

Regular Meeting Revised Agenda

Date: October 14, 2021
 Time: 3:00 pm
 Location: John Braithwaite Community Centre
 145 West 1st Street
 North Vancouver, BC

Pages

1. **CALL TO ORDER** 3:00 PM - 3:05 PM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 3:05 PM - 3:15 PM
 - 3.1. **Trustee Reports**
 - 3.2. **Chair's Report**
 - 3.3. **Electoral Area Director's Report**
4. **DELEGATIONS**
5. **TOWN HALL** 3:15 PM - 3:25 PM
6. **MINUTES** 3:25 PM - 3:30 PM
 - 6.1. **Local Trust Committee Meeting dated July 22, 2021 - for adoption** 4 - 14
 - 6.2. **Section 26 Resolutions-Without-Meeting dated October 7, 2021** 15 - 15
 - 6.3. **Advisory Planning Commission Minutes - none**
7. **BUSINESS ARISING FROM MINUTES** 3:30 PM - 3:40 PM
 - 7.1. **Follow-up Action List dated October 4, 2021** 16 - 20
 - 7.2. **Letter dated October 6, 2021 from Chair Fast to Vancouver Coastal Health regarding Marine Water Testing in the Sunshine Coast Regional District Islands** 21 - 21

7.3.	Letter dated October 6, 2021 from Chair Fast to Sunshine Coast Regional District Planning and Community Development Committee regarding Support for the Renaming of the Halkett Bay Dock	22 - 22
8.	APPLICATIONS AND REFERRALS	3:40 PM - 5:00 PM
8.1.	GM-DP-2021.1 (Sea Ranch) - Staff Report	23 - 51
8.2.	GM-DVP-2020.3-2020.15 (Sea Ranch, Gambier Island) - Staff Report	52 - 77
	Staff Report is for the following DVPs: GM-DVP-2020.3 (Strata Lot 3), GM-DVP-2021.1 (Strata Lot 6), GM-DVP-2021.2 (Strata Lot 9), GM-DVP-2020.7 (Strata Lot 10), GM-DVP-2021.3 (Strata Lot 11), GM-DVP-2020.8 (Strata Lot 12), GM-DVP-2020.9 (Strata Lot 13) and GM-DVP-2021.4 (Strata Lot 24).	
8.3.	GM-DP-2021.4 (Atchison - 580 Dulcie Road, Gambier Island) - Staff Report	78 - 104
8.4.	GM-DVP-2021.7 (Bissell for Aloha Bay Holdings -1000 Maddy Lane, Gambier Island) - Staff Report	105 - 118
9.	LOCAL TRUST COMMITTEE PROJECTS	5:00 PM - 5:10 PM
9.1.	Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project - Staff Report	119 - 126
9.2.	<i>Keats Shoreline Protection Bylaw No. 154</i>	
10.	CORRESPONDENCE	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
11.	NEW BUSINESS	5:10 PM - 5:30 PM
11.1.	Climate Change Mitigation and Adaptation	
11.2.	Reschedule the Gambier Island Local Trust Committee Regular Business Meeting November 4, 2021	
	That the Gambier Island Local Trust Committee reschedule the regular business meeting of November 4, 2021 to November 18, 2021.	
11.3.	Fees Bylaw Update - Request for Decision	127 - 143
11.4.	Letter of Congratulations to Member of Parliament, Patrick Weiler and Meeting Request - for discussion	
11.5.	Letter of Congratulations to the new Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation) Council - for discussion	
11.6.	Request for Heritage Fund Grant - for discussion	
11.7.	Support for Internet Connection - for discussion	

11.8. Howe Sound Forum

12.	REPORTS	5:30 PM - 5:40 PM	
12.1.	Trust Conservancy Report dated July 13, 2021		144 - 146
12.1.1.	<u>The Heron, Summer</u>		147 - 150
12.2.	Applications Report dated October 4, 2021		151 - 157
12.3.	Trustee and Local Expense Report dated August, 2021		158 - 158
12.4.	Adopted Policies and Standing Resolutions		159 - 161
12.5.	First Nations Activities		
12.6.	Local Trust Committee Webpage		
13.	WORK PROGRAM	5:40 PM - 5:50 PM	
13.1.	Top Priorities Report dated October 4, 2021		162 - 162
13.2.	Projects List Report dated October 4, 2021		163 - 165
14.	CLOSED MEETING	5:55 PM - 6:00 PM	
14.1.	Motion to Close the Meeting		
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering (a) Appointment of Working Group Members and (d) Adoption of In-Camera Meeting Minutes dated April 1, 2021 and that the recorder and staff attend the meeting.</i>		
14.2.	Recall to Order		
14.3.	Rise and Report		
15.	UPCOMING MEETINGS		
15.1.	Special Meeting - Community Information Session - Keats Island Shoreline Protection Project scheduled for October 14, 2021 at 6:30 PM at John Braithwaite Community Centre at 145 West 1st Street, North Vancouver, BC		
15.2.	Next Regular Meeting Tentatively Scheduled for Thursday, November 18, 2021 at 10:30 am at John Braithwaite Community Centre, 145 1st Street W, North Vancouver, BC		
16.	ADJOURNMENT	6:00 PM - 6:00 PM	



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: July 22, 2021
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, Island Planner
Marnie Eggen, Island Planner
Wil Cottingham, Administrative Assistant
Diane Corbett, Recorder

1. CALL TO ORDER

Chair Fast called the meeting to order at 10:31 am. She acknowledged that the meeting was being held in territory of Coast Salish First Nations. Chair Fast invited trustees to introduce themselves, and introduced staff in attendance.

The Chair announced that the meeting was being conducted via Zoom, live streamed and recorded.

2. APPROVAL OF AGENDA

Addendum to the agenda:

- 8.1 Referral Request for Response from Sunshine Coast Regional District regarding Renaming Halkett Bay Dock

The following additions to the agenda were presented for consideration:

- 9.2.1 Public meeting with FLNRORD staff to discuss forestry issues on Gambier Island
- 11.1 Marine water testing for recreational areas within the Gambier Local Trust Area islands

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported that, moving into the summer season, she had been primarily dealing with local one-off issues, including lots of questions that pertained to quality of road maintenance, safety issues, and fire. After the June Trust Council and July 8 Special Council meetings, several responses were received regarding the draft Trust Policy Statement.

Other activities included:

- Attended Marine Reference Guide launch
- Attended Ocean Watch Action Committee meeting
- Working on a new resident welcome package which includes Islands Trust items of interest
- Involved in work through Islands Trust Conservancy

Trustee Rogers reported he had had a busy month, with much involvement with Trust Council and its work with the draft Trust Policy Statement, which had caught the attention of a number of people in the Local Trust Area. Hundreds of emails regarding the Trust Policy Statement had been received; reading those and responding to them had been time consuming. That process of community consultation will continue through the remainder of this year into next year.

Other activities included:

- Process of developing a consultation program for throughout the Islands Trust was started at the Executive Committee meeting of July 21.
- Received a number of emails from Keats about Keats Island Foreshore Project.
- Acknowledged the work of Keats Conservation Group; trustee had been observing and assisting where he could, and was working to help establish a relationship with the Squamish Nation, such as around the Sandy Beach Nature Reserve.
- Discussed a project to remediate some of the damage to West Beach that includes sea damage and run-off; has been trying to find ways to involve the SCRD.
- Acknowledged people working on an ongoing project to catalogue and identify species on Keats Island; indicated he would ensure they are connected with Islands Trust Conservancy.
- Noted the real estate market is incredibly hot, with high prices and fast sales; trying to connect with new people on the island to help them understand role of Islands Trust.
- Keats and Eastbourne are on the SCRD water system and are at stage 4 water restrictions. Water is a huge issue on the island right now. Please restrict water use on the islands.

3.2 Chair's Report

Chair Fast noted the projects included in the agenda for information: 14.1 on the Trust Policy Statement Project and 14.2 on highlights from recent Trust Council meetings. Chair Fast chaired the Hornby Local Trust Committee on July 16, and attends Bowen Island Municipal Council meetings every two weeks (next meeting: July 26).

3.3 Electoral Area Director's Report – None

Trustee Rogers reported that the Sunshine Coast Regional District had done a Community Wildfire Protection Plan. The original intent of the plan included various islands, including Keats, Gambier and Thormanby. The trustee was disappointed to discover that the plan is light on an examination of what is going on those three populated islands. He had been in touch with the SCRD and encouraged them to provide assistance to various groups on islands, and planning for those groups.

4. DELEGATIONS – None

5. TOWN HALL

There were no members of the public present for the Town Hall session.

6. MINUTES

6.1 Local Trust Committee Meeting dated May 27, 2021

By general consent the Local Trust Committee meeting minutes of May 27, 2021 were adopted.

6.2 Local Trust Committee Public Hearing Record dated May 27, 2021

Received.

6.3 Section 26 Resolutions-Without-Meeting Report dated July 14, 2021

Received.

6.4 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 14, 2021

Received.

There was discussion of suggested agenda topics for a scheduled meeting with the SCRD on October 18:

- communication – pertaining mainly to how trustees are notified of SCRD issues that affect the islands, such as the Community Wildfire Protection Plan;
- emergency services – Trustee Stamford had received some specific questions around evacuation for the island, and reached out to the Emergency Services Program staff person at the SCRD who advised that it would need to be worked out. Basic evacuation planning support would be helpful.

Regarding the Metro Vancouver meeting item on the list, Island Planner Dubyna announced that it was agreed in 2019 to have one meeting per term.

Trustee Rogers noted that, with the exception of access issues to Passage Island, he had no issues from Bowyer or Passage. He advised he would follow up on this.

Chair Fast announced that Metro Vancouver has a new forest ecosystem connectivity report that she would send to the planner and trustees for information and a mapping portal.

8. APPLICATIONS AND REFERRALS

8.1 Referral Request for Response from Sunshine Coast Regional District regarding Renaming Halkett Bay Dock

Island Planner Dubyna reported that this referral was received by staff, and inquired as to what the trustees would like to do with it; a response was requested by September 30.

Trustee Stamford reported that this has been an item of interest for several years, especially in that area. Locals tend to call this Fircom Dock. It would be very straightforward support to the local community to provide clarity for emergency services. The trustee was supportive of the idea of local First Nations coming up with an alternative name, and expressed general support for the idea of renaming.

Trustee Rogers strongly supported renaming and thought the LTC should write and encourage renaming along an indigenous line; given the history of the name “Fircom”, given the strong interest on Gambier as the heart of the Squamish territory, and given there is a welcome figure at the top of that dock (a collaborative project involving the Squamish Nation), the trustee strongly suggested that the SCRD work with Squamish Nation and come up with an indigenous name.

GM-2021-048

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request a letter from the Chair be sent to the SCRD supporting a renaming of the SCRD Halkett Bay Dock and supporting the SCRD to work with local First Nations to develop an appropriate name for the dock.

CARRIED

Trustee Stamford will forward a draft letter for internal review.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Keats Island Shoreline Protection Project

Island Planner Dubyna discussed the staff report on the Keats Island Shoreline Protection Project. Staff requested that the Gambier Island Local Trust Committee (LTC) consider draft Bylaw Nos. 153 (OCP) and 154 (LUB), which would:

- amend the Keats Island Official Community Plan (OCP) and Land Use Bylaw (LUB), respectively, to establish a new Shoreline Development Permit Area (DP-3) and
- amend siting regulations in relation to the setback from the natural boundary of the sea, and marine structure regulations.

The staff report described Draft Bylaws 153 and 154, intended to establish a Development Permit Area for the shoreline. The drafts had been forwarded to First Nations. Comments received to date indicate general support and directed staff to the shíshálh (Sechelt) Nation’s Dock Guidelines.

Staff fielded and responded to trustee questions and comments that included:

- Extensive discussion of mooring buoys:
 - Currently permitted in most of the marine based zones.
 - The DPA within the marine area could include guidelines on mooring buoys, but they are difficult to regulate.
 - Were removed from the exemptions in the Draft Bylaw 154. Are currently regulated through the Land Use Bylaw. Setbacks are a form of regulation.
 - Feedback from community members noted that mooring buoys have been an issue around Keats.
 - Mooring buoys are currently not permitted in Marine Conservation zoned areas.

- Seems problematic to regulate mooring buoys as a structure & require a Development Permit for every mooring buoy. One side of Keats Island has lots of docks; the other has lots of mooring buoys.
- Proliferation of mooring buoys over the past few years.
- Suggestion to use “eelgrass friendly” buoys that attaches a float to a chain so the mooring buoy does not cause as much damage on the sea floor.

Further discussion points included:

- Looking ahead to the future with this development permit area.
- Platforms: type, size and function; use for recreational and other purposes.
- Include an exemption for people to remove vegetation that is a fire hazard, enhancing “FireSmart” principles on properties.
- Simplify language to help people be more comfortable about what this would entail.
- Question about whether or not it is worth losing the good will of the community by putting in the 15 m DPA now. The intent of that was to support better protection around the high water mark. This would have an impact on small properties around Keats.
- This has been on our agenda 2.5 - 3 years: did community consultation in 2019 including open house events on Keats and in West Vancouver; created a Working Group, active for about a year; had a staff report reporting back the Working Group’s work; and a draft bylaw was brought forward.
- Amending 7.5 m setback to 15 m is a major change. There are a lot of structures mostly on the west side facing the Sunshine Coast that are all in the setback, as a result of historical development, in light of the Land Use Contract and topography. This is problematic with respect to creating new rules for existing development as opposed to new development.
- The level of engagement and the process has been quite positive to date. Do not want to throw in something unexpected, like 15 m versus 7.5 m setback. Send this out to the community prior to first reading, our way of saying here is what we are thinking, give us feedback.
- Get this to the community for consultation and information sessions sooner than later. We are ready to go now. Go in the fall not over winter. Get feedback on specific issues.

GM-2021-049

It was MOVED and SECONDED

by the Gambier Island Local Trust Committee that Appendix 1 of Bylaw No. 154, 9.3.2 be amended by adding a new paragraph c that says “mooring buoys”, and the remainder of the exemptions be renumbered.

CARRIED

GM-2021-050

It was MOVED and SECONDED

by the Gambier Island Local Trust Committee that Appendix 1 of Bylaw No. 154, 9.3.2 be amended by adding a new sub-paragraph that reads “Vegetation removal to prevent wildfire or other potential emergencies”.

CARRIED

GM-2021-051

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”, be read a first time.

CARRIED

Trustees expressed concern that:

- there is a plain language document explaining what this referral and consultation is;
- the document describes that this process is about the LTC listening to referral agencies and peoples’ feedback before giving second reading.

GM-2021-052

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”, is not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

GM-2021-053

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 154, as amended, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”, be read a first time.

CARRIED

GM-2021-054

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 154, as amended, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”, is not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

GM-2021-055

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend 5a to add the Eastbourne Community Association, the Keats Landing Leaseholders Group, Keats Camp, Barnabas Family Ministries, the Keats Conservation Group, and the Keats Foreshore Working Group.

CARRIED

GM-2021-056

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to refer Bylaw Nos. 153 and 154 to the following agencies and First Nations:

- a. Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Sunshine Coast Regional District, Islands Trust Conservancy, Lasqueti Island Local

Trust Committee, Gabriola Island Local Trust Committee and Galiano Island Local Trust Committee.

- b. Squamish Nation, Tsleil-Waututh Nation, Musqueam Nation, Sechelt Nation, Halalt First Nation, Penelakut Tribe, Lake Cowichan First Nation, Cowichan Tribes, Stz'uminus First Nation, Lyackson First Nation, Snaw'Naw'As Nation and Te'Mexw Treaty Association.
- c. Eastbourne Community Association, Keats Landing Leaseholders Group, Keats Camp, Barnabas Family Ministries, Keats Conservation Group, and the Keats Foreshore Working Group.

CARRIED

Chair Fast recessed the meeting at 12:11 pm.

Chair Fast recalled the meeting to order at 12:41 pm.

Discussion ensued on the following:

- Legal review of draft bylaws;
- Community consultation options, public input, and online and public meetings;
- Timeline, timing and venues for community consultation.

GM-2021-057

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend the Workplan Overview of the Project Charter v. 1 of the Keats Island Shoreline Protection Project to insert a community information/public input session in the fall of 2021 prior to second reading, and remove the legal review.

CARRIED

GM-2021-058

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee endorse the Revised 'Keats Island Shoreline Protection Phase 3 Project Charter v.1', as amended, dated July 22, 2021.

CARRIED

GM-2021-059

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to organize an electronic Local Trust Committee community information meeting and public input session on the Keats Island Shoreline Protection Project for September 29 in the evening.

CARRIED

GM-2021-060

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to adjust the start time for the September 30 Local Trust Committee meeting to commence at 3:00 pm, and schedule a community information meeting public input session commencing at 6:30 pm, both of which will be in person meetings.

CARRIED

9.2 Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project

9.2.1 Public meeting with FLNRORD staff to discuss forestry issues on Gambier Island

Island Planner Eggen discussed the staff report on the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project that recommended establishing a working group. Additionally, proposed changes to the project charter, proposed outlines for topic areas, and a draft Terms of reference for a working group were presented. The focus of a working group would be to provide input on the eventual community engagement and communications plan, assist with that plan's implementation, participate in consultation events, and review discussion papers.

Points from discussion included:

- Thanks to staff for putting this together; makes the process more clear; outlines of discussion papers is an efficient way to move forward.
- Concern: finding people willing to commit to two years, and level of commitment this would require. Consider expanding number of members with revolving participation based on interest, such as participating in the docks discussion paper or forestry. This would allow them a lower commitment level.
 - Concern about how this would affect quorum.
- Invite people from different areas of the island, Fircom Plateau, Brigade Bay, West Bay, etc.
- Budget does not indicate kind of resources the working group will have.
 - Staff noted that meeting notes will be taken by staff and meetings will be held electronically in the first phase.
 - Stipend available for First Nations that are attending.
- Consideration of the number of members in the working group.
- Like electronic meetings/Zoom as a way of getting the process going in the first phase.

GM-2021-061

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Working Group Draft Terms of Reference dated July 2021 for a select committee of eight volunteers serving for a term of two years.

CARRIED

GM-2021-062

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that the Forest Ecosystem Protection Discussion Paper Outline is amended by adding the topic "Cumulative Effects Assessment in Howe Sound".

CARRIED

GM-2021-063**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee endorse the 'Terms of Reference', as amended, dated July 2021, for the 'Gambier Island Official Community Plan and Land Use Bylaw Targeted Review' and request staff to solicit expressions of interest for volunteer members from the following:

- a. Skwxwú7mesh (Squamish) Nation
- b. səli lwətaʔt (Tsleil-waututh) Nation
- c. xwməθkwəyəm (Musqueam) Indian Band
- d. Gambier Island Conservancy
- e. Gambier Island Community Association
- f. Community members at large.

CARRIED

Trustee Stamford explained that parts of Cotton Bay were not part of the official OCP. There was a point where the owner of Cotton Bay declined to participate; the area has never been put back into the current OCP.

GM-2021-064**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee include the currently excluded area of Cotton Bay into the new Official Community Plan Land Use Bylaw Targeted Review Project Charter under "Scope".

CARRIED

Trustees and staff considered possibilities regarding arranging for a FLNRORD Ministry staff representative to attend a public meeting on forestry issues on Gambier. Trustee Stamford will follow up with Chair Fast prior to the August 4 Executive Committee meeting regarding a request that senior staff follow up with the Ministry on having a public meeting on Gambier.

10. CORRESPONDENCE

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

10.1 Email from K. Gustavson regarding Thormanby Island Gravel Disaster

An email from K. Gustavson, dated June 30, 2021, regarding Thormanby Island Gravel Disaster was received for information. Discussion ensued. Trustee Rogers indicated he had been in contact with the writer, and described the situation pertaining to an area under SCRD jurisdiction on Thormanby Island being used for barge and vehicle access. There had been no community request to the LTC for advocacy on this issue.

11. NEW BUSINESS**11.1 Climate Change Mitigation and Adaptation**

11.1.1 Marine water testing for recreational areas within the Gambier Local Trust Area islands

Trustee Stamford described a recent situation pertaining to some children feeling sick after swimming in the New Brighton dock area. After Vancouver Coastal Health had declined to test the water, a company was hired to conduct E. coli testing, which rendered a very high count. Discussion ensued.

GM-2021-065

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee write a letter to Vancouver Coastal Health advocating that select marine areas be included in annual marine recreational water quality testing.

CARRIED

Trustee Stamford will draft a letter.

11.2 Visual Quality Objectives

Trustees discussed the announcement of the Sunshine Coast Natural Resource District of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development regarding an extension of the commenting period on the Ministry's "Visual Quality Objectives" (through sections 7(1) and 7(2) of the Government Actions Regulation for the *Forest and Range Practices Act*).

Points from discussion included:

- Islands Trust has no technical or professional capacity in Trust Area Services and professional staff to deal with this. It (visual quality) is a big deal in Howe Sound. It will be a scenario where Islands Trust is not involved in the commentary; I regret that.
- As individuals we can say what we want. I have difficulty with the concept; don't know how it relates to other objectives, like biological diversity. People need to see what logging does.
- A good thing coming out of this: maps from the Province. This presents an opportunity for provincial staff to update their database.

12. REPORTS

12.1 Trust Conservancy Report dated May 25, 2021

Trustee Stamford, Chair of Islands Trust Conservancy (ITC), reported on:

- Productive joint Executive Committee-Islands Trust Conservancy meeting the previous week.
- New staff member Wendy Tyrell, to focus on Species at Risk.
- Annual report being drafted.
- Participation in dedication at an island off Gabriola in June.
- ITC grants to Denman Conservancy Association and Salt Spring Island Water Preservation Society.

12.2 Applications Report dated July 14, 2021

Received.

12.3 Trustee and Local Expense Report dated May, 2021

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 First Nations Activities

There was discussion about the annual letter sent to First Nations. Correspondence was sent out in February this year. It was noted that First Nations elections would be coming up soon and suggested that correspondence be sent around that time.

12.6 Local Trust Committee Webpage

There was no discussion regarding the Local Trust Committee Webpage.

13. WORK PROGRAM

13.1 Top Priorities Report dated July 14, 2021

Received.

13.2 Projects List Report dated July 14, 2021

Received.

14. INFORMATION ITEMS

14.1 Policy Statement Project

<https://islandstrust.bc.ca/about-us/policy-statement/>

Received.

14.2 Trust Council - Decision Highlights - June 8-9, 2021

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, September 30, 2021 at 3:00 pm - location to be announced

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:14 pm.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder



Resolutions Without Meetings Log

Gambier Island

Resolution Number	Action	Date
2021-003	Carried	06-Oct-2021
"That Gambier Island Local Trust Committee reschedule the September 30, 2021 Regular Business meeting and the Community Information meeting and Input Session to October 14, 2021 and the start times are to remain the same for both."		

Follow Up Action Report

Gambier Island

23-Jul-2020

Activity	Responsibility	Dates	Status
1 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		Completed

19-Nov-2020

Activity	Responsibility	Dates	Status
1 Senior Intergovernmental Policy Advisor requested to work with LTC to explore education and reconciliation activities in the Gambier LTA, particularly around the acquisition and management of Sandy Beach Nature Reserve.	Lisa Wilcox		In Progress

04-Feb-2021

Activity	Responsibility	Dates	Status
1 14.2 Applications - staff to report back on open file GM-DVP-2002.1.	Jaime Dubyna Sonja Zupanec		In Progress

27-May-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

27-May-2021

Activity	Responsibility	Dates	Status
1 Staff to schedule a protocol meeting with Metro Vancouver for Fall 2021. <i>Additional discussion required at July LTC meeting. Notes from 2019 meeting with MVRD indicate a plan for only one meeting per term unless particular need/issues arise.</i> <i>LTC have no issues raised for Bowyer and Passage. Meeting not necessary.</i>	Heather Kauer Wil Cottingham		Completed
2 Bylaw 145 read a third time; staff to forward to Executive Committee for approval - done; staff to forward to Ministry of Municipal Affairs and Housing for approval - now at Ministry. Bylaw 146 read a third time; staff to forward to Executive Committee for approval- done. Bylaw 147 read a third time; staff to forward to Executive Committee for approval - done.	Becky McErlean Marnie Eggen		Completed
3 LTC endorsed 2020-2021 Annual Report text as provided in staff report. Draft Annual Report to be forwarded to Executive Committee - done; Trust Council; and Ministry of Municipal Affairs and Housing.	Becky McErlean Heather Kauer		Completed
4 Staff to determine appropriate location on Gambier LTC page of new website for advocacy letters and Chair correspondence. <i>Request and recommendations forwarded to website committee for consideration.</i> <i>Awaiting their decision.</i>	Jaime Dubyna Wil Cottingham		In Progress



Follow Up Action Report

Gambier Island

22-Jul-2021

Activity	Responsibility	Dates	Status
1 Chair to send letter to SCRD supporting the renaming of SCRD Halkett Bay Dock, and supporting the SCRD work with local First Nations to develop an appropriate (place) name for the dock. Trustee Stamford to draft letter.	Kate-Louise Stamford Mike Richards Sue Ellen Fast Wil Cottingham		In Progress
2 Keats Island Shoreline Protection Project: BL 153 (OCP) given first reading. Amend BL 154, section 9.3.2 to add 'mooring buoys' under (c) - exempted activities, and renumber the remainder of exemptions; and to add a new sub-paragraph that reads: Vegetation removal to prevent wildfire or other potential emergencies. BL 154 (LUB) given first reading, as amended.	Jaime Dubyna		Completed
3 Keats Island Shoreline Protection Project: Proposed BL 153 (OCP) and 154 (LUB) referred to agencies and First Nations (listed in staff report dated July 22, 2021). Also include referrals of bylaws to Keats Conservation Group, Eastbourne Community Association, Keats Landing Leaseholders, Keats Camp, Barnabas and Keats Island Shoreline Protection Working Group.	Becky McErlean Jaime Dubyna		Completed



Follow Up Action Report

Gambier Island

22-Jul-2021

Activity	Responsibility	Dates	Status
4 Staff to amend Keats Island Shoreline Protection project charter under Workplan Overview to insert CIM/public input sessions in Fall 2021 (in person and online), prior to second reading; and remove "legal review". LTC endorse project charter, as amended. Project charter Budget to be amended to reflect these amendments.	Jaime Dubyna		Completed
5 Staff to organize an electronic CIM and Public Input session on the Keats Island Shoreline Protection project (BL 153 and 154) for Sept. 29, 2021, in the evening. <i>Zoom meeting scheduled for Sep 29, 6:30pm.</i>	Jaime Dubyna Wil Cottingham		Completed
6 Staff to adjust the start time for the Sept. 30, 2021 GM LTC meeting to commence at 3:00pm and schedule a planned CIM and Public Input session for the Keats Island Shoreline Protection project (BL 153 and 154) commencing at 6:30pm, both of which will be in-person meetings. <i>September 30 LTC meeting rescheduled to take place October 14, 2021 and times to remain the same.</i>	Jaime Dubyna Wil Cottingham		Completed
7 Amend draft TOR for OCP and LUB targeted review Working Group Terms of Reference for a select committee of 8, serving for a term of 2 years. LTC endorsed TOR, as amended. Staff to solicit expressions of interest for volunteer members from the First Nations and agencies listed in the staff report dated July 22, 2021.	Marnie Eggen Penny Hawley		Completed

Follow Up Action Report

Gambier Island

22-Jul-2021

Activity	Responsibility	Dates	Status
8 Amend OCP and LUB Targeted Review project charter under In Scope to include the currently excluded area (properties) in Cotton Bay into the OCP process.	Marnie Eggen		Completed
9 LTC to write a letter to Vancouver Coastal Health advocating that select island marine areas be included in annual recreational marine water testing. Trustee Stamford to draft letter.	Kate-Louise Stamford Mike Richards Wil Cottingham		In Progress
10 Staff to amend the draft Forest Ecosystem discussion paper table of contents to include the provincial Howe Sound Cumulative Effects Assessment.	Marnie Eggen		Completed



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

October 06, 2021

File No.: GM/6410-03; 0110-20-LTC Chairs

Via email: darren.molder@vch.ca

Darren Molder
Senior Environmental Health Officer & Drinking Water Officer
Vancouver Coastal Health – Coastal Rural

Dear Mr. Molder and staff at the Environmental Health Office,

Re: Marine water testing in the Sunshine Coast Regional District islands

I am writing to you on behalf of the Gambier Island Local Trust Committee to request that islands in the Sunshine Coast Regional District (SCRD) be included in on-going marine water quality testing.

In early July, just after the heat dome event on BC's southern coast, it came to our attention that a couple of children became ill after swimming at a beach on Gambier Island. At the same time, the local newspaper reported that Vancouver Coastal Health had closed several local beaches after tests indicated high E.coli counts. The local community was surprised to see that there was no information about testing on the SCRD islands.

Residents in the New Brighton/Gambier Harbour area paid privately for water samples to be done and the readings were far above safe levels for the New Brighton area. Although Vancouver Coastal Health subsequently responded with second tests to confirm that the levels had returned to "normal", there was no consideration of further or regular testing of that area. After a brief query to other islands in the area, it was noted that swimming areas on Bowen Island are tested.

Please consider adding vulnerable island swimming areas (including New Brighton and possibly Plumper Cove on Keats Island) to the Vancouver Coastal Health marine water-testing regime especially when there are concerns about rising E.coli counts.

We look forward to your response.

Thank you

Sue-Ellen Fast
Chair, Gambier Island Local Trust Committee

cc: Skwxwú7mesh Úxwumixw (Squamish Nation)
Sunshine Coast Regional District Board
Gambier Island Local Trust Committee
Executive Committee
Islands Trust website

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea



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October 06, 2021

File No.: GM/6410-03; 0110-20-LTC Chairs

Via email: info@scrd.ca

Sunshine Coast Regional District Planning and Community Development Committee
1975 Field Road
Sechelt, BC V7Z 0A8

Dear Committee Members:

RE: Support for the renaming of the Halkett Bay Dock

The Gambier Island Local Trust Committee reviewed the referral entitled “Renaming Halkett Bay Dock on Gambier Island (Area F)” at their July 22, 2021 meeting.

The Committee passed a motion supporting the request by the Fircom/Sunset Owners Society to change the name of the Halkett Bay Dock to differentiate it from the Halkett Bay Marine Provincial Park Dock.

During the July 22 meeting Trustee Stamford noted other instances of confusion where people travelling to Gambier Island had been unaware that the commonly referenced “Fircom” Dock was actually the SCRD Halkett Bay Dock.

The Gambier Island Local Trust Committee also recommended that the Sunshine Coast Regional District reach out to the Skwxwú7mesh Uxwumixw (Squamish Nation) to seek suggestions for an alternative culturally appropriate name for this facility.

We look forward to seeing how this community-led initiative to support effective emergency response to Gambier Islanders moves forward.

Sincerely,

Trustee Sue-Ellen Fast
Chair, Gambier Island Local Trust Committee

Cc: Skwxwú7mesh Uxwumixw Council
Fircom/Sunset Owners Society
Gambier island Local Trust Committee
Islands Trust Website

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

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

File No.: GM-DP-2021.1 (Sea Ranch
Strata Lot 20)

DATE OF MEETING: October 14, 2021

TO: Gambier Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: **Development Permit Application – DPA-3 Riparian Areas**

Applicant: Lynn Ramsay – Miller Thomson LLP

Location: Gambier Island – Sea Ranch Strata

Strata Lot 20, District Lots 1258, 1653 and 3201 Strata Plan VR. 793,
together with an interest in the common property in proportion to the unit
entitlement of the Strata Lot as shown on Form 1 PID 005-937-051

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of GM-DP-2021.1 (Sea Ranch Strata Lot 20).

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application that is being sought in DP Area 3 – Riparian Areas, as part of an application to subdivide the subject property (and 32 other adjacent strata lots) into halves (A and B portions) for a total of 66 strata lots.

The applicant has submitted riparian area assessment by Cascade Environmental, dated April 11, 2019, which provides an assessment of the impacts of the proposed subdivision of the subject property on the un-named creek. No name creek is located on the upper foreshore of Port Graves Bay in the south eastern portion of Gambier Island (Figure 1).

Staff finds that the assessment addresses the objectives and intent of the information required under the DPA 3 Guidelines and is therefore recommending issuance of the permit.

BACKGROUND

The subject property consists of 2 existing dwellings on either side of a small creek (no name creek). The lot is already divided into two halves along the creek which is located on common property (Figure 2). The creek is reported to have low potential for fish presence due to shallow water and limited habitat in the lower section of the reach. Most of each dwelling falls outside the streamside protection and enhancement area (SPEA) and any structures within the SPEA are considered permitted under the *Riparian Area Protection Regulation* (RAPR). Under Section 5 of the provincial RAPR, a local government must not approve riparian development (including subdivision) unless that local government has received an Assessment Report under Section 6 of the RAPR in relation to the proposed development.

The applicant retained a qualified environmental professional (QEP) to prepare a detailed RAPR assessment for Strata Lot 20, dated April 11, 2019, to determine if subdivision of Lot 20 into two lots, would impact the watercourse which intersects the property (Figure 2).

The QEP identified a 10 metre streamside protection and enhancement area (SPEA) from the high-water mark of the creek in which no further development or alternation can occur. The QEP also noted any future redevelopment of the property may require permanent demarcation of the SPEA boundary in order to prevent encroachment and recommending fencing or vegetation with signage identifying the area beyond as SPEA. Mechanical control of invasive Himalayan blackberry was also recommended on the subject property.

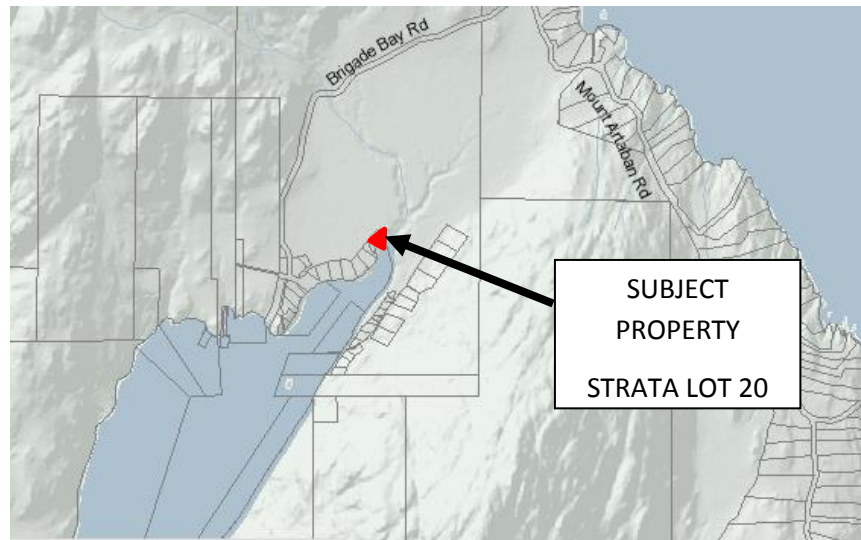


Figure 1. Subject Property Map

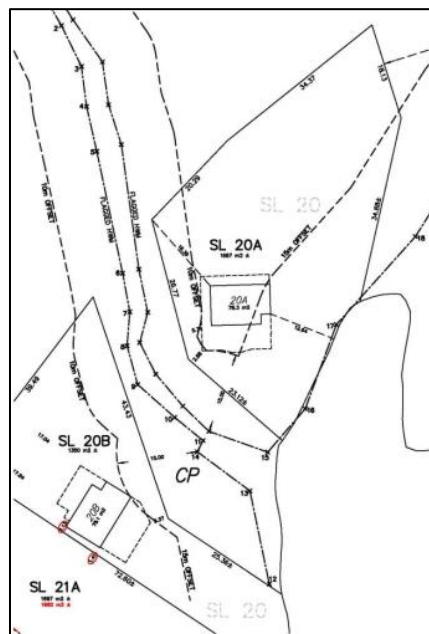


FIGURE 2. SPEA FOR STRATA LOT 20

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 Schedule I in the OCP, the subject property lies within DPA 3, which includes the ditch that runs along West Bay Road. The OCP identifies the DPA 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;

The objectives of DP-3 are:

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

Land Use Bylaw:

The subject property is zoned Comprehensive Development 1 (CD-1) under the LUB. The guidelines for DPA 3 are found under Section 9.3 (4) in the LUB.

The proposed development complies with DPA 3 Guidelines (see **Attachment 2**) and the proposed development appears to meet all other LUB requirements. The RAPR Assessment report has been reviewed by the Ministry of Forest, Lands and Natural Resource Operations and Rural Development and meets the assessment and reporting criteria.

Issues and Opportunities

This application is part of larger subdivision of the Sea Ranch strata lots. Prior to undertaking any additional applicable development activities within DPA 3, a development permit would be required, and would trigger the

requirement for a subsequent RAPR Assessment Report. Section 9.3 (3) of the LUB lists a number of development activities that are exempt from the requirement for a DP, including:

- (3)** *The following activities are exempt from any requirement for a development permit in Development Permit Area No. 3:*
- (b)** *interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing building or structure to an extent that does not alter, extend or otherwise increase the ground floor area of the building or structure including all impermeable accessory structures such as decks and patios*
 - (k)** *The construction of a fence if no trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;*
 - (n)** *The construction of a small accessory building more than 20 metres from a high water mark 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 square metres;*

Pursuant to Section 491(1) of the *Local Government Act* (LGA), for land within a DPA that is designated to protect the natural environment, a DP may impose the following:

- (a) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;*
- (b) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;*
- (e) require protection measures, including that vegetation or trees be planted or retained in order to*
 - (i) preserve, protect, restore or enhance fish habitat or riparian areas,*
 - (ii) control drainage, or*
 - (iii) control erosion or protect banks.*

Staff note that further development within the DPA 3, which is not listed in Section 9.3 (3) of the LUB, would require an application for a DP.

Consultation

Public consultation and notification are not required for Development Permit applications.

Rationale for Recommendation

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

ALTERNATIVES

The LTC may consider the following alternatives 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 DPA 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-2021.1 for the following reasons [insert reasons].

NEXT STEPS

If the LTC concurs with staff's recommendation, the permit will be issued as presented in the staff report.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner, Northern Office	September 27, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 28, 2021

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Development Permit (including RAR Assessment, dated April 11, 2019)
4. Applicant Correspondence (submitted as part of DP application)

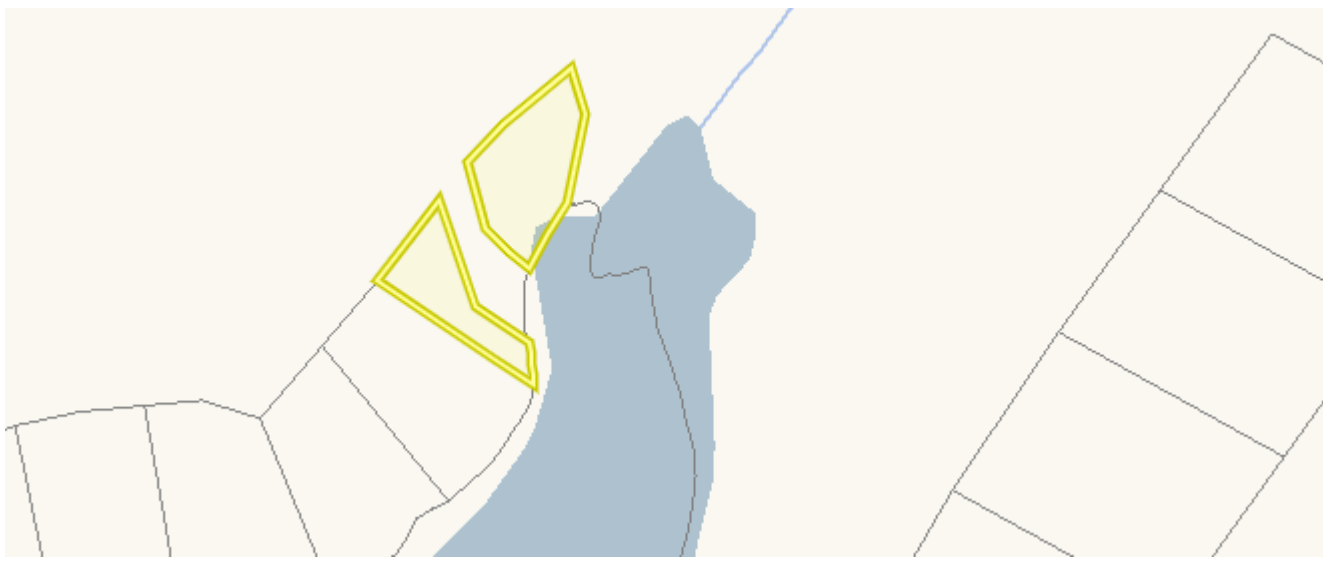
ATTACHMENT 1 – SITE CONTEXT GM-DVP-2021.1

LOCATION

Legal Description	Strata Lot 20, District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1
PID	005-937-051
Civic Address	Sea Ranch, Gambier Island
Lot Size	.3 ha (.8 ac)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential



The image is an orthophoto showing a coastal area. A specific property, SL 20, is highlighted with a yellow outline. It is situated on a peninsula or near a body of water, which is shown in blue. The surrounding land is divided into various lots, some of which are also outlined in yellow. The overall scene is a top-down aerial view of the land and water.

Figure 1. Orthophoto of SL 20 property (yellow outline)

HISTORICAL ACTIVITY

File No.	Purpose
GM-RZ-2013.2	Amendment to CD1 zone; BL 126 (closed)
GM-SUB-2018.1	Proposed Bare Land Strata subdivision (pending)
GM-BP-2008.11	SL 10 - Single family dwelling (closed)
GM-DP-2021.1	Riparian Area Development Permit – subdivision (pending)
GM-DVP-2007.3	SL 10 - Increase the max. floor area of an associated secondary dwelling (closed)
GM-DVP-2020.3	SL 3 (open)
GM-DVP-2020.7	SL 10 (open)
GM-DVP-2020.8	SL 12 (open)

GM-DVP-2020.9	SL 13 (open)
GM-DVP-2021.1	SL 6 (open)
GM-DVP-2021.2	SL 9 (open)
GM-DVP-2021.3	SL 11 (open)
GM-DVP-2021.4	SL 24 (open)

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Settlement Residential Development Permit Area: DPA 3 (Riparian Areas)
Land Use Bylaw	Zone: Comprehensive Development (CD1)
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 development activities. Under Section 12 of the RAPR, <i>(12) An assessment of a proposed development for the purposes of this regulation must be carried out</i> <i>(a) by one or more qualified environmental professional, 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 assessment report regulated under the RAPR.
Covenants	n/a
Bylaw Enforcement	n/a

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy (ITC)-owned property or conservation covenant. Referral to ITC is not required.
Regional Conservation Strategy	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: no name creek bisects SL 20 along strata common property and a SPEA of 10 m has been identified
Hazard Areas	None mapped.
Archaeological Sites	A review of Remote Access to Archaeological Data (RAAD) information indicates no documented archaeological sites within the property or within 100 metres of the 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 the 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 must be followed: http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Boulder/cobble beach
Shoreline Data in TAPIS	Boulder/cobble beach

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

9.3 DEVELOPMENT PERMIT AREA NO. 3 (RIPARIAN AREAS) GM-DVP-2021.1

Part 1 of the Guidelines apply to any application related to a “stream” that meets that definition.

Part 1 Guidelines	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 may only be conducted <i>prior to</i> development (subdivision) being approved.
(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 RAPR Assessment Report recommends fencing or vegetation/signage where new development may be occurring in proximity to the SPEA, and invasive species Himalayan blackberry removal. Staff consider requiring a security to be unnecessary and as no new development is occurring on SL 20 no additional recommendations or mitigation measures are included 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 assessment report and the owner should be required to follow any measures identified by	yes	The RAPR Assessment Report identifies a 10m SPEA from the HWM of no name creek. Staff have included a condition in the permit that no development occur within the area

the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.		identified by the QEP except as permitted by the DP 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 subsequent 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.	yes	The RAPR Assessment pertains to subdivision of the Strata Lot into two parcels only. 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.
(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	Not applicable.
(g) 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.	Yes	Subdivision complies with recommendations of a QEP as it is pre-existing construction and each portion of the strata lot is already physically separated by no-name creek.
(h) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.	Yes	SPEA has been identified 10 m on either side of the no name creek high water mark.
(i) 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.	n/a	No highway, driveway or access route proposed
(j) 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	n/a	No new construction proposed.

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.		
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**GAMBIER LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
GM-DP-2021.1**

To: P. Rose, D. Rose, G. Thomas and P. Pelletier

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

PID: 005-937-051

Legal Descriptions: Strata Lot 20, District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

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

Schedule "A" RAPR Assessment Report, dated April 10 2019, by Cascadia Environmental

3. The Permit is subject to the following conditions:

- 3.1 No residential, commercial or industrial development shall take place on the subject lot within Development Permit Area 3 – Riparian Areas, except in accordance with the RAPR Assessment, Report dated April 10 2019, by Cascadia Environmental, attached as Schedule "A".

This permit does not relieve the owner 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 GAMBIER LOCAL TRUST COMMITTEE THIS --th DAY OF ---, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE -- DAY OF ---, 2023 (2 YEARS FROM DATE OF ISSUANCE)], THIS PERMIT AUTOMATICALLY LAPSES.

I hereby certify this to be Schedule "A" which is attached to and forms part of Development Permit No. GM-DP-2021.1.

Signature of Islands Trust Official Date of Issuance

GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DP-2021.1
SCHEDULE 'A'
RAPR Assessment Report

FORM 2 – Additional QEP Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

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

2019-04-10

I. Primary QEP Information

First Name	Mike	Middle Name	C
Last Name	Nelson		
Designation	R.P.Bio.	Company	Cascade Environmental
Registration #	525	Email	mnelson@ceerg.ca
Address	Unit 203 – 38026 2 nd Ave		
City	Squamish	Postal/Zip	V8B 0C3
Prov/state	BC	Country	Canada
		Phone #	604-815-0901

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

First Name	Ken	Middle Name	J
Last Name	McNamara		
Designation	A.Sc.T	Company:	Cascade Environmental
Registration #	27822	Email	kmcnamara@ceerg.ca
Address	Unit 203 – 38026 2 nd Ave		
City	Squamish	Postal/Zip	V8B 0C3
Prov/state	BC	Country	Canada
		Phone #	604-815-0901

III. Developer Information

First Name	Peter	Middle Name	
Last Name	Buckland		
Company	-		
Phone #	604 986 1110	Email:	tach2@shaw.ca
Address	36 - 4055 Indian River Drive,		
City	North Vancouver	Postal/Zip	V7G 2R7
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Sub division: Two Family residential		
Area of Development (ha)	0.0	Riparian Length (m)	55
Lot Area (ha)	0.324	Nature of Development	No development
Proposed Start Date	N/A	Proposed End Date	N/A

V. Location of Proposed Development

Street Address (or nearest town)	SL 20 A & B Sea Ranch						
Local Government	Sunshine Coast Regional District				City	Sechelt	
Stream Name	No Name						
Legal Description	District Lot 1258 1653 3201, Block - Plan VAP793, PID 005-937-051				Region	Lower Mainland	
Stream/River Type	Stream				DFO Area	2	
Watershed Code	-						
Latitude	49°	28	42.73 N	Longitude	-123°	20	45.88 W

Table of Contents for Assessment Report

- 1. Description of Fisheries Resources Values**
- 2. Results of Riparian Assessment (SPEA width)**
- 3. Site Plan**
- 4. Measures to Protect and Maintain the SPEA**
- 5. Environmental Monitoring**
- 6. Photos**
- 7. Assessment Report Professional Opinion**
- 8. Appendix A: Memorandum re. Detailed Riparian Areas Regulation Assessment for SL 20 Sea Ranch, Port Graves Bay, Gambier Island, BC (Cascade Environmental, April 11th, 2019)**

FORM 3 – Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

2.1 Results of Detailed Riparian Assessment

Date: 2019-03-05

Description of Water bodies involved (number, type)

No Name Creek, Port Graves Bay

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

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

	Channel Width (m)	Gradient (%)	
starting point	2.24	2	I, <u>Ken McNamara</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Peter Buckland</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	2.45	2	
	3.80	3	
	4.08	3	
downstream	4.55	2	
	2.92	5	
	3.23	5	
	2.34	7	
	3.79	6	
	2.50	6	
	2.26	3	
Total: minus high /low	27.37		
mean	3.04		
	R/P	C/P	S/P
Channel Type	X		

Site Potential Vegetation Type (SPVT)

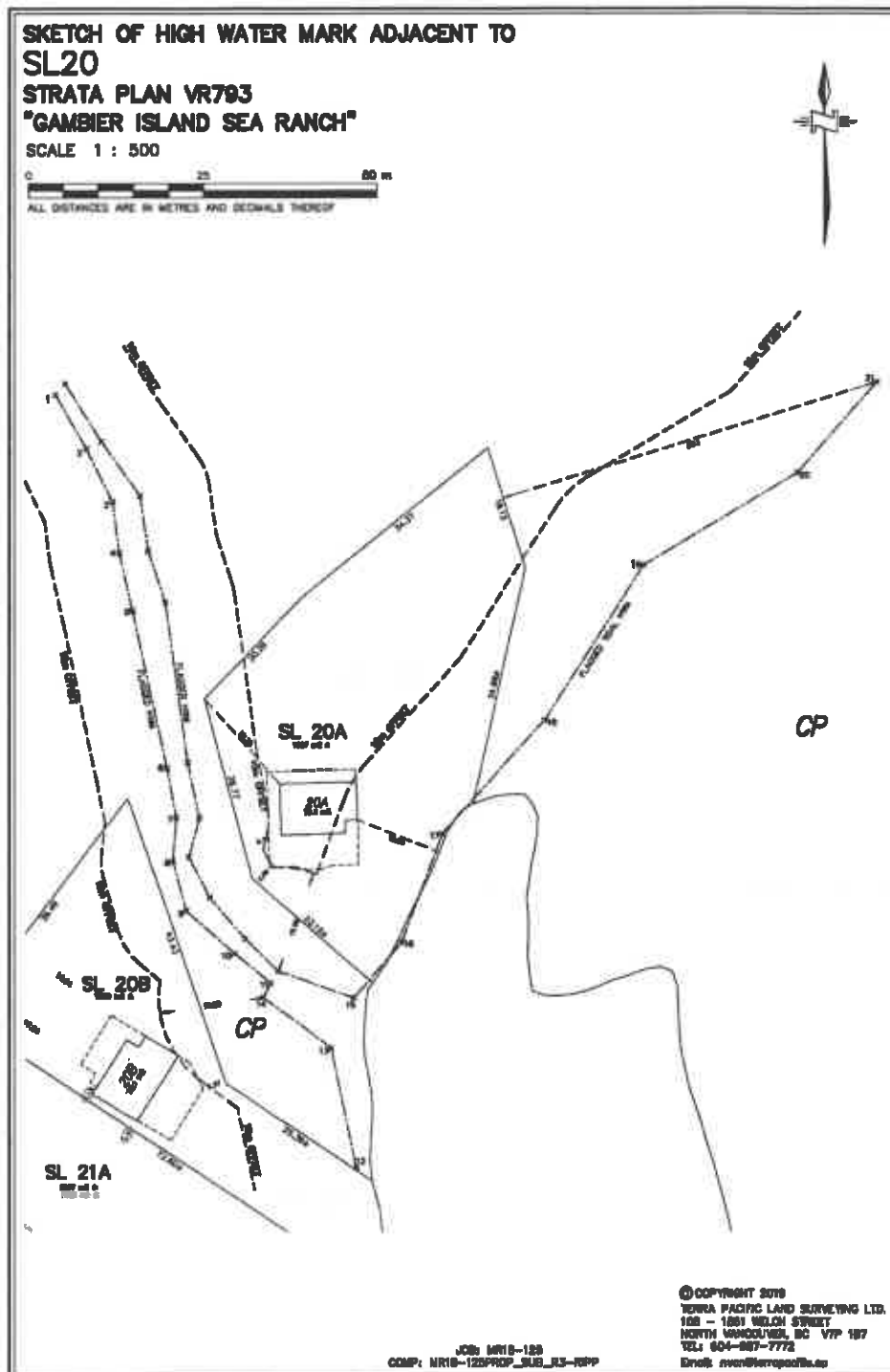
SPVT Polygons	Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Ken McNamara</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Peter Buckland</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
		X	
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH TR	
		X	
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH TR	

Section 3. Site Plan

Map 1. Location Map



Map 3. Riparian Area Survey



FORM 3 – Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

6. Sediment and Erosion Control	✓	
N/A No construction is scheduled		
I, <u>Ken McNamara</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Peter Buckland</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation		
7. Stormwater Management	✓	
N/A No construction is scheduled No drainage is flowing from the site to the SPEA.		
I, <u>Ken McNamara</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Peter Buckland</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation		
8. Floodplain Concerns (highly mobile channel)	✓	
No floodplain concerns exist for the property		
I, <u>Ken McNamara</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the <u>Peter Buckland</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation		

Section 6. Photos



Photo 1: Looking upstream/north from tide water at No Name Creek (Indicated by arrow) with 20A to the right and 20B to the left. March 20th, 2019



Photo 2: Looking downstream/south at No Name Creek with 20A to the left and 20B to the right. March 5th, 2019

FORM 3 – Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 4: Looking downstream/south at the culvert crossing for No Name Creek. March 5th, 2019



Photo 5: Looking upstream/north at No Name Creek from flag 11 to 10, with 20A to the right and 20B to the left. March 5th, 2019

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date April 11, 2019

1. I/We, Mike Nelson, R.P.Bio, and Ken McNamara A.Sc.T.

hereby certify that:

- a) I am a qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out the assessment of the proposal made by the developer Jan MacKay, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

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

- a) ☒ If the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR
- b) ☐ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

Form 3 Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: March 5th 2019

Description of Water bodies involved (number, type)

1

Stream	☒
Wetland	☐
Lake	☐
Ditch	☐

Number of reaches 1

Reach # 1

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

	Channel Width(m)	Gradient (%)	
starting point	<u>2.24</u>	<u>2</u>	I, <u>Ken McNamara</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Peter Buckland</u> (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	<u>2.45</u>	<u>2</u>	
	<u>3.80</u>	<u>3</u>	
	<u>4.08</u>	<u>3</u>	
	<u>4.55</u>	<u>2</u>	
downstream	<u>2.92</u>	<u>5</u>	
	<u>3.23</u>	<u>5</u>	
	<u>2.34</u>	<u>7</u>	
	<u>3.79</u>	<u>6</u>	
	<u>2.50</u>	<u>6</u>	
	<u>2.26</u>	<u>3</u>	
Total: minus high /low	<u>27.37</u>		
mean	<u>3.04</u>		
	R/P	C/P	
Channel Type	<u>X</u>		

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons	☐	☒	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Ken McNamara</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Peter Buckland</u> (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:			Method employed if other than TR
SPVT Type	LC ☐	SH ☐	TR ☒
Polygon No:			Method employed if other than TR
SPVT Type	LC ☐	SH ☐	TR ☐
Polygon No:			Method employed if other than TR
SPVT Type	☐	☐	☐



MEMORANDUM

DATE: April 11th, 2019
TO: Provincial RAR Notification System
CC: Peter Buckland
FROM: Ken McNamara, A.Sc.T., P.Biol., QEP and Mike Nelson, R.P.Bio.,
QEP, Cascade Environmental Resource Group Ltd.
RE: Detailed *Riparian Area Regulation* Assessment for Lot 20 Sea
Ranch, Port Graves Bay, Gambler Island, B.C.
FILE #: 935-01-01

Peter Buckland wishes to sub-divide the lot located at SL 20 A & B Sea Ranch (Map 1), on Gambier Island, BC (District Lot 1258 1653 3201, Block -, Plan VAP793, PID 005-937-051). As the property is intersected by a watercourse, No Name Creek, Cascade Environmental Resource Group Ltd (Cascade) was retained to conduct a riparian assessment as per the BC provincial Riparian Areas Regulation (RAR).

All lands within 30 m of a fish bearing watercourse, or watercourse that flows into fish bearing waters, within The Islands Trust, and are subject to a RAR assessment per the Gambler Island Official Community Plan Bylaw 73 and Land Use Bylaw 86. The objectives of the OCP are to "protect, terrestrial, aquatic and marine habitat" (Obj. 8.3 G.I. OCP). The bylaw is structured to enhance watercourse ecosystems such as stream corridors, lake or pond edges, wetlands, and other riparian areas and fish habitat, in accordance with the BC Fish Protection Act, and identify Streamside Protection and Enhancement Areas (SPEAs), also known as riparian buffer areas, which must remain free of development, including the disturbance of soils and vegetation.

The subject property is an existing neighbourhood adjacent to a permanent non-fish bearing stream, and therefore, the SPEA for the subject property for natural streams is calculated as the greater of that calculated by the RAR Detailed Assessment method or a 10 m buffer.

The intent of this memo is to provide a detailed assessment of the Streamside Protection and Enhancement Area (SPEA or the riparian setback area) as per the RAR, and associated implications provided by the regulation to assist with the development process.

1.0 AQUATIC RESOURCES

The subject property consists of 2 dwelling, one on either side of a small drainage (No Name Creek) on the upper foreshore of Port Graves Bay in the southeastern portion of Gambier Island (Photos 1 & 2). No Name Creek flows from north to south between the two buildings on the subject property.

During the site inspection on March 5th, 2019, the subject reach of No Name Creek had an average wetted width of 3.04 m and maximum bank full width of 4.5 m (Photo 1). The average water depth was 0.1 m. The substrate was composed of gravels and organic fines with some aquatic grasses. The creek had a low gradient ranging from 2% to 7%. The area of No Name Creek included in this assessment had width ranges from 2.24 m to 4.55 m. The banks were steep, vegetated and approximately 5.0 m high from flags 6 to 11 and more graduated (1-2m)



3.0 CONSTRAINTS TO DEVELOPMENT

There are significant limitations to land use within the restrictive SPEA area and it is the responsibility of the proponent to know these limitations and ensure that all contractors operating on the property comply with these limitations.

The Riparian Area Regulation prohibits development within the prescribed SPEA. According to the regulation, "development" means:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-pervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors and;
- j) subdivision as defined in section 872 of the *Local Government Act*.

Note that there is no proposed development.

4.0 MEASURES TO PROTECT AND MAINTAIN THE SPEA

A detailed riparian assessment must address specific measures to protect the SPEA, including a Danger Tree Assessment. These measures are detailed in RAR Form 3 (to which this report is appended). Specific attention should be paid to the requirements for demarcation of the protected riparian area, including staking by a BC Land Surveyor prior to any future site disturbance, temporary fencing during development and permanent fencing and signage after development.

5.0 INVASIVE SPECIES MANAGEMENT

An invasive species survey was conducted as part on March 5th, 2019 during the RAR assessment. Invasive species found on the property were Himalayan blackberry (*Rubus armeniacus*), in the north east of the subject property (SSISC, 2018).

According to Sea to Sky Invasive Species Council (SSISC), "Himalayan blackberry grows extremely aggressively, with new canes reaching out several metres from the original plant. When these canes reach the ground, they can take root and in doing so, can 'leap-frog' across an expanse of land in very few years if not kept in check." Himalayan blackberry out competes native vegetation capable of providing shade, coarse woody debris and detritus to riparian areas. Dense growth also restricts access by wildlife to watercourses and limits recreational access.

Mechanical control is recommended. Blackberry should be cut low to the ground and the root crowns should be grubbed using a pickaxe or excavator.

Should blackberry re-emerge in subsequent seasons, it can be treated as suggested above or simply cut or mowed several times per year. Regular cutting of blackberry stems will prevent photosynthesis and eventually deplete energy stores in the plant's roots. The removal should take place in spring before the plant produced berries, with subsequent treatments throughout the growing season. The persistence of re-growth depends on how long the shrubs were there, how large the seed bank is, and the effectiveness of the removal program (SSISC, 2019).



Section 6. Photos



Photo 1: Looking upstream/north at No Name Creek (Indicated by arrow) with 20A to the right and 20B to the left. March 20th, 2019



Photo 2: Looking downstream/south at No Name Creek with 20A to the left and 20B to the right. March 5th, 2019



Photo 5: Looking upstream/north at No Name Creek from flag 11 to 10, with 20A to the right and 20B to the left. March 5th, 2019



Photo 6: Looking downstream/north at the from flag 2 to 3 on No Name Creek. March 5th, 2019

UPDATED NOTE – As this was prepared early 2020 (end of January) by the Lot Owner in support of the conclusion of riparian issues in respect of this lot. Please advise if you require anything further but we trust this should suffice.

GAMBIER ISLAND SEA RANCH

Riparian Assessment

Summary

On 2018-12-28, Islands Trust required a riparian areas assessment for the area between 20A and Long Bay Creek.

The riparian expert found that 20A is not too close to the creek, but he was concerned about the proximity to the unnamed creek between 20A and 20B.

After several visits to the Sea Ranch by the riparian expert and the surveyor, it was concluded that neither 20A nor 20B are non-conforming with respect to the two creeks.

The expert's report was sent to the strata corporation on 2019-04-23, also to the BC Ministry of the Environment, who accepted it and passed it on to Islands Trust.

Details

On 2018-12-28, Islands Trust sent a requirement to Lynn Ramsay that a riparian assessment be prepared for SL 20A, because the structure was less than 30 m from an identified stream (Long Bay Creek). [See Subdivision Referral Report dated 2018-12-28]

Peter Buckland (PB) arranged with Cascade Environmental Resource Group Ltd ("Cascade") of Squamish to visit the Sea Ranch. On 2019-03-05, Ken McNamara, biologist, of Cascade visited the Sea Ranch with Peter Buckland (PB). Ken pointed out that the stream is tidal where it runs past 20A, and tidal coast lines are under the jurisdiction of the federal government, not the provincial government and consequently not Islands Trust. The structure therefore has to be at least 30 m from the limit of high tide up the stream.

Ken marked where he deemed the limit of tidal water was.

However, he was also concerned about the closeness of the buildings to the unnamed creek between 20A and 20B.

On 2019-03-09, PB returned to the Sea Ranch with Ken and a surveyor from Terra Pacific Land Surveying Ltd. Ken established the high water levels up and down Unnamed Creek, marking them with flags, and the surveyor located them and the high-tide mark in Long Bay Creek.

Terra Pacific's drafter plotted the survey results, which showed that the building on 20A is more than 30 m from the limit of high tide. It also shows that both 20A and 20B are 10 m or more from Unnamed Creek.

Ken McNamara of Cascade prepared a riparian areas assessment report (RAR), and delivered it to PB on 2019-4-23. His email states that he had also submitted it to Fisheries and Oceans Canada (DFO), the BC Ministry of Forests, Lands etc.

UPDATED NOTE – As this was prepared early 2020 (end of January) by the Lot Owner in support of the conclusion of riparian issues in respect of this lot. Please advise if you require anything further but we trust this should suffice.

and “the appropriate local government(s).” It has been given the identification Assessment 5867.

On 2019-04-23, Ken also sent to GISR an email from the Ministry stating,

“RAR Assessment report #5687A has been reviewed by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. The Ministry hereby provides notice that this report meets the assessment and reporting criteria for the Riparian Areas Regulation.”

Ken stated that the BC Ministry has sent its findings to Islands Trust.

Given that the RAR meets the requirements, I assume that the matter is closed. There is no non-conformance by SL20A. However, Lynn Ramsay is concerned that we may still be asked for more.

Costs to date are \$1,988.99, so far paid by Peter Buckland. Receipts are available.

Prepared by Peter Buckland

File No.: GM-DVP-2020.3-2020.15
(Sea Ranch, Gambier Island)

DATE OF MEETING: October 14, 2021
TO: Gambier Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: GM-DVP-2020.3 (Sea Ranch)
Applicant: Lynn Ramsay
Location: Strata Lots 3, 6, 9, 10, 11, 12, 13, 24 Block 1, District Lots 1258, 1653 and 3201, Group One, New Westminster District Strata Plan 793

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2020.3 (Strata Lot 3)
2. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2021.1 (Strata Lot 6)
3. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2021.2 (Strata Lot 9)
4. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2020.7 (Strata Lot 10)
5. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2021.3 (Strata Lot 11)
6. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2020.8 (Strata Lot 12)
7. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2020.9 (Strata Lot 13)
8. That the Gambier Island Local Trust Committee approve issuance of GM-DVP-2021.4 (Strata Lot 24)

REPORT SUMMARY

The purpose of this report is to recommend approval of variances to new interior/front lot lines being proposed on 8 separate Strata Lots through subdivision application GM-SUB-2018.1. Each proposed variance requires a relaxation of the setback provisions in the 'Comprehensive Development 1 (CD1)' Zone of the Gambier Island Land Use Bylaw (LUB), in order to legalize the siting of existing dwellings and decks, on the individual strata lots. Staff support issuance of all requested variances.

RATIONALE FOR VARIANCE

The applicants are seeking the variances as they are a condition of subdivision that the subdivision not result in non-conformity of the bylaws. The siting of eight dwellings/decks do not comply with the proposed new subdivision lot line boundaries.

BACKGROUND

A complete site context is included in Attachment 1. Subdivision application GM-SUB-2018.1 proposes to subdivide each of the 33 Strata Lots in half, to divide the A/B portions resulting in 66 individual Strata Lots. A condition of subdivision is that the applicant be granted the necessary variances by the LTC, to authorize the siting of the existing dwellings/decks in relation to proposed new interior strata lot lines, dividing each strata lot into an A and B portion. A summary of the requested variances for each strata lot is provided in the following Table:

Strata Property Number and Property Identification #	Interior Strata Lot Line Setback	
	Required	Proposed
Proposed Strata Lot 3B (PID 005-936-021) GM-DVP-2020.3	2.5 metres	0.51 metres
Proposed Strata Lot 6B (PID 005-936-195) GM-DVP-2021.1		1.98 metres
Proposed Strata Lot 9A (PID 005-936-675) GM-DVP-2021.2		1.64 metres
Proposed Strata Lot 9B (PID 005-936-675) GM-DVP-2021.2		1.1 metres
Proposed Strata Lot 10B (PID 004-567-455) GM-DVP-2020.7		0.79 metres
Proposed Strata Lot 11A (PID 005-936-705) GM-DVP-2021.3		1.99 metres
Proposed Strata Lot 11B (PID 005-936-705) GM-DVP-2021.3		0.67 metres
Proposed Strata Lot 12A (PID 005-936-764) GM-DVP-2020.8		0.93 metres
Proposed Strata Lot 24 (PID 005-937-167) GM-DVP-2021.4		0.65 metres

And **Proposed Strata Lot 13B** (PID 003-420-787) GM-DVP-2020.9 is for a front setback of 4.19 metres where 7.5 meters is required.

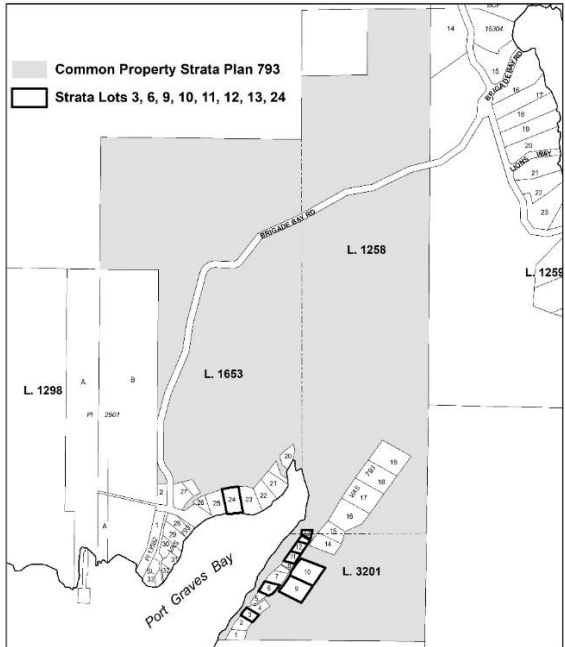


FIGURE 1. LOCATION OF STRATA LOTS REQUESTING VARIANCES

ANALYSIS

Policy/Regulatory

Official Community Plan:

There are no policy issues.

Land Use Bylaw:

The zoning of the Sea Ranch properties is 'CD-1' (Comprehensive Development 1) and Strata Lots 3,6, 9, 10, 11, 12, 13 and 24 require a variance to the following setback regulation:

5.22 (8) The minimum setback for any building or structure from a strata lot line is:

(a) 7.5 metres from any front or rear strata lot line;

(b) 2.5 metres from any interior side strata lot line;

(c) 4.5 metres from any exterior side strata lot line.

Analysis:

Issues and Opportunities

There are no potential issues arising from the proposal and the application is supported by the OCP and zoning which recognizes the subdivision of the A/B portions of each of the 33 Sea Ranch strata lots. All other conditions of the CD1 zone pertaining to this subdivision have been met.

Impact on Neighbouring Properties

The proposed subdivision and variances, if approved, would have no impact on neighbouring properties. The majority of the adjacent Strata Lots have already been developed on both A and B portions.

Intent of Regulations being varied

The intent of the 2.5 metre interior lot line is to provide a 5 metre buffer between dwellings. Historic siting of decks and dwellings on some Strata Lots closer than 5 metres has resulted in no opportunity to adjust the interior lot line, therefore the variances are being requested.

Potential impacts of granting to variance

The overall intent of the CD-1 zone is to regulate development on Sea Ranch and permit the eventual subdivision of each of the 33 strata lots under certain conditions. The potential impact of granting the variances, includes the applicant being able to proceed with the subdivision application process.

Circulation and First Nations

A notice of the DVP was circulated to neighbours within 100 metres of the Common Property Lines. No comments were received at the time of report preparation. Any comments received will be forwarded to the LTC.

A notice of the DVP was circulated to Squamish Nation in April 2021 and in July 2021 the nation responded confirming the CD-1 zone is within a Squamish Nation cultural candidate area, which is an area of elevated archaeological potential. The Nation requested that Islands Trust staff support the Nation's request to the Provincial Approving Officer (PAO) that an archaeological impact assessment (AIA) be a condition of subdivision of the Sea Ranch strata lots. Staff advised the Nation that the Islands Trust has no authority to require an AIA through a subdivision referral, but that staff can recommend the PAO requires it under their subdivision approval authority. Staff will revise the referral response to the PAO once the DVPs have been considered and include a request to consider requiring an AIA as a condition of subdivision.

Rationale for Recommendation

The applicant has amended the location of the interior lot lines over several renditions of draft surveys to avoid as many variances as possible as part of the subdivision application. Staff recommend issuance of all eight variances as per the individual recommendations included on Page 1 of the report.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that MOTI will be advised that the subdivision cannot be approved as presented. If this alternative is selected, the LTC should state the reasons for denial.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	September 27, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 28, 2021

ATTACHMENTS

1. Site Context
2. Notice
3. Draft Development Variance Permits

ATTACHMENT # 1 – SITE CONTEXT GM-DVP-2020.3

LOCATION

Legal Description	STRATA LOT 3 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 6 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 9 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 10 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 11 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 12 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 13 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. STRATA LOT 24 DISTRICT LOTS 1258, 1653 AND 3201 STRATA PLAN VR. 793, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.
PID	SL 3 (PID 005-936-021) SL 6 (PID 005-936-195) SL 9 (PID 005-936-675) SL 10 (PID 004-567-455) SL 11 (PID 005-936-705) SL 12 (PID 005-936-764) SL 13 (PID 003-420-787) SL 24 (PID 005-937-167)
Civic Address	n/a
Lot Size	SL 3 - 0.13 ha SL 6 - 0.16 ha SL 9 - 0.46 ha SL 10 - 0.5 ha SL 11 - 0.12 ha SL 12 - 0.11 ha

	SL 13 - 0.12 ha SL 24 - 0.39 ha
--	------------------------------------

LAND USE

Current Land Use	Recreation, Residential
Surrounding Land Use	Recreation, Park, Agriculture, Residential, Marine, Conservation (undeveloped)

HISTORICAL ACTIVITY

File No.	Purpose
GM-RZ-2013.2	Amendment to CD1 zone; BL 126 (closed)
GM-SUB-2018.1	Proposed Bare Land Strata subdivision (pending)
GM-BP-2008.11	SL 10 - Single family dwelling (closed)
GM-DP-2021.1	Riparian Area Development Permit – subdivision (pending)
GM-DVP-2007.3	SL 10 - Increase the max. floor area of an associated secondary dwelling (closed)
GM-DVP-2020.3	SL 3 (open)
GM-DVP-2020.7	SL 10 (open)
GM-DVP-2020.8	SL 12 (open)
GM-DVP-2020.9	SL 13 (open)
GM-DVP-2021.1	SL 6 (open)
GM-DVP-2021.2	SL 9 (open)
GM-DVP-2021.3	SL 11 (open)
GM-DVP-2021.4	SL 24 (open)

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Settlement Residential (SR) Relevant OCP policies include: Policy 3.7 The zoning regulations should establish setbacks for buildings and structures, in accordance with good planning practices, from: i. lot lines: ➤ to maintain privacy between individual lots and from road rights of way; ➤ to provide space for emergency access to the rear of properties; ➤ to minimize nuisances and maintain separation from incompatible land uses; ➤ to provide for fire separation between buildings and structures; ➤ to maintain the integrity and linkage of rural spaces and allow for continuation of natural processes such as drainage and groundwater recharge; and ➤ to maintain terrestrial habitat and migration corridors; ii. all watercourses: ➤ to protect aquatic and riparian habitat and water quality and quantity; and
--------------------------------------	--

	➤ to protect buildings and structures from any potential floodwaters or streamside erosion; and from iii. the sea: ➤ to protect buildings and structures from floodwaters or coastal erosion; ➤ to protect marine and riparian habitat and water quality; and ➤ to maintain a view of the coastline that is rural in character and relatively pristine in appearance. Policy 8.9 Zoning regulations should establish a minimum building setback from wetlands, watercourses and the sea. Development Permit Area: DP-3 Riparian Areas
Land Use Bylaw	Zone: Gambier Island Sea Ranch Comprehensive Development 1 (CD1) 5.22 Siting and Size Area 1: (8) The minimum setback for any building or structure from a strata lot line is: (a) 7.5 metres from any front or rear strata lot line; (b) 2.5 metres from any interior side strata lot line; (c) 4.5 metres from any exterior side strata lot line.
Other Regulations	Part of Common Property is within the Agricultural Land Reserve (ALR).
Covenants	SL 3 – Restrictive Covenant L97283, Restrictive Covenant L97284 SL 6 – Restrictive Covenant L97280, Restrictive Covenant L97281 SL 9 – Restrictive Covenant M4479, Restrictive Covenant M4480 SL 10 – Restrictive Covenant M44241, Restrictive Covenant M51276 SL 11 - Restrictive Covenant L85417, Restrictive Covenant L85417A SL 12 – Restrictive Covenant L76485, Restrictive Covenant L76485A SL 13 – Restrictive Covenant M9700, Restrictive Covenant M9701 SL 24 - Restrictive Covenant M27179, Restrictive Covenant M27171
Bylaw Enforcement	None

SITE INFLUENCES

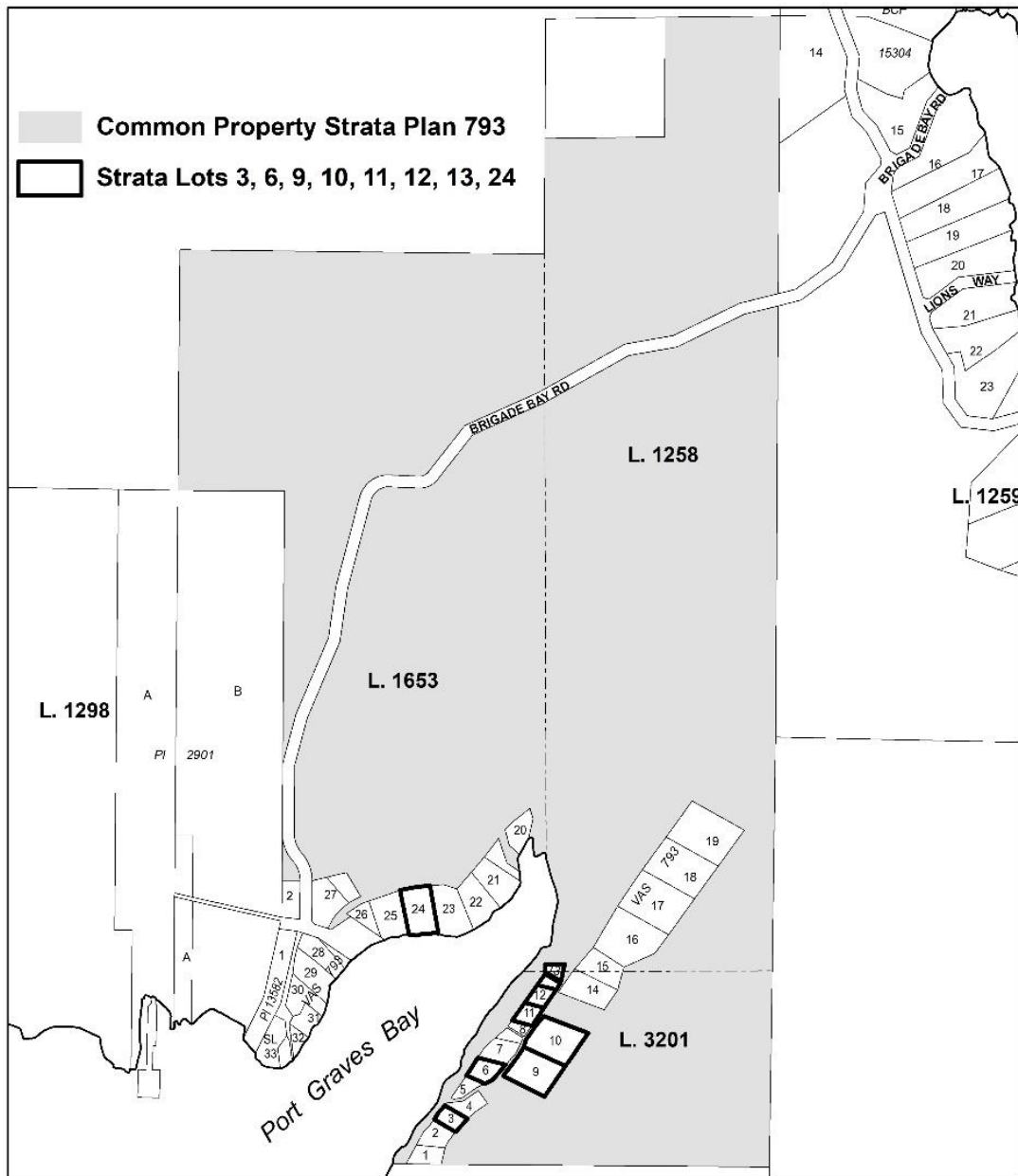
Islands Trust Conservancy	Boundary of Common Property adjacent to Long Bay Wetland Nature Reserve. The proposed variances do not directly affect an Islands Trust Conservancy (ITC)-owned property or conservation covenant. Referral to ITC is not required.
Regional Conservation Strategy	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is a mix of LOW, MEDIUM and HIGH; however, the area of the lot related to this application is LOW. Gambier Island as a whole has been identified as a HIGH priority and HIGH need for protection.
Species at Risk	None mapped.
Sensitive Ecosystems	Mature Forest
Hazard Areas	None mapped.

Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not indicate any documented archaeological sites within the property or within 100 metres. 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.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Sediment Shoreline - Boulder/Cobble Some areas of Low/Rock Boulder.
Shoreline Data in TAPIS	Eelgrass mapping in marine areas adjacent to SL 31, 32, and 33.

NOTICE
GM-DVP-2020.3, GM-DVP-2020.7, GM-DVP-2020.8, GM-DVP-2020.9,
GM-DVP-2021.1, GM-DVP-2021.2, GM-DVP-2021.3, GM-DVP-2021.4
(Sea Ranch, Gambier Island)
GAMBIER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Gambier Island Local Trust Committee will be considering resolutions allowing for the issuance of several Development Variance Permits, pursuant to Section 499 of the *Local Government Act*. The proposed permits are for variances on eight Strata Lots located at **Sea Ranch, Gambier Island** on the parcel legally described as **Strata Lots 3, 6, 9, 10, 11, 12, 13 & 24 District Lots 1258, 1653 and 3201 Strata Plan VR 793**.

The general location of the subject strata lot properties are shown on the following sketch:



The purpose of the variances is to permit the Strata Lots to be subdivided with a new interior lot line (dividing portions A and B). The position of the new interior and front lot lines do not all comply with the minimum setback to existing dwellings and structures. The interior and front lot line variances would vary the Gambier Island Land Use Bylaw No. 86 section 5.22(8) siting regulations as follows:

Strata Property Number and Property Identification #	Interior Strata Lot Line Setback	
	Required	Proposed
Proposed Strata Lot 3B (PID 005-936-021) GM-DVP-2020.3	2.5 metres	0.51 metres
Proposed Strata Lot 6B (PID 005-936-195) GM-DVP-2021.1		1.98 metres
Proposed Strata Lot 9A (PID 005-936-675) GM-DVP-2021.2		1.64 metres
Proposed Strata Lot 9B (PID 005-936-675) GM-DVP-2021.2		1.1 metres
Proposed Strata Lot 10B (PID 004-567-455) GM-DVP-2020.7		0.79 metres
Proposed Strata Lot 11A (PID 005-936-705) GM-DVP-2021.3		1.99 metres
Proposed Strata Lot 11B (PID 005-936-705) GM-DVP-2021.3		0.67 metres
Proposed Strata Lot 12A (PID 005-936-764) GM-DVP-2020.8		0.93 metres
Strata Lot 24 (PID 005-937-167) GM-DVP-2021.4		0.65 metres

and

Proposed Strata Lot 13B (PID 003-420-787) GM-DVP-2020.9 is for a front setback of 4.19 metres where 7.5 meters is required.

The notice period is **October 1, 2021** and to **October 13, 2021** and a copy of the proposed Permit Is available at the Islands Trust Northern Office, 700 North Road, Gabriola, BC and on the Islands Trust website

<http://www.islandstrust.bc.ca/islands/local-trust-areas/gambier/current-applications/> commencing **October 1, 2021**

Following the end of the notice period, the Gambier Island Local Trust Committee may consider issuance of the proposed permits at its **Regular Business Meeting (In Person)** to be held at **3:00 pm, Thursday, October 14, 2021, at John Braithwaite Community Centre, 145 1st Street W, North Vancouver, BC.**

Enquiries or comments should be directed to Sonja Zupanec, Island Planner at (250) 247-2211, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by email to: szupanec@islandstrust.bc.ca before 4:00 pm, **October 13, 2021.**

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

Becky McErlean, Deputy Secretary



Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2020.3**

To: Elmer Friesen, Gerald Sandy, James Russell
c/o Sea Ranch Strata Corporation

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

Strata Lot 3 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1.
(PID: 005-936-021)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 0.51 metres from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ___^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___^{xx} DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.



Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2020.7**

To: Corella Zylstra, Robert Zylstra
c/o Sea Ranch Strata Corporation

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

Strata Lot 10 District Lots 1258, 1653 and 3201 Strata Plan VR. 793 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1
(PID: 004-567-455)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 0.79 metres from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

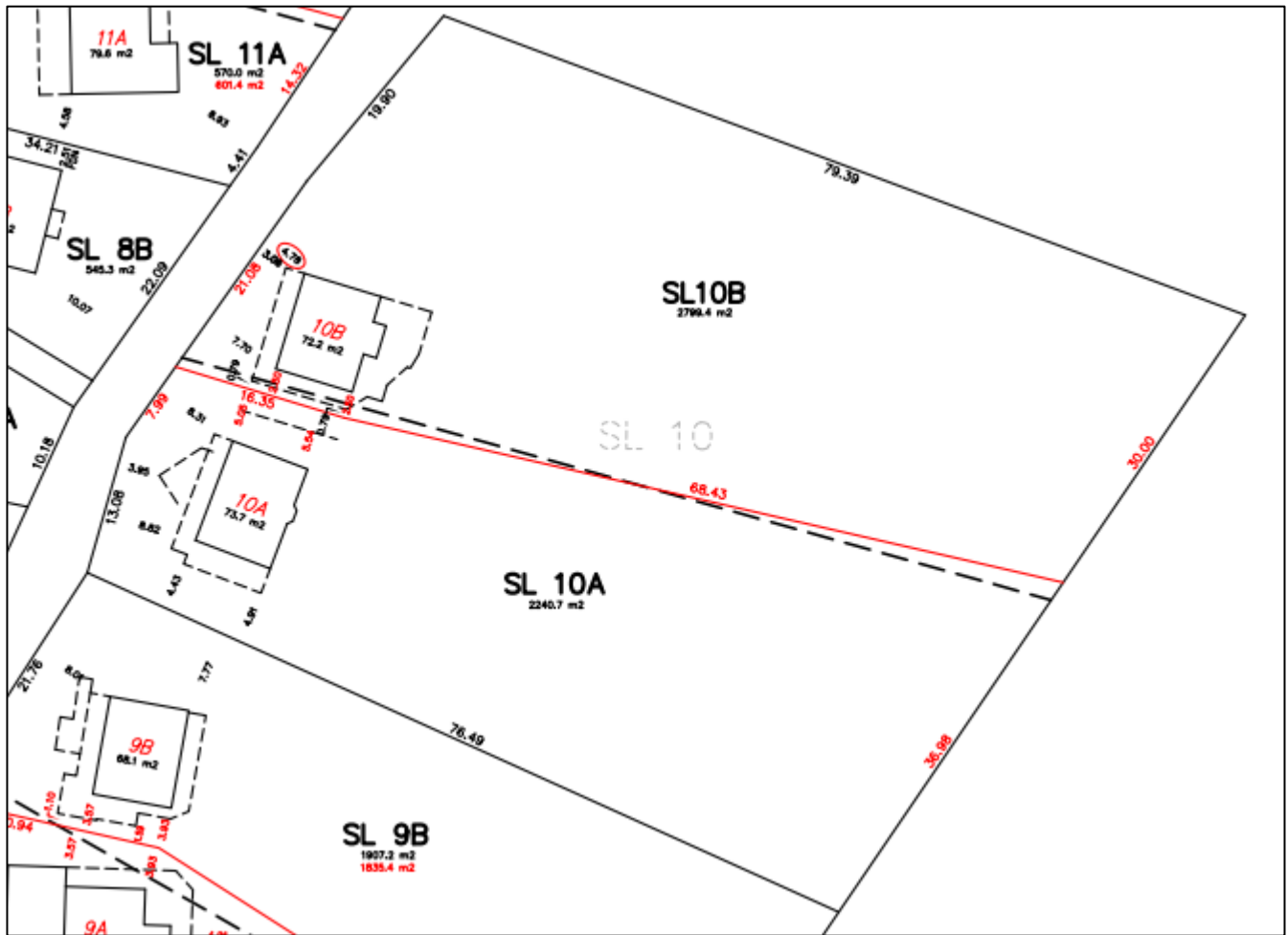
Date of Issuance

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GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DVP-2020.7

SCHEDULE 'A'





Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2020.8**

To: Kenneth Evans, Margaret Evans, Mark Sander
c/o Sea Ranch Strata Corporation

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

Strata Lot 12 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1.
(PID: 005-936-764)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 0.93 metres from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____^{xx} DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.



Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2020.9**

To: Christopher Bannister, John Shillington, Julian Bannister, Perry Goldsmith, Sarah Shillington
c/o Sea Ranch Strata Corporation

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

Strata Lot 13 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1.
(PID: 003-420-787)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(a) which states that:

"The minimum setback for any building or structure from a strata lot line is: (a) 7.5 metres from any front or rear strata lot line"

is varied to permit the siting of an existing dwelling within 4.19 metres from the front lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

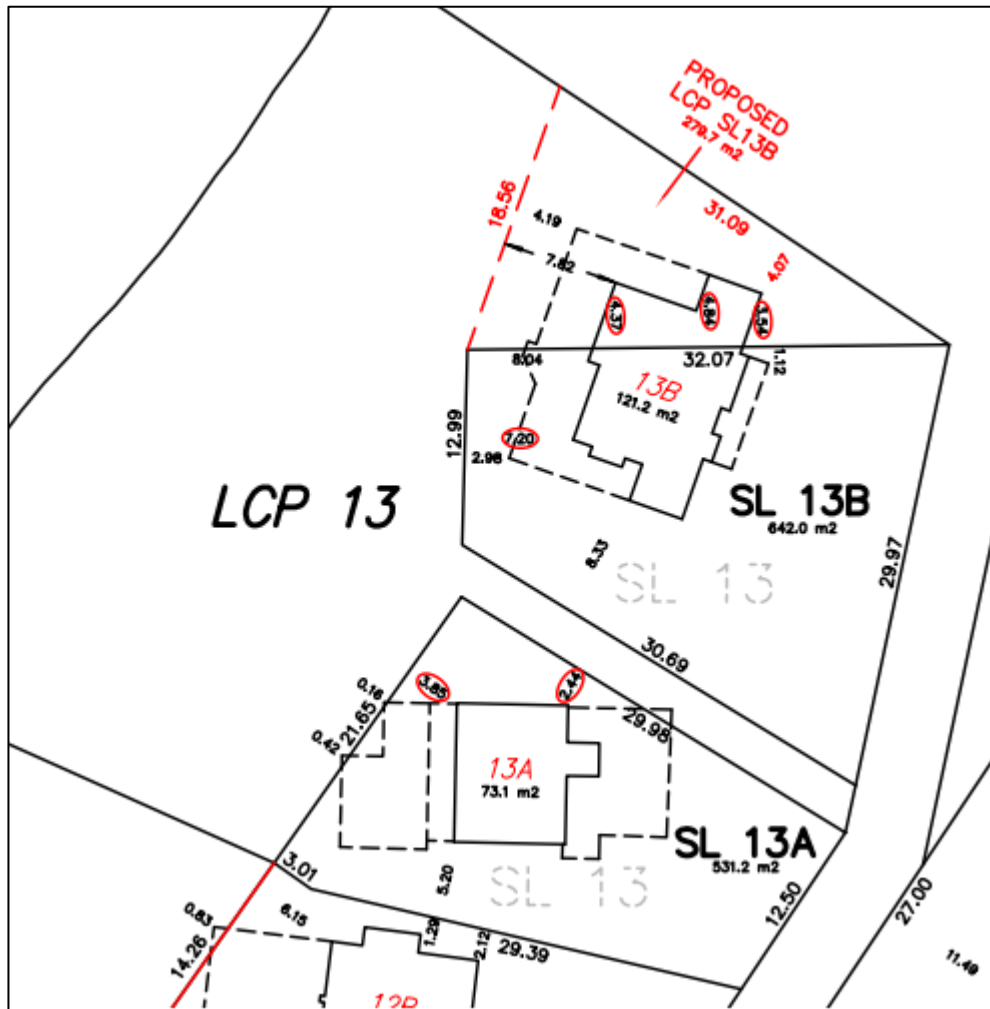
Date of Issuance

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GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DVP-2020.9

SCHEDULE 'A'





Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2021.1**

To: Deborah Armistead, Joanne Partrick
c/o Sea Ranch Strata Corporation

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

Strata Lot 6 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1.
(PID: 005-936-195)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 1.98 metres from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

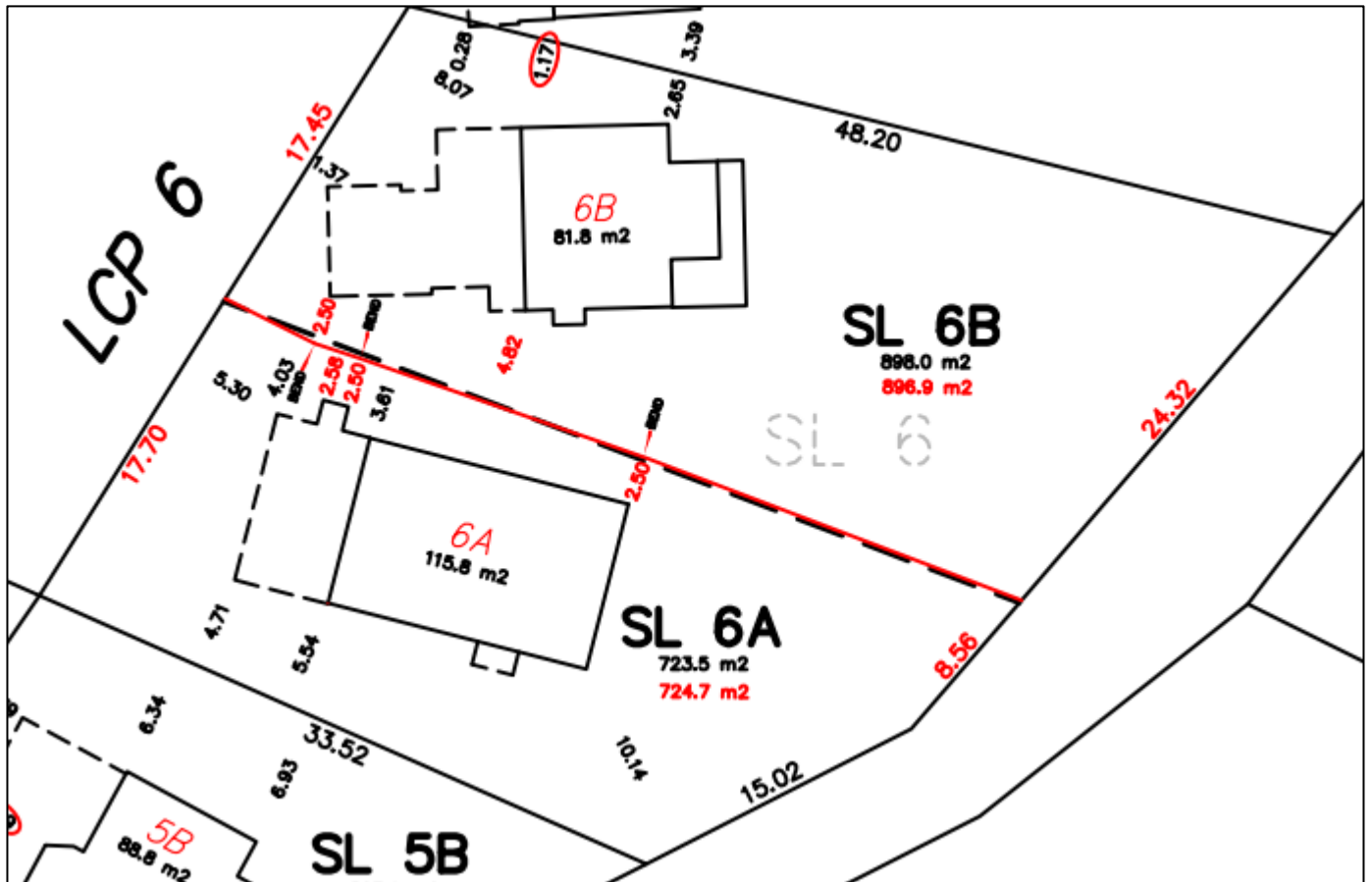
Date of Issuance

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GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DVP-2021.1

SCHEDULE 'A'





Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2021.2**

To: Ian Good, Jane Good, Nathaniel Steeghs, Robert Hill, Sean Eikerman, Simon Good
c/o Sea Ranch Strata Corporation

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

Strata Lot 9 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1.
(PID: 005-936-675)

2. Gambier Island Land Use Bylaw 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 1.64 metres (Lot 9A) and 1.1 metres (Lot 9B) from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

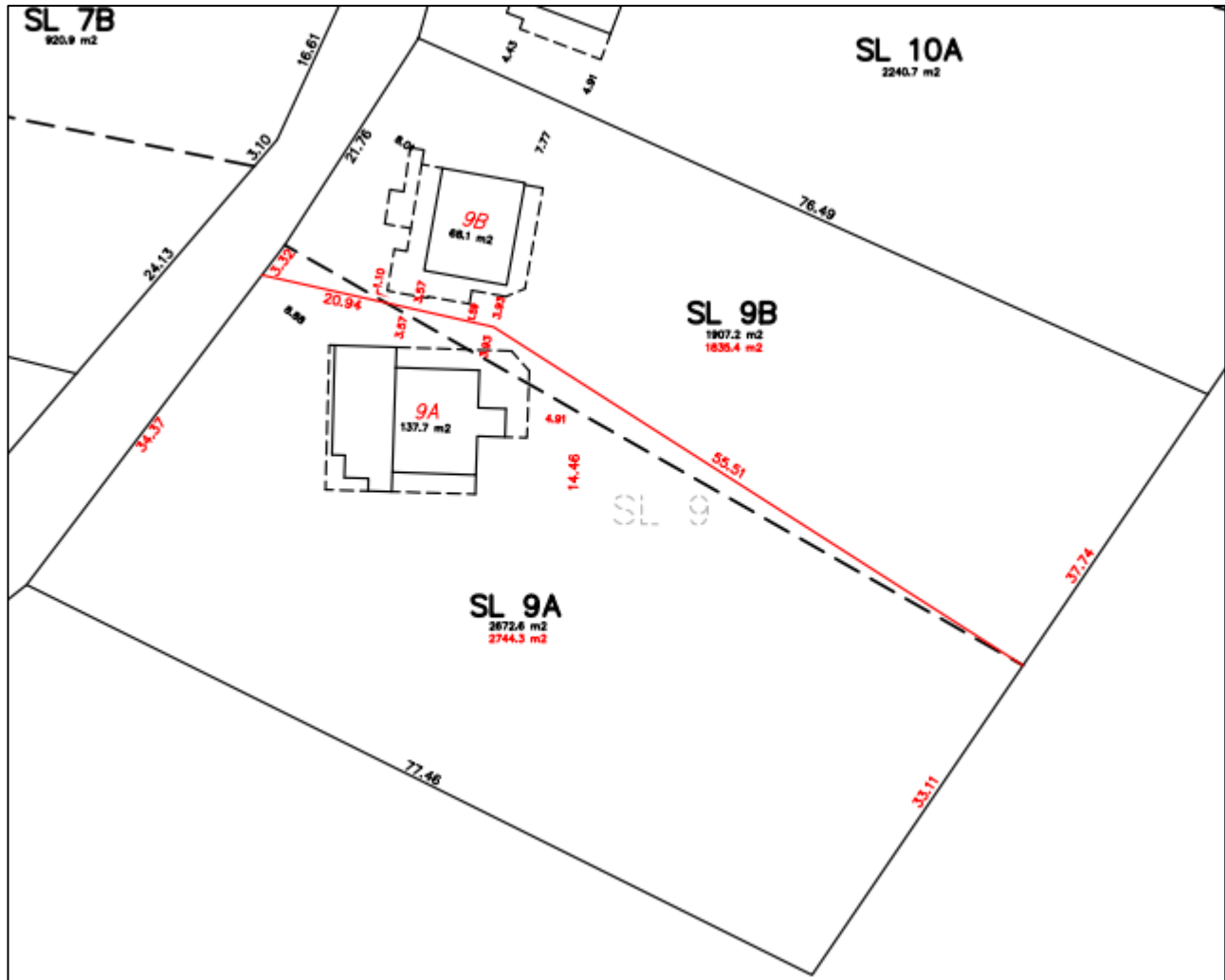
Date of Issuance

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GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DVP-2021.2

SCHEDULE 'A'





Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2021.3**

To: Julian Bannister, Karen Sander, Susan Milliken, William Golberg
c/o Sea Ranch Strata Corporation

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

Strata Lot 11 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1.
(PID: 005-936-705)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 1.99 metres (Lot 11A) and 0.67 metres (Lot 11B) from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

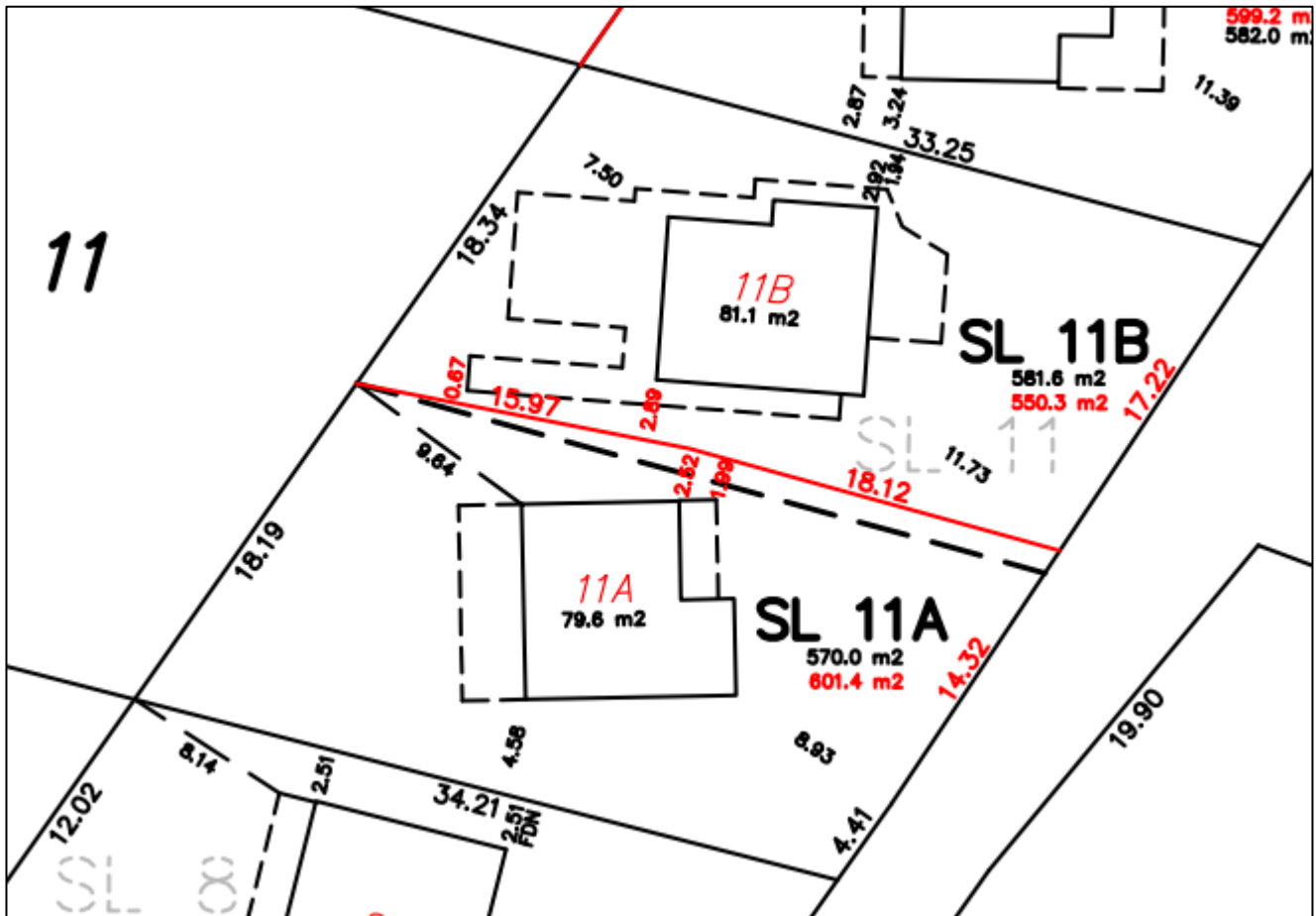
Date of Issuance

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GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DVP-2021.3

SCHEDULE 'A'





Islands Trust

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2021.4**

To: Catherine Hulscher, Gary Powroznik, Maurice Hulscher
c/o Sea Ranch Strata Corporation

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

Strata Lot 24 District Lots 1258, 1653 and 3201 Strata Plan VR. 793, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on form 1.
(PID: 005-937-167)

2. Gambier Island Land Use Bylaw No. 86, 2004 is varied as follows:

- a) Subsection 5.2(8)(b) which states that:

"The minimum setback for any building or structure from a strata lot line is: (b) 2.5 metres from any interior side strata lot line"

is varied to permit the siting of an existing dwelling within 0.65 metres from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gambier Island Land Use Bylaw No. 86, 2004" and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____^{xx} DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

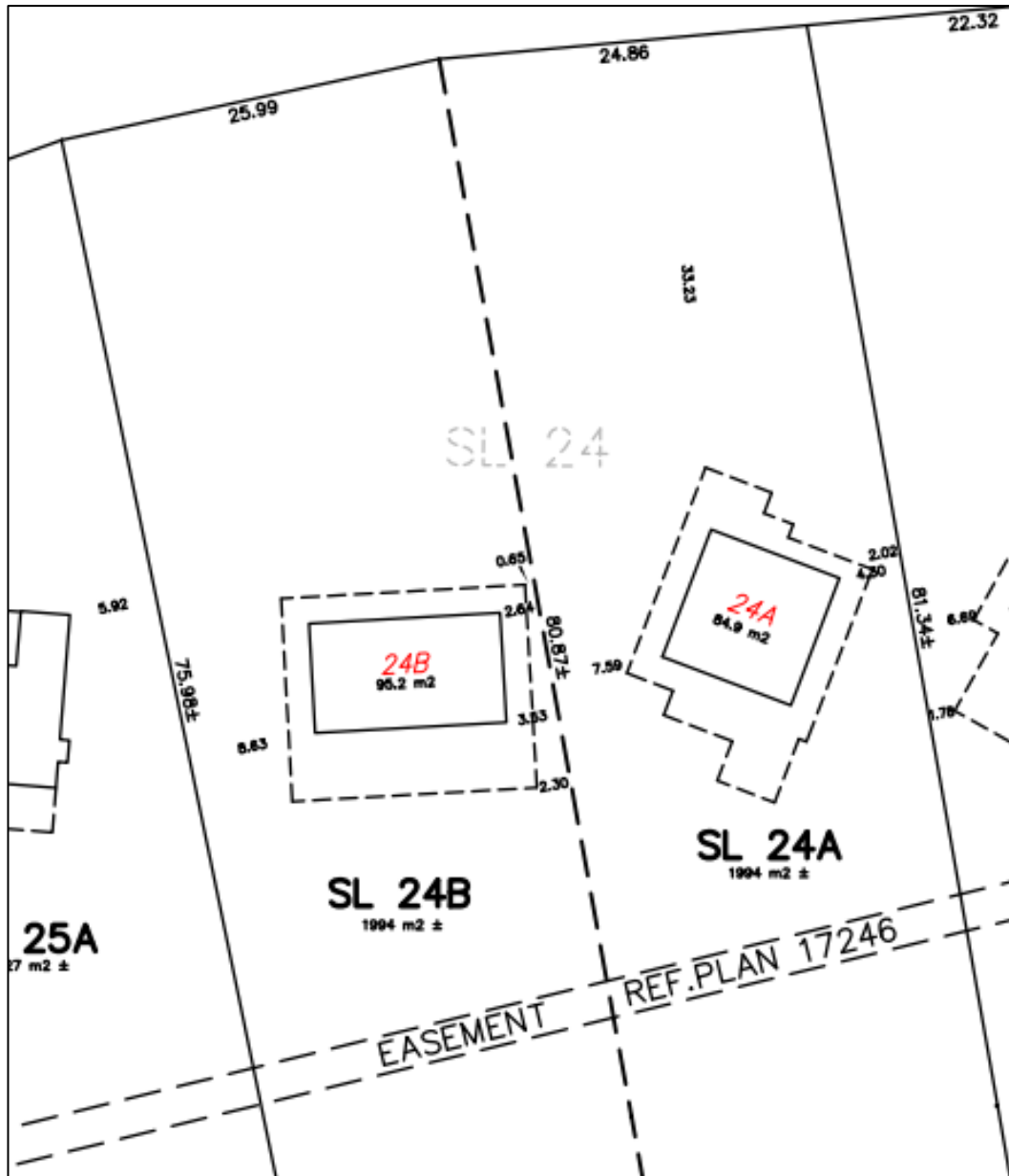
Date of Issuance

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GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DVP-2021.4

SCHEDULE 'A'



DATE OF MEETING: October 14, 2021

TO: Gambier Island Local Trust Committee

FROM: Jaime Dubyna, Island Planner
Northern Team

SUBJECT: **Development Permit Application – DPA-3 Riparian Areas**
Applicant: Nathan Atchison
Location: West Bay Road
BLOCK 80 DISTRICT LOT 1297 PLAN 2848 (PID 013-387-219)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of GM-DP-2021.4.

REPORT SUMMARY

The Gambier Island Local Trust Committee (LTC) is asked to consider a Development Permit application that is being sought retroactively for development activities that had occurred within Development Permit Area 3 (DPA 3) – Riparian Areas and for proposed development activities.

The applicant has submitted an Environmental Assessment (EA) by Strategic Natural Resource Consultants, dated April 12, 2021, which provides an assessment of the development and recommends mitigation measures to reduce any impacts to the watercourse (ditch), water quality and to the DPA.

Staff finds that the EA report addresses the objectives and intent of the information required under the DPA 3 Guidelines and is therefore recommending issuance of the permit.

BACKGROUND

The 0.41 ha (1 acre) subject property is located on West Bay Road, as shown on Figure 1. There is a roadside ditch that runs adjacent to the lot along West Bay Road. The EA report indicates the ditch is shallow (20 cm deep) with minimal water present and filled with vegetation, at the time of the assessment.

The application proposes to construct a driveway, clear a site for a proposed accessory building (shop) and dwelling unit, and install a septic system. Works conducted to date include driveway construction, placement of a culvert and vegetation clearing within 30 metres of the ditch. The proposed accessory building will be sited approximately 15 metres from the roadside ditch.

Pursuant to Section 9.3(4) of the LUB, a DP application must include an initial report by a Qualified Environmental Professional (QEP) that establishes whether the “watercourse” that is the subject of that application, is a “stream” as defined in the *Riparian Areas Protection Regulation* (RAPR). Should a QEP determine the watercourse subject of the application to be a “stream” under the RAPR and therefore RAPR-applicable, the

Part 1 Guidelines in the LUB apply; all other applications (non-RAPR-applicable) are subject to the Part 2 Guidelines starting in Section 9.3(4)(k) of the LUB.

The applicant has retained a QEP to prepare an Environmental Assessment (EA), dated April 12, 2021, to determine if the watercourse (ditch) is a “stream” as defined in the RAPR, and whether development activities have impacted the ditch adjacent to the subject property.

A copy of the EA report is attached to the draft DP, found in Attachment 4 of this report.

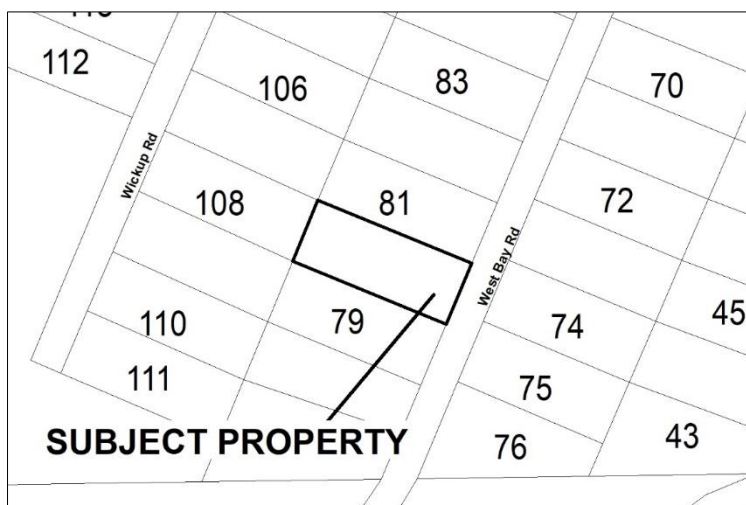


Figure 1. Subject Property Map

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 Schedule I in the OCP, the subject property lies within DPA 3, which includes the ditch that runs along West Bay Road. The OCP identifies the DPA 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;

The objectives of DP-3 are:

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

Land Use Bylaw:

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

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

Issues and Opportunities

Riparian Area

As noted, the works conducted to date (driveway construction, placement of a culvert and vegetation clearing) have occurred within 30 metres of the ditch, and the proposed accessory building will be sited approximately 15 metres from the roadside ditch.

Staff note that the subject property is not within an area targeted for assessment in the [Stream Mapping Report](#) by Madrone Environmental Services (Madrone), dated April 20, 2015. As noted in the EA report by Strategic, dated April 12, 2021, there is a ditch that runs adjacent to the subject property along West Bay Road. According to the Madrone report, ditches are considered “streams” under the RAPR if they provide habitat for fish, or connect by surface flow to fish habitat.

The EA report by Strategic provides the following:

“The ditch adjacent to the property does not connect directly to fish bearing water, thus is not applicable to the Riparian Areas Protection Regulation (RAPR). It drains slope seepage and road runoff across West Bay road and then dissipates into the forest floor. As it does not connect directly to fish bearing water, it does not meet the definition of a stream under the RAPR”.

In consideration of the EA report by Strategic, the Part 2 Guidelines in Section 9.3 of the LUB apply. The QEP has determined that the biological integrity of the ditch has been maintained.

Staff have reviewed the EA report by Strategic, and have included as conditions of the draft DP, all recommendations by the QEP to ensure water quality is maintained and impacts to the ditch are mitigated. The recommendations include the following:

- Erosion control measures;
- Protection of tree root zones;
- Protection of riparian buffers from potential blow-down of trees;
- Management of deleterious substances brought onto the land;

- Proper management of storm water from any impermeable surfaces;
- Prevention of encroachment into the riparian buffer.

Staff have included a condition requiring that seeding occur within one (1) year of issuance of the DP, in order to maintain stabilization of the ditch bank and to reduce potential erosion and sedimentation into the ditch. Conditions included in the permit are imposed pursuant to the authority conferred by the *Local Government Act* under Section 491(1)(e).

Consultation

Public consultation and notification are not required for Development Permit applications.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Conservation Act* directly to the applicants with the initial application.

Rationale for Recommendation

Concerning the development activities that have occurred, including driveway construction, installation of a culvert and clearing of vegetation, and the construction of the proposed accessory building, staff advises that the guidelines for DPA 3 – Riparian Area in Section 9.3 of the LUB appear to be satisfied through the recommendations of the EA report by Strategic, dated April 12, 2021. The recommendations by the QEP have been included as conditions in the draft development permit.

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

ALTERNATIVES

The LTC may consider the following alternatives 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 DPA 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-2021.4 for the following reasons [insert reasons].

NEXT STEPS

If the LTC concurs with staff's recommendation, the permit will be issued as presented in the staff report.

Submitted By:	Jaime Dubyna Island Planner, Northern Office	October 4, 2021
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Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	October 5, 2021
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ATTACHMENTS

1. Site Context
2. Plans, Map
3. DPA Guidelines
4. Draft Development Permit (including Environmental Assessment, dated April 12, 2021)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	BLOCK 80 DISTRICT LOT 1297 PLAN 2848
PID	013-387-219
Civic Address	883 West Bay Rd.
Lot Size	~0.41 ha (1 acre) – BC Assessment

LAND USE

Current Land Use	Bare land
Surrounding Land Use	Residential, bare land

HISTORICAL ACTIVITY

File No.	Purpose
GM-BP-2020.16	Construction of an accessory building (workshop)

POLICY/REGULATORY

Official Community Plan Designations	Subject property is designated as Settlement Residential – SR in the Gambier Island OCP No. 73, 2001. Development Permit Area (DPA): DPA 3 (Riparian Areas)
Land Use Bylaw	Subject property is zoned Settlement Residential (SR) in the Gambier Island LUB No. 86, 2004.
Other Regulations	The provincial <i>Riparian Areas Protection Regulation</i> (RAPR) requires local governments to protect fish habitat, including areas directly adjacent to a stream (i.e. the riparian area), during residential, commercial and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed development activities. Under Section 12 of the RAPR, <i>(12) An assessment of a proposed development for the purposes of this regulation must be carried out</i> <i>(a) by one or more qualified environmental professional, 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 assessment (EA) report by a QEP, rather than an assessment report regulated under the RAPR, in accordance with Section 9.3(4) of the Gambier Island LUB. The purpose of the EA report is to determine whether any negative impacts have occurred to the riparian area, confirm RAPR applicability and to recommend mitigation measures.

Covenants	None
Bylaw Enforcement	None

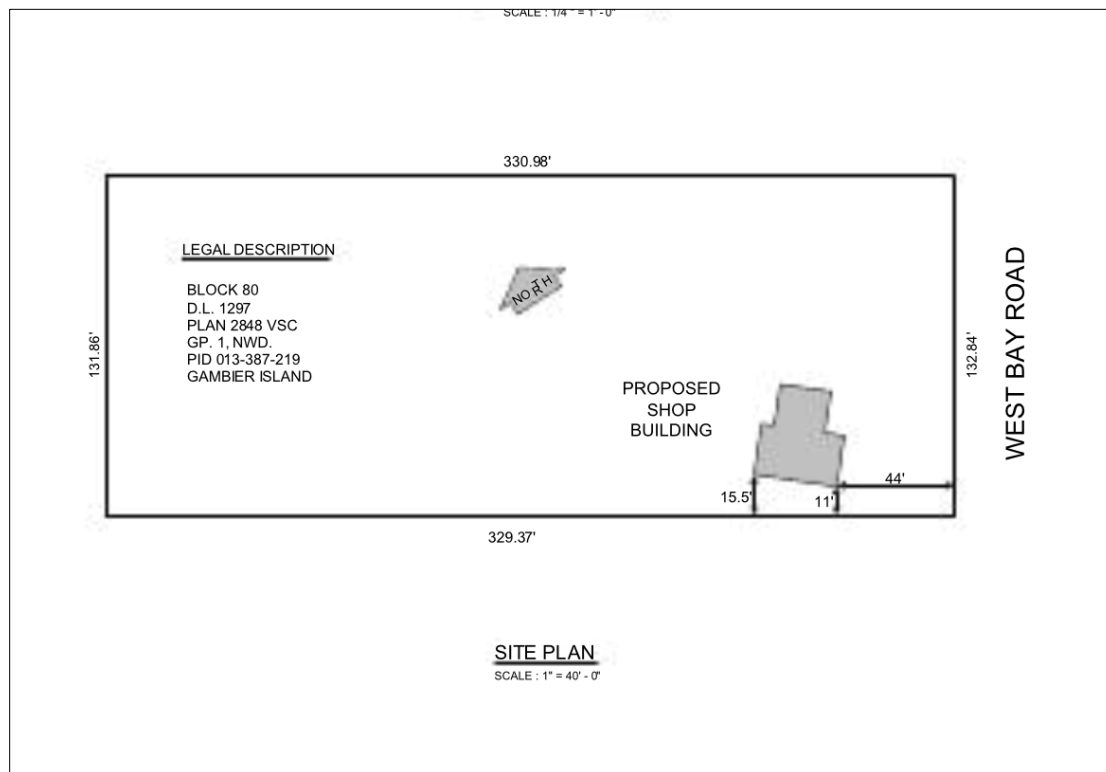
SITE INFLUENCES

Islands Trust Conservancy	There are no ITC covenants or properties in the direct area. Referral to ITC is not required.
Regional Conservation Strategy	Proposal does not impact the objectives and priorities of the ITC regional conservation plan.
Species at Risk	An area of Critical Habitat for the Marbled Murrelet (<i>Brachyramhus marmoratus</i>) is identified on the subject property. The Marbled Murrelet is listed as a Threatened Species at Risk in Canada and as a Blue List Species of Concern in B.C.; and is protected under the federal <i>Species at Risk Act</i> and <i>Migratory Birds Convention Act</i>, and under the provincial <i>Wildlife Act</i>. Marbled Murrelet rely heavily on old growth coastal forests for nesting. Future threats include ongoing (nesting) habitat loss and forest fragmentation as a result of development, primarily forestry operations, urbanization and agriculture; as well as foreshore development and aquaculture. A registered professional biologist can determine the extent of critical habitat on the lot, and recommend habitat management and threat reduction measures that meet or exceed the federal and provincial habitat retention thresholds for Marbled Murrelet (<i>Brachyramhus marmoratus</i>). Recovery objectives include nesting and marine habitat retention and restoration. The SARA Recovery Strategy for the Marbled Murrelet is found at: https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/plans/rs_guillemot_marbre_marbled_murrelet_0614_e.pdf
Sensitive Ecosystems	Mature Forest (see Attachment 2): Mature forests contain high biodiversity values and serve as buffers and corridors for many species. They also play an important role in the capture and storage of carbon dioxide.
Hazard Areas	Schedule E of the OCP does not indicate the subject property is within an area with a slope of 35% or greater.
Archaeological Sites	A review of Remote Access to Archaeological Data (RAAD) information indicates no documented archaeological sites within the property or within 100 metres of the property. Staff have provided the Islands Trust Chance Find Protocol and the Provincial Archaeological Branch guidelines on <i>Heritage Act</i> and directed the applicant to the following guidelines: All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits.

	• In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork. • For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca.
Climate Change Adaptation and Mitigation	Tree removal may result in a loss of carbon storage and sequestration.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 SITE PLAN



2.2 ORTHOPHOTO



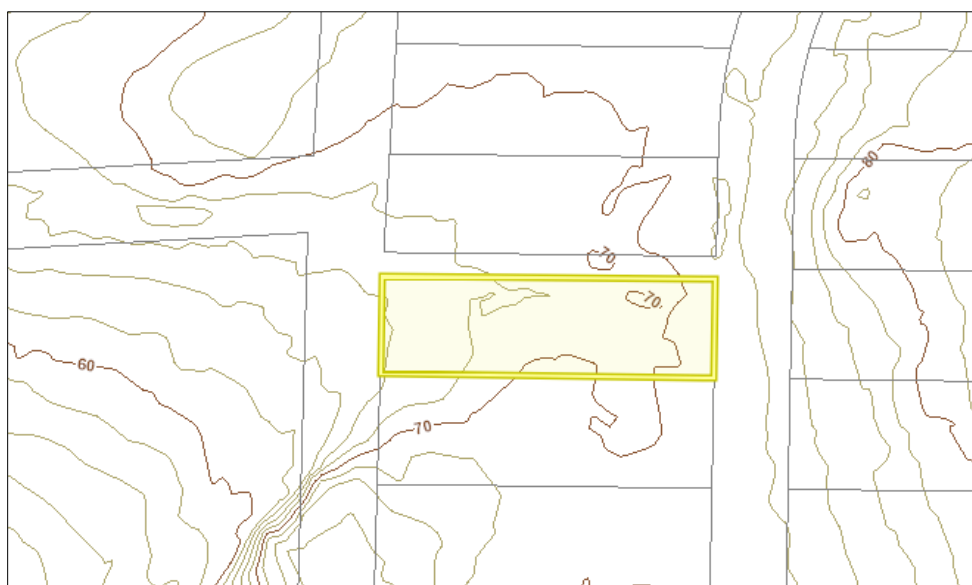
2.3 SITE DRAWING



2.4 SENSITIVE ECOSYSTEM MAPPING (MATURE FOREST)



2.5 CONTOUR MAPPING



ATTACHMENT 3 – DEVELOPMENT PERMIT AREA GUIDELINES

9.3 DEVELOPMENT PERMIT AREA NO. 3 (RIPARIAN AREAS)

(4) Prior to undertaking any non-exempt development activities within Development Permit Area No. 3, an owner of property shall apply to the Local Trust Committee for a development permit.

A development permit application must include an initial report prepared by a Qualified Environmental Professional that establishes, in relation to any *watercourse* or *wetland* on the parcel that is the subject of the application, whether it is a “stream” as defined in the *Riparian Areas Regulation*. 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.

Part 2 Guidelines	Complies	Planner Comments
(k) A Qualified Environmental Professional (QEP) experienced in riparian, stream or wetland ecology must be retained to inspect the development site, identify the location of watercourses and wetlands, and prepare a report that includes recommendations on the location and width of riparian buffers that will maintain the biological integrity of the riparian area and associated watercourses and wetlands. The report may be combined with the initial report described above the Part 1 Guidelines.	yes	In the environmental assessment (EA) by Strategic Natural Resource Consultants, dated April 12, 2021, the QEP has identified the ephemeral ditch along West Bay Road. The QEP has indicated the ditch does not connect directly to fish bearing water, and is therefore not subject to the <i>Riparian Areas Protection Regulation</i> (RAPR), nor to the Part 1 Guidelines in Section 9.3 of the LUB. The QEP recommends maintaining a 2 metre wide setback from the ditch.
(l) The QEP’s report must clearly describe the context and inherent value of the riparian area and associated watercourse or wetland and identify mitigation measures that ensure the long- term protection of the specified buffer from any nearby development activities. Mitigation measures should include (but not be limited to): (i) erosion control during ground disturbance activities to minimize the potential for sediment transportation; (ii) protection of critical tree root zones; (iii) protection of riparian buffers from potential blow-down of trees associated with any increases in exposure to wind; (iv) management of deleterious substances brought onto the land for the purpose of development activities; (v) proper management of storm water from any impermeable surfaces; and	yes	In the EA, the QEP includes recommended mitigation measures that address (i) through (vi), to maintain water quality and to mitigate any impacts to the ditch. Staff have included the recommended mitigation measures as conditions of the draft Development Permit.

(vi) prevention of encroachment into the riparian buffer (e.g. through the implementation of temporary construction-phase and/or long term fencing/signage). The mitigation measures may be included as conditions of the development permit.		
(m) A QEP should assess and report on the status of the riparian area and watercourse or wetland with regards to biological integrity and should note the occurrence of invasive species (both plant and animal) where applicable. Wetlands should be classified as either bog, fen, marsh, swamp, shallow water or wet meadow. The QEP should also assess for and report on any previous disturbance or constraints imposed on the riparian area and associated watercourse or wetland (e.g. wetland infilling, channelization, bank destabilization, vegetation removal or dam construction) and recommend appropriate restoration where necessary. Where restoration is recommended, prescriptive replanting plans should be included in the QEP's report. Prescriptive invasive species removal, long-term management and disposal methods should also be included in the QEP's report where appropriate.	yes	The QEP indicates that the biological integrity of the ditch has been maintained, and no invasive species were identified during their assessment. Recommended restoration measures to address previous disturbance to the ditch include seeding exposed soils. Staff have included the recommended mitigation measures as conditions of the draft Development Permit.
(n) The QEP's assessment of the riparian area and associated watercourse or wetland should describe habitat suitability for rare elements including species at risk, provincially red or blue listed plants, animals and ecosystems. The QEP should also report on any documented occurrences of rare elements noted in relevant databases, such as the provincial Conservation Data Centre, and note any confirmed observations of rare elements encountered during the inspection of the site.	yes	The QEP has determined the ephemeral ditch and associated riparian area are of lower biological value and are unlikely to support rare species.
(o) In addition to assessing the general integrity and condition of the riparian area and associated watercourse or wetland, the QEP should assess for any specific habitat attributes such as wildlife trees, raptor nests, coarse woody debris abundance/distribution (influencing terrestrial foraging/security habitat values for amphibians), and	yes	The QEP notes that no specific habitat attributes were observed within the riparian area of the ditch.

amphibian breeding habitat potential, especially for rare species.		
(p) The QEP's report should also include appropriate measures for addressing hazard tree management in or nearby the riparian buffer, if applicable. Tree management must be undertaken in such a way that it decreases any potential impacts to the riparian area. Appropriate measures such as topping to remove dangerous tree stems and/or pruning to remove dangerous tree limbs should be considered. Any tree stems and/or large limbs should be left in the riparian area.	yes	Rather than full removal of a hazard tree, the QEP recommends pruning or maintaining a high stump wherever practical and to retain coarse woody debris to provide wildlife habitat.
(q) The QEP should consider recommending the establishment of specific buffers that limit construction activities adjacent to permanent riparian buffers, where necessary to protect the integrity of riparian habitat (e.g. establishing critical root zones around trees where excavations are to be avoided).	yes	The QEP has included recommendations for the protection of tree root zones and protection of riparian buffers from potential blow down trees. Staff have included the recommended mitigation measures as conditions of the draft Development Permit.
(r) Any work within the watercourse or wetland (e.g. culverts or bridges) should be done in a way that avoids any negative changes to surface or subsurface hydrology and maintains pre-existing connectivity throughout the watercourse or wetland.	yes	Driveway construction completed prior to EA. The QEP notes that culverts were installed to maintain flows, and the size of the culverts are based on the size of the ditch and anticipated flows.
Guidelines 9.3 (s) through (v) are for proposed subdivisions – not applicable to this application.		



DRAFT

**GAMBIER LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
GM-DP-2021.4**

To: VANVERT NATHAN ATCHISON

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

PID: 013-387-219

Legal Descriptions: BLOCK 80 DISTRICT LOT 1297 PLAN 2848

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

Schedule “A” Site Plan

Schedule “B” Environmental Assessment (EA), dated April 12, 2021, by Strategic Natural Resource Consultants

3. The Permit is subject to the following conditions:

- 3.1 No development, including no vegetation or tree removal, shall take place in the specified area of the subject lot within Development Permit Area 3 – Riparian Areas, except in accordance with the Environmental Assessment by Strategic Natural Resource Consultants, dated April 12, 2021, and attached as Schedule “B”.

Erosion Control

- 3.2 Within one (1) year of issuance of development permit GM-DP-2021.4, the property owner is required to seed exposed soils using a grass seed (legume mix) over exposed soil areas at the junction of the driveway and ditch, and along the new swale adjacent to the driveway. Seeding works should be completed during the optimal germination period in early spring.
- 3.3 Sediment and erosion control measures shall be installed at the base of exposed soil areas sloping towards the ditch, to prevent any silted water from entering the ditch.
- 3.4 Sediment and erosion control measures shall be installed at the base of exposed soil areas when working in inclement weather, to prevent any silted water from entering the ditch.

Protection of Critical Tree Root Zones

- 3.5 A 5 metre machine free zone shall be maintained and flagged for visibility along cleared edges or from the base of adjacent trees, to protect the critical root zone.
- 3.6 The property owner shall maintain as much vegetation outside the development footprint as possible, to retain wildlife habitat values on site.

Management of Deleterious Substances

- 3.7 No servicing or fuelling of any machinery shall occur within 15 metres of the ditch.
- 3.8 No storage of any petroleum product shall occur within 15 metres of the ditch.

Stormwater Management

3.9 All stormwater runoff from buildings or structures shall be directed to the ground to infiltrate. Roof gutters shall be directed into an underground infiltration system.

Encroachment into Riparian Area

3.10 The property owner shall maintain a 2 metre wide buffer from the ditch.

3.11 Vegetation shall be retained between West Bay Road and the accessory building (workshop), to prevent encroachment into the setback.

Hazard Tree Management

3.12 Where hazard trees are identified, preference is given to maintaining high stumps or pruning. Retain coarse woody debris to preserve wildlife habitat values on site.

This permit does not relieve the owner 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 GAMBIER LOCAL TRUST COMMITTEE THIS [] DAY OF [MONTH], [YEAR].

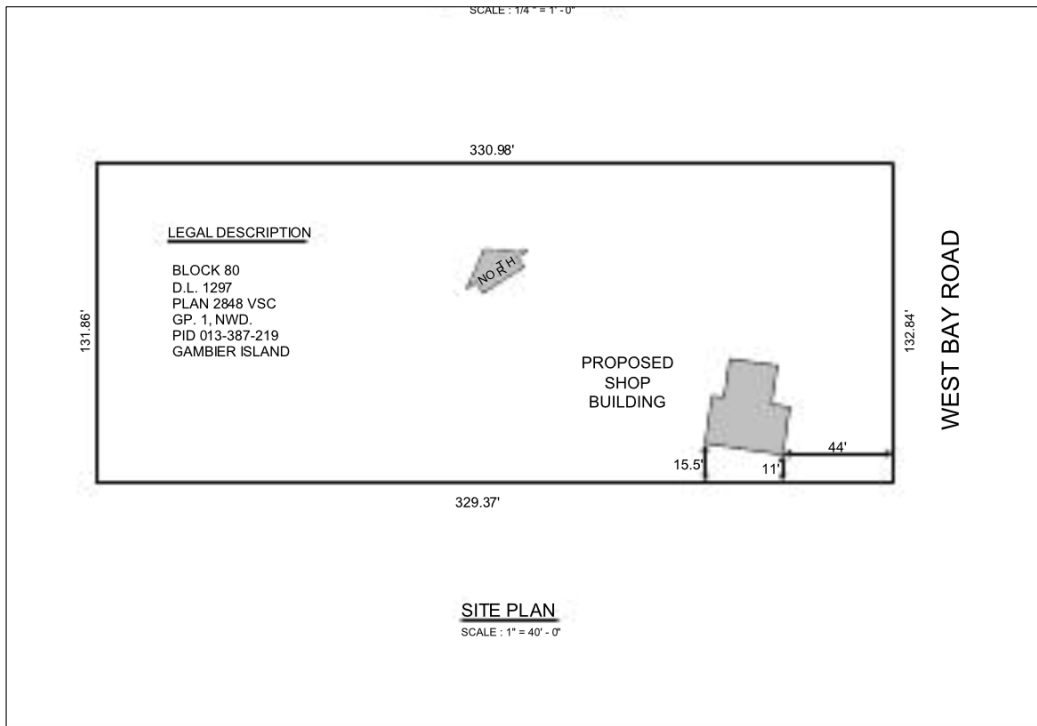
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE [] DAY OF [MONTH], [YEAR] (2 YEARS FROM DATE OF ISSUANCE)], THIS PERMIT AUTOMATICALLY LAPSES.

GAMBIER ISLAND LOCAL TRUST COMMITTEE
GM-DP-2021.4

SCHEDULE 'A'
Site Plan



GAMBIER ISLAND LOCAL TRUST COMMITTEE

GM-DP-2021.4

SCHEDULE 'B'

Environmental Assessment



Date: April 12, 2021

To: Nathan Atchison
Via email: vafalling@yahoo.ca

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 80 West Bay Road on Gambier Island within the Islands Trust Municipality (Figure 1). 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. At the time of the assessment, a rough driveway with culvert had been installed and some clearing on the property had been completed.

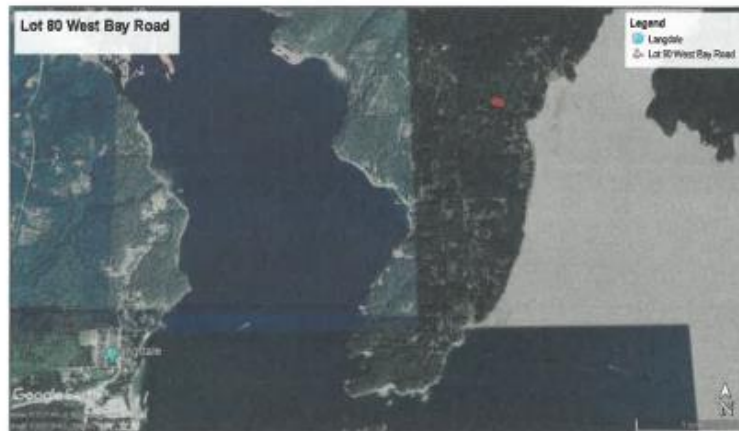


Figure 1: Area map showing location of subject property outlined in red.

The Islands Trust had previously had all Riparian Areas Regulation (RAR) waterways assessed and mapped in 2015¹. The ditch adjacent to Lot 80 is not shown as an RAR waterway within the report.

On March 11, 2021 an assessment of the driveway was conducted by Cindy Hannah, RPBio of SNRC.

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



PROFESSIONALLY RESOURCEFUL

Lot 80 West Bay Road Environmental Assessment

Field Observations

Drainage from the property flows north-north east to Lot 82, then crosses West Bay Road and drains overland in a general southeast direction. There is no defined channel, rather the drainage seeps over the forest floor. It appears ephemeral with surface flow in response to rainfall, but then likely dries quickly. A discontinuous waterway could be detected for approximately 30m, which then seeps in to the ground in a low spot (Figure 2). The slope gradient is 15-20% downslope of where it dissipates.



Figure 2, Imagery showing ditch flow with minor scour immediately downslope of the road (a), following by discontinuous scour (b) then dissipating into forest floor (c) downslope of West Bay Road. Photo d is downslope view from where the waterway dissipates into the forest floor.

Upslope of the culvert crossing the subject property is 43m south-southwest. The ditch is shallow (20cm deep) with minimal water at the time of the assessment. The ditch is infilled with vegetation (Figure 3).

The riparian area along the ditch is vegetated in predominantly understory species including sword fern 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 (Figure 4).

Lot 80 West Bay Road Environmental Assessment



a
b
Figure 3, view of West Bay road ditch along Lot 80. Photo (a) is the view northeast from the south corner of the property. Photo (b) is view to northeast from the driveway location. The ditch is shallow (<20cm deep) indicating a low volume of water.

A workshop is being constructed towards the front of the property, approximately 15m away from the ditch (Figure 5). The development will include a driveway to the shop as well as to a future house site. Vegetation will be retained outside of the development areas.



Figure 4, View to the southwest from the driveway showing the riparian vegetation along the ditch. No additional clearing will take place.

The rough driveway had been completed prior to the assessment (Figure 6) as well as some site clearing. The driveway is 8m wide with a plastic pipe culvert. No trees were removed

Lot 80 West Bay Road Environmental Assessment

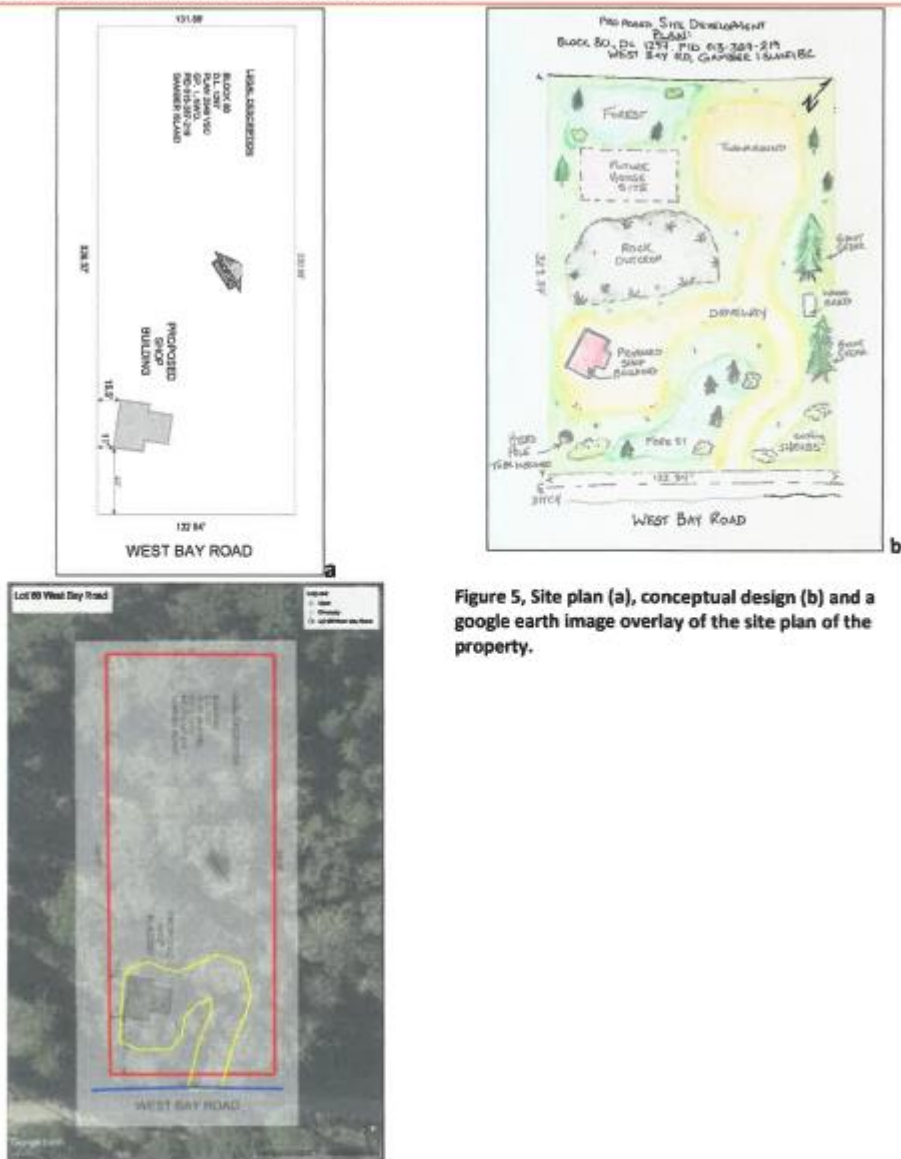


Figure 5, Site plan (a), conceptual design (b) and a google earth image overlay of the site plan of the property.

Lot 80 West Bay Road Environmental Assessment



Figure 6, A rough driveway had been installed prior to the assessment. Photo a is view to the southeast showing the culvert. Photo b is the view up the driveway.

Discussion

The ditch adjacent to the property does not connect directly to fish bearing water, thus is not applicable to the Riparian Areas Protection Regulation (RAPR). It drains slope seepage and road runoff across West Bay road and then dissipates into the forest floor. As it does not connect directly to fish bearing water, it does not meet the definition of a stream under the RAPR. The ditch is shallow (<20cm deep to road level) and vegetated in grasses with minimal scour noted, indicating low flows. Under Section 12.3 Development Permit Area No. 3: Riparian Areas of Bylaw No. 73, 2001 Gambier Island Official Community Plan, Justification it states:

"Watercourses and wetlands that do not support fish still have high ecological value, particularly because they provide critical breeding habitat for amphibians. Areas that only contain water for part of the year can provide an advantage to native amphibians, as these species are able to successfully breed in seasonal water, whereas some invasive amphibians – such as American Bullfrogs – require permanent water in order to breed successfully."

The ephemeral, marginal ditch adjacent to the property does not provide suitable amphibian breeding habitat. It is shallow (<20cm), ephemeral and likely does not retain sufficient water levels for enough time to allow for egg development and larvae metamorphosis.

It further states:

"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, ecosystems and biological diversity of Gambier Island."

This property falls under Section 12.3.2 (c):

Development approval information in the form of a report submitted by a Qualified Environmental Professional, developed in accordance with the guidelines in Section 9.3 Development Permit Area No. 3 Riparian Areas, Subsection 5 Guidelines, Articles (k) to (r), of Gambier Island Land Use Bylaw No. 86, 2004, will



Lot 80 West Bay Road Environmental Assessment

be required for non-exempt development activities. Table 1 lists each Article with specific comments relating to the proposed development.

Article	Comment
(k) A Qualified Environmental Professional (QEP) experienced in riparian, stream or wetland ecology must be retained to inspect the development site, identify the location of watercourses and wetlands, and prepare a report that includes recommendations on the location and width of riparian buffers that will maintain the biological integrity of the riparian area and associated watercourses and wetlands. The report may be combined with the initial report described above the Part 1 Guidelines.	One ephemeral ditch was identified along West Bay Road. This report will fulfill this requirement. Part 1 Guidelines pertain to RAPR and is not applicable to this development.
(l) The QEP's report must clearly describe the context and inherent value of the riparian area and associated watercourse or wetland and identify mitigation measures that ensure the long-term protection of the specified buffer from any nearby development activities. Mitigation measures should include (but not be limited to): (i) erosion control during ground disturbance activities to minimize the potential for sediment transportation; (ii) protection of critical tree root zones; (iii) protection of riparian buffers from potential blow-down of trees associated with any increases in exposure to wind; (iv) management of deleterious substances brought onto the land for the purpose of development activities; (v) proper management of storm water from any impermeable surfaces; and (vi) prevention of encroachment into the riparian buffer (e.g. through the implementation of temporary construction-phase and/or long term fencing/signage). The mitigation measures may be included as conditions of the development permit.	Each of these are described below within the recommendations section. Only small areas will be opened up, minimizing the blow down risk.
(m) A QEP should assess and report on the status of the riparian area and watercourse or wetland with regards to biological integrity and should note the occurrence of invasive species (both plant and animal) where applicable. Wetlands should be classified as either bog, fen, marsh, swamp, shallow water or wet meadow. The QEP should also assess for and report on any previous disturbance or constraints imposed on the riparian area and associated watercourse or wetland (e.g. wetland infilling, channelization, bank destabilization, vegetation removal or dam construction) and recommend appropriate restoration where necessary. Where restoration is recommended, prescriptive replanting plans should be included in the QEP's report. Prescriptive invasive species removal, long-term management and disposal methods should also be included in the QEP's report where appropriate.	The biological integrity of the ditch has been maintained. No invasive species were noted. Although the driveways were constructed prior to the assessment, impacts to the integrity of the ditch is minimal. Refer to the recommendations for mitigation of areas of exposed soils.
(n) The QEP's assessment of the riparian area and associated watercourse or wetland should describe habitat suitability for rare elements including species at risk, provincially red or blue listed plants, animals and ecosystems. The QEP should also report on any documented occurrences of rare elements noted in relevant databases, such as the provincial Conservation Data Centre, and note	As the assessment determined that the ditch is not a stream under the RAPR and is a small ephemeral ditch, the associated riparian area is of lower biological value of animal use than that of a riparian area adjacent to a stream.



Lot 80 West Bay Road Environmental Assessment

Article	Comment
any confirmed observations of rare elements encountered during the inspection of the site.	As vegetation was removed solely for the driveway within the riparian area of the ditch, and there will be retention of vegetation outside of the recommended 2m wide buffer adjacent to the ditch, habitat values will be retained on the site, and is unlikely to support rare elements (e.g. species at risk, provincially red or blue listed plants, animals and ecosystems).
(o) In addition to assessing the general integrity and condition of the riparian area and associated watercourse or wetland, the QEP should assess for any specific habitat attributes such as wildlife trees, raptor nests, coarse woody debris abundance/distribution (influencing terrestrial foraging/security habitat values for amphibians), and amphibian breeding habitat potential, especially for rare species.	No such habitats were observed within the riparian area along the ditch. Vegetation will be retained outside of developable footprints to continue to provide habitat values to forest dwelling species.
(p) The QEP's report should also include appropriate measures for addressing hazard tree management in or nearby the riparian buffer, if applicable. Tree management must be undertaken in such a way that it decreases any potential impacts to the riparian area. Appropriate measures such as topping to remove dangerous tree stems and/or pruning to remove dangerous tree limbs should be considered. Any tree stems and/or large limbs should be left in the riparian area.	Refer to recommendations section. If hazard trees are identified it is suggested to high stump wherever practicable and to retain the debris as coarse woody debris within the riparian area, in order to preserve wildlife habitat values.
(q) The QEP should consider recommending the establishment of specific buffers that limit construction activities adjacent to permanent riparian buffers, where necessary to protect the integrity of riparian habitat (e.g. establishing critical root zones around trees where excavations are to be avoided).	Refer to recommendations section. A tree protection zone has been recommended along cleared edges during site development.
(r) Any work within the watercourse or wetland (e.g. culverts or bridges) should be done in a way that avoids any negative changes to surface or subsurface hydrology and maintains pre-existing connectivity throughout the watercourse or wetland.	Although the driveways were constructed prior to the assessment, culverts were installed to maintain flows. The culverts are sized based on the size of the ditch and anticipated flows, and were installed such that pre-existing connectivity through the ditch was maintained.

Recommendations

Maintaining a 2m wide setback similar to that required under the RAPR for non-fish bearing ditches would be sufficient for this site. The setback falls within the road right of way for West Bay Road. As there are no plans to remove additional vegetation outside the driveway footprint and the workshop located 13m from the property boundary (approximately 15m from the ditch) will further enhance/maintain water quality in the ditch. As a vegetated buffer exceeding the recommended 2m setback along the ditch will be maintained, a fence is not required.

It is important to note that the ditch does not have a scoured channel that connects to fish bearing water and is ephemeral in nature, flowing only in response to rainfall and thus does not contribute to fish habitat. The recommendations to maintain water quality is for aesthetics and to ensure that mobilization of sediment due to erosion off of the property does not occur/is minimized during construction.

The following are recommendations to ensure that water quality within the ditch is maintained and any impacts to the ditch are mitigated based on the requirements of the DP:



- Erosion Control:
 - Spread grass seed (legume mix) over areas of exposed soils at the junction of the driveway and road ditch and along the new swale adjacent to the driveway. 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 to ensure that no sediment is mobilized off the site into the ditch.
 - 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.
- Protection of Tree Root Zones:
 - Maintain as much vegetation outside the development footprint as possible to retain wildlife values of the site.
 - Maintain a 5m machine free zone along cleared edges or from the base of adjacent trees to protect the rooting zone of trees from compaction. This area should be flagged to be visible to ensure machines stay out of the area.
- Protection of riparian buffers from potential blow-down of trees:
 - As additional vegetation will be maintained outside of the 2m recommended buffer, no additional mitigation measures are recommended. The predominant vegetation within the setback immediately adjacent to the ditch is understory vegetation and thus there are no trees at risk within the setback.
- Management of deleterious substances brought onto the land:
 - Do not service or fuel any machinery within 15m of the ditch.
 - Do not store any petroleum product within 15m of the ditch.
- Proper management of storm water from any impermeable surfaces:
 - As the workshop will be within approximately 15m of the ditch, it is recommended to allow runoff to infiltrate the ground by having the roof gutters be directed into an underground infiltration system rather than a perimeter drain connecting directly into the ditch.
- Prevention of encroachment into the riparian buffer:
 - As noted above, the recommended 2m wide buffer along the ditch is within the West Bay Road right of way and thus does not require fencing. The additional vegetation that will be retained between the road and the workshop will further prevent encroachment into the setback.
- Additional Recommendations:
 - If trees need to be removed due to safety, consider pruning or maintaining a high stump wherever practicable to provide wildlife habitat.

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.





DRAFT

DATE OF MEETING: October 14, 2021
TO: Gambier Island Local Trust Committee
FROM: Ian Cox, Planner 2
Northern Team
SUBJECT: GM-DVP-2021.7
Applicant: Craig Bissell (agent for property owner)
Location: 1000 MADDY LANE

RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of Development Permit GM-DP-2021.7.

REPORT SUMMARY

The purpose of this staff report is for consideration of GM-DVP-2021.7 by the Gambier Island Local Trust Committee (LTC) which proposes to vary the rear lot line setback in the Settlement Residential (SR) Zone specified by the Gambier Island Land Use Bylaw No. 86, 2004 (LUB), from 7.5 metres to 0.0 metres for a proposed single family residence.

Staff is of the opinion that the proposed variance would not be contrary to the Gambier Island Official Community Plan Bylaw No. 73, 2001 (OCP), is minor in nature given the location of the proposed residence such that it would not adversely impact neighbouring properties. Further, as stated in the applicant Rationale Letter provided in **Attachment 1**, the reduction to the setback which coincides with the Crown Reserve boundary along the foreshore portion of the lot may be a necessity in this case given the lack of choice for buildable areas on the subject parcel. As such, staff is recommending issuance of GM-DVP-2021.7 (See **Attachment 2**).

BACKGROUND

The 1.24 hectare (3.069 acre) subject property is located at 1000 Maddy Lane at North Bay Road and is a hooked parcel consisting of three portions unevenly trisected by common property that is part of a Bare Land Strata subdivision (see **Figure 1 and Attachment 3**). This DVP application arose through the process of the applicant submission for a building permit with the Sunshine Coast Regional District (SCRD) for the construction of the proposed single family dwelling. The location of the proposed dwelling is shown on the site plan attached to the draft DVP found in **Attachment 2**.

Prior to submitting a SCRd building permit application, the applicant contacted Islands Trust planning staff to discuss preliminary plans in relation to zoning concerns such as height, setbacks and so on. At that time, it was the understanding of staff that the rear lot line setback would not apply to the Crown Reserve boundary that extends along the foreshore area at a width of 20 metres around the Maddy Lane point down to Douglas Bay.

Crown Reserves are held by the Province of BC in recognition of a specific public interest, value or attribute– in this case to maintain public access to the foreshore¹. There is a similar Reserve along the Ekins Point foreshore.

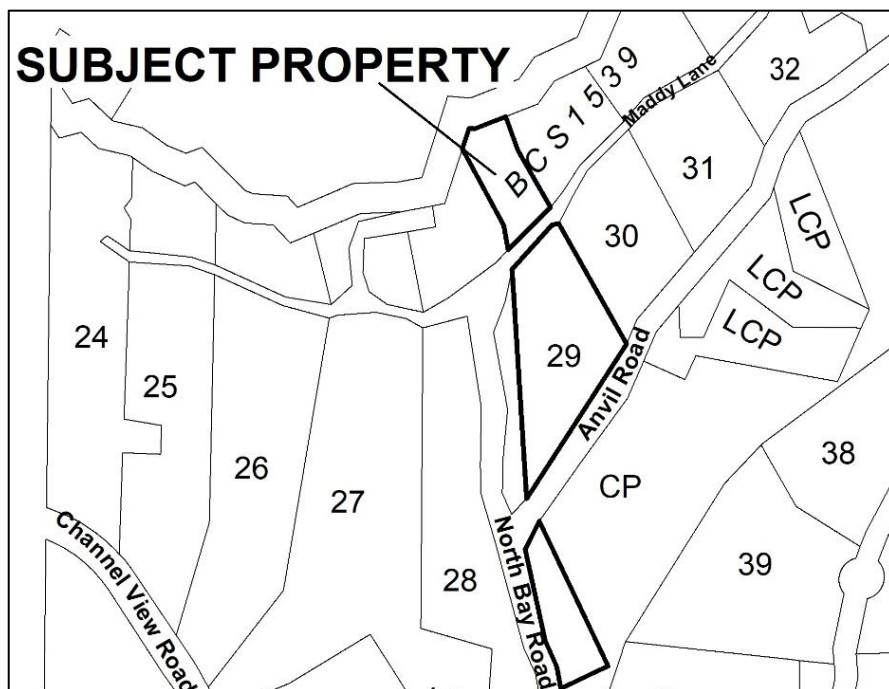


Figure 1 - Subject Property



Figure 2 - Subject Property Air Photo showing Crown Reserve

¹ <https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/reserves.pdf>

The interpretation of applicable setbacks relied on incomplete information regarding the Crown Reserve and the legal boundaries of the subject lot. Subsequently, staff learned that the lot boundary actually ends at - and coincides with - the Crown Reserve boundary. The lot does not in fact extend to the natural boundary of the sea, since the Crown Reserve is wholly owned by the province and is not an instrument registered to the property title such as an Easement, Right of Way, or other statutory or legal instrument as was the previous understanding of staff. This precipitated the requirement to alter the location of the dwelling or to obtain a DVP in order to site it in the location as shown on the draft DVP in **Attachment 2**. See also the applicant Rationale Letter as **Attachment 1**. The suite of options staff presented to the applicant as possible solutions to the issue were as follows:

- relocate the proposed dwelling outside of the 7.5 metre rear lot line setback,
- locate the building in an entirely different area of the property,
- apply for a DVP to vary the rear lot line setback.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

It is staff's opinion that the application is not contrary to the Islands Trust Policy Statement (ITPS).

Official Community Plan

The subject property is currently designated as Settlement Residential (SR) in the OCP. The property owner has provided a signed Riparian Areas Declaration Form at the time of applying for a building permit from the Sunshine Coast Regional District (SCRD) demonstrating that to the best of their knowledge, the Guidelines for Development Permit Area 3 (DPA 3) do not apply.

Land Use Bylaw

The subject property is zoned Settlement Residential (SR) under the LUB. Permitted uses in the SR zone include single family residential use and accessory uses.

The siting of the existing accessory building requires variance from the Section 5.1(9) in the LUB:

- *5.1(9) The minimum setback for any building or structure:
(a) 7.5 metres from any front or rear lot line;*

Staff also note the following regulations in the LUB:

- *3.3(4) Buildings or structures accessory to residential buildings that do not exceed 2.5 metres in height and 10 square metres in floor area may be sited as close as two metres from any lot line, except where the lot line abuts a highway, in which case regulation 3.3(6) or the zone regulation, which ever is greater, shall apply.*
- *3.4(3) Structures which at no point extend more than 0.6 metres above grade level, including wellheads and parking spaces may be sited on any portion of a lot, except that the siting of sewage disposal systems and fields shall comply with Provincial regulations.*

Islands Trust Conservancy

The subject property is not adjacent to any ITC owned or managed properties.

Issues and Opportunities

Requirement for a Survey Plan

Section 2.8 (1) of the LUB, provides,

*(1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, **unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary** to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.*

The applicant initially submitted a site plan that included all pertinent information to this application based on an unsigned BCLS plan by Bennett Land Surveying dated January 14, 2021, including the location of existing and proposed buildings and structures in relation to the lot lines. Updated measurements for the current proposed location of the dwelling were provided on an updated site plan based on the unsigned survey plan. Staff consider the site plan and survey to be sufficient for staff's analysis in this case, particularly since the variance request is for 0.0 metres from the rear lot line/Crown Reserve boundary and if granted, the DVP Site Plan Schedule clearly shows this. The option exists for the LTC to request that the survey plan be signed for assurance, but the onus remains on the applicant and property owner to ensure that the as-built location of the dwelling is in compliance with the issued DVP.

Consultation

No community consultation beyond the public notification requirement required by the Local Government Act has been undertaken. A Community Information Meeting is not required for this application.

Statutory Requirements

In accordance with Section 499 of the Local Government Act (LGA) and Section 8 of the Gambier Island Development Procedures Bylaw No. 50, statutory notice of the proposed variance of the LUB was distributed to neighbouring properties within 100 metres of the subject parcel boundaries. See **Attachment 5**.

Staff has not received any public correspondence in response to the notice at the time of preparing this report. The Letters of Support in **Attachment 4** were provided by the applicant directly.

Any correspondence may be received up to and including October 14, 2021 at the Gambier LTC regular business meeting and will be presented at that time. Correspondence may be sent to northinfo@islandstrust.bc.ca.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Conservation Act* directly to the applicants with the initial application.

Rationale for Recommendation

Staff is recommending issuance of GM-DVP-2021.7 based on the following points:

- the variance is relatively minor in nature in respect to potential impact to neighbouring properties,
- the initial staff error in interpreting the setback requirements for the Crown Reserve boundary has impacted the design and construction schedule of the project where the applicant believed they were correctly informed of the bylaw requirements,
- there are few other suitable and buildable sites on the lot,
- there is support for the request from at least two neighbouring property owners (see **Attachment 4**).

ALTERNATIVES

1. Request submission of a plan signed by BC Land Surveyor

The LTC may deem it necessary for the applicant to submit a plan signed by a B.C. Land Surveyor, pursuant to Section 2.8 (1) of the LUB. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request that the applicant for GM-DVP-2021.7 submit to the Islands Trust a survey plan signed by a B.C. Land Surveyor, which identifies the location on the lot of all existing and proposed buildings and structures in relation to lot and zone boundaries, watercourses, wells and the sea.

2. Deny the application

The LTC may deny the application. Staff advise that should the DVP be denied, options for the applicants include a limited ability to find a suitable building site that takes advantage of the lot's grade and topography. If selecting this alternative, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee deny issuance of application GM-DVP-2021.7 for the following reasons [insert specific reasons].

NEXT STEPS

If the LTC resolves to issue the permit, the applicant may commence with the SCRD building permit application process.

Submitted By:	Ian Cox, MCP Planner 2	October 5, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	October 5, 2021

ATTACHMENTS

1. Applicant Rationale Letter
2. Draft DVP
3. Site Context
4. Letters of Support
5. Statutory Public Notice

ATTACHMENT 1 – Applicant Rationale Letter (GM-DVP-2021.7)



301 - 1825 Quebec Street Vancouver, BC V5T 2Z3
T 604 558 6344 E info@officemb.ca officemb.ca

September 22, 2021

Island Trust - Northern Region

700 North Road
Gabriola BC
V0R 1X3

Gambier Island Local Trust Committee Meeting Date: October 14th, 2021

Dear Gambier Local Trust Committee,

Re: Development Variance Permit to relax the rear yard setback from the property line defined by a Crown Reserve Boundary from 7.5m to 0.0m.

Address: 1000 Maddy Lane, Douglas Bay, Gambier Island, BC
Legal Description: Lot 29 of Strata Plan BCS 1539, District Lot 2979
PID: 026-954-354
Jurisdiction: Sunshine Coast Regional District
Zoning: Gambier Island Land Use Bylaw No. 86 – Settlement Residential (SR) Zone
BP Referral # GM-BP-2021-10

A Development Variance Permit is requested for 1000 Maddy Lane, Lot 29 of Douglas Bay Gambier Island. The property is currently undeveloped; however, Island Trust and the SCRD are reviewing a building permit submission for a three storey single-family residence of roughly 220 sm for private recreational use. Hardships due to Crown Reserve Lands defining the rear property line and extremely steep and unbuildable site conditions, a relaxation from a 7.5m rear yard setback to a 0.0m rear yard setback is requested.

The rear property line is defined by a 20 meter Crown Reserve setback from the Natural Boundary as indicated by Strata Plan BCS1539. This setback exceeds the 15 meter setback from a natural boundary as defined in 3.3.1 of the Gambier Island Land Use Bylaw. The required 7.5m setback (5.1.9a) from the Crown Reserve boundary (defined rear lot line) would eliminate the primary building site on the property. To the north west of the property a point juts out into the ocean creating a more constraining natural boundary. The point creates an almost 90 degree geometry to the Crown Reserve setback that further compounds when the 7.5m setback is applied eliminating the primary build site from two sides.

Shifting the structure south to conform to the rear yard setback requirements would locate the house on steep unbuildable terrain. In addition, an existing easement running west to east across Lot 29 to provide road access to Lot 30 constricts the potential building site if the structure were to be located further south up the slope. As the property continues up the slope it progressively gets much steeper and unbuildable.

Prior to building permit submission an enquiry was made to an Island Trust Planner regarding required setbacks to a Crown Reserve boundary. The response received was that "there is no Island Trust setback to the Crown Reserve boundary." We proceeded with our design and building permit submission based on this information. The email correspondence of the enquiry is attached for your reference. We request that this misinformation be considered as an additional hardship to our development variance request.

Best Regards,

Steve McFarlane Architect AIBC AAA FRAIC LEED®AP
Principal

ATTACHMENT 2 – Draft DVP (GM-DVP-2021.7)

 Islands Trust	GAMBIER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GM-DVP-2021.7
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TO: ALOHA BAY HOLDINGS LTD. INC. NO. 0758225

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

PID: 026-954-354

STRATA LOT 29 DISTRICT LOT 2979 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN BCS1539
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF
THE STRATA LOT AS SHOWN ON FORM V

2. Pursuant to Section 498 of the *Local Government Act*, the *Gambier Island Land Use Bylaw No. 86, 2004* is varied as follows:
- a) PART 5 – ZONE REGULATIONS, Section 5.1 Settlement Residential (SR) Zone, Siting and Size, Subsection (9) – “The minimum setback for any building or structure:”, Clause (a) – “7.5 metres from any front or rear lot line;” is varied:
 - To reduce the rear lot line setback for the proposed single family residence from 7.5 metres to 0.0 metres.
3. The development shall be consistent with Schedule “A” attached to and forming part of this permit. The footprint of the building shall not be enlarged. This permit is not a Building Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Gambier Island Land Use Bylaw No. 86, 2004* and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF OCTOBER, 2021.

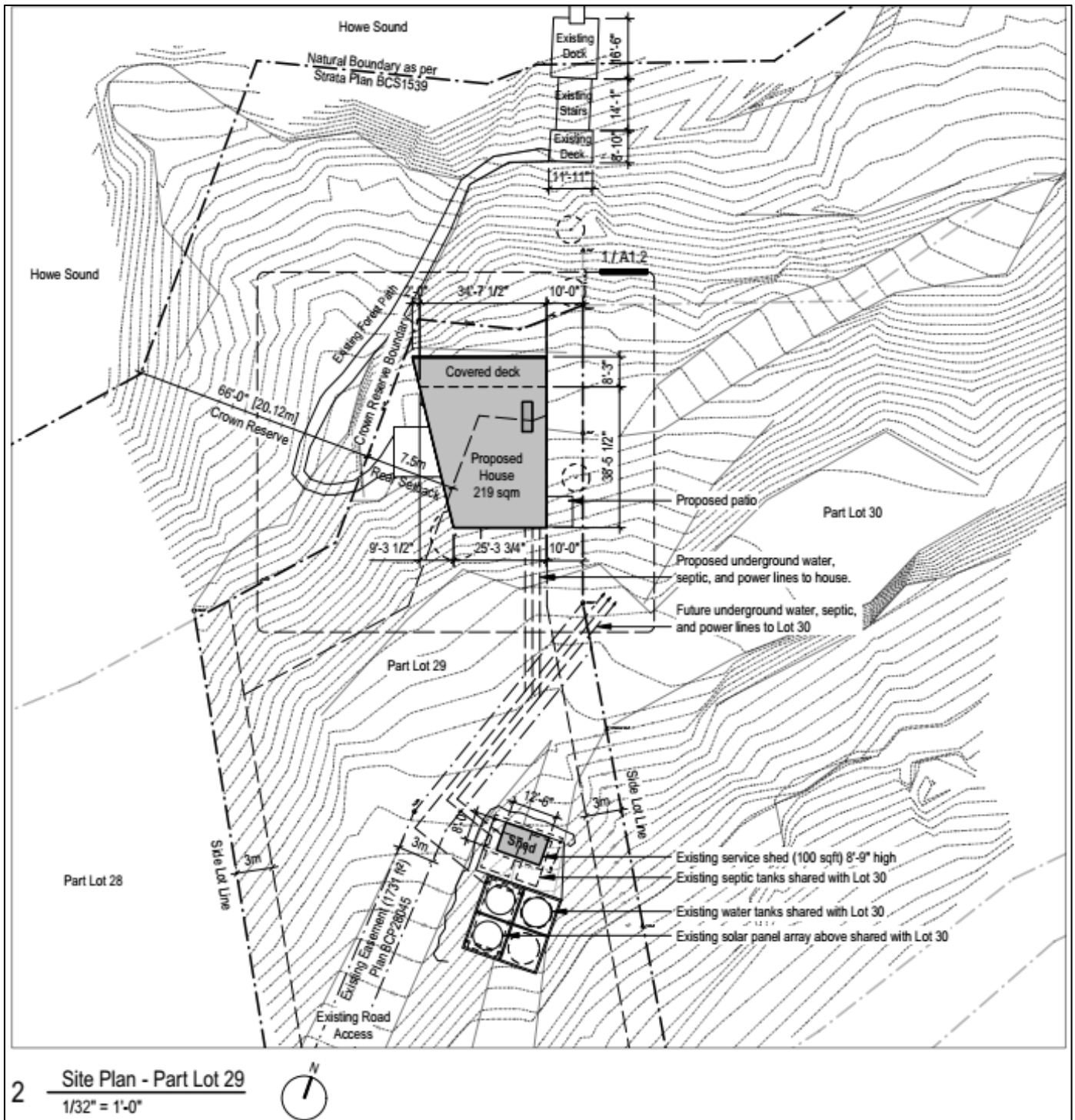
Deputy Secretary, Islands Trust

October XX , 2021

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XST DAY OF JUNE, 2023,
THIS PERMIT AUTOMATICALLY LAPSES.**

GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2021.7
Schedule "A" Site Plan



ATTACHMENT 3 – SITE CONTEXT (GM-DVP-2021.7)

LOCATION

Legal Description	STRATA LOT 29 DISTRICT LOT 2979 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN BCS1539 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 026-954-354)
PID	026-954-354
Civic Address	1000 MADDY LANE

LAND USE

Current Land Use	Recreational, vacant
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	GM-RZ-1997.1 GM-SUB-1995.1 GM-SUB-1998.5 GM-BP-2021.10
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POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Settlement Residential (SR) Development Permit Area 3 – Riparian Areas
Land Use Bylaw	Zone: Settlement Residential (SR) 5.1 (1) 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. 5.1 (9) Siting and Size (9) The minimum setback for any building or structure: (a) 7.5 metres from any front or rear lot line; (b) 3 metres from any interior side lot line; (c) 4.5 metres from any exterior side lot line. The Land Use Bylaw provides the following definitions:

	LOT LINE means the legally defined boundary of a lot, and in particular: STRUCTURE means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, excluding fences, surfaced areas of gravel, concrete or other similar material comprising driveways, uncovered patios, uncovered parking areas. 3.3 Siting and Setback Regulations (4) Buildings or structures accessory to residential buildings that do not exceed 2.5 metres in height and 10 square metres in floor area may be sited as close as two metres from any lot line, except where the lot line abuts a highway, in which case regulation 3.3(6) or the zone regulation, which ever is greater, shall apply. 3.4 Siting and Setback Exceptions (3) Structures which at no point extend more than 0.6 metres above grade level, including wellheads and parking spaces may be sited on any portion of a lot, except that the siting of sewage disposal systems and fields shall comply with Provincial regulations.
Other Regulations	Provincial Crown Reserves
Covenants	BB151750 – Power Point Estates BB151752 - Power Point Estates BB151761 BB54366 - SCRD BB54367 - SCRD BB54387 BB54388 – Province of BC BB54391 – Coastal Health BB54392 – Coastal Health BB54393 – Province of BC BB54394 - Province of BC BX379228 BX379229
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect any Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affect a property adjacent to an ITC owned property or conservation covenant. Referral to the ITC for comment is not required.
Regional Conservation Strategy	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition as LOW/MEDIUM for this property. The Gambier Island Local Trust Area has been identified as being a HIGH priority for conservation and is a secondary focus for ITC outreach based on ecosystem values, threats and current levels of conservation after the very high priority areas of Salt Spring Island, Lasqueti, etc.

Species at Risk	The subject property is not currently within an area mapped as critical SAR habitat.
Sensitive Ecosystems	OCP "Schedule C" – Environmentally Sensitive Areas of the does not identify the area of the subject property as having specific environmental values which are particularly sensitive, although there are adjacent mapped areas.
Hazard Areas	None.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) does not indicate any recorded archaeological sites on the property or areas of archaeological potential within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot 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	Staff do not anticipate any greenhouse gas emission changes resulting from approval of the proposed permit. Staff do not anticipate any climate change induced hazards arising from permit approval.
Shoreline Classification	Sea Cliff
Shoreline Data in TAPIS	Rocky Cliff

September 22, 2021

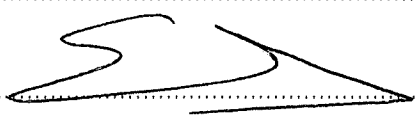
Island Trust - Northern Region
700 North Road
Gabriola BC
V0R 1X3

Gambier Island Local Trust Committee Meeting Date: October 14th, 2021

Dear Gambier Local Trust Committee,

Re: Development Variance Permit to relax the rear yard setback from the property line defined by a Crown Reserve Boundary from 7.5m to 0.0m.

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PID: 026-954-354
Jurisdiction: Sunshine Coast Regional District
Zoning: Gambier Island Land Use Bylaw No. 86 – Settlement Residential (SR) Zone
BP Referral # GM-BP-2021-10

Name... STEPHEN HEDBERG Lot 28 owner (Neighbour)
Address... 1106 - 188 East Esplanade Ave
North Vancouver BC. V7L 4Y1
Signature...  604-305-7382

I/We hereby give consent for the proposed development variance permit to relax the rear yard setback to 0.0m. I/We have been provided with the current architectural information regarding the proposed development including the building form and constricting site conditions.

Attached information courtesy of and developed for submission purposes by the office of mcfarlane biggar architects + designers.

- I. Development Variance Permit Rationale Letter
- II. Development Variance Permit Drawing Package
- III. Site Survey completed by a registered BC Land Surveyor (BCLS)

September 22, 2021

Island Trust - Northern Region

700 North Road
Gabriola BC
V0R 1X3

Gambier Island Local Trust Committee Meeting Date: October 14th, 2021

Dear Gambier Local Trust Committee,

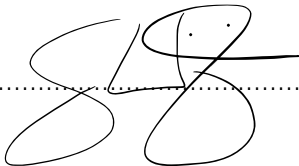
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PID: 026-954-354
Jurisdiction: Sunshine Coast Regional District
Zoning: Gambier Island Land Use Bylaw No. 86 – Settlement Residential (SR) Zone
BP Referral # GM-BP-2021-10

Name..... **Sam Wainwright**

Address..... **Lot 30, Douglas Bay, Gambier Island**

..... **British Columbia, Canada**

Signature..... 

I/We hereby give consent for the proposed development variance permit to relax the rear yard setback to 0.0m. I/We have been provided with the current architectural information regarding the proposed development including the building form and constricting site conditions.

Attached information courtesy of and developed for submission purposes by the office of mcfarlane biggar architects + designers.

- I. Development Variance Permit Rationale Letter
- II. Development Variance Permit Drawing Package
- III. Site Survey completed by a registered BC Land Surveyor (BCLS)



ATTACHMENT 5 – Statutory Public Notice (GM-DVP-2021.7)

NOTICE
GM-DVP-2021.7

Islands Trust

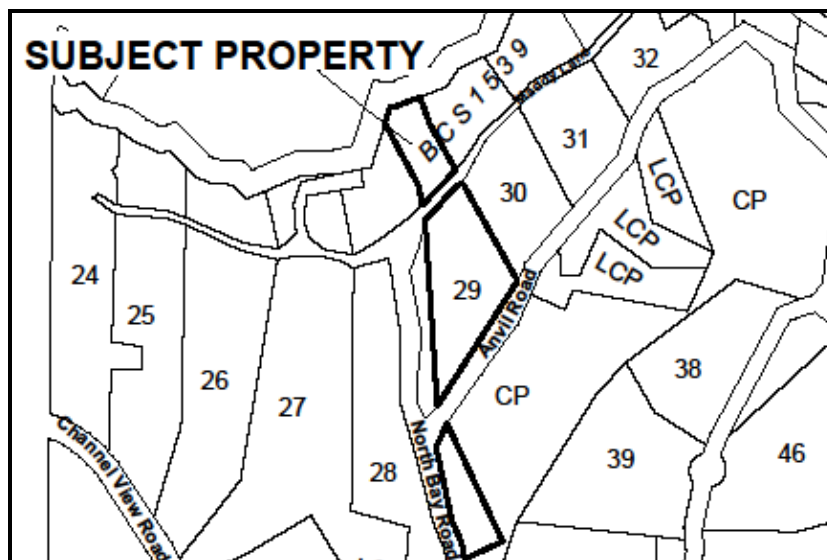
GAMBIER ISLAND LOCAL TRUST COMMITTEE

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

- Reducing the rear lot line setback for the proposed single family residence from 7.5 metres to 0.0 metres.

The property is located at **1000 Maddy Lane, Gambier Island, BC** and is legally described as: PID: 026-954-354 STRATA LOT 29 DISTRICT LOT 2979 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN BCS1539 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 026-954-354)

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Tuesday to Thursday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gambier/current-applications/> commencing **October 1, 2021** and continuing up to and including **October 13, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at the Notice Board on Gambier Island.

Enquiries or comments should be directed to Ian Cox, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, October 13, 2021.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during its **Regular Business Meeting** to be held at **3:00 pm, Thursday, October 14, 2021 at John Braithwaite Community Centre, 145 1st Street W, North Vancouver, BC**

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

Becky McErlean, Deputy Secretary

File No.: GM-6500-20 (Gambier Island
OCP LUB Review)

DATE OF MEETING: October 14, 2021
TO: Gambier Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Gambier Island OCP and LUB Targeted Review Project

RECOMMENDATION

1. That the Gambier Island Local Trust Committee endorse the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Charter, dated October 14, 2021, as amended.

REPORT SUMMARY

This purpose of this report is provide the Gambier Local Trust Committee (LTC) with a status update on the project and confirmation of endorsement of the Project Charter.

BACKGROUND

The LTC passed the following resolutions at their July 22, 2021 business meeting:

GM-2021-061

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

that the Gambier Island Local Trust Committee amend the Gambier Island Official Community Plan and Land Use Bylaw Targeted Review Project Working Group Draft Terms of Reference dated July 2021 for a select committee of eight volunteers serving for a term of two years.

CARRIED

GM-2021-062

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

that the Gambier Island Local Trust Committee request that the Forest Ecosystem Protection Discussion Paper Outline is amended by adding the topic "Cumulative Effects Assessment in Howe Sound".

CARRIED

GM-2021-063

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

that the Gambier Island Local Trust Committee endorse the 'Terms of Reference', as amended, dated July 2021, for the 'Gambier Island Official Community Plan and Land Use Bylaw Targeted Review' and request staff to solicit expressions of interest for volunteer members from the following:

- a. Skwxwú7mesh (Squamish) Nation
- b. səli lwətaʔt (Tsleil-waututh) Nation
- c. xwməθkwəyəm (Musqueam) Indian Band
- d. Gambier Island Conservancy

- e. Gambier Island Community Association
 - f. Community members at large.
- CARRIED**

GM-2021-064

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee include the currently excluded area of Cotton Bay into the new Official Community Plan Land Use Bylaw Targeted Review Project Charter under “Scope”.

CARRIED

Previous staff reports and background information for this project are found on the LTC Projects [webpage](#).

ANALYSIS

Issues and Opportunities

Project Charter

Staff amended the Project Charter in accordance with the July 22, 2021 LTC resolution and it can be found in Attachment 1. Staff note that the LTC didn’t endorse it as amended at that meeting and recommend that the LTC do so as a matter of good process. Additionally, staff have adjusted the Project Charter to better reflect the land use bylaw review element of the project, which was added by the LTC at their May 27th business meeting. The Project Charter with those recommended changes can be found in Attachment 2. Staff are recommending that the LTC endorse the Project Charter dated October 14, 2021, in Attachment 2.

Working Group

Invitations for Expressions of Interest were sent out to the Gambier Island Conservancy, Gambier Island Community Association, and the community at large. Expressions of Interest submissions were received and are included in the In Camera portion of the LTC business meeting for LTC consideration. Following the meeting, selected members will be advised and apprised of next steps.

First Nations

An introductory letter about the project was sent out to Skwxwú7mesh (Squamish) Nation, səliłwətaʔt (Tsleil-waututh) Nation, and xʷməθkʷəy̓ə m (Musqueam) Indian Band. The letter included an invitation to collaborate on how to engage with each First Nation on this project, and included invitations to participate on the Working Group, which will be tasked with providing input on the engagement and communications plan for the project.

A staff to staff meeting to discuss the project is currently being organized following a request from Skwxwú7mesh (Squamish) Nation. Staff are cognisant that their general election was held on September 26, 2021, and expect to meet with them when they have capacity.

Level of Public Consultation

In the May 27, 2021 staff report, staff recommended that the public participation level for this project should be “involve” on the International Association for Public Participation (IAP2) spectrum (Attachment 3). Staff would like to clarify that the highest level of public participation on the spectrum that can reasonably be achieved is “consult:”

Public Participation Goal:

“to obtain public feedback on analysis, alternatives and/or decision.”

Promise to the Public:

“We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.”

Rationale for Recommendation

Staff revised the Project Charter following the LTC’s direction on July 22, 2021 with respect to adding Cotton Bay to the project scope. Staff have also revised the Project Charter to better reflect the land use bylaw review element of the project, added by the LTC at their May 27th business meeting. Staff recommend that the LTC endorse the Project Charter as amended. The recommendation is included on Page 1 of the report.

ALTERNATIVES

Amend the Project Charter

The LTC may want to amend the draft project charter. Implications of making changes to the project charter are the following:

- If the amendments are minor and can be made at the meeting, then the charter can be endorsed as amended.
- If the amendments are major, staff would have to return to a subsequent meeting with an amended charter for endorsement.

Recommended wording for the resolutions is as follows:

That the Gambier Island Local Trust Committee request staff to amend the Gambier Island OCP and LUB Targeted Review Project Charter by [insert requested changes].

That the Gambier Island Local Trust Committee endorse the Gambier Island OCP and LUB Targeted Review Project Charter, dated October 14, 2021 as amended.

NEXT STEPS

Should the LTC endorse the revised Project Charter, staff will update the Project Charter with the endorsement date and post it to the LTC’s Project webpage. Once the consultant is hired, staff will work with the consultant to schedule and organize for the Working Group meetings. Staff continue to develop the discussion papers.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	October 5, 2021
Concurrence:	Heather, Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	Select Date.

ATTACHMENTS

1. Revised Project Charter, dated July 22, 2021, amended but not endorsed
2. Revised Project Charter, dated October 14, 2021 for endorsement
3. IAP2 Spectrum of Public Participation

Gambier Island OCP and LUB Targeted Review Project Charter

Gambier Island Local Trust Committee

Date: July 22, 2021

Purpose: To conduct a review of the Gambier Island Official Community Plan policies pertaining to forest protection, conservation of the Douglas-fir and associated ecosystems, protection of archaeological and cultural sites, shoreline protection and marine designations across the Plan area.

Background: The LTC identified this project as a Top Priority in February 2015. The project was put on hold in 2018 and recommenced in 2021.

Objectives

- Amend the Gambier OCP with regards to:
 - First Nations Perspectives;
 - Archaeological and cultural site protection;
 - Forest Ecosystem Protection;
 - Shoreline Protection;
 - Public docks;
 - Technical amendments.
- Develop the style and structure of the OCP document as an Islands Trust model.

In Scope

- Amendments to the OCP that include:
 - Language and policies that reflect First Nations perspectives;
 - Policy and schedule updates regarding land and marine use designations, including new or amended use designations;
 - Development Permit Areas to protect forests and shorelines;
 - Heritage Conservation Areas to protect archaeological and cultural sites;
 - Advocacy policies;
 - Technical amendments;
 - Developing a pilot model OCP bylaw in terms of style and structure.
- LUB amendments.
- Include Cotton Bay lots that were excluded from OCP Bylaw No. 73.

Out of Scope

- OCP amendments regarding:
 - Economic development;
 - Services for island residents;
 - Private institutional policies;
 - Parks and trails.

Work Plan Overview

Phase 1: Project Initiation	Date
LTC endorses project charter	May 27 2021
Planning research & information gathering (early engagement with First Nations, discussion paper prep, community outreach)	Spring - Summer 2021
Formation of an OCP Working Group & development of Terms of Reference	June - July 2021
Retain a consultant to support engagement plan development	Spring – Summer 2021
Development of discussion papers	Summer - Fall 2021
Analysis of data/mapping for priority setting & develop criteria to identify target areas	July 2021 – Spring 2022
Development of Engagement and Communications Plan	Fall - Winter 2021/2022
Phase 2: Consultation and Bylaw Development	Date
Retain a consultant to provide limited support to the engagement plan implementation	Early 2022
Analysis of data/mapping for priority setting & develop criteria to identify target areas – cont.	July 2021 – Spring 2022
First Nation, stakeholder and public engagement as per Plan	Spring - Fall 2022
Develop draft bylaws	Summer - Fall 2022
Phase 3: Legislative Process and Implementation	Date
First Nation, stakeholder and public engagement as per Plan – cont.	2022 - 2023
Bylaw readings, public hearing, approvals, adoption	2022 - 2023
Bylaw consolidation, post bylaw adoption communications	2023

Project Team	
Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Island Planner/Planner 2	Planning & technical support (limited)
Senior Intergovernmental Policy Advisor	First Nation liaison support
GIS Technician	Mapping support
TAS Program Coordinator/Communications	TAS coordination/Communications support (limited availability)
ITC Ecosystem Specialist	Protection/conservation planning support (limited availability)
Senior Freshwater Specialist	Watershed ecology support (limited availability)
Consultant(s)	Public engagement support, potentially mapping/data development
OAA, PTA, LC	Admin support
RPM Approval: Heather Kauer Date: 2021-07-13	LTC Endorsement: Resolution #: GM-021-038 Date: 2021-05-27

Budget		
Budget Sources: 2021-22: GM LTC OCP: \$4,000.00; RPC OCP: \$8,500.00; First Nations: \$2000.00* 2022-23: GM LTC OCP: \$15,000*; First Nations: \$2000.00* 2023-24: GM LTC OCP: \$10,000*; First Nations: \$2000.00* *pending		
Fiscal	Item	Cost
2021-2022	Phase 1: Project Initiation	
	• First Nation engagement	2,000.00
	• Development of Engagement & Communications Plan	6,000.00
	• Analysis of data and mapping for priority setting & developing criteria to identify target areas	3,000.00
2021-2022	Phase 2: Consultation and Bylaw Development	
	• Undertake Engagement & Communications Plan	12,000.00
	• Analysis of data and mapping for priority setting & developing criteria to identify target areas	2,000.00
	• First Nation engagement	2,000.00
2022-2023	Phase 3: Legislative Process	
	• Engagement, referrals	5,000.00
	• Legal review	3,000.00
	• In-person public hearing	3,000.00
	• Bylaw amendment communications	2,000.00
	Total	40,000.00

Gambier Island OCP and LUB Targeted Review Project Charter

Gambier Island Local Trust Committee

Date: October 14, 2021

Purpose: To conduct a review of the Gambier Island Official Community Plan policies and Land Use regulations pertaining to forest protection, conservation of the Douglas-fir and associated ecosystems, protection of archaeological and cultural sites, shoreline protection and marine designations across the Plan area.

Background: The LTC identified this project as a Top Priority in February 2015. The project was put on hold in 2018 and recommenced in 2021.

Objectives

- Amend the Gambier OCP & LUB with regards to:
 - First Nations Perspectives;
 - Archaeological and cultural site protection;
 - Forest Ecosystem Protection;
 - Shoreline Protection;
 - Public docks;
 - Technical amendments.
- Develop the style and structure of the OCP document as an Islands Trust model.

In Scope

- Amendments to the OCP and LUB that include:
 - Language and policies that reflect First Nations perspectives;
 - Policy and schedule updates regarding land and marine use designations, including new or amended use designations;
 - Development Permit Areas to protect forests and shorelines;
 - Heritage Conservation Areas to protect archaeological and cultural sites;
 - Advocacy policies;
 - Technical amendments;
 - Developing a pilot model OCP bylaw in terms of style and structure.
- Include Cotton Bay lots that were excluded from OCP Bylaw No. 73.

Out of Scope

- OCP and LUB amendments regarding:
 - Economic development;
 - Services for island residents;
 - Private institutional policies;
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Work Plan Overview

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Consultant(s)	Public engagement support, potentially mapping/data development
OAA, PTA, LC	Admin support
RPM Approval: Heather Kauer Date: 2021-07-13	LTC Endorsement: Resolution #: GM-021-038; GM-021-064 Date: 2021-05-27;

Budget		
Budget Sources: 2021-22: GM LTC OCP: \$4,000.00; RPC OCP: \$8,500.00; First Nations: \$2000.00* 2022-23: GM LTC OCP: \$15,000*; First Nations: \$2000.00* 2023-24: GM LTC OCP: \$10,000*; First Nations: \$2000.00* *pending		
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	• Undertake Engagement & Communications Plan	12,000.00
	• Analysis of data and mapping for priority setting & developing criteria to identify target areas	2,000.00
	• First Nation engagement	2,000.00
2022-2023 2023-2024	Phase 3: Legislative Process	
	• Engagement, referrals	5,000.00
	• Legal review	3,000.00
	• In-person public hearing	3,000.00
	• Bylaw amendment communications	2,000.00
	Total	40,000.00

IAP2 spectrum

developed by the international association for public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** October 14, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee bylaws

RECOMMENDATION:

That the Gambier Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raise funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

That the Gambier Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

Alternative:

That the Gambier Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

Prepared By: David Marlор, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/Aug, 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
 - 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
 - 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
3. Costs:
- 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
4. Community Benefit:
- 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 13, 2021 BOARD MEETING (OPEN PORTION)

NOTE: Islands Trust Conservancy has made changes to the format of this report to make its production and delivery more efficient. For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

JOINT MEETING – Islands Trust Conservancy Board + Islands Trust Executive Committee

- The Islands Trust Conservancy Board and Islands Trust Executive Committee shared a liaison meeting and corresponded on many of the topics outlined in the sections below. The liaison meeting is intended to enhance collaboration between the two bodies by deepening understanding of the current programs and upcoming opportunities each is influencing and to proactively identify points where working together would generate a more positive outcome than would otherwise be possible. This meeting occurs annually as per Islands Trust policy.

1. ORGANIZATION UPDATES/TEAM

- Islands Trust Conservancy Manager Kate Emmings welcomed Wendy Tyrrell as the new Species at Risk Program Coordinator. Wendy comes to the Conservancy from Habitat Acquisition Trust where she worked for 14 years, originally as the Land Protection Coordinator and the past six years as the Habitat Management Program Coordinator. Having joined Islands Trust Conservancy in July 2021, Wendy is now positioned to lead the Species at Risk (SAR) Program through its second and third years.

2. STRATEGIC PLANNING/ADMINISTRATION

- The Minister of Municipal Affairs is selecting three appointees to serve on the Islands Trust Conservancy Board. The Board hopes that at least two of these appointees will be actively on the Board by the end of August 2021.

3. COVENANT AND PROPERTY ACQUISITIONS

- The Islands Trust Conservancy Board reported that they have entered into a lease agreement with the BC Parks Foundation for Saturnina Island in the Gabriola Island Local Trust Area.
- Ecosystem Protection Specialist Kathryn Martell provided an update for the Crystal Mountain application currently in progress on Galiano Island after recently visiting the site.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

4. COVENANT AND PROPERTY MANAGEMENT

- The Islands Trust Conservancy Board reviewed the Regional Conservation Plan Progress Report and noted that the recent “heat dome” effect in the Islands Trust Area and the Salish Sea may have had wide-ranging effects on forage fish populations. They agreed that the effects from the event could be something to monitor in the future.

5. COMMUNICATIONS AND OUTREACH

- Islands Trust Conservancy Chair Kate-Louise Stamford discussed her attendance of a recent Saturnina Island event hosted by the BC Parks Foundation, noting that Islands Trust Conservancy leaders (herself and Manager Kate Emmings) were guests and highlighting that the event was well-attended by press, students, and donors. Islands Trust Conservancy Board discussed partnership between Islands Trust Conservancy and the BC Parks Foundation, specifically in terms of the opportunities it provides for securing and managing land and for communications. Further, they discussed the importance of improving the inclusion of Snuneymuxw First Nation in the Saturnina Island process.
- The Islands Trust Conservancy Board discussed a plan to make a statement of support for the Howe Sound UNESCO Biosphere Reserve nomination. The process for a formal declaration has almost been completed.
- The 2020/2021 Annual Report process has been slightly delayed by a delayed financial audit. The Board resolved to hold a special meeting to review the audit results on August 24, 2021.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- During the liaison meeting, Executive Committee members recognized Acting Fundraising Specialist Carla Funk for her work and for her plan to bring national attention to the Conservancy through a legacy giving platform called “Willpower”. They discussed fundraising results, the importance of developing long-term connections, and suggested commissioning a simple infographic to convey that the Conservancy is not competing with smaller local conservation groups; rather, all are working together to protect the land with the Conservancy often feeding funds directly to the smaller conservancies to “kick-start” conservancy projects (i.e., Opportunity Fund).

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

Shortcuts here:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/planning-2018-2027/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



Protecting islands in the Salish Sea

Lisa Baile of SDAYES/
North Pender Island donates
four hectares to expand network
of protected places [p.3](#)



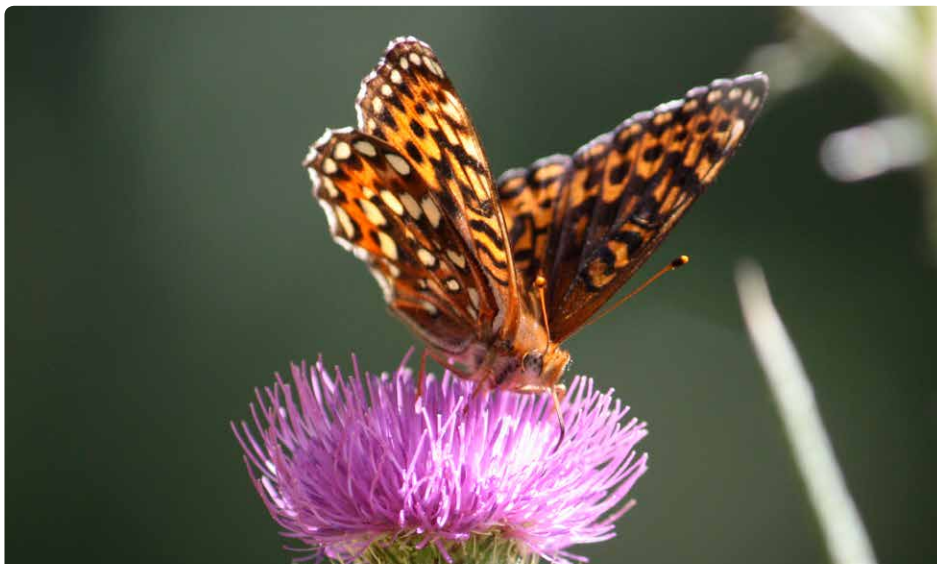
ALSO IN THIS ISSUE

Species at Risk
projects underway
across the region [p. 2](#)



Remembering
Conservation Superheroes
that made their mark [p. 4](#)
147





Zerene Fritillary Butterfly, Yellow Montane Violet. Cover: Coastal Scouler's Catchfly. PHOTOS: LAURA MATTHIAS

Species at Risk – we've got your backs!

Islands Trust Conservancy has a new program dedicated to protecting and fostering species at risk within the Islands Trust Area. We've begun by searching for the elusive Sharp-tailed Snake, rare lichens, and Western Screech-owl throughout the Trust Area, and by beginning habitat restoration for Yellow Montane Violet and Scouler's Catchfly on Mount Tuam, Salt Spring Island. In July, Wendy Tyrrell began as our Species at Risk Program Coordinator. We are looking forward to growing Islands Trust Conservancy's Species at Risk work with Wendy's help! ([details online](#)) 🌿

You have made a difference!

Supporters of the Opportunity Fund have helped to create a \$47-million-dollar (assessed value) conservation legacy in the islands of the Salish Sea. Kick-start grants were delivered to our partners at critical times — just when they were starting up a land acquisition project, or making the decision to place conservation covenants on sensitive land. ([details online](#)) 🌿

\$47,000,000!

total appraised value of properties
protected by kick-starting grants
to conservation partners



Drum detail. PHOTO: LISA WILCOX

Acknowledgement

Islands Trust Conservancy acknowledges that we work within the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, ʔəʔamən, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁLP, WSIKEM, Xeláltxw, Xwémalhkwx/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

31st Nature Reserve

Lisa Baile of SDAY,ES /North Pender Island donates four hectares to expand contiguous network of protected places

Lisa Baile Nature Reserve on SDAY,ES (North Pender Island), is the most recent protected place to come under the care of Islands Trust Conservancy. It is home to a mixed mature forest of largely Douglas-fir and western redcedar, and rises steeply to a ridge with small rocky bluffs and Garry oak and arbutus woodlands, with patches of native wildflowers such as fairy-slipper, camas (a lily), chocolate lily, and fawn lily. Several veteran, old-growth Douglas-fir trees – including one measuring almost four metres in diameter – were previously protected under a small conservation covenant along Clam Bay Road.

The Lisa Baile Nature Reserve expands an existing nine-hectare grouping of conserved lands, increasing this network of protected places in the Salish Sea to nearly 13 contiguous hectares that will provide habitat for regional species in perpetuity.

How this piece connects to a bigger story, to partners, and to community

The islands within the Salish Sea are part of the creation stories of the Coast Salish Peoples and are deeply interconnected to the oral history, well-being, and place that Coast Salish Peoples have now, and have called their homelands for over 14,000 years.

Lisa Baile made this nature reserve possible through her generous gift of mature Coastal Douglas-fir forest to Islands Trust Conservancy – a donation that Baile had intended from the moment she purchased the four-hectare undeveloped property in 2019.

The federal Ecological Gifts Program, which provides income and capital gains tax relief for gifts of qualifying, ecologically sensitive land, also contributed to reaching this milestone – making this the 25th property donated to Islands Trust Conservancy as an ecological gift.

Pender Islands Conservancy Association, co-holder of the existing covenant with Islands Trust Conservancy, worked with Lisa Baile and Islands Trust Conservancy to expand the protected area and create the new nature reserve, which will provide increased protection to the forest and woodlands on the entire property.

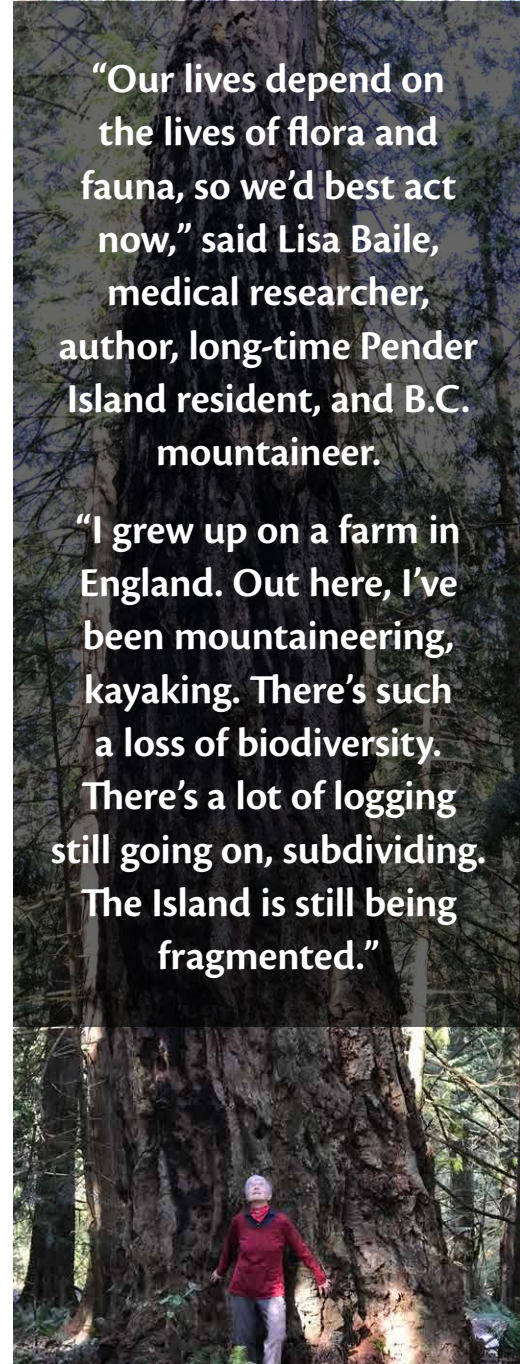
“The vision and generosity of donors like Lisa Baile will be crucial to seeing the islands of the Salish Sea, and their surrounding waters, through the climate crisis and concurrent development surge that we are experiencing,” said Islands Trust Conservancy Board Chair Kate-Louise Stamford. “She deserves our thanks. Our next step will be preparation of the management plan for this site, in collaboration with First Nation governments with shared territory on SDAY,ES/North Pender Island and island residents.”

Lisa Baile donated this land to become the Lisa Baile Nature Reserve on February 25, 2021. Lisa Baile Nature Reserve became Islands Trust Conservancy’s 31st nature reserve. 🌿



“Our lives depend on the lives of flora and fauna, so we’d best act now,” said Lisa Baile, medical researcher, author, long-time Pender Island resident, and B.C. mountaineer.

“I grew up on a farm in England. Out here, I’ve been mountaineering, kayaking. There’s such a loss of biodiversity. There’s a lot of logging still going on, subdividing. The Island is still being fragmented.”



Islands Trust Conservancy donor Lisa Baile pictured with old-growth Douglas-fir tree. PHOTO: TAEVEN LOPATECKI

Remembering extraordinary Conservation Superheroes



Louise Bell, Denman Island (d. June 17, 2021)

While serving as a Denman Island trustee for 15 years, and an Islands Trust Conservancy board member for 10 years, Louise helped shape the future of land conservation in the islands. She was a loyal supporter of the Islands Trust Conservancy's Opportunity Fund which has helped support land acquisition campaigns throughout the Islands Trust Area.



Nancy Braithwaite, Salt Spring Island (d. January 27, 2021)

Nancy was a co-founder of the Salt Spring Island Conservancy and permanently protected land through the creation of the Ruffed Grouse Conservation Covenant. In a final act of conservation, Nancy returned her body to the forest she loved at the Salt Spring Island Natural Cemetery.



Betty Swift, Link Island (d. January 29, 2021)

A Seattleite, Betty loved the islands of the Salish Sea. With her vision and the support of her family, Link Island (21.45 hectares) and the islet Spider Monkey Island (0.17 hectares) were protected, fulfilling a long-time dream to ensure conservation stewardship was in place for future generations, and to contribute a resource for future research.

Like us on Facebook facebook.com/IslandTrustConservancy/

Online islandstrust.bc.ca/conservancy

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Printed on 100% post consumer recycled paper. Please recycle.

YES! I want to preserve and protect the islands!

100% of your donation goes directly to protecting endangered habitat on the islands you love.

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

To donate online visit:

islandstrust.bc.ca/donate-to-conservancy

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

Name	
Address	
City	
Prov/State	Postal/Zip code
Phone	
Email	

Questions? Contact us!

250-405-5186

itcmail@islandstrust.bc.ca

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

My donation amount: ☐ \$50 ☐ \$100 ☐ \$200 ☐ \$_____

I wish to donate by:

☐ Cheque (made payable to the Islands Trust Conservancy)

☐ Visa ☐ MasterCard

Card Number

Expiry Date
mm/yy

Security Code
(back of card)

Signature

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

*Islands Trust Conservancy is a qualified donee as a Crown agent under the **150** Islands Trust Act. Islands Trust business # 122013576 RT0001



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2020.2	Swain, Nicholas & Christine	06-Nov-2020	PID: 026-162-903 Returning land to nature. Civic address: Lot 28, Brigade Bay, Gambier Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 23-Aug-2021

No change in status.

Status Date: 06-Jul-2021

No change in status.

Status Date: 10-Jun-2021

Applicant to provide required professional report presently.

File Number	Applicant Name	Date Received	Purpose
GM-DP-2021.1	Miller Thomson	02-Mar-2021	PID: 005-937-051 To obtain adjustments in advance of a strata approved subdivision.

Planner: Sonja Zupanec

Planning Status

Status Date: 03-Mar-2021

File opened. Waiting for payment.



Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2021.3	V. Nathan Atchison	27-May-2021	PID: 008-054-134 Lot clearing in DP area. Civic: 507 Shawanabe Road, Gambier Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 20-Aug-2021

Copy of BCLS survey received.

Status Date: 21-Jul-2021

Planner reviewing file.

Status Date: 09-Jul-2021

File opened & assigned. Survey to follow in October, 2021.

File Number	Applicant Name	Date Received	Purpose
GM-DP-2021.4	V. Nathan Atchison	27-May-2021	PID: 013-387-219 Land clearing in DP area. Civic: Lot 80 West Bay Road, Gambier Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 18-Aug-2021

Site plan received.

Status Date: 21-Jul-2021

Planner reviewing file.

Status Date: 09-Jul-2021

File opened & assigned. Survey to follow in October.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GM-DP-2021.5	Brownridge, Jacquie & Joseph	07-Sep-2021	PID: 026-162-857 Moving cottage to different location on lot. Civic address - 1694 Mt. Artaban Road, Gambier Island, BC.
Planner: Ian Cox			
Planning Status			
Status Date: 20-Sep-2021 Under review by staff.			
Status Date: 08-Sep-2021 File opened & assigned. Waiting for payment.			

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-2020.3	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: 10-May-2021

Early notification sent to Squamish Nation. Nation has advised staff they wish to discuss proposal prior to any further processing of the file. ON HOLD pending meeting with Nation staff.

Status Date: 15-Sep-2020

Pending receipt of further information.

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.



Applications

Development Variance Permit

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.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2021.1	Miller Thomson	03-Mar-2021	PID: 005-936-195 To obtain minor setback variance in advance of strata approved subdivision.

Planner: Sonja Zupanec

Planning Status

Status Date: 04-Mar-2021

File opened & waiting for payment.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2021.2	Miller Thomson	03-Mar-2021	PID: 005-936-675 To obtain minor setback variance in advance of strata approved subdivision.

Planner: Sonja Zupanec

Planning Status

Status Date: 04-Mar-2021

File opened & assigned. Waiting for payment.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2021.3	Miller Thomson	03-Mar-2021	PID: 005-936-705 To obtain minor setback variance in advance of strata approved subdivision.

Planner: Sonja Zupanec

Planning Status

Status Date: 04-Mar-2021

File opened & assigned. Waiting for payment.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2021.4	Miller Thomson	03-Mar-2021	PID: 005-937-167 To obtain minor setback variance in advance of strata approved subdivision.

Planner: Sonja Zupanec

Planning Status

Status Date: 04-Mar-2021

File opened & assigned. Waiting for payment.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2021.6	Richards, Michael	29-Apr-2021	PID: 010-211-811 Application for existing gazebo and deck. Civic address: Lot 4, Block 10, Keats Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 17-Sep-2021

New survey submitted

Status Date: 26-Jul-2021

No change in status

Status Date: 22-Jun-2021

No change in status

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2021.7	Craig Bissell (Aloha Bay Holdings Ltd)	28-Sep-2021	PID: 026-954-354 DVP to relax rear yard setback. Civic address: 1000 Maddy Lane, Gambier

Planner: Ian Cox

Planning Status

Status Date: 29-Sep-2021

File opened and assigned Sep 29, 2021



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2019.1	G.L. Development Corp.	10-Sep-2019	PID: 012-824-941 Two lot subdivision. Civic address: 650 Dulcie Road, Gambier Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 20-Sep-2021

New plans submitted. Under planner review

Status Date: 10-Aug-2021

No change in status

Status Date: 01-Jul-2021

No change in status

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending July 2021

630 Gambier	Invoices posted to Month ending July 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	323.00	0.00	323.00
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	4,120.00	965.55	3,154.45
65210-630	LTC - Local Exp - APC Meeting Expenses	370.00	0.00	370.00
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>5,034.00</u>	<u>965.55</u>	<u>4,068.45</u>
Projects				
73001-630-2016	Gambier OCP/LUB	4,000.00	0.00	4,000.00
73001-630-3003	Gambier RAR	3,500.00	610.00	2,890.00
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>610.00</u>	<u>10,390.00</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*

Responsible

Dates

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

Marnie Eggen

Rec'd: 26-Oct-2011

2. *Gambier OCP Comprehensive Review*

Responsible

Dates

Revised Project Charter scope Dec. 2018

Marnie Eggen

Rec'd: 12-Feb-2015

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

Responsible

Dates

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

Jaime Dubyna

Rec'd: 31-Jan-2019

4. *OCP Advocacy Policies - Implementation & Support*

Responsible

Dates

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

Dan Rogers
Kate-Louise
Stamford

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