protection Regulation.

2.3 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Location** is amended by removing the following text:

“The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat:

- (a) watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; or
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

For a stream that is not located in a ravine, the development permit area is a 30 metre (98.42 feet) strip on both sides of the stream measured from the high water mark;

For a stream located within a ravine that is less than 60 metres (196.8 feet) wide, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 30 metres (98.42 feet) beyond the top of the ravine bank;

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For a lake, wetland or other water body, the development permit area is 30 metres (98.42) around the water body measured from the high water mark of the water body;”

And replacing it with:

GM-BL-145

"The Riparian Areas Development Permit Area, DP-1, includes all land designated on Schedule E of this plan, and any of the following that provides fish habitat, as defined as a stream in accordance with *RAPR*:

- a) a watercourse or body of water, whether or not usually containing water; and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in (a):
 - (i) a ditch, whether or not usually containing water;
 - (ii) a spring, whether or not usually containing water;
 - (iii) wetland.

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary.

For a stream located within a ravine less than 60 metres wide, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank.

For a stream located within a ravine that is 60 or more metres wide, the development permit area is a 10 metre strip on each side of the stream, measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank."

Commented [ME2]: Addition removes outdated RAR wording and replaces with current RAPR language, reflecting "streams" as defined by RAPR.

2.4 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Development Approval Information** is amended by replacing the reference "920.01" with "485.1".

Commented [ME3]: Addition replaces outdated references to the Local Government Act.

2.5 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas** is amended by removing the following text:

"Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw."

And replacing with:

"Information Note: Development Permit Area Guidelines for DP-1 Riparian Areas are in the Gambier Associated Islands Land Use Bylaw, 2013 and the Bowyer and Passage Islands Land Use Bylaw, 2011."

Commented [ME4]: Addition revises Information Note to include reference to Bowyer and Passage LUB and includes Gambier Associated Islands LUB date.

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

- a) The following text is inserted after **Development Permit Area 1: Riparian Areas** and prior to Section 6.2 TEMPORARY USE PERMITS:

Commented [ME5]: Administrative insertion added for clarity.

Development Permit Area 2: Streamside Protection

GM-BL-145

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

Location

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

Justification

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

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

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

Objectives:

The objectives of this development permit area are as follows:

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

Development Approval Information

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

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

Commented [ME6]: Removed - "are in the Bowyer and Passage Islands Land Use Bylaw, 2011 and" as DP-2 is no longer applicable to Bowyer Island.

GM-BL-145

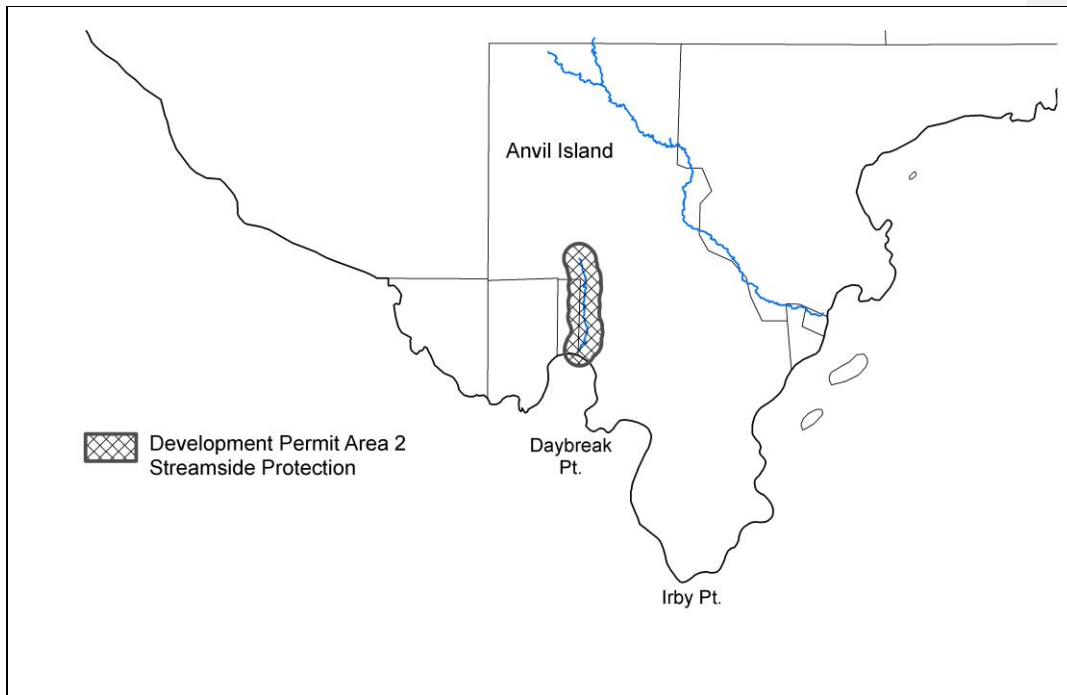
2.7 **SCHEDULE E – DEVELOPMENT PERMIT AREAS** is amended by adding Plans 1 and 2, which are attached to and form part of this bylaw.

GM-BL-145

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

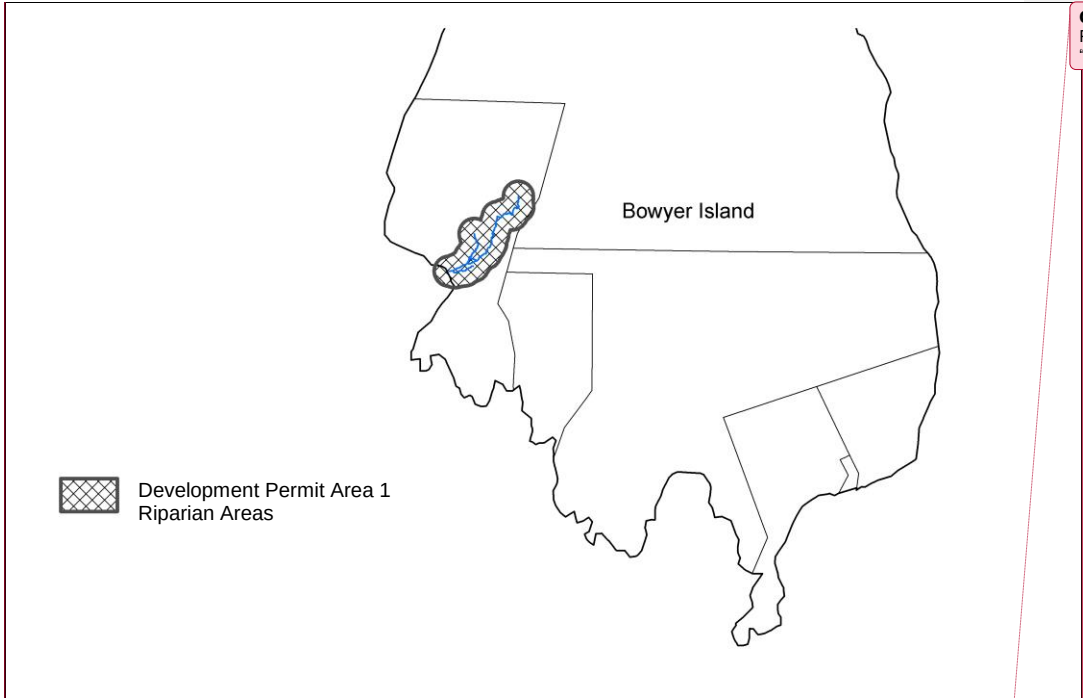
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2



Commented [ME7]: Removed from label – “Development Permit Area 2 Streamside Protection” and replaced with “Development Permit Area 1 Riparian Areas”

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 146

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

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

1. Citation

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

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

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

“PART 8 – DEVELOPMENT PERMIT AREA GUIDELINES

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

8.1 DP-1 RIPARIAN AREAS

Definitions

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

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):
- (a) The addition, removal or alteration of soil, vegetation or building or other structure;
 - (b) Creation of non-structural, impervious or semi-impervious surfaces;
 - (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;
 - (d) Subdivision of land;
 - (e) Application of artificial fertilizer, pesticides or herbicides;
 - (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

Exempted Activities

(3) The following activities are exempt from any requirement for a development permit in DP-1:

- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
- c) repair or replacement of a septic field within the same area of land as the existing septic field;
- d) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
- e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream boundary, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- f) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed ;
- g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
- h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of

the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;

- l) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

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

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

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

Guidelines

- (4) Prior to undertaking any non-exempt development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.
 - b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for

security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.

- c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- e) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the high water mark of a stream, unless the boundary is being created for an ecological reserve under the Ecological Reserve Act for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 9.3(2) would be likely to occur within 30 metres of the high water mark of a stream, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development

permit may stipulate the extent of the area in which development may occur, in accordance with the QEP’s assessment report.

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 146

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

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

1. Citation

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

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

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

“PART 8 – DEVELOPMENT PERMIT AREA GUIDELINES

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

8.1 **DP-1 RIPARIAN AREAS**

Definitions

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

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):
- (a) The addition, removal or alteration of soil, vegetation or building or other structure;
 - (b) Creation of non-structural, impervious or semi-impervious surfaces;
 - (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;
 - (d) Subdivision of land;
 - (e) Application of artificial fertilizer, pesticides or herbicides;
 - (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

Commented [ME1]: Removed in its entirety – “2.1 PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS, is amended by inserting the following new definition in alphabetical order: “landscaped area means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobblestones, pavers and decorative concrete.” as the term and definition is no longer used in the new RAPR.

Subsection 2.2 became 2.1

Commented [ME2]: Text reformatted

Commented [ME3]: “DP2-Streamside Protection” replaced with “DP-1 Riparian Areas”

Commented [ME4]: “Riparian Areas Regulation (RAR)” replaced with updated reference “Riparian Areas Protection Regulation (RAPR)”

Commented [ME5]: List of applicable activities replaced with updated language as per RAPR.

Exempted Activities

(3) The following activities are exempt from any requirement for a development permit in DP-1:

- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
- c) repair or replacement of a septic field within the same area of land as the existing septic field;
- d) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
- e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream boundary, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- f) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed;
- g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
- h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of

Commented [ME6]: Wording replaced with updated RAPR language to the extent that it provides clarity that repairs, alterations etc. to a building/structure are permitted as long as it remains on existing foundation and that it isn't damaged or destroyed to the extent as per section 532 of the Local Government Act (LGA) (of 75% or more of its value). LGA section 532 reference is included for brevity and to include the extent of that section in the LGA.

Commented [ME7]: Wording replaced with clearer language. Same wording as Gambier Island DP3 Riparian Areas.

Commented [ME8]: Inserted wording clarifying the appropriate credentials addressing MFLNRORD's comments. Same wording as Gambier Island DP3 Riparian Areas.

Commented [ME9]: No change other than "stream's high water mark or the top of the ravine bank" is removed and replaced with "stream boundary" to be consistent with RAPR.

Madrone Environmental Services Ltd. conducted a detailed assessment of Orchid Creek as per the Regulations as a part of their stream surveys in 2015 and determined that the SPEA was 10 metres. This addresses MFLNRORD's comments that this provision wouldn't be valid unless it was established that a SPEA was 10 metres or less.

Commented [ME10]: Wording replaced with updated RAPR language, which now refers to "area of human disturbance" terminology instead of "landscaped area"

Commented [ME11]: Addresses MFLNRORD's suggestion to include QEP. Same wording as Gambier Island DP3 Riparian Areas.

Commented [ME12]: "ecological restoration or enhancement projects undertaken or authorized by a public body;" removed. Based on Gambier Island DP3 Riparian Areas.

Commented [ME13]: Wording added that stipulates that such a fence is exempt only if it is constructed outside of the SPEA. Addresses MFLNRORD's comments that the provision would be valid if the fence is constructed outside of the SPEA. See staff comments for e) above.

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the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;

- l) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Commented [ME14]: See staff comments for e) above.

Commented [ME15]: Some wording revised. See staff comments for e) and f) above.

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

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

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

Guidelines

- (4) Prior to undertaking any non-exempt development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.
 - b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for

Commented [ME16]: "development" replaced with "non-exempt" for clarity. Same as Gambier Island DP3 Riparian Areas.

Commented [ME17]: "DP-2" replaced with "DP-1"

Commented [ME18]: Removed in its entirety - guideline a) "Applicants are to provide a report, prepared by a Qualified Environmental Professional (QEP). The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this DPA."

Replaced with language that is updated and addresses MFLNRD's comments, updates RAPR reference, and is based on the Gambier Island DP3 Riparian Areas guideline (a).

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security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.

- c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- e) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the high water mark of a stream, unless the boundary is being created for an ecological reserve under the Ecological Reserve Act for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 9.3(2) would be likely to occur within 30 metres of the high water mark of a stream, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development

Commented [ME19]: Moved Guideline f) - "Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report." to the end of Guideline b).

And the addition is revised to include reference to RAPR assessment report. Same as Gambier DP3 – Riparian Areas guideline (b).

Commented [ME20]: Removed guideline c) in its entirety - "Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat."

Deemed redundant to include with other RAPR specific guidelines.

Commented [ME21]: Removed guideline d) in its entirety - "Where this DPA includes unique native species dependent on streamside habitat identified by a QEP as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit."

Replaced with RAPR applicable guideline (c) from Gambier Island DP3 – Riparian Areas.

Commented [ME22]: Guideline e) became guideline d)

Commented [ME23]: "professional's" removed and replaced with "QEP's" for consistency.

Commented [ME24]: Added a new guideline – guideline (d) from Gambier Island DP-3 Riparian Areas.

Commented [ME25]: Moved guideline f) to guideline b) See staff comments for b) above.

Removed guideline g) – "The development permit should only allow activities identified by the QEP in the assessment report, and the owner should be required to follow any protective or mitigative measures identified by the QEP and these measures should be included as conditions of the development permit" as it is covered in new guideline (c). Removed "h) Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit." as this is covered more comprehensively in new Guideline b) above.

Removed guideline h) – "Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit." as this is covered in new guideline b) (...)

Commented [ME26]: Removed - "of the DPA in compliance with recommendations of a professional's report"

Wording replaced with more appropriate wording for RAPR circumstance.

Commented [ME27]: A new guideline added to address the circumstance when development permit applications are received after site works have commenced (e.g. resulting from a bylaw complaint) because QEP assessment reports cannot be undertaken post development. New guideline provides direction in this case.

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permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's assessment report.

Commented [ME28]: New guidelines addressing subdivision added from Gambier Island DP-3 Riparian Areas.

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 - Bylaw No. 145 (OCP)
File Name: Gambier Riparian Areas
Protection

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste

N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 - Bylaw No. 146 (LUB)
File Name: Gambier Riparian Areas
Protection

PURPOSE

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DIRECTIVES ONLY CHECKLIST

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Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

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PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 147

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

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

1. Citation

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

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

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

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

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

“PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES

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

9.1 DP-2 STREAMSIDE PROTECTION

Applicability

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

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

Exemptions

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

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

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

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

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

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

Guidelines

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

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

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

READ A SECOND TIME THIS DAY OF , 20XX

READ A THIRD TIME THIS DAY OF , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF _____, 20XX

ADOPTED THIS DAY OF , 20XX

Chair

Secretary

Riparian Areas Regulation Implementation - Project Charter

Gambier Island Local Trust Committee

Date: October 1, 2020

Purpose This project is intended to better protect riparian and streamside habitat in the Gambier Local Trust Area (LTA), in part by bringing LTA islands into compliance with the provincial Riparian Areas Protection Regulation (RAPR), and in part by establishing guidelines for development adjacent to non-RAPR watercourses.

Background Riparian area protection policies referring to provincial fish protection legislation: Gambier Island OCP (Policy 3.1), Gambier Associated Islands OCP (3.12.5), Keats Island OCP (P 3.19), and the LTC has also indicated their intention to protect watercourses that are not fish bearing, but have other important habitat values.

Objectives

- Improve the protection of riparian habitat on islands in the Gambier LTA
- Become compliant with the RAPR
- Protect non-RAPR applicable watercourses
- Conduct bylaw housekeeping

Scope & Deliverables

- Designate Development Permit Areas (DPAs) in OCPs for RAPR and non-RAPR applicable watercourses (Gambier, Keats, Associated Islands)
- Establish and maintain effective guidelines for the protection of RAPR and non-RAPR applicable watercourses (Gambier, Keats, Anvil, Bowyer, South Thormanby)
- Coordinate with the SCRD to include a Riparian declaration as part of the building permit application process
- Coordination with provincial staff responsible for RAPR; consultation with First Nations and other agencies and stakeholders

Workplan Overview

Deliverable/Milestone	Date
Implement Riparian declarations (with SCRD)	Completed October 2017
Gambier Assoc. Islands OCP and LUB amendments for DPA No. 1: Riparian Areas (Champside Creek on Anvil Island, S. Thormanby Island)	Completed March 2017
Keats Island OCP and LUB amendments for DPA 1: Riparian Areas and DPA 2: Streamside Protection	Completed March 2018
Gambier Island OCP and LUB amendments for DPA No. 3: Riparian Areas	Completed December 2019
Review Gambier Assoc. Islands OCP and LUB proposed amendments (145, 147) and Bowyer and Passage LUB draft amendment (146) to re-designate Orchid Creek on Bowyer within the DPA No. 1: Riparian Areas, update bylaws with new RAPR legislative changes based on referral response from MFLNRORD.	Spring—Summer 2020
First Reading of Bylaws 145, 146 and 147 and First Nations and Agency Referrals, consideration of responses.	October 2020 - early 2021
Consideration of Second reading	Spring 2021
Public Hearing/Statutory approvals	Spring—Summer 2021

Project Team

Island Planner	Project Manager
Regional Planning Manager	Project Sponsor

Budget

Budget Source: Gambier RAR (\$3500)

Fiscal	Item	Cost (est.)
2020-21	Legal Review	\$2000
2020-21	Mail out packages/Public Hearing notice	\$2000
	Total	\$4000

LTC Endorsement/Amendments:

May 22, 2014 (GM-2014-034)
 June 18, 2015 (GM-2015-031)
 November 19, 2015 (GM-2015-059)
 August 31, 2017 (GM-2017-044)
 October 26, 2017 (GM-2017-066)
 January 25, 2018 (GM-2018-006)
 May 24, 2018 (GM-2018-041) and June 28, 2018 (2018-052)
 December 13, 2018 (GM-2018-078)

RPM Approval:

Date:



Kate-Louise Stamford
Gambier Island Local Trustee
877 West Bay Road
Gambier Island BC V0N 1V0
Telephone: **778-235-2240**

Email: kstamford@islandstrust.bc.ca
Web www.islandstrust.bc.ca

September 10, 2020

Update: New Brighton Dock, Gambier Island (Cha7élkwnech)

Dear Federal, Provincial and Regional Elected Representatives;

I am writing to you as an individual Islands Trust Trustee and not as a representative of the Gambier Island Local Trust Committee or the Islands Trust Council.

Since the joint local, provincial and federal meeting on June 26th there was a second meeting on July 31 with MP Patrick Weiler, Directors Hiltz and Pratt as well as members of the Sunshine Coast Regional District staff. I attended via zoom.

There have been several virtual and in-person meetings and notices sent out to residents on the effected peninsula. It is now clear to the community that there is a great deal of uncertainty around the long-term future of the New Brighton Dock. **This is causing a considerable amount of concern as the New Brighton Dock is the only all-season sheltered port and primary access point for work, school, supplies and emergency services for the community.** The fact that this is happening during a pandemic is only making the situation more difficult.

I want to emphasise that the goal of the community is to ensure that the New Brighton Dock is maintained as a public critical access port facility and the terminus for BC Ferries Route 13 on Gambier Island – a role it has played for the past century.

Tom Butler, Director of Revenue Services for the Squamish Nation has been in regular communication with me to encourage that the local community provide an offer to obtain the wharf as one of the options he would like to present to the **Skwxwú7mesh Uxwumixw Council**.

To this end Gambier Island Community Association Board (GICA), stepped forward and sent the Squamish Nation Council a Letter of Intent last week. There are varying opinions about the consequences of this as there has been insufficient information about the expected cost or state of the facility made available. Also, GICA is a small-scale organization that has traditionally focused on community events and promotion of safety – this is a big jump in responsibility. To date, there has been little ability to fully engage in community consultation due to lack of resources, Covid19 considerations, and a very tight timeline dictated by Squamish Nation staff.

Despite a lot of ruminating and appropriate noises, **there has been no follow up by any level of government to support the community** or help develop a solution. I, and a few key community members, are struggling to manage this situation.

It is time for the federal government to acknowledge that divesting this particular facility was a mistake and to re-engage in its responsibilities for remote access ports by supporting the Gambier community in negotiating a solution with the Squamish Nation.

It is time for the provincial government to take responsibility for a critical transportation hub that is the lifeline for a growing community and part of an established BC Ferries route and coordinate support between relevant ministries.

It is time for the Sunshine Coast Regional District to begin a formal process to include the New Brighton Dock in its ports function. All options for the ongoing long-term public access of the facility include some form of participation by the regional district.

The Gambier Island community requires a supported solution from all levels of government in order to maintain an essential existing structure and service. I remind you all - this is NOT a call for a new or even improved service, it is for the maintenance of an essential and vital public access. The response to the pandemic has demonstrated all sorts of creative cooperation among government departments – this experience can be applied to the New Brighton Dock.

I would urge all levels of government to step up to help. I would specifically ask that the federal and provincial governments consider a cost shared capital grant to the regional district to purchase the asset and then commit to work out a long-term maintenance agreement with the local community

A cooperative solution that upholds the public interest and essential dock access for New Brighton is a win for everyone. The community has been patient and is working in good faith. We expect a resolution in good faith with you as the key partners involved.

Sincerely,



Kate-Louise Stamford
Gambier Island Trustee, Islands Trust
778-235-2240
Cha7élkwnech

Islands Trust Northern Office – Gambier Island Local Trust Committee
MP Patrick Weiler, West Vancouver/Sea to Sky/Sunshine Coast
MLA Nicholas Simons, Powell River/Sunshine Coast
SCRD Directors Pratt and Hiltz
Gambier Island Community Association



Kate-Louise Stamford
Gambier Island Local Trustee

877 West Bay Road
Gambier Island BC V0N 1V0
Telephone: **604.886.4752**

Email: kstamford@islandstrust.bc.ca
Web www.islandstrust.bc.ca

Dear Skwxwú7mesh Uxwumixw Council;

I hope that you, your families, and membership are well as you respond to this unfortunate outbreak of COVID19 in the community.

I am writing to you as an individual Islands Trustee who lives on Cha7élkwnech (Gambier Island).

Further to discussions between the myself and Squamish Nation Council members and staff over the past few years, I wanted to reach out to request further dialogue and discussions about New Brighton Dock located on the southwest peninsula of the island. In my role as Islands Trustee on Gambier Island, I understand the importance of working together to preserve and protect this area. Also, I realize the importance of creating access to Gambier Island for visitors, homeowners, and Squamish membership.

Since Squamish Nations acquisition of New Brighton Dock there has been some uncertainty about the future of access for community members. I wanted to express how important the dock is to the community on Gambier and develop avenues of dialogue between the community and Squamish Nation to ensure the dock remains a welcome place with access for community and Squamish Nation membership into the future?

The hope is that the New Brighton Dock be owned and maintained as a public facility at reasonable cost to both community and Squamish membership given its role as the critical access point to this part of the island.

Squamish Nation staff have suggested that it would be helpful to present the Squamish Council a variety of options that could be available for consideration to the long-term future of the New Brighton Dock.

Option 1 – That the Squamish Nation Council continue to own and manage the facility

The people that live on the New Brighton area have appreciated the management of the dock by the Squamish Nation Marine Group over the past six years. Issues are dealt with promptly by the staff and there have been improvements made to the structures

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

that have made it safer. As the Skwxwú7mesh Uxwumixw looks to its long-term goals in Átl'ka7tsem/Txwnéwu7ts and on Cha7élkwnech, New Brighton could be part of that connection to the region providing additional physical access to the largest island in the Sound. A management fee structure could be negotiated through the Sunshine Coast Regional District (taxation) and BC Ferries.

Option 2 – That the New Brighton Dock be managed or re-acquired by a federal government agency

New Brighton dock is a remote access port and without that access the community is unable to receive supplies, have safe access on and off the island, or maintain safety for the community. The long-term availability of this critical public access point is critical. There is support in the New Brighton community for a return of the port to the Transport Canada.

Option 3 – That the New Brighton Dock be acquired by the Provincial Government

As a critical piece of transportation infrastructure serviced by BC Ferries route 13, there is a role for the provincial government to play in the long-term future of the New Brighton Dock. If there is a process by which the province can acquire the facility, then it may also be a way to avoid any further complications around the transfer of the water lot tenure. Any option that preserves New Brighton as a public facility over the long-term is of interest to the local community.

Option 4 – That the Sunshine Coast Regional District acquire the New Brighton Dock

The SCRD manages all the public docks on the islands in the Local Trust Area – seven of the nine marine facilities they own. These docks were divested to the SCRD in 2000 and the Regional District was working towards a proposal for the New Brighton Dock when it was divested to the Squamish Nation in 2013. The SCRD may be in favour of this option with support from the Squamish Nation. This is a logical home for the dock as appropriate taxation for ongoing maintenance can be initiated.

Option 5 – The Gambier Island Community Association (GICA) acquire the New Brighton Dock

The Community Association has delivered a Letter of Intent to acquire the New Brighton Dock. If this option is considered, then GICA will begin a fund-raising campaign and work with the regional district to develop a taxation function for ongoing maintenance of the facility. GICA has requested information from the Squamish Nation so they can develop a financial plan to acquiring this dock if this is the favoured option of the Council. There is support in the local community GICA ownership option in that it preserves the public access to the facility, and creates community amenities and access for Squamish Nation canoe families, and membership to continue to use the dock for cultural purposes and safety.

Option 6 – The New Brighton Dock be sold to a private buyer

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Squamish Nation staff have mentioned that there are at least two offers by private buyers to purchase the New Brighton Dock. This option is causing great concern in the local community because it potentially jeopardizes residents' access to and from the island. As New Brighton is the only sheltered all-season port on the peninsula, it is the docking point for the BC Ferries passenger ferry as well as moorage for people who commute by boat to work. The New Brighton Dock is how children get to school, community members access basic medical and emergency services, work, and shopping. The full-time community has built up around this dock and relies on its unfettered access completely.

As there seems to be no clear way to monetize the New Brighton Dock without undergoing a re-zoning process, the community is concerned that there will be ongoing conflict with a private owner and that eventually it will have to be acquired by a government or local entity. Meanwhile, the continued uncertainty and friction in the community will be exceedingly difficult. Also, there is no upland access for private ownership and the current water tenure approval would require community approval to move forward under private ownership.

I have included a background piece of basic facts about the New Brighton Dock and can set up a zoom conference call along with one or two members of the New Brighton community, I look forward to discussing these options with Council and finding ways that we can work together to preserve and protect this beautiful area.

Chen kw'enman-túmiyap

Sincerely,



Kate-Louise Stamford
Gambier Island Trustee, Islands Trust
Kstamford@islandstrust.bc.ca
778-235-2240
Cha7élkwnech



700 North Road, Gabriola Island, BC V0R 1X3

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Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

August 7, 2020

Via email: Board@scrd.ca

Sunshine Coast Regional District Board
1975 Field Road
Sechelt, BC V0N 3A1

To the Sunshine Coast Regional District Board,

I am writing to you on behalf of the Gambier Island Local Trust Committee in regards to the New Brighton Dock on Gambier Island.

The Squamish Nation, who are the current owners of the New Brighton Dock on Gambier, have completed the terms of their management contract with the Federal Government and are now selling the facility. The Squamish Nation staff representatives have indicated that there are several buyers interested in the dock and that they are also looking for alternative options that involve public ownership to present to Council. The primary interest of the community is that the dock remains open for public use for passenger ferry access, local moorage, and as the critical remote access point for basic services including emergencies.

The New Brighton Dock has been the main access point to this part of Gambier for more than a century and the settlement pattern around the peninsula reflects that. This is a sheltered, all-weather port with reliable passenger ferry access to Langdale Terminal multiple times through the day. Because of this, basic services such as stores, schools and emergency infrastructure have never developed to any degree on the island. Without access to the New Brighton dock, the only all-season facility on the peninsula, the community will cease to function in its current form.

The Gambier Island Local Trust Committee is requesting that the Sunshine Coast Regional District, as the service delivery local government for the island, take active steps to support the community in resolving this serious situation. Support such as advice in dock management expertise, development of a service function that includes the New Brighton dock, and engagement with the Squamish Nation in support of maintaining a public dock would be helpful. Although there is a meeting scheduled between the Islands Trust and the SCRD on September 14th, the Committee requests that active support be provided to the community as soon as possible.

The Committee recognizes that this is a very complex scenario that will involve all levels of government to work together. The Islands Trust continues to support Trustee Stamford, as a local representative, as she advocates with the community for continued public access to the New Brighton Dock.

Respectfully,

Sue Ellen Fast
Chair, Gambier Island Local Trust Committee

*Preserving **Island** communities, culture and environment*

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



DATE OF MEETING: October 1, 2020
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Gambier Island Advisory Planning Commission

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request that staff advertise for expressions of interest for the Gambier Island Advisory Planning Commission.
2. That the Gambier Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms will expire on October 3, 2020, inviting their expressions of interest for reappointment to the Advisory Planning Commission and thanking them for their participation.

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider recruitment for its Gambier Island Advisory Planning Commission (APC).

The maximum number of APC members is nine, and terms are for two years. The APC currently has five members, on their second term, expiring on October 3, 2020. Following advertisement for expressions of interest, the LTC may consider appointments during the in camera session portion of the November 19, 2020 LTC regular business meeting.

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement (ITPS) is that “open, consultative public participation is vital to effective decision making for the Trust Area.” Moreover, Commitments of Trust Council include:

- **5.8.1** Trust Council holds that public participation should be part of the decision-making processes of all levels of government.
- **5.8.2** It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- **5.8.3** Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

Local trust committees have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

LTC Bylaw No. 150:

The authority to establish advisory planning commissions is granted to local trust committees through the *Islands Trust Act* and section 461(2) of the *Local Government Act* (LGA):

Advisory planning commission

461 (2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

Advisory planning commissions are intended to advise local trust committees specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 of the LGA. Formal citizen representation on advisory planning commissions adds value and transparency to planning processes. It is important that an APC remains in place should a referral be recommended in the future.

Pursuant to section 461 of the LGA, the LTC has adopted Bylaw No. 150 cited as “Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018”, which identifies the planning commission, member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1). Pursuant to Bylaw No. 150, the LTC must, by resolution, appoint the members to two year terms, and may reappoint those members for a second two-year term.

CONSULTATION

Openings for the APC membership should be advertised in the local paper, on the LTC website, and through trustee networks. The LTC would consider expressions of interest at their November 19, 2020 regular business meeting.

NEXT STEPS

Should the LTC pass the recommended resolutions (page 1), staff will proceed with advertising and bring forward expressions of interest to the November 19, 2020 LTC regular business meeting, and send letters to members of the APC thanking them for their participation and invite them to reapply.

Submitted By:	Jaime Dubyna Planner 2	September 21, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 21, 2020

ATTACHMENTS

1. Bylaw No. 150

GAMBIER ISLAND TRUST COMMITTEE

BYLAW NO. 150

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE GAMBIER ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Gambier Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Gambier Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

- a) The Gambier Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve an initial two-year term, and may reappoint those members for a second two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:

- i) Assist the Chairperson, as needed, to arrange meetings;
- ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
- iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
- iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed, at least five (5) calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.
- e) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Gambier Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

- e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.
- f) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- g) The APC must not receive development proposals or other applications directly from applicants.
- h) The APC must not consult directly with other government agencies or organizations.
- i) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.
- b) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that where requested by any member, all dissenting opinions are also recorded.
- c) Where the Islands Trust has retained a professional minute taker to support the APC, the draft minutes will be forwarded directly to the Islands Trust office within seven (7) days of an APC meeting. An Islands Trust staff member will then forward them to the Chair and Secretary for inclusion in the next APC agenda for review and adoption.
- d) Where a professional minute taker has not been retained, all APC recommendations must be forwarded by the Secretary to the Local Trust Committee and to the Islands Trust Office, within seven (7) days of an APC meeting.

8. Transition

- a) "Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2010", is repealed.

9. Citation

- a) This Bylaw may be cited as "Gambier Island Local Trust Committee Advisory Planning Commission Bylaw, 2018".

READ A FIRST TIME THIS	28 TH	DAY OF	JUNE	, 2018
READ A SECOND TIME THIS	28 TH	DAY OF	JUNE	, 2018
READ A THIRD TIME THIS	28 TH	DAY OF	JUNE	, 2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	15 TH	DAY OF	AUGUST	, 2018
ADOPTED THIS	3 RD	DAY OF	OCTOBER	, 2018

SECRETARY

CHAIRPERSON



ISLANDS TRUST CONSERVANCY

News Release

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Toll-free via Service BC 1 800-663-7867 or in Vancouver 604-660-2421

itcmail@islandstrust.bc.ca www.islandstrustconservancy.ca

September 18, 2020

2020-02-ITC

ISLANDS TRUST CONSERVANCY RECEIVES AN INVESTMENT OF \$597,000 OVER THREE YEARS TO PROTECT SPECIES AT RISK

Lək̓wəŋən, METULIYE/Victoria, British Columbia — The federal government is recognizing the importance of species at risk on the Gulf and Howe Sound islands. The islands in the Salish Sea, near the urban areas of Vancouver, Victoria and Nanaimo, are a hotspot for species diversity and have one of the highest densities of species at risk in Canada. To support efforts to protect species at risk on the Gulf and Howe Sound islands, Environment and Climate Change Canada is investing \$597,000 in the launch of the Islands Trust Conservancy's new Species at Risk Program.

The federal government, in collaboration with the provinces and territories, is implementing a pan-Canadian approach to transforming species at risk conservation in Canada. Priority places selected have significant biodiversity, concentrations of species at risk, and opportunities to advance conservation efforts.

The Gulf and Howe Sound islands fall into a zone identified as a priority under the pan-Canadian approach. The islands and mainland surrounding the Salish Sea are a hotspot for biodiversity, with more than 100 federally listed species at risk in the area.

A contribution agreement between Environment and Climate Change Canada and Islands Trust Conservancy will provide \$597,000 over three years to support species at risk programs that will include:

- Conducting surveys and monitoring
- Restoring critical habitat
- Providing outreach materials and events
- Assisting landowners who wish to protect species at risk on their land
- Engaging and working with First Nations

Islands Trust Conservancy currently manages habitat for over 25 known federal species at risk across its network of 106 protected areas. With this investment, Islands Trust Conservancy will broaden and increase conservation of species at risk in the Islands Trust Area.

Quotes

"We are very pleased to support Islands Trust Conservancy in their work to conserve Garry oak and other rare ecosystems in southwest BC. We are contributing \$597,000 over 3 years through the Canada Nature Fund towards this important project in the Gulf Islands. This priority place is home to over 100 species at risk plants and animals, including Taylor's checkerspot butterfly, sharp-tailed snake, and yellow montane violet. By partnering with proactive local governments and organizations in priority places, we can achieve better

A Conservancy for islands of the Salish Sea

Ballenas-Winchelsea • Bowen • Denman • Gabriola • Galiano • Gambier • Hornby
Lasqueti • Mayne • North Pender • Salt Spring • Saturna • South Pender • Thetis

outcomes for species at risk.”

– The Honourable Jonathan Wilkinson, Minister of Environment and Climate Change Canada

“The Islands Trust Conservancy is excited to receive this investment from Environment and Climate Change Canada and provide ‘on the ground’ actions to protect critical habitat for species at risk. We look forward to working collaboratively with First Nations, islanders, and partners to this end.”

– Kate-Louise Stamford, Board Chair, Islands Trust Conservancy

Quick Facts

- In British Columbia, there are more than 260 federally listed species at risk and more than 1,615 provincially listed species at risk.
- Islands Trust Conservancy manages 106 protected areas, with over 1,300 ha as nature reserves and conservation covenants.
- Islands Trust Conservancy protected areas are home to over 25 federally listed species at risk.
- In 2018, federal, provincial, and territorial environment ministers agreed to the [Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada](#). This approach shifts efforts from single species, to focusing on collaborative efforts to conserve multiple species and ecosystems.
- The Government of Canada has made commitments to conserve 25 percent of Canada’s land and inland waters and 25 percent of Canada’s oceans by 2025, and is working toward 30 percent of each by 2030.

Informative links

- [UN Reports nearly one million species risk becoming extinct](#)
- [Pan-Canadian approach transforming species at risk conservation.pdf](#)

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About

The Islands Trust Conservancy is the conservation land trust for over 450 islands of the Salish Sea and is a part of the Island Trust. Since 1990, the Islands Trust Conservancy has protected more than 1,300 hectares of island ecosystems. This success is thanks to the vision, support, and generosity of our donors and partners. Visit us online at www.islandstrustconservancy.ca.

Contact

Kate-Louise Stamford, Chair, Islands Trust Conservancy Board, via Carla Funk, Communications and Fundraising Specialist 250-405-5171 cfunk@islandstrust.bc.ca

Kate Emmings, A/Manager, Islands Trust Conservancy 250-405-5191, kemmings@islandstrust.bc.ca



Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2020.1	Atchinson, Nathan	17-Jul-2020	PID: 013-387-332 To cross ditch and access property with driveway. Civic address: 981 West Bay Road, Gambier Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 15-Sep-2020

Oct 1 agenda item confirmed.

Status Date: 24-Aug-2020

Intended agenda item for October 1, 2020 GM LTC meeting.

Status Date: 04-Aug-2020

Under review by staff.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2002.1	Land Plan Group Inc.	24-Jan-2002	PID: 014-385-694\nKeats Island - Keats Camp cottage lots - siting variances\nDL 696

Planner: Sonja Zupanec

Planning Status

Status Date: 10-Apr-2008

still on hold pending rezoning

Status Date: 13-Aug-2007

on hold pending rezoning application

Status Date: 16-May-2006

Met with applicant. Outstanding items forwarded for attention. May be add'l fees.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.10	Miller Thomson	24-Jul-2020	PID: 005-936-861 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.11	Miller Thomson	24-Jul-2020	PID: 005-937-035 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.12	Miller Thomson	24-Jul-2020	PID: 005-937-051 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.13	Miller Thomson	24-Jul-2020	PID: 005-937-191 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.14	Miller Thomson	24-Jul-2020	PID: 005-937-213 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.15	Miller Thomson	24-Jul-2020	PID: 005-150-744 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.2	The Convention of Baptist Churches of BC (Seneca Consulting)	24-Mar-2020	PID: 014-385-694 Building a retaining wall. Civic address: 900 Keats Island Road, Keats Island, BC.

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

Status Date: 03-Jun-2020

File transferred to Planner Zupanec.

Status Date: 30-Apr-2020

Planner reviewing file.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.3	Miller Thomson	24-Jul-2020	PID:005-936-021 To obtain minor setback variance in advance of strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.4	Miller Thomson	24-Jul-2020	PID: 003-357-490 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.5	Miller Thomson	24-Jul-2020	PID: 005-936-241 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.6	Miller Thomson	24-Jul-2020	PID: 005-936-306 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.7	Miller Thomson	24-Jul-2020	PID: 004-567-455 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.8	Miller Thomson	24-Jul-2020	PID: 005-936-764 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2020.9	Miller Thomson	24-Jul-2020	PID: 003-420-787 To obtain a minor setback variance in advance of a strata approved subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.



Rezoning

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2004.1	LandPlan Group Inc.	16-Jun-2004	PID: 014-385-694 Keats Island - Keats Camp rezoning application DL 696

Planner: Sonja Zupanec

Planning Status

Status Date: 28-Dec-2018

Bylaw 143 given 1st, 2nd, 3rd readings and approved by Executive Committee. X-ref GM-SUB-2018.1 subdivision referral conditions. Applicant advised of next steps before bylaw can be adopted.

Status Date: 25-May-2017

CIM scheduled for July 27th to provide draft bylaw amendments to enable a comprehensive development zone; transfer LUC provisions and enable subdivision.

Status Date: 20-Apr-2017

Revised draft ToR for hydro.assessment sent to applicant for review.

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-May-2020

Information received. Being reviewed by planner

Status Date: 11-Oct-2019

Applicant to provide information requested as per LTC direction

Status Date: 10-Oct-2019

Preliminary staff report to LTC

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

630 Gambier	Invoices posted to Month ending July 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	500.00	71.68	428.32
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,815.00	484.00	3,331.00
65210-630	LTC - Local Exp - APC Meeting Expenses	255.00	0.00	255.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,614.00</u>	<u>484.00</u>	<u>4,130.00</u>
Projects				
73001-630-2016	Gambier OCP/LUB	4,000.00	0.00	4,000.00
73001-630-3003	Gambier RAR	3,500.00	0.00	3,500.00
73001-630-4094	Gambier Keats Island Shoreline Protection Review	3,500.00	0.00	3,500.00
TOTAL Project Expenses		<u>11,000.00</u>	<u>0.00</u>	<u>11,000.00</u>

Gambier Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	October 6, 2010	GM-082-2010	Guidelines for the appointment of members to the advisory planning commission	It was MOVED and SECONDED that the Gambier Island Local Trust Committee endorses the following guidelines for the appointment of members to the advisory planning commission and requests that such guidelines be posted on the Islands Trust website and are used in any posting to solicit expressions of interest from candidates for advisory planning commission membership: “The Gambier Island Local Trust Committee shall make all reasonable efforts, in the consideration of appointments to the advisory planning commission that members are: - Representative of a broad cross section of the geographical areas of the Gambier Island Local Trust Committee area; - Representative of a range of backgrounds and expertise that is supportive to each other in the consideration of matters referred to the advisory planning commission; - Where feasible and practical of a balanced representation of gender and age groups. Consideration shall be given to the following criteria in any appointment: • Previous experience as a member of a Board of Variance; • Experience on a local government council, board, local trust committee, commission or other body; • Experience with other volunteer boards, commissions or committees; • Experience and credential in a planning, design or related profession; • Experience and credentials in a building or design trade; • Educational background; • Length of residency in the local trust area; • Availability, and willingness to travel between local trust areas.
2.	March 26, 2015	GM-2015-018	Amend APC appointment guidelines	It was MOVED and SECONDED, that the Gambier Island Local Trust Committee amend the APC appointment guidelines to allow for representation of members to be weighted to a geographic area subject to a current top priority project.

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.

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

Top Priorities Report

Gambier Island

1. *Riparian Areas Regulation*

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

Responsible

Marnie Eggen

Dates

Rec'd: 26-Oct-2011

2. *Gambier OCP Comprehensive Review*

Revised Project Charter scope Dec. 2018

Responsible

Jaime Dubyna

Dates

Rec'd: 12-Feb-2015

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

Review of OCP and LUB to implement shoreline protection measures.

Responsible

Jaime Dubyna
Marnie Eggen

Dates

Rec'd: 31-Jan-2019

4. *OCP Advocacy Policies - Implementation & Support*

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

Responsible

Dan Rogers
Kate-Louise
Stamford

Dates

Rec'd: 24-Oct-2013

Projects Report

Gambier Island

1. *Development Approval Information Bylaw*

Responsible

Date Received

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

2. *Squamish First Nation Consultation*

Responsible

Date Received

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

31-Jan-2012

3. *Gambier LUB Review*

Responsible

Date Received

Review Gambier LUB to address:

22-May-2014

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



Projects Report

Gambier Island

4. *Gambier site-specific Water Zones*

Responsible

Date Received

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

26-Sep-2013

5. *Recreational Camp and Private Institutional Regulation Review*

Responsible

Date Received

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

28-Jul-2016

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

6. *Keats Island LUB review*

Responsible

Date Received

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

11-Dec-2017

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

7. *Thormanby Islands Foreshore Protection Pilot Project*

Responsible

Date Received

Review of setback regulations and designation of a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions.

26-Jul-2018

Projects Report

Gambier Island

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

Responsible

Date Received

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

28-May-2020

