



Gambier Island Local Trust Committee

Regular Meeting Revised Agenda

Date: April 1, 2021
Time: 10:30 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
 - 2.1. Rise and Report - regarding Closed Meeting held February 4, 2021
3. **REPORTS** 10:35 AM - 10:55 AM
 - 3.1. Trustee Reports
 - 3.2. Chair's Report
 - 3.3. Electoral Area Director's Report
4. **DELEGATIONS - none**
5. **TOWN HALL** 10:55 AM - 11:05 AM
6. **MINUTES** 11:05 AM - 11:10 AM
 - 6.1. Local Trust Committee Meeting dated February 4, 2021 - for adoption 4 - 13
 - 6.2. Local Trust Committee Public Hearing Record dated February 4, 2021 - for receipt 14 - 15
 - 6.3. Section 26 Resolutions-Without-Meeting Report dated March 23, 2021 16 - 16
 - 6.4. Advisory Planning Commission Minutes - none
7. **BUSINESS ARISING FROM MINUTES** 11:10 AM - 11:20 AM
 - 7.1. Follow-up Action List dated March 23, 2021 17 - 20
8. **APPLICATIONS AND REFERRALS** 11:20 AM - 11:40 AM

8.1.	GM-RZ-2020.1 (Torgerson - 1040 Taki-Te-Si Road, Gambier Island) - Memorandum	21 - 35
9.	LOCAL TRUST COMMITTEE PROJECTS	11:40 AM - 1:00 PM
9.1.	Gambier Island Official Community Plan Review - Staff Report	36 - 41
9.2.	Gambier Associated Islands Streamside Protection and Riparian Areas Development Permit Areas Project - Staff Report	42 - 95
9.3.	Keats Shoreline Protection Project - Staff Report	96 - 128
----- BREAK 1:00 PM TO 1:30 PM -----		
10.	CORRESPONDENCE - none	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1.	<i>Letter dated March 26, 2021 from Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNROPRD) to Gambier Island Community Association regarding new Brighton Dock</i>	
11.	NEW BUSINESS	1:30 PM - 1:50 PM
11.1.	Climate Change Mitigation and Adaptation	
11.2.	Sunshine Coast Regional District Grant in Aid - Fire Protection Groups - for discussion	
11.3.	<i>Artificial Reef Society of BC - New Marine Habitate Enhancement Proposal - Howe Sound - Request for Comment</i>	129 - 135
12.	REPORTS	1:50 PM - 2:05 PM
12.1.	Trust Conservancy Report dated January 26, 2021	136 - 138
12.2.	Applications Report dated March 23, 2021	139 - 145
12.3.	<i>Trustee and Local Expense Report dated February, 2021</i>	146 - 146
12.4.	Adopted Policies and Standing Resolutions	147 - 149
12.5.	First Nations Activities	
12.6.	Local Trust Committee Webpage	
13.	WORK PROGRAM	2:05 PM - 2:35 PM
13.1.	Top Priorities Report dated March 23, 2021	150 - 150
13.2.	Projects List Report dated March 23, 2021	151 - 153

14. UPCOMING MEETINGS

- 14.1. Next Regular Meeting Scheduled for Thursday, May 27, 2021 at 10:30 am via Zoom Electronic Meeting.**

15. INFORMATION ITEMS 2:35 PM - 2:50 PM

- | | | |
|--------------|--|-----------|
| 15.1. | Truth Precedes Reconciliation | 154 - 158 |
| 15.2. | Reconciliation Report 2019-2021 | 159 - 189 |
| 15.3. | News Release dated January 21, 2021 - Islands Trust Actively Promotes Regional Collaboration | 190 - 191 |

16. CLOSED MEETING 2:50 PM - 3:00 PM

16.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) for the purpose of considering Adoption of In-Camera Meeting Minutes dated July 23, 2020 and February 4, 2021 and that the recorder and staff attend the meeting.

17. ADJOURNMENT 3:00 PM - 3:00 PM



Gambier Island Local Trust Committee Minutes of Regular Meeting

Date: February 4, 2021
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Marnie Eggen, Island Planner
Courtney Simpson, Planner
Diane Corbett, Recorder

Other Attendees: Mark Hiltz, Director (West Howe Sound), Sunshine Coast Regional District
11 Members of the Public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

Chair Fast introduced Trustees, Sunshine Coast Regional District (SCRD) Director and staff in attendance.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported on recent activities that included:

- Work to advance the New Brighton Dock long-term ownership challenge: attendance at two SCRD Planning and Community Development meetings as the Regional District contemplates their role in how the divestiture from the Squamish can move forward; work with the New Brighton Dock Committee; contact with the Office of the Ombudsperson; outreach to MLA (no response to date).
- Work to provide information and support to a new advocacy group, the Gambier Guardians, who are concerned about a planned cut in WL lease 0039; cut would cross headwaters of Whispering Creek which supports the West Bay community's

drinking water and is a well-known Chum salmon run. Hosted a webinar to give Lease operator a chance to provide information and respond to questions.

- Attended Ocean Watch Action Committee webinar, and provided committee support by creating a survey for communities to determine where they are in the strategic priorities outlined in 2019 and how best to move them forward.
- Attended the DFO glass sponge/Rockfish Conservation Area engagement process.

Trustee Rogers reported on the following items:

- Dedication of Sandy Beach as a nature preserve.
- Participation on the Programs Committee in work pertaining to the Trust Policy Statement. There has been extensive debate within Trust Council regarding the scope of work for the Trust.
- Involvement in working groups regarding climate change, affordable housing and reconciliation.
- Outreach to Keats Island community regarding restarting a conservancy group; several people expressed interest and Marcel Bittel assumed an organizational leadership role. Trustee Rogers can offer the group networking support and a link with other initiatives in the region.

3.2 Chair's Report

Chair Fast reported that Trust Council met December 1 and 2; the information section in this LTC agenda (item 16) highlights some items from the December meeting. Next Trust Council meeting is scheduled for March 9, 10 and 11; as it will be held via Zoom, anyone can join the meeting.

Islands Trust has two surveys open now: policy statement survey closes February 5 and budget input closes February 7.

3.3 Electoral Area Director's Report

Director Hiltz reported on the following items:

- As BC Hydro requires its compound on Gambier to provide its service, an alternate location will be sought for an RCMP vehicle on the Island. The intention would be to provide a higher level of service to Gambier and Howe Sound in general. The detachment commander is on leave; Sergeant Newman is acting commander.
- There is a report on options for the New Brighton dock in the SCRD Planning and Community Development Committee agenda of January 21, 2021. SCRD is keeping an open mind regarding how to provide the service to the community. There is an absence of documentation available on the dock structure. Generally participants in the Ports service (SCRD Areas B, D, E, and F) are all supportive of the SCRD taking on a role.
- February 5 is the last day of round one of the SCRD budget process. Round 2 will be held March 4 and 5, with adoption on March 25. With the recent hiring of a new Communications Manager, there will be proactive reaching out about the budget process, with an intention to engage participants throughout the year.

Trustee Stamford advised that an alternate spot for an RCMP vehicle may be available at the community centre lot; however, as it is in a riparian area, it is necessary to obtain an

environmental report. There is an initiative to look for a grant-in-aid from the SCRD to get the work done.

Director Hiltz left the meeting at 11:09 am.

4. DELEGATIONS – none

5. TOWN HALL

There were no speakers for the town hall segment.

6. MINUTES

6.1 Local Trust Committee Meeting dated November 19, 2020

By general consent the Local Trust Committee meeting minutes of November 19, 2020 were adopted.

6.2 Board of Variance Hearing Minutes dated November 12, 2020

The Board of Variance Hearing Minutes dated November 12, 2020 were received.

Thanks were extended to the volunteer members of the Gambier Island Board of Variance, whose mandate includes all of Islands Trust's northern islands.

6.3 Section 26 Resolutions-Without-Meeting – none

6.4 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 27, 2021

Received.

7.2 Letter dated January 25, 2021 to Minister Simons from Chair, Local Trust Committee - attached for information

Received.

7.3 Letter dated January 25, 2021 to Jordan Sturdy, Member of Legislative Assembly (MLA) from Chair, Local Trust Committee

Received.

Chair Fast recessed the meeting at 11:26 am and reconvened the meeting at 11:30 am.

8. COMMUNITY INFORMATION MEETING

8.1 Planner Presentation - Bylaw No. 152 (GM-RZ-2019.1)

(South Keats Investments Ltd. - 255 Esplanade Road, Keats Island)

Planner Simpson explained an application was received to amend the zoning at 255 Esplanade Road on Keats Island, zoned CD1. Three existing docks are owned by a non-profit land holding company to share ownership between families. The upland property has nine dwellings, with six on the waterfront. There is one dock for one home, another

for two homes, and the third dock serves as a community dock; they were built in the 1980's. At this time Crown land tenure is required. The tenure application cannot proceed without Islands Trust zoning to allow three docks instead of one.

Proposed bylaw amendment changes would:

- Increase permitted docks from one to three;
- Reduce maximum permitted float area;
- Reduce the maximum ramp width; and
- Remove the requirement for a covenant when there is greater than 65 metres of float area.

All relevant background information is on the Islands Trust application webpage. No referral responses have been received.

The application was received in 2019; it received first reading October 2020, and second reading and referral in November 2020. The community information meeting will be followed by a public hearing, after which the Local Trust Committee (LTC) will consider third reading.

Chair Fast invited questions to the Planner from members of the public. Points from ensuing discussion included:

- Regarding the basis of the sizing of the maximum float area of 120 metres, there currently are 80 square metres of combined float area; applicants indicated a planned expansion up to 120 square metres. The LTC indicated they did not want to remain with the full maximum of 158 square metres and agreed to allow the planned expansion, which is still less than what would be permitted.
- Regarding whether there was any consideration of what was going on with Keats shoreline protection efforts, when the application was received, the LTC wanted to proceed, even though the Shoreline Protection Project was just starting up. There was staff discussion on this, and the application proceeded on its own merits.
- The location of the application is southwest of Eastbourne dock.
- Regarding building materials for the docks, the Province now requires certain best practices, including materials. As part of the rezoning application, Islands Trust required a report that involved inspection of the existing docks. It was determined existing docks and expansion did not pose a threat to the environment; the biologist did not require any specific measures to mitigate. The report is available on the website.

Peter Diemer, one of the owners, clarified that all three of the current docks have plastic foam floatation tanks, completely encapsulated. New floats would be the latest in floatation tank technology.

9. PUBLIC HEARING – Bylaw No. 152

- | | | |
|------------|----------------------------------|-----------------|
| 9.1 | Recess for Public Hearing | 11:50 am |
| 9.2 | Recall to Order | 12:02 pm |

10. APPLICATIONS, REFERRALS AND BYLAWS

10.1 Bylaw No. 152 – Consideration of Further Readings

Trustee Rogers acknowledged the planners' work in moving the application forward, and noted he is a strong proponent of the number of people regularizing their docks. There are a number of docks on Keats not regularized by the Province. He expressed thanks to the applicants for taking the steps to do this. It was helpful to see the environmental assessment done in the areas where these docks are located indicating there would not be a negative impact on the environment.

The trustee indicated satisfaction with the reduced size of the float area and maximum size for individual docks, noting it was a good step towards a movement on Keats shoreline properties to reduce the impact of foreshore docks. The applicant had been responsive to all the requests of the Local Trust Committee.

Trustee Stamford noted this is a way of identifying a specific solution for a situation, and that a lot of work had been done on the application. It works for the community.

GM-2021-001

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 152, cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020", be read a third time.

CARRIED

GM-2021-002

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 152, cited as Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

On behalf of the group of applicant owners, Harold Copping remarked that he admired and appreciated the work that had been done, and that the Local Trust Committee had been fair. He expressed thanks on behalf of the group.

Chair Fast recessed the meeting at 12:12 pm, and reconvened the meeting at 12:40 pm.

10.2 **GM-RZ-2020.1** (Torgerson, 1040 Taki-Te-Si Road, Gambier Island)

Regional Planning Manager (RPM) Kauer reviewed the staff report on an application proposing a bylaw text amendment to allow three dwellings on a lot currently zoned Settlement Residential (SR) in the Gambier Island Land Use Bylaw No. 86, 2004 (LUB). The intention of the application is to replace one dwelling on the waterfront with another larger building. If the building were removed, it would lose legally non-conforming status (if such were the case). Currently no zone on Gambier permits three dwellings on a lot; a new site-specific comprehensive development zone would need to be adopted, and the OCP amended. Should the LTC be amenable in principle to consider a zone allowing three dwellings on the lot, further information would be required from the applicant to develop that zone.

Discussion ensued and included the following points:

- Concern that the applicants do not know what they are getting into (the regulatory process).
- Concern that if the lot were rezoned it would take into consideration the rights of property owners nearby.
- Concern about setting a precedent regarding density and numbers of dwellings per lot on Gambier.
- Would there be space to build on the top of the lot rather than the waterfront? Concern about the location of the building near the waterfront.
- It appeared there had been changes, renovations or expansions to the original dwellings.
- None of the existing zoning contemplates the kind of density being requested.
- Need more information.
- No interest in making this increase of density available over a wide area; only interested in this being a one-off, not other owners wanting multiple dwelling properties.
- Concern about making an exception for one party. The concept of “distributive footprint”, where rather than having a maximum square footage for one house could permit three houses with the same square footage, would require larger community consultations, and would require rezoning to apply more widely.
- Concern with all the development so close to the foreshore. Focus on alternatives that pull away from the shoreline.
- Do not want to encourage density in residential areas.
- Concern about the efficiency of work that staff are being asked to do, and fairness across the whole island. Do not want this project to consume a lot of staff time.
- If there is going to be a special increased density, there should be a benefit for the Trust, like a conservation covenant on the property, docks legalized, removal of structures in setbacks, etc.

Kim Torgerson and Susan Hildebrand spoke to the application. The following points were made:

- Cabins on the property were built in the early 1940's. The cabin on the waterfront is dilapidated and needs to be replaced. It has no bathroom, laundry or shower. There is a desire to improve the living area there for the sake of the elder family members.
- A letter of support for the project was received from the neighbor to the south.
- A modular home would be brought in by barge with crane.
- Want to do an environmentally friendly upgraded sewage system.
- Want to stay within the guidelines.

GM-2021-003

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee defer a decision on GM-RZ-2020.1 and request staff to explore with the applicant what net benefits regarding ecosystem protection could be provided in the application specifically related to setbacks from the sea and ecosystem protection.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Keats Shoreline Protection Project

Planner Dubyna reviewed the staff report presenting draft bylaw language to amend the Keats Island OCP Bylaw No. 77 (OCP) and Keats Island Land Used Bylaw No. 78 (LUB), as part of the Keats Island Shoreline Protection Project Phase Three. Included were draft bylaw language for a Development Permit Area (DPA) for marine shoreline protection and protection of development from hazardous conditions, and potential amendments to marine structure regulations.

The planner responded to trustee inquiries and comments regarding: the content and implications of the proposed DPA; marine conservation areas; and areas of hazardous slopes. Discussion ensued. The planner noted this is draft bylaw language subject to change. There will be future opportunities for suggestions for the bylaw language.

Members of the public offered questions and comments.

GM-2021-004

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Official Community Plan Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 of the Staff Report dated February 4, 2021, with the addition of a Hazardous DPA in relation to three areas identified in the Local Trust Committee meeting of February 4, 2021.

CARRIED

GM-2021-005

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Land Use Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 and Attachment 3 of the Staff Report dated February 4, 2021, and consistent with the Official Community Plan language and with the removal of any change to the M4 zone.

CARRIED

GM-2021-006

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee direct staff to proceed with early referrals to First Nations under the advice of the Islands Trust Senior Intergovernmental Policy Advisor.

CARRIED

11.2 Gambier Island Official Community Plan (OCP) Project

Island Planner Eggen gave a summary of the staff report that identified preliminary objectives and scoping options for the Gambier Island Official Community Plan Review Project, and requested direction from the LTC on a preferred approach. Discussion ensued, with a focus on Table 1 on page 4 of the staff report.

GM-2021-007

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to amend the Gambier Island Official Community Plan to reflect a semi-comprehensive OCP review that includes: forest protection and conservation of the Douglas Fir Zone and Associated Ecosystems; protection of archaeological and cultural sites; and shoreline protection and marine designations.

CARRIED

GM-2021-008

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee ask staff to bring a revised Project Charter with budgets and timelines to a future Local Trust Committee meeting.

CARRIED

12. CORRESPONDENCE

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

13. NEW BUSINESS

13.1 Climate Change Mitigation and Adaptation – none

13.2 Forest Conservation Outreach Briefing

Received.

13.3 Telus – Communication Installation at Gambier Harbour

Trustees and staff discussed a Telus communication installation at Gambier Harbour. The public had raised issues about the location of two poles in the middle of the view corridor and regarding radio waves and lack of engagement with the community. Staff noted the LTC did adopt the model study referred by Telus in July 2019. Trustee Rogers will send the related Islands Trust policy to Trustee Stamford who will send it to Telus.

13.4 Ocean Watch Action Committee

Trustee Stamford provided an update on actions of the Ocean Watch Action Committee. The group has been working to determine ways of encouraging local governments and regulatory governments to follow through on strategies out in the Ocean Watch Strategic Plan. Trustee Stamford plans to develop a survey for communities to fill out to look at how they are following on the strategies.

14. REPORTS

14.1 Trust Conservancy Report dated November 24, 2020

The Islands Trust Conservancy (ITC) Report of November 24, 2020 was received.

Trustee Stamford provided updates on more recent ITC developments. There had been a lot of activity through the Natural Area Protection Tax Exemption Program (NAPTEP), mainly on Salt Spring Island. Regarding the Species at Risk protection initiative, the ITC is

still in the process of classifying the coordinator position with the Provincial Ministry and working on the job description, and hopes to get a support person in place by summer to get some projects moving.

Trustee Rogers noted the dedication of Sandy Beach Nature Preserve was an opportunity for people to understand the history of the Coast Salish peoples in this area.

Trustee Stamford remarked that Sandy Beach would set a precedent on how the ITC moves forward on management plans. The ITC does not want to promote the area as a recreation destination.

Regarding how ITC can support local island conservation groups, Trustee Stamford explained that ITC staff could provide basic support for projects too big for volunteers to take on regarding fundraising and getting information out to the community. There is an ITC opportunity fund that local conservancies have access to each year.

14.2 Applications Report dated January 27, 2021

The Applications Report dated January 27, 2021, missing from the agenda package, was sent by email to trustees, and was displayed via Zoom at 3:24 pm.

Trustee Rogers noted that GM-DVP-2002.1 may be redundant, and suggested it should be removed from applications list. Planner Dubyna will follow up.

14.3 Trustee and Local Expense Report dated October, 2020

Received.

14.4 Adopted Policies and Standing Resolutions

Received.

14.5 First Nations Activities – none

14.6 Local Trust Committee Webpage – none

15. WORK PROGRAM

15.1 Top Priorities Report dated January 27, 2021

Received.

15.2 Projects List Report dated January 27, 2021

Received.

16. INFORMATION ITEMS

16.1 Trust Council Decision Highlights – December 1-3, 2020

16.2 Letter dated November 30, 2020 from Chair Luckham to Premier and Ministers regarding Development of BC Coastal Strategy and Law

16.3 Letter dated November 30, 2020 from Chair Luckham to The Honourable Josie Osborne, Minister of Municipal Affairs regarding request to Enhance Islands Trust's Jurisdiction Over Tree Cutting

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for Thursday, April 1, 2021 at 10:30 am – Location to be determined

18. CLOSED MEETING

18.1 Motion to Close the Meeting

GM-2021-009

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order – none

18.3 Rise and Report – none

19. ADJOURNMENT

By general consent the meeting was adjourned at 3:27 pm.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder



Gambier Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NO. 152

Date: February 4, 2021
Time: 11:50 am
Location: Electronic Meeting via Zoom

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

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Courtney Simpson, Planner
Diane Corbett, Recorder

Also Present: Members of the Public - 11

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 11:50 am. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of Coast Salish First Nations.

Chair Fast read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 152 cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020."

2. PROPOSED BYLAW NO. 152

Planner Simpson reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of the Coast Reporter, on January 22 and 29, and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing on the Islands Trust website.

The Planner explained that the purpose of proposed Bylaw No. 152, if adopted, is to amend Keats Island Land Use Bylaw (LUB) to:

- change the permitted number of docks from one to three so that the three existing docks conform to the LUB;

- reduce the maximum combined float area from 158 to 120 square metres;
- reduce the maximum ramp width from 2.4 to 1.8 metres;
- remove the requirement for a covenant when there is greater than 65 square metres of float area.

She noted that referrals were sent out for comment to one provincial agency, one Regional District, and nine First Nations. As of the start of the public hearing, no written referral submissions had been received.

All relevant background information had been posted to the Islands Trust website. The application timeline was described. The presentation slides would be posted to the web after this meeting.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaw.

Chair Fast called three times for comments from the public on the proposed bylaw.

4. ADJOURNMENT

Hearing no comments from the public, the Public Hearing was closed by Chair Fast at 12:02 pm.

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

Diane Corbett, Recorder



Resolutions Without Meetings Log

Gambier Island

Resolution Number	Action	Date
2021-001	Carried	23-Mar-2021
That Gambier Island Local Trust Committee Bylaw No. 152, cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020", be adopted.		



Follow Up Action Report

Gambier Island

28-Jun-2018

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

13-Dec-2018

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

23-Jul-2020

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------



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

01-Oct-2020

Activity	Responsibility	Dates	Status
1 8.2 GM-RZ-2019.1 - GM LTC amended draft Bylaw No. 152 by changing item 4.3.6 to 100 m2 and a max. width of 1.8 m; Bylaw No. 152 given first reading as amended; proceed with First Nation and agency referrals as per staff report. Staff to schedule a CIM and Public Hearing.	Becky McErlean		Completed
2 9.2 GM LTC request staff to: 1) revise the 'Keats Island Shoreline Protection' project charter to reflect the direction to establish a Shoreline DPA; 2) prepare draft bylaw language for the purpose of establishing a Shoreline DPA for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to protect development from hazardous conditions; 3) explore whether a DPA can restrict the proliferation of development in the marine area; 4) develop potential land use bylaw amendments to restrict wharf size, ramp size, type and size of access ramps and stairs, and mooring buoy anchor systems.	Jaime Dubyna		Completed

Follow Up Action Report

Gambier Island

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 10.1 Bylaw 152 given 3rd reading. Staff to forward to Executive Committee for approval.	Becky McErlean		Completed
2 10.2 Decision deferred. Staff to explore what net benefits could be provided related to setbacks from the sea and ecosystem protection (i.e. conservation covenant).	Bronwyn Sawyer		In Progress
3 11.1 Staff to prepare draft bylaws amending the OCP and LUB as presented in staff report dated Feb. 4, 2021, with the addition of: (1) the three areas identified in LTC meeting included as hazardous DPA; (2) consistency with OCP resolution, removal of changes to M4 zone. Staff to proceed with early communication to First Nations.	Jaime Dubyna		Completed

Follow Up Action Report

Gambier Island

04-Feb-2021

Activity	Responsibility	Dates	Status
4 11.2 Amend project charter to reflect semi-comprehensive review, including forest conservation/protection of Douglas-fir zones and associated ecosystems, protection of archaeological and cultural sites, and shoreline protection and marine designations. Staff to bring revised project charter to LTC with estimated timelines and budgets.	Marnie Eggen		In Progress
5 14.2 Applications - staff to report back on open file GM-DVP-2002.1.	Jaime Dubyna Sonja Zupanec		In Progress

DATE OF MEETING: April 1, 2021
TO: Gambier Island Local Trust Committee
FROM: Bronwyn Sawyer, Planner 2
Northern Team
SUBJECT: GM-RZ-2020.1 Update

PURPOSE

The intention of this staff report is to provide the Gambier Island Local Trust Committee (LTC) with an update on GM-RZ-2020.1.

The subject property is 0.67 hectares and is zoned Settlement Residential (SR). Based on the SR zoning and the size of the lot, the applicants are permitted one single family dwelling and one associated secondary dwelling. This application is being made to put in place zoning that supports the current and proposed future use of the property for three dwellings, thereby allowing the replacement and expansion of dwellings as necessary.

A staff report was presented to the LTC at the February 4, 2021 meeting (Attachment 1). At the meeting, the following draft resolution was carried:

HO-2021-003

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee defer a decision on GM-RZ-2020.1 and request staff to explore with the applicant what net benefits regarding ecosystem protection could be provided in the application specifically related to setbacks from the sea and ecosystem protection.

CARRIED

The applicant, Kim Torgerson, the agent, Susan Hildebrand and staff, Bronwyn Sawyer, participated in a telephone call on March 5th to discuss the application. Over the course of the telephone call, the topics of shoreline protection and ecosystem protection were reviewed. The focus of the discussion was on the location of the proposed house in relation to the sea and the impact of moving the house further upland and closer to the road. The applicant provided reasons as to why the proposed location is the most suitable location. Given the mature forest located behind the two larger houses, we discussed if there were options to protect this forested area as part of the application and keep the house site as proposed (i.e. 15 meters from natural boundary of sea). The agent and applicant were asked if a biologist's report had been required for the Crown land dock application, but this was not a requirement thus far in the authorization application process. The applicant is open to hearing what the LTC might suggest regarding ecosystem protection and having professional reports prepared to support the application.

The applicant, Kim Torgerson, has submitted the attached letter (Attachment 2) and a photograph (Attachment 3) that was not included with February staff report. In the letter, Ms. Torgerson has provided rationale for the new

house in the location as was proposed in the original application and has outlined ways in which there might be greater environmental impact if required to construct closer to the road. In addition, the applicant has committed to donating to the Green Shores program or the Islands Trust Conservancy. Such a contribution would need to occur separate and outside of the rezoning application process and the applicants have been informed of this. The correspondence from the neighbours that was not included with the February staff report has also been included as Attachments 4 and 5.

Next steps

The applicants have expressed an interest in working with staff and the LTC to develop the property with consideration of shoreline and environmental protection and are open to additional ideas.

Submitted By:	Bronwyn Sawyer Planner 2	March 22, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 23, 2021

ATTACHMENTS

1. February 4, 2021 staff report
2. Correspondence from applicant
3. 1958 Photograph
4. Correspondence from neighbour
5. Correspondence from neighbour



STAFF REPORT

File No.: GM-RZ-2020.1

DATE OF MEETING: February 4, 2021

TO: Gambier Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: A bylaw text amendment to allow three dwellings

Applicants: Wade Hawksworth, Carol Torgerson, David Torgerson, Russell Torgerson, Marsha Redmond, Shawn Redmond, Guy Redmond (Agent: Susan Hidlebrand)

Location: 1040 Taki-Te-Si Road, Gambier Island (Legal: Block 4, District Lot 1297, Plan 2848)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request that the applicants prepare and provide to staff:
 - a. A survey certificate prepared by a BC Land Surveyor showing the dimensions and locations on the lot of all existing and proposed buildings and structures in relation to lot boundaries and the natural boundary of the sea;
 - b. A professionally prepared site plan showing floor area of all existing buildings and structures;
 - c. A copy of private moorage application made to FrontCounter BC to authorize dock;
 - d. Documentation that waste disposal system has been installed in compliance with local health authority regulations;
 - e. Documentation that the water supply is able to support the proposed uses and that no sewage and water quality conflict will occur;

REPORT SUMMARY

The purpose of this report is to provide an overview of the application proposing a bylaw text amendment to allow three dwellings on a lot currently zoned Settlement Residential (SR) in the Gambier Island Land Use Bylaw No. 86, 2004 (LUB).

This application is the result of the applicants wanting to replace one of the existing three houses with a larger building. At present, there are three single family dwellings on the lot and, according to the letter prepared by the applicants, there have been three dwellings on the property since around the 1940s. From photographs provided by the applicants, it appears that the buildings have been modified over the years. It is not known if any changes received building permits from the Sunshine Coast Regional District. The subject property is 0.67 hectares and a lot of this size in the SR zone is permitted to have one single family dwelling and one associated secondary dwelling.

The applicants have applied for a zoning bylaw text amendment; however, it has been determined that such a rezoning application will require an official community plan (OCP) amendment application as well. If the Trustees indicate that they are willing to consider allowing three dwellings on the property, the applicant will therefore be asked to submit an OCP amendment application.

There are policies in the OCP stating that the Local Trust Committee (LTC) may consider zoning for comprehensive residential development to allow more than one dwelling and one associated secondary dwelling; however, given the sizes of the main dwellings and zoning in the neighbourhood (SR), it is recommended that the existing dwellings be permitted and the dwelling intended to be replaced be replaced with a building of equal size or smaller.

BACKGROUND

The subject property is 0.67 hectares and is zoned SR (Figures 1 and 2). Based on the SR zoning and the size of the lot, the applicants are permitted one single family dwelling and one associated secondary dwelling. This application is being made to put in place zoning that supports the current and future use of the property for three dwellings, thereby allowing the replacement and expansion of dwellings as necessary. At present, there are three dwellings on the property of varying sizes and ages. The agent states the following (Attachment 1):

“The original cabin at the forefront closest to the shoreline, as shown in the attached pictures was built in 1942. It has been propped up over the years to accommodate a family of 4 during the summer months. The cabin is now deteriorated to the point it is uninhabitable due to the rot and mold. Our application as submitted is to have the old original cabin deconstructed and removed by a Gambier contractor and replaced in the same siting with a new mobile home.”

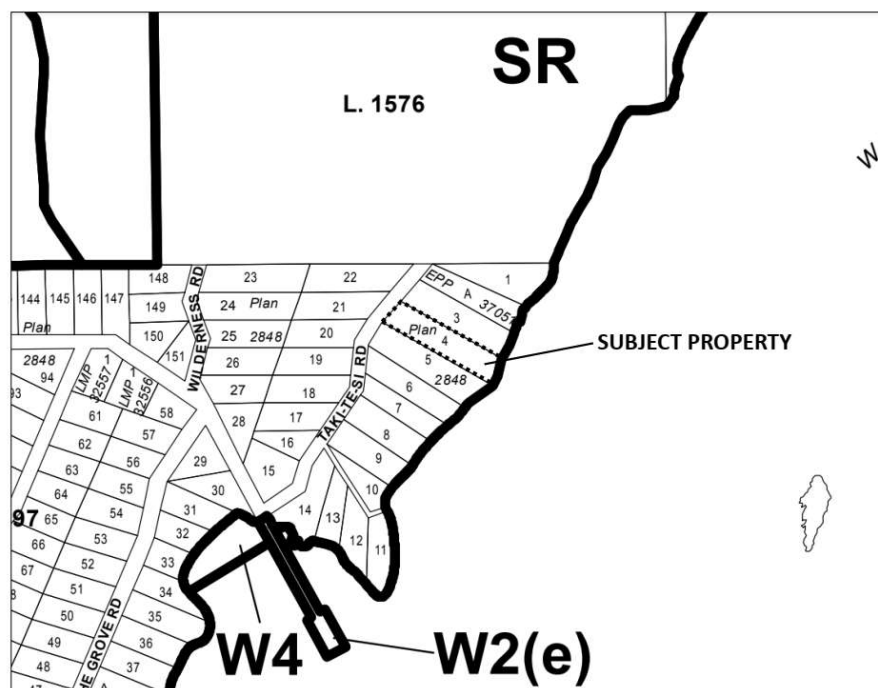


Figure 1: Zoning Map



Figure 2: 2018 SCRD image

It is unclear the ages of the three dwellings. In the statement provided by the agent, the smallest of the three dwellings was built approximately 80 years ago and Figures 3 and 4 state that one dwelling was constructed in 1970. A statement and photo from the family suggests that there were three cabins on the property pre-1958 (Attachments 2 and 3). The proposed development would see the removal of dwelling “A” (50.5m²) and replacing it with a larger dwelling (85.8m²). Based on the drawing provided by the agent, the two-story dwelling “B” is 113m² on the main floor and dwelling “C” is 113.4m² on the main floor.

Islands Trust Policy Statement:

Staff reviewed the Islands Trust Policy Statement and there are several growth and development directive policies that are relevant. Relevant directive policies include:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

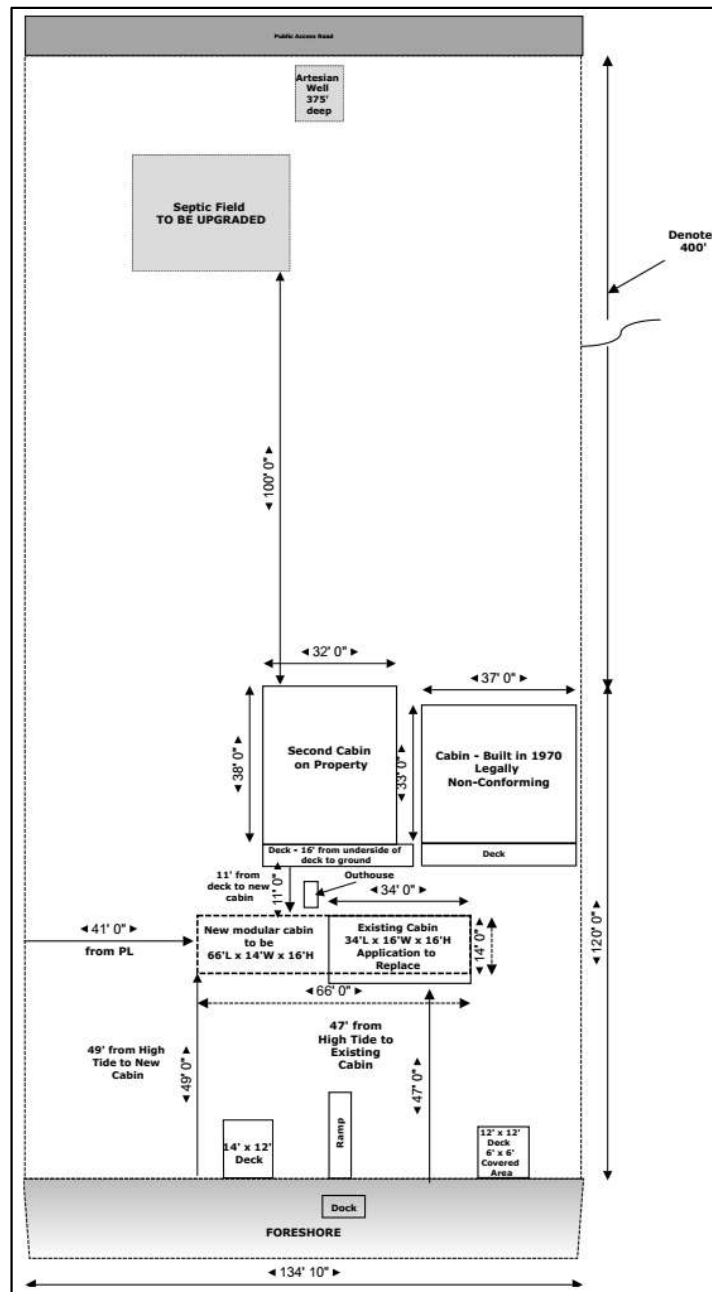


Figure 3: Site Plan

Official Community Plan:

The subject property is designated Settlement Residential in the OCP (Attachment 4). Policy 4.20 of the OCP requires a Local Area Plan be prepared to allow alternative forms of residential development. If three dwellings is considered an alternative form of development, the applicant has the option of submitting an OCP amendment application with a proposed Local Area Plan. Alternatively, the applicant could submit an application to amend the OCP to exempt the property from this requirement or exclude three dwellings from the definition of “alternative” residential development. A local area plan is not believed to be a useful requirement for this type of application and would likely be beyond the scope of rezoning an individual property to allow three dwellings.

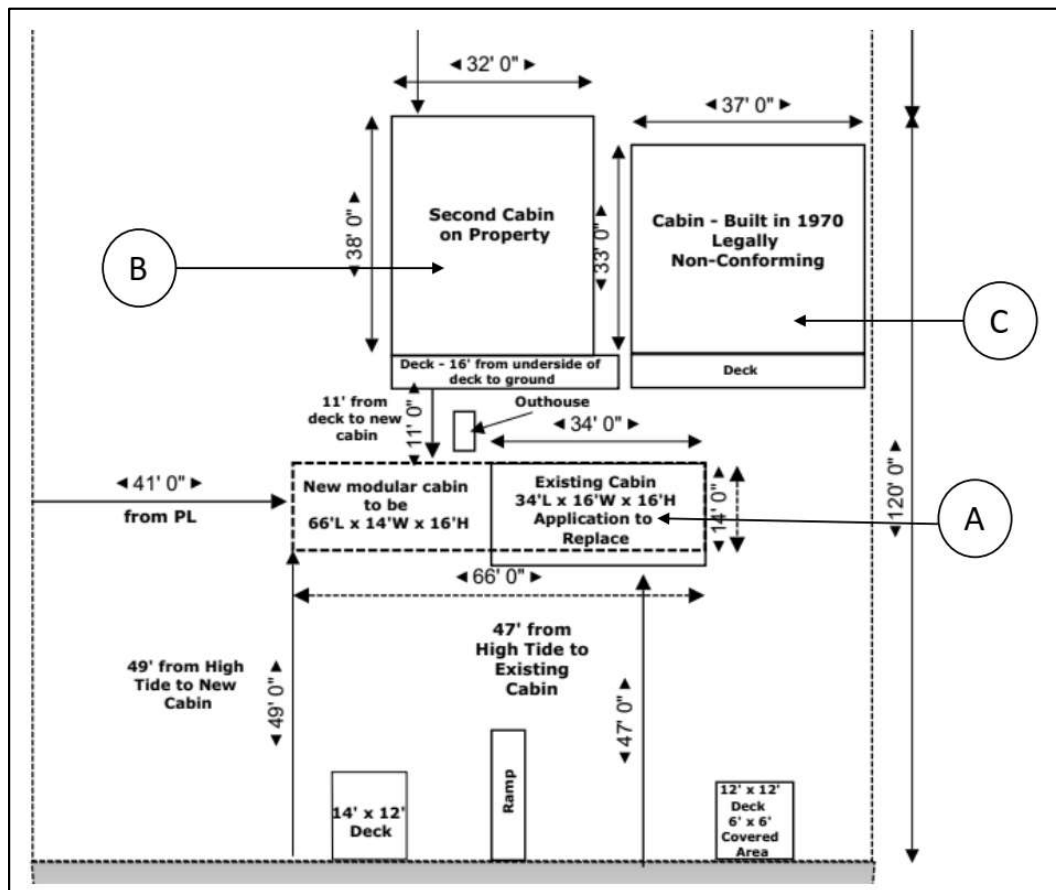


Figure 4: Site Plan of Dwellings

Land Use Bylaw:

The subject property is zoned Settlement Residential (SR) and the current use of the property is residential. There are three single family dwellings, structures (decks) and private moorage associated with the property. With the SR zone, a 0.67 hectare lot is permitted one single family dwelling and one associated secondary dwelling. An associated secondary dwelling is defined as “a single family residential dwelling regulated by floor area and lot area and that is secondary in use and smaller in area than the principal dwelling on the lot”. There is no evidence that any of the three dwellings meet the definition of an associated secondary dwelling. The request to permit three single family dwellings would require a bylaw amendment whereby removing the subject property from the SR zone of the LUB (Attachment 5) and creating a comprehensive development zone as contemplated in Policies 4.9 and 4.10 of the OCP.

Issues and Opportunities

Sections 528 and 529 of the *Local Government Act*

The applicants have stated that the three dwellings have been on the property prior to the Islands Trust land use bylaws. Under Section 528 of the *Local Government Act*, there are specific situations where buildings constructed at the time of land use regulation bylaw adoption may continue as non-conforming uses. At the time of writing this report, staff were not provided with any information on past building permits associated with the dwellings;

however, if the applicants are able to provide evidence that the use was established prior to any land use regulations (or the current use met earlier land use regulations), including those of the Sunshine Coast Regional District, and that necessary permits have been applied for since land use bylaw regulations have been in place, then it is possible that dwelling “A” could be repaired as per Section 532 of the *Local Government Act*. This would need to be confirmed. Further discussions would be necessary with the applicants to determine if these sections of the *Local Government Act* would apply.

Density, Floor Area and Lot Coverage

The request for three dwellings on a 0.67 hectares is beyond the residential unit densities contemplated in any residential zones of the LUB or the residential designation of the OCP. From the photos submitted with the application (Attachment 3) it appears that the dwellings “B” and “C” have been added to over the years. The LUB requires that the associated secondary dwelling be secondary in use and smaller in area than the principal and to a maximum of approximately 68 square metres size. Both dwellings “B” and “C” are considerably larger than 68 square metres; the proposed dwelling A will also be larger than the 68 square metres. Although the applicants have argued that the dwellings have existed since as early as the 1940s, the size of the houses and potential number of residents on the property (e.g. bedrooms and bathrooms) have increased over the years.

The level of development which currently exists may be determined suitable; however, expanding the size of the dwellings is not supported. The bylaw amendments that staff are recommending would limit further development of the property by including a maximum floor area that matches the floor area on the property presently. With such a maximum floor area in place, the applicants would be permitted to replace the dwelling “A” with a building of equal or smaller size. This could also be done using lot coverage to restrict further development. Given that a detailed local area plan (OCP Policy 4.20) has not been requested as part of this application, the neighbourhood consists of other SR zoned properties and given that for many years the current use of the property for the three dwellings has been occurring without any known issues, the size of the buildings should be calculated and future expansion of the dwellings could be restricted based on existing building sizes (floor area) and lot coverage.

Additional Information Requested

The OCP policies that apply can be found in Attachment 4. Although there are policies that attempt to address historic land uses and alternative forms of residential development, further information regarding water quality and quantity and sewage disposal should be request of the applicants to satisfy Policies 4.10(v) and 4.19. In addition, staff are asking that the applicants provide a copy of private moorage application made to FrontCounter BC to authorize dock. At the time of this rezoning application, the dock was not authorized and the applicants have been made aware that all land use issues should be addressed during a rezoning process.

Other considerations

There are structures and buildings, such as existing dwelling “A”, that are located within the 15 metre setback of the natural boundary of the sea. These structures and buildings will either need to be removed or incorporated into a draft bylaw amendment. Further information on the non-conforming siting of these structures and buildings will be provided with draft bylaws.

If staff are directed to draft bylaw amendments, the issue of potential subdivision potential will be reviewed; particularly, the potential for the registering of a strata plan under the Strata Property Act or Land Title Act. Further information on this topic will be provided with draft bylaws.

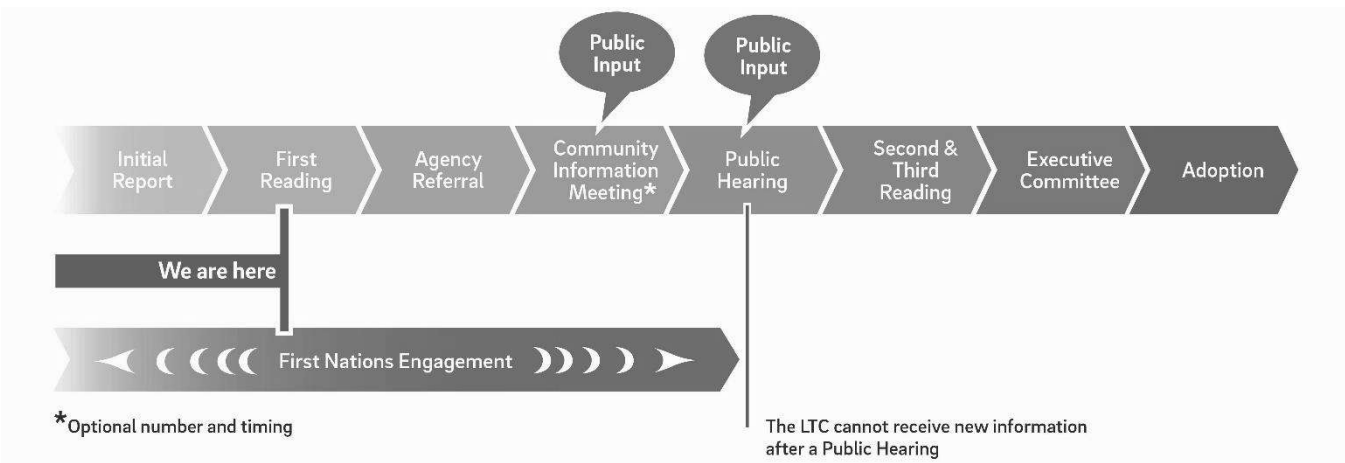
Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold at least one Community Information Meeting (CIM) prior to the public hearing. The public hearing may be scheduled after the CIM and First Reading of the bylaws. The public hearing notice would be posted as per statutory and bylaw requirements. Public input can be provided and considered at any time into the process until the conclusion of the public hearing.

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

Timeline



Agencies

Once the draft bylaw is prepared, it will be referred to relevant agencies.

First Nations

As identified in the provincial Consultative Area Database, the area of proposed rezoning lies within the traditional territories of the following First Nations:

- Musqueam Nation
- Squamish Nation
- Tsleil-Waututh Nation

If the LTC decides to proceed with the application, meaningful engagement between the Islands Trust and these First Nations will be required. The Province will also be required to meet their consultative obligations as a decision to rezone would require an OCP bylaw amendment and ministerial approval.

Rationale for Recommendation

This is an overview of an application to permit three single family dwelling units on a 0.67 hectare lot designated SR in the OCP and located in the SR zone of the LUB. Further information is needed to assess the impacts of the

proposed uses and determine if all OCP policies (excluding 4.20) have been met. A site plan showing floor area and lot coverage of all existing buildings and structures has been recommended as this will allow staff to draft a comprehensive development zone bylaw that will set specific limits on the floor area and lot coverage in the new zone that will match the dimensions of existing dwellings. Upon receipt of additional information, staff can prepare bylaws for LTC consideration.

ALTERNATIVES

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

1. Request further information

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

That the Gambier Island Local Trust Committee request the applicants for GM-RZ-2020.1 submit to the Islands Trust the following [insert requested information].

2. Deny the application

The LTC may deny the application. Staff advise that the implication of this alternative is that dwelling A would not be permitted to be replaced with a larger dwelling. If a building permit referral is received from the Sunshine Coast Regional District building department, Islands Trust staff will work with applicants to determine if sections of the *Local Government Act* would apply to the existing dwellings.

That the Gambier Island Local Trust Committee proceed no further with application GM-RZ-2020.1 for the follows reasons [insert reasons].

NEXT STEPS

If the LTC accepts the staff recommendations, staff will instruct the agent to provide the information listed in the recommendation, apply for an OCP amendment, and bring an analysis report back to the LTC.

Submitted By:	Bronwyn Sawyer, RPP, MCIP Planner 2	January 25, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 26, 2021

ATTACHMENTS

1. Letter from agent
2. Letter from applicants
3. Photographs
4. Site Context
5. Section 5.1(3) of Gambier Island Land Use Bylaw No. 86, 2004

Attachment 2 -
Correspondence from Applicant

March 8th 2021

Islands Trust
Gambier Island Local Trust Committee

Attention: Bronwyn Sawyer

Re: 1040 TAKI-TE-SI ROAD, Gambier Island

Dear Bronwyn,

Further to our February 4th /21 meeting and our subsequent conversation March 5th, we are trying to get to a level of understanding of what Islands Trust would like us to do; both in terms of moving this application forward and additionally providing information on how this application for the modular home will not adversely impact environment both the shoreline and the property.

Being part of some of the original settlers on Gambier Island in the 1940's, we as much as anyone do not want to see the Islands being adversely affected by development. We appreciate the sensitivity of the marine life and the eco systems of the Island. We, as the rest of our family only visit Gambier during the months of June until September. Our footprint is very small.

We feel Islands Trust is unable to offer us any prescriptive steps to take or a solution to move forward so we have researched and offer the following to ensure our application for a new cabin in place of the old does not negatively impact the environment.

Relocation of Cabin:

One of the discussions brought up is the potential to move the building site higher up the property to site behind existing cabins. There is a much higher environmental impact to the property if we were to do this.

Below are some of the key environmental impacts associated with building higher up the property:

- the site close to the water is already established therefore we only need to add 300 square feet to the existing 600sf footprint. If we were to clear the area further up the property, we would need a minimum 2,000sf area to allow for the homesite as well as a road, path and underground services. In this 2,000sf there are old growth trees, eagles' nest, endless types of flora and fauna.
- trees and plants/foilage will all need to be removed and the land graded to make it level.
- a road will need to be cleared to get materials and equipment down to the site.
- there is a 20 ft high ridge behind our existing homes, stairs will need to be made to access it causing more disruption to land and vegetation.
- the time to rebuild will stretch out the impact to the land and natural growth of the vegetation as we will not be able to get a prefabricated home to this elevation.

Our plan to have a prefabricated home built off site and placed on a pad/posts where the cabin currently sits provides the following:

- no impact to the back of the property and vegetation
- little impact to the existing site as it simply needs posts with support rails that sit on those posts
- the pre-made, fully finished home will be barged in and set into place in a matter of hours.
- our building footprint is already 600sf, all we are asking for is an extension of this footprint which does not impact any land as it sits above existing grade.
- hook up to full septic and gray water upgrades the current system where the gray water from the kitchen goes out a pipe to the vegetation in front of the cabin (we have no bathroom or laundry)
- the pitch of the roof and overall profile of the mobile home is lower therefore a less obstructive view for family and neighbors.

2. Becoming a Member of Green Shores for Homes.

We have researched the Green Shores for Homes Program.

Based on the Four Guiding Principles of the program:

1. **Preserve** or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.
2. **Maintain** or enhance habitat function and diversity along the shoreline.
3. **Prevent** or reduce pollutants entering the aquatic environment.
4. **Avoid** or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments.

We are not nor do we require to impact or adversely impact the shoreline for this building footprint increase.

What we would like to do in lieu though, is because this is not a new development but the take down of an old decrepit building and replacing with a prefabricated unit from offsite, we would like to offer a donation to the Green Shores Program.

We think this is a wonderful initiative and perhaps something Islands Trust could consider for their future and the future developments on the Islands.

As part of the permit process wouldn't it be great that there is a donation based on the size of the development that needs to be paid. Either to Islands Trust Conservancy or Green Shores.

This is common with several environmental initiatives throughout British Columbia and would be a great opportunity for Green Shores and the Islands Trust Conservancy to make the public aware and to establish the funding they need.

We hope you receive the above favourably and look forward to your reply.

Kim Torgerson

Attachment 3 – 1958 Photograph



Attachment 4 - Correspondence from Neighbour



August 20, 2020

To Whom It May Concern:

I am the owner of the property next door to Carol & Clay Torgerson,
My address is 1048 Taki-Te-Si Rd., Block 3, Plan VAP 2848, District
Lot 1297.

The property variance they are applying for, I have no problem with and
Hope this will help with their plans.

Yours truly



Noreen Hawksworth

Attachment 5 - Correspondence from Neighbour

KIRBY GRAEME
1030 TAK-IT-SE ROAD
GAMBIER
LOT 5 - OWNER

I HAVE NO ISSUES
WITH ANY TYPE OF
HOUSING CHANGES FOR
DAVE AND KIM TORGERSON
AT WEST BAY.

ANY QUESTIONS PLEASE
CALL 

AUGUST 31-2020

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

DATE OF MEETING: April 1, 2021
TO: Gambier Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Gambier Island Official Community Plan Review – interim report

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to pursue [insert Consultant Involvement option #...] as a part of the Gambier Official Community Plan Review Project.

REPORT SUMMARY

The purpose of this interim report is to request direction on the desired level of involvement of consultant(s) in the Gambier Island Official Community Plan Review Project.

BACKGROUND

The LTC passed the following resolutions at their February 2, 2021 business meeting:

GM-2021-007

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

that the Gambier Island Local Trust Committee request staff to amend the Gambier Island Official Community Plan to reflect a semi-comprehensive OCP review that includes: forest protection and conservation of the Douglas Fir Zone and Associated Ecosystems; protection of archaeological and cultural sites; and shoreline protection and marine designations.

CARRIED

GM-2021-008

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

that the Gambier Island Local Trust Committee ask staff to bring a revised Project Charter with budgets and timelines to a future Local Trust Committee meeting.

CARRIED

At that meeting, the LTC also indicated their interest in contracting a consultant to undertake some portion of the project.

ANALYSIS

Issues and Opportunities

Consultant Involvement

In light of the interest of involving a consultant and before a project charter can be fully developed, staff request that the LTC provide further direction with respect to the desired level of consultant involvement for the project. The following table summarizes the options available to the LTC. Attachment 1 provides a supplemental summary of options for public consultation available to the LTC for the OCP review, including expanded explanations of the options below.

Staff request that the LTC provide a resolution with respect to the level of consultant involvement they would like the project to proceed with. They may do this by identifying their desire for one of the options as a package and/or by choosing alternative element(s).

Table 1: Consultant Involvement Options for the Gambier Island OCP Review

	Option 1	Option 2	Option 3
Consultant	Consultant for First Nation engagement only <i>(Less/smaller scope of consultation)</i>	1 Consultant for First Nation engagement; and 1 Consultant for Public Engagement	1 Consultant for First Nation engagement; and 1 consultant for all OCP engagement and drafting <i>(More robust consultation, multiple events)</i>
Staff	Minimal staff public engagement and document drafting	Staff drafts OCP document and in charge of legislative processing	Staff in charge of legislative processing
Working Group	1 working group managed by staff	1 + working groups managed by consultant	1 + working groups managed by consultant
Budget	\$19,000	\$30,000	\$50,000
Timeline	2.5 - 4 years	2.5 years	2 – 2.5 years
Scope	Includes discussion papers with implementation options on main topics of interest - protection of: forest ecosystems (on crown and private lands), shorelines, and First Nations archaeological and cultural heritage.		

Rationale for Recommendation

Staff request direction on the LTC's desired level of consultant involvement in the Gambier OCP Review Project. Staff's recommendation is found on Page 1 of the report.

NEXT STEPS

Staff will continue with preparing amendments to the project charter for LTC consideration at a future LTC meeting.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	March 24, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 24, 2021

ATTCHMENT(S):

1. OCP Public Engagement Strategy Briefing, dated April 1, 2021

Subject: OCP Public Engagement Strategy

Briefing Type: LTC Decision Briefing

Briefer: Heather Kauer, Regional Planning Manager

Executive Summary:

While there are specific types of public consultation built into procedural requirements for bylaw adoption in provincial regulation, the LTC has the discretion to add other types of public consultation. Consideration of consultation should take into account project budgets as well as staffing resources. Staff have provided four possible options related to public consultation.

Situation and Background:

The following table outlines the required and discretionary steps in the OCP amendment process. The highlighted areas are those that indicate public consultation.

OCP Amendment Process:		
Required Steps	Discretionary Steps	Budget Impact
	Preliminary consultation	\$-\$\$\$\$
Preliminary Referral to specific agencies per protocol agreements		If paper mailing
1 st Reading		
	Legal Review	\$2,000 - \$3,000
Referral to FN, governments, and agencies	Referral to APC or Working Group	If Paper mailing
2 nd Reading		
	Community Information Meeting (CIM)	\$500 per CIM
Public Hearing		\$1,000
3 rd Reading		
EC Approval		
Ministry of Municipal Affairs approval		
Adoption		

Preliminary consultation can include a number of different methods with varying levels of time and budget allocation. Staff recommend that at a minimum:

- Affected First Nations are notified of consideration of the project prior to 1st Reading of bylaws

One aspect of the OCP project that staff are recommending is that staff or consultants develop topical “discussion papers” that will provide the LTC data and options related to the three focus topic areas of First Nations, Forest Ecosystems, and Docks. These discussion papers can serve as the basis for providing information to Gambier residents as we conduct public engagement in the community.

A decision about the methods of public consultation should be made as well as the timing and frequency of these efforts. With scheduled LTC meetings as benchmarks, staff have provided four possible options for preliminary public consultation for the LTC to consider:

Option 1 – Consultant for FN engagement; Staff Conduct minimum PE

May 27, 2021	Summer 2021		Summer / Fall 2021	Sept. 30, 2021	Nov. 4, 2021	1 st Meeting of 2022
LTC Endorses Project Charter	Draft and Implement Consultant Contract;	Staff present Engagement Plan to LTC for endorsement	Consultant Implements FN Engagement Plan			
	Consultant develops FN Engagement Plan;		Staff develops Discussion Papers	Staff Presents Discussion Papers and Implements Engagement Plan	Staff report to LTC with engagement status; Presents 2nd Discussion Paper	Staff report to LTC with engagement status and 3rd Discussion Paper
	Staff develop “other” engagement plan					

Option 2 – 1 Consultant for FN Engagement; 1 Consultant for Other Engagement

May 27, 2021	Summer 2021	Sept. 30, 2021	October	Nov. 4, 2021	1 st Meeting of 2022
LTC Endorses Project Charter	Draft and Implement Consultant Contracts;	Staff present Engagement Plans to LTC for endorsement and 1st Discussion paper	Consultants implement engagement plan	Staff report to LTC with engagement status and 2 nd and 3rd Discussion Papers	Consultants Present Preliminary Engagement Summary Reports
	Consultants develop FN and “other” Engagement Plan;				
	Staff begin developing discussion papers				

Option 3 – 1 Consultant for FN Engagement; 1 Consultant for other Engagement plus Drafting Document

May 27, 2021	Summer 2021	Sept. 30, 2021	October	Nov. 4, 2021	1 st Meeting of 2022	2 nd Meeting of 2022
LTC Endorses Project Charter	Draft and Implement Consultant Contracts;	Consultants present Engagement Plans to LTC for endorsement and Discussion papers	Consultants Implement Engagement Plans	Staff report to LTC with engagement status	Staff report to LTC with engagement summary	Staff present 1 st Reading
	Consultants develop FN and “other” Engagement Plan;					
	Consultant begin developing discussion papers					

Option 4 – Just Staff

May 27, 2021	Summer 2021	July 22, 2021	Summer / Fall 2021	Sept. 30, 2021	Nov. 4, 2021	1 st Meeting of 2022
LTC Endorses Project Charter	Staff develop engagement plan and begin FN consultation	Staff present Engagement Plan to LTC for endorsement	Staff develop Discussion Papers	Staff present Discussion Papers to LTC and commence Public Engagement	Staff report to LTC with engagement summary	Staff report to LTC with engagement summary



File No.: 6500-20 (GM RAR
Implementation)

DATE OF MEETING: April 1, 2021

TO: Gambier Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

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

RECOMMENDATION

1. That the Gambier Island Local Trust Committee amend Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, by reformatting the reference “485.1” to “485(1)” in item 2.4.
2. That the Gambier Island Local Trust Committee Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, be read a second time, as amended.
3. That the Gambier Island Local Trust Committee amend Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017”, item 2.1 by:
 - a. Removing “Section 7” and replacing with “Section 6” in the first *Information Note*;
 - b. Reformatting subsection 8.1(2)(a) into a list;
 - c. Removing all occurrences of “high water mark of a stream” and replacing with “stream boundary”;
 - d. Correcting any typos;
 - e. Adding the word “parcel” before the words “boundary is being created for an ecological reserve...” in subsection 8.1(4)h); and
 - f. Correcting section reference by removing “9.3(2)” and replacing with “8.1(2)” in subsection 8.1(4)k);

4. That the Gambier Island Local Trust Committee Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017”, be read a second time, as amended.
5. That the Gambier Island Local Trust Committee amend Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, as follows:
 - a. Items 2.3, 2.4, and 2.5 are amended by removing the words “removing the following text” and replacing with “deleting the text in its entirety”;
 - b. Item 2.3 is amended by reformatting the replacement text for subsection 9.1(2)(a) into a list;
 - c. By removing all occurrences of “high water mark of a stream” and replacing with “stream boundary”;
 - d. By adding the word “parcel” before the words “boundary is being created for an ecological reserve...” in subsection 9.1(4)h).
 - e. By correcting any typos.
6. That the Gambier Island Local Trust Committee Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, be read a second time, as amended.
7. That the Gambier Island Local Trust Committee request staff to schedule a special meeting to hold a community information meeting and to schedule a public hearing during the May 27, 2021 regularly scheduled business meeting for proposed bylaw Nos. 145, 146, and 147.
8. That the Gambier Island Local Trust Committee request staff to distribute the Riparian Areas Protection Guides to property owners of Bowyer, Anvil and South Thormanby Islands prior to the scheduled community information meeting.

REPORT SUMMARY

This report provides a summary of agency and First Nations responses received regarding bylaw referrals. Staff recommend minor amendments to the bylaws and that the bylaws receive second reading as amended. Staff also recommend that a community information meeting and public hearing be scheduled, and that a guide to the proposed bylaws and development permit area be distributed to property owners of Anvil, Bowyer and South Thormanby Islands.

BACKGROUND

At their business meeting held November 19, 2020, the Gambier Local Trust Committee (LTC) held a community information meeting specifically regarding the proposed Development Permit Area on Bowyer Island (Orchid Creek) and also passed the following motions:

GM-2020-048

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee amend Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, as follows:

- a. Deleting item 2.1 that amends PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS which inserts a new definition of “landscaped area”.
- b. Adding a new item 2.1 that amends PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS by deleting the definition of “landscaped area”.
- c. Item 2.2 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES which inserts a new subsection 9.2 DP-2 STREAMSIDE PROTECTION is renumbered to 2.6.
- d. Adding a new item 2.2 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Definitions (1) by replacing reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.
- e. Adding a new item 2.3 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Applicability (2) by replacing the list of activities (a) through (g) with a new list (a) through (f) that align with the language in the *Riparian Areas Protection Regulation*.
- f. Adding a new item 2.4 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Exemptions (3) by replacing the list of exemptions (a) through (o) with a new list (a) through (n) that align with the language in the *Riparian Areas Protection Regulation*, that addresses the Ministry of Forests, Lands, Natural Resource Operations and Rural Development recent comments, and that incorporates wording from Gambier Island DP3 Riparian Areas.
- g. Adding a new item 2.5 that amends SCHEDULE A – Land Use Bylaw Regulations PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES DP-1 RIPARIAN AREAS Guidelines (4) by replacing the list of guidelines (a) through (e) with a new list (a) through (k) that align with the language in the *Riparian Areas Protection Regulation*, that addresses the Ministry of Forests, Lands, Natural Resource Operations and Rural Development recent comments, and that incorporates wording from Gambier Island DP3 Riparian Areas.

CARRIED

GM-2020-049

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, be read a first time, as amended.

CARRIED

GM-2020-050

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. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GM-2020-051

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request staff to refer Bylaw Nos. 145, 146, and 147 to the following agencies and First Nations: Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, Sunshine Coast Regional District, Greater

Vancouver Regional District (Metro Vancouver), Squamish First Nation, Tsleil Waututh Nation, Musqueam Nation and Sechelt Nation.

CARRIED

GM-2020-052

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee request that the First Nations referrals have a minimum of a 60 day referral period.

CARRIED

Above amendments to Bylaw Nos. 145, 146, and 147 were made and the three proposed bylaws were sent out to First Nations and agencies. Reports and associated information for the project are available on the Islands Trust website, under [Projects and Initiatives](#).

ANALYSIS

Issues and Opportunities

The following issues and opportunities are for LTC consideration:

- Summary of bylaw referral responses
- Changes to proposed bylaws
- Draft guide to proposed bylaws
- Timing of Community information meeting and public hearing

Summary bylaw referral responses

At the time the staff report was prepared, only one response was received. The Ministry of Transportation and Infrastructure replied that their interests were not affected. Any additional responses received prior the Gambier Island LTC meeting will be brought to the LTC meeting.

Changes to proposed bylaws

Staff recommend a couple of minor changes to the proposed bylaws, addressing formatting and minor typos, and necessary rewording to better align with the Riparian Areas Protection Regulation. Proposed Bylaw Nos. 145, 146, and 147 are found in Attachments 1, 3 and 5 respectively. A tracked changes version of the bylaws are also provided in Attachments 2, 4, and 6 respectively.

Draft guide to proposed bylaws

Staff have prepared two guides to the proposed bylaws for distribution; one for Bowyer Island and one for Anvil and S. Thormanby Islands. The intent of the guides is to provide a plain language summary of the bylaw amendments in advance of a community information meeting and public hearing. Staff recommend distributing the guides by mail out to the property owners directly affected by the proposed bylaws.

Timing of community information meeting and public hearing

Staff recommend a community information meeting (CIM) be scheduled for end of April/mid May. A detailed presentation by planning staff covering all aspects of the proposed bylaws will be provided. A public hearing can be scheduled during the May 27, 2021 regular business meeting or the LTC can indicate its preference for an alternative date/time.

Rationale for Recommendation

Staff are recommending some minor amendments to tidy up the bylaws before giving second reading. Staff have prepared guides to the proposed bylaws to be distributed to affected land owners on Anvil, Bowyer and South Thormanby Islands ahead of a community information meeting and public hearing. The staff recommendations are found on page 1 and 2 of this report.

ALTERNATIVES

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

1. Request changes to the draft guides to proposed development permit areas

The LTC may request changes to the draft guides prior to making a decision. Staff advise that the LTC should describe the specific changes requested. Recommended wording for the resolutions is as follows:

That the Gambier Island Local Trust Committee request staff to make the following changes to the draft [insert Riparian Areas Protection on Bowyer: Guide to Proposed Development Permit Area or Riparian Areas Protection on Anvil and Bowyer Islands]: [insert changes].

That the Gambier Island Local Trust Committee request staff to distribute the guides to proposed development permit areas for riparian areas protection for Bowyer, Anvil and S. Thormanby Islands as amended to affected property owners.

NEXT STEPS

Should the LTC concur with the staff recommendations, notification of a CIM and public hearing will be coordinated along with distribution of the guides.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	March 18, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 22, 2021

ATTACHMENTS

1. Proposed Bylaw No. 145, amended (clean copy) – for consideration of 2nd reading
2. Proposed Bylaw No. 145, amended (tracked changes)
3. Proposed Bylaw No. 146, amended (clean copy) – for consideration of 2nd reading
4. Proposed Bylaw No. 146, amended (tracked changes)
5. Proposed Bylaw No. 147, amended (clean copy) – for consideration of 2nd reading
6. Proposed Bylaw No. 147, amended (tracked changes)
7. Draft Guide to Proposed Development Permit Area on Bowyer Island (Bylaw Nos. 145 and 146)
8. Draft Guide to Proposed Development Permit Area on Anvil and S. Thormanby Isl. (Bylaw Nos. 145 and 147)

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

A BYLAW TO AMEND GAMBIER ASSOCIATED ISLANDS

OFFICIAL COMMUNITY PLAN, 2009

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

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

READ A FIRST TIME THIS 1ST DAY OF OCTOBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 201x

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 201x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

THIS _____ DAY OF _____ , 201x

ADOPTED THIS _____ DAY OF _____ , 201x

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

SCHEDULE 1

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

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

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

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

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

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

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

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

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

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

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

And replacing it with:

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

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

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

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

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

2.4 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Development Approval Information** is amended by replacing the reference “920.01” with “485(1)”

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

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

And replacing with:

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

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

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

Development Permit Area 2: Streamside Protection

GM-BL-145

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

Location

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

Justification

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

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

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

Objectives:

The objectives of this development permit area are as follows:

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

Development Approval Information

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

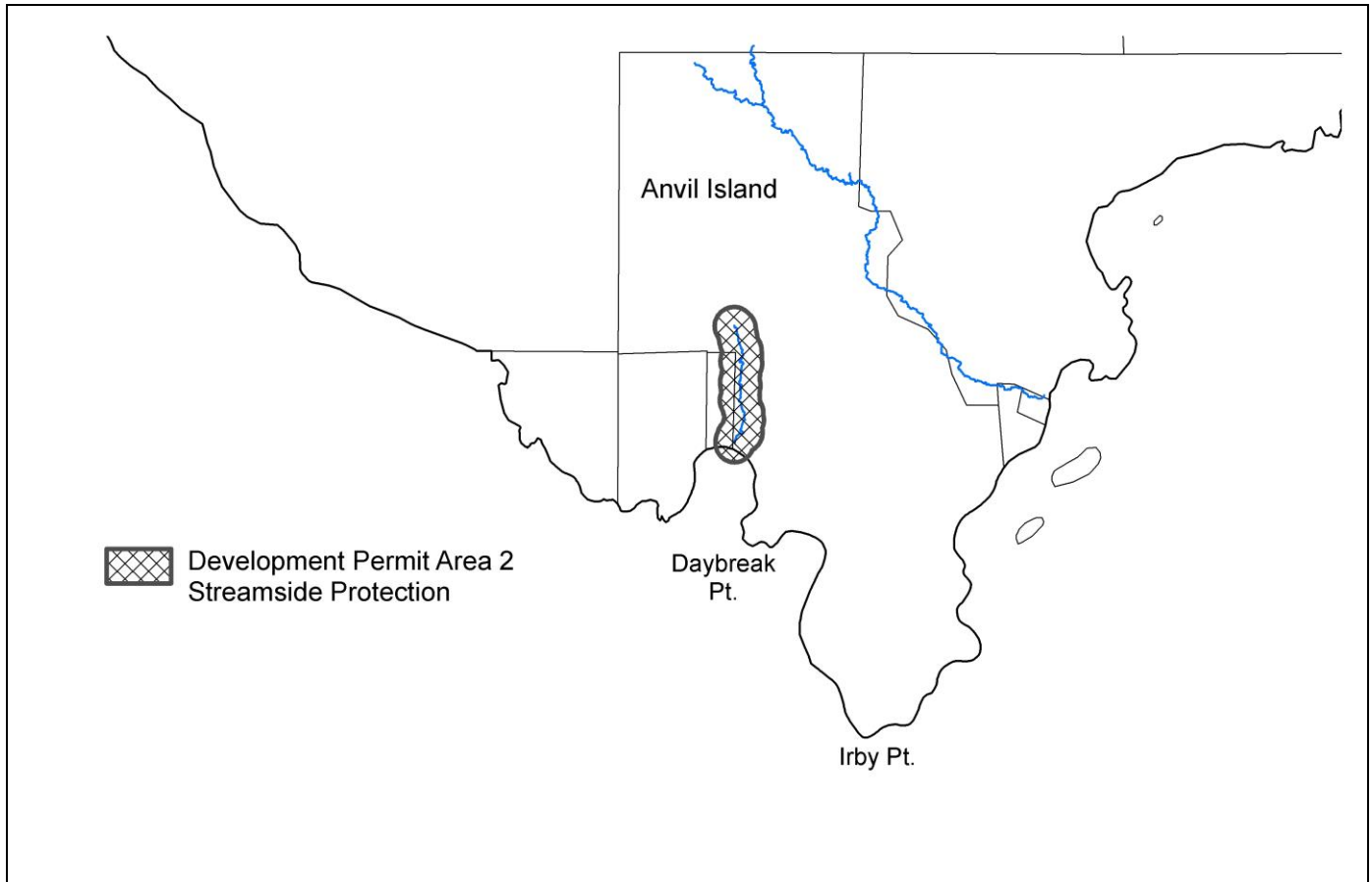
"Information Note: Development Permit Area Guidelines for DP-2 Streamside Protection is in the Gambier Associated Islands Land Use Bylaw, 2013."

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

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

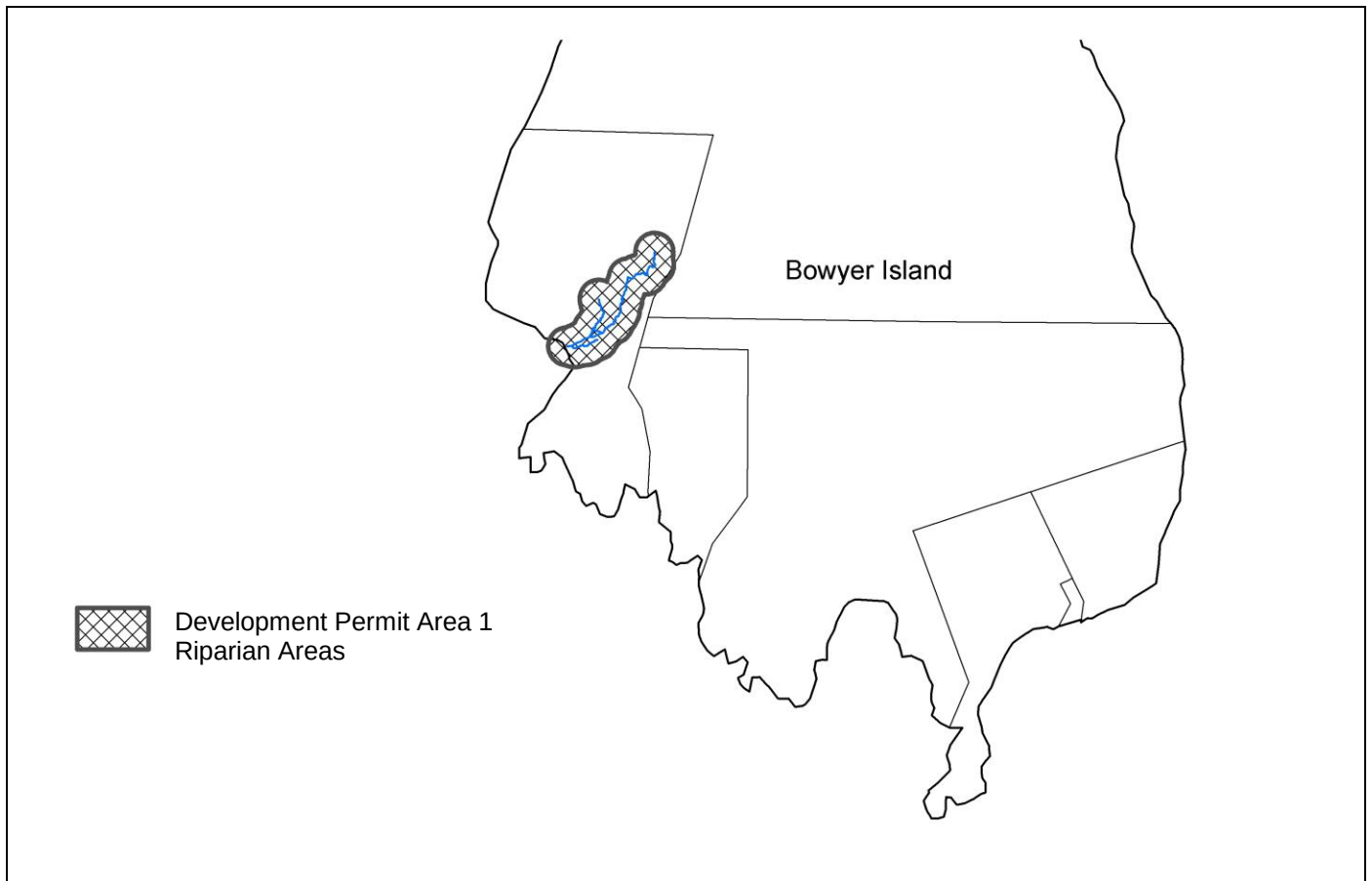
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 145

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

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

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

READ A FIRST TIME THIS	1 ST	DAY OF	OCTOBER	, 2020
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 201x
READ A SECOND TIME THIS	_____	DAY OF	_____	, 201x
READ A THIRD TIME THIS	_____	DAY OF	_____	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 201x
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING				
THIS	_____	DAY OF	_____	, 201x
ADOPTED THIS	_____	DAY OF	_____	, 201x

SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 145

SCHEDULE 1

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

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

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

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

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

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

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

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

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

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

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

And replacing it with:

GM-BL-145

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

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

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

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

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

- 2.4 SCHEDULE A – Policy Document, Part 6 DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION, Section 6.1 DEVELOPMENT PERMIT AREAS, **Development Permit Area 1: Riparian Areas, Development Approval Information** is amended by replacing the reference "920.01" with "485-~~4~~(1)"

Commented [ME1]: Typo corrected.

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

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

And replacing with:

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

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

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

Development Permit Area 2: Streamside Protection

GM-BL-145

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

Location

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

Justification

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

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

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

Objectives:

The objectives of this development permit area are as follows:

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

Development Approval Information

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

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

GM-BL-145

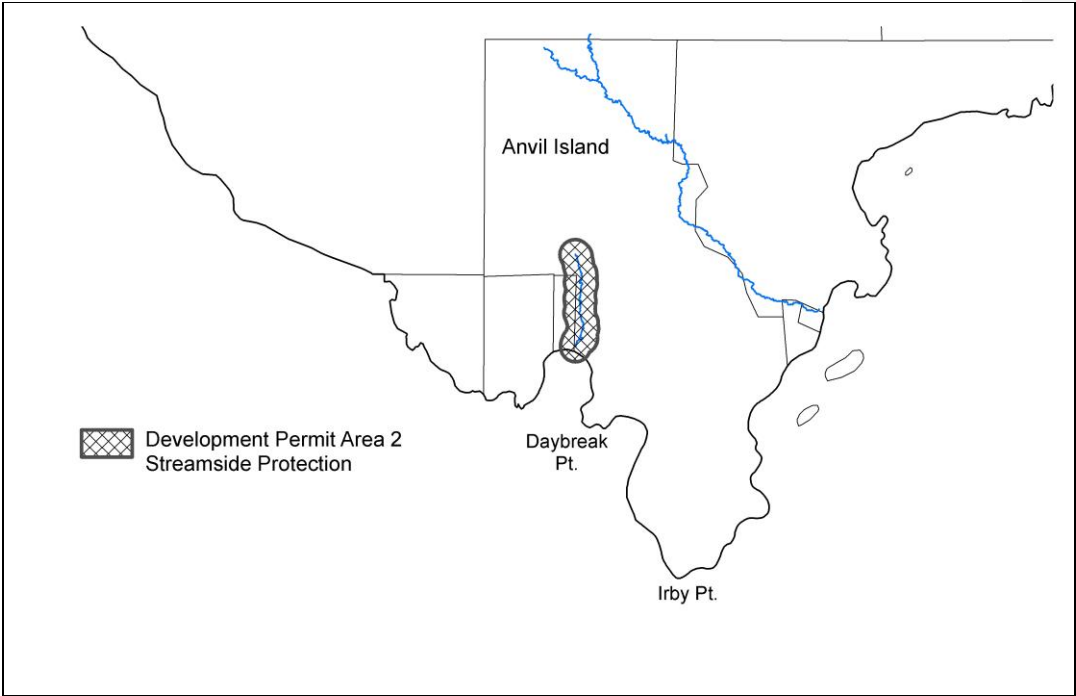
2.2 **SCHEDULE E – DEVELOPMENT PERMIT AREAS** is amended by adding Plans 1 and 2, which are attached to and form part of this bylaw.

GM-BL-145

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

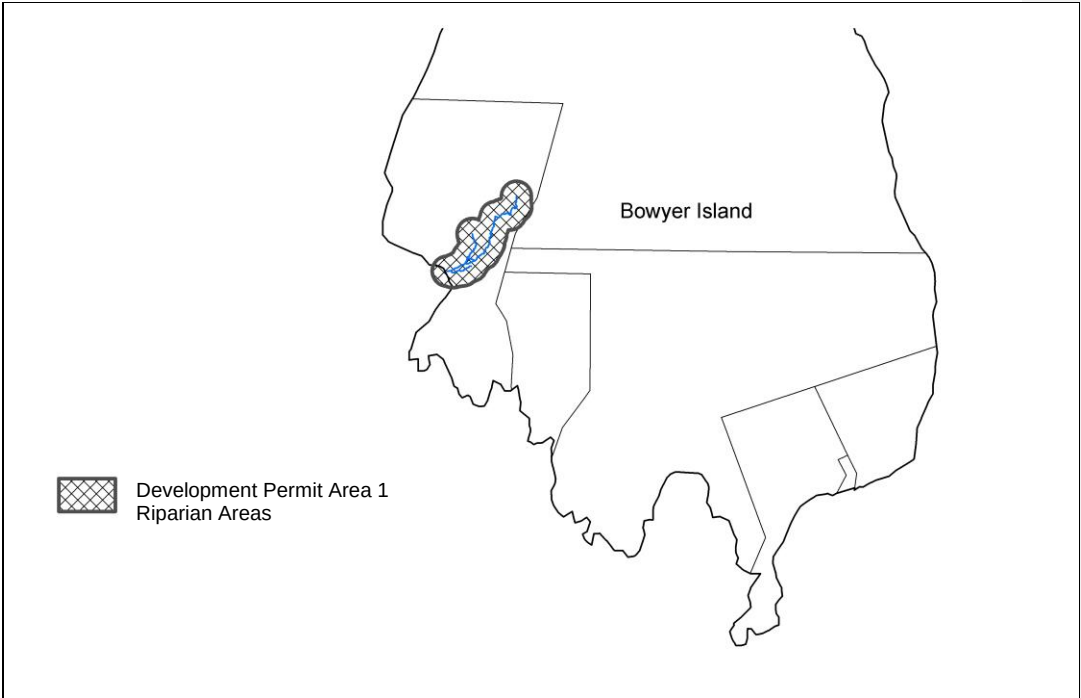
PLAN NO. 1



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.145

PLAN NO. 2



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 146

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

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

1. Citation

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

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

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

“PART 8 – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 6 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

8.1 DP-1 RIPARIAN AREAS

Definitions

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

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):

- (a) The addition, removal or alteration of:
 - (i) soil,
 - (ii) vegetation,
 - (iii) building, or
 - (iv) other structure;
- (b) Creation of non-structural, impervious or semi-impervious surfaces;
- (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;
- (d) Subdivision of land;
- (e) Application of artificial fertilizer, pesticides or herbicides;

- (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

Exempted Activities

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

- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
- c) repair or replacement of a septic field within the same area of land as the existing septic field;
- d) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
- e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream boundary, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- f) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed;
- g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
- h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.

- k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the stream boundary.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

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

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

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

Guidelines

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

enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.

- c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- e) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the stream boundary, unless the parcel boundary is being created for an ecological reserve under the Ecological Reserve Act for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 8.1(2) would be likely to occur within 30 metres of the

GM-BL-146

stream boundary, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's assessment report.

READ A FIRST TIME THIS 1ST DAY OF OCTOBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 146

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

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

1. Citation

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

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

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

“PART 8 – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 76 of the Gambier Associated Islands Official Community Plan and their locations are shown on Schedule E of that Plan.

Commented [ME1]: Reference corrected.

8.1 DP-1 RIPARIAN AREAS

Definitions

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

Applicability

- (2) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 8.1(3):

- (a) The addition, removal or alteration of:

~~soil, vegetation or building or other structure;~~

(i) ~~soil,~~

(ii) ~~vegetation,~~

(iii) ~~building, or~~

(iv) ~~other structure;~~

- (b) Creation of non-structural, impervious or semi-impervious surfaces;

- (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;

- (d) Subdivision of land;

Commented [ME2]: Reformatted for clarity.

GM-BL-146

- (e) Application of artificial fertilizer, pesticides or herbicides;
- (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

Exempted Activities

- (3) The following activities are exempt from any requirement for a development permit in DP-1:
- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
 - c) repair or replacement of a septic field within the same area of land as the existing septic field;
 - d) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
 - e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream boundary, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - f) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed;
 - g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
 - h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
 - i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
 - j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.

GM-BL-146

- k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream boundary.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

Commented [ME3]: Changed to "stream boundary" to be consistent with RAPR and other occurrences in bylaw amendment.

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

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

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

Guidelines

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

Commented [ME4]: Typo removed.

GM-BL-146

assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.

- c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- e) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the ~~high water mark of a stream boundary~~, unless the ~~parcel~~ boundary is being created for an ecological reserve under the Ecological Reserve Act for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in ~~9.3(2)-8.1(2)~~ would be likely to occur within 30 metres of

Commented [ME5]: Changed to "stream boundary" to be consistent with RAPR and other occurrences in bylaw amendment.

Commented [ME6]: Word added for clarity.

Commented [ME7]: Reference corrected.

GM-BL-146

the ~~high water mark of a stream~~ boundary, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's assessment report.

Commented [ME8]: Changed to “stream boundary” to be consistent with RAPR and other occurrences in bylaw amendment.

READ A FIRST TIME THIS 1ST DAY OF OCTOBER, 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 147

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

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

1. Citation

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

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

2.1 PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS is amended by deleting the following definition:

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

2.2 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES 9.1 DP-1 RIPARIAN AREAS Definitions** (1) is amended by replacing the reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.

2.3 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES 9.1 DP- 1 RIPARIAN AREAS Applicability** (2) is amended by deleting the text in its entirety:

“The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(3):

- (a) subdivision of land
- (b) construction of, addition to, or alteration of a building or other structure
- (c) removal, alteration or destruction of vegetation
- (d) disturbance of soils
- (e) creation of non-structural, impervious or semi-impervious surfaces
- (f) application of artificial fertilizer, pesticides or herbicides
- (g) any other development, as that term is defined under the Provincial Riparian Areas Regulation”

And replacing it with:

“The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(3):

- (a) The addition, removal or alteration of:
 - i. soil,
 - ii. vegetation,

- iii. building, or
- iv. other structure;
- (b) Creation of non-structural, impervious or semi-impervious surfaces;
- (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;
- (d) Subdivision of land;
- (e) Application of artificial fertilizer, pesticides or herbicides;
- (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*."

2.4 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA**
GUIDELINES 9.1 DP-1 RIPARIAN AREAS Exemptions (3) is amended by deleting the text in its entirety:

"The following activities are exempt from any requirement for a DP-1 development permit:

- (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (c) repair or replacement of a septic field in situ;
- (d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
- (e) With the exception of trees and vegetation containing nests protected under Section 34 of the Wildlife Act, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- (f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- (g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- (h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (i) ecological restoration or enhancement projects undertaken or authorized by a public body;
- (j) work authorized by Fisheries and Oceans Canada under Section 35 of the Fisheries Act;

- (k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the Water Act;
 - iv. creation of a fire break in accordance with the Wildfire Act.
- (l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (16.4 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- (m) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (1.6 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- (n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- (o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared."

And replacing with:

- "The following activities are exempt from any requirement for a DP-1 development permit:
- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
 - c) repair or replacement of a septic field within the same area of land as the existing septic field;
 - d) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
 - e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream boundary, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;

- f) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed;
- g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
- h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the stream boundary.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) squared."

2.5 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA**

GUIDELINES 9.1 DP-1 RIPARIAN AREAS Guidelines (4) is amended by deleting the text in its entirety:

"Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- (a) In general, all development in this Development Permit Area (DPA) 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 Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).
- (b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
- (c) Where a QEP's RAR assessment report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the RAR assessment report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- (d) 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.
- (e) 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 compliance with recommendations of a professional's report."

And replacing with:

"Prior to undertaking any non-exempt development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.

- b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- e) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the stream boundary, unless the parcel boundary is being created for an ecological reserve under the *Ecological Reserve Act* for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 9.1(2) would be likely to occur within 30 metres of the stream boundary, unless the development will comply with the recommendations of

the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's assessment report."

- 2.6 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES** is amended by inserting the following after subsection 9.1:

"9.2 DP-2 STREAMSIDE PROTECTION

Applicability

- (1) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.2(2):

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

Exemptions

- (2) The following activities are exempt from any requirement for a DP-2 development permit:
- a) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - b) repair or replacement of a septic field in situ;
 - c) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - d) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - e) gardening and yard maintenance activities within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - f) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - g) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing

season, topping, or the pruning or removal of a structural root within the critical root zone;

- h) ecological restoration or enhancement projects undertaken or authorized by a public body;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

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

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

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

Guidelines

- (3) Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) Applicants are to provide a report, prepared by a Qualified Environmental Professional (QEP) or Registered Professional Biologist (R.P. Bio) with expertise in aquatic biology. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this DPA.
- b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems.
- c) Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
- d) Where this DPA includes unique native species dependent on streamside habitat identified in the professional report as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- f) Where a QEP or R.P. Bio. has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- g) The development permit should only allow activities identified in the professional's report, and the owner should be required to follow any protective or mitigative measures identified by the professional, and these measures should be included as conditions of the development permit.
- h) Monitoring and regular reporting by a QEP or R.P. Bio. at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- i) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of the DPA in compliance with recommendations of a professional's report."

READ A FIRST TIME THIS 19TH DAY OF NOVEMBER , 2020

PUBLIC HEARING HELD THIS DAY OF , 20XX

READ A SECOND TIME THIS DAY OF , 20XX

READ A THIRD TIME THIS DAY OF , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 20XX

ADOPTED THIS DAY OF , 20XX

Chair

Secretary

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 147

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

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

1. Citation

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

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

2.1 PART 1 – INTERPRETATION, Section 1.1 DEFINITIONS is amended by deleting the following definition:

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

2.2 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES 9.1 DP-1 RIPARIAN AREAS Definitions** (1) is amended by replacing the reference “*Riparian Areas Regulation*” with “*Riparian Areas Protection Regulation*”.

2.3 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES 9.1 DP- 1 RIPARIAN AREAS Applicability** (2) is amended by ~~removing the following text deleting the text in its entirety:~~

“The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(3):

- (a) subdivision of land
- (b) construction of, addition to, or alteration of a building or other structure
- (c) removal, alteration or destruction of vegetation
- (d) disturbance of soils
- (e) creation of non-structural, impervious or semi-impervious surfaces
- (f) application of artificial fertilizer, pesticides or herbicides
- (g) any other development, as that term is defined under the Provincial Riparian Areas Regulation”

And replacing it with:

“The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.1(3):

- (a) The addition, removal or alteration of: ~~soil, vegetation or building or other structure;~~
 - i. soil,

Commented [ME1]: Wording changed for clarity.

- ii. ~~vegetation,~~
- iii. ~~building, or~~
- iv. ~~other structure;~~

Commented [ME2]: Reformatted for clarity.

- (b) Creation of non-structural, impervious or semi-impervious surfaces;
- (c) Without limiting paragraph (a), the addition, removal ~~or~~ alteration of works and services described in section 506 (1) [subdivision servicing requirements] of the *Local Government Act*;
- (d) Subdivision of land;
- (e) Application of artificial fertilizer, pesticides or herbicides;
- (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*."

Commented [ME3]: Typo corrected.

- 2.4 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA**
GUIDELINES 9.1 DP-1 RIPARIAN AREAS Exemptions (3) is amended by ~~removing the following text deleting the text in its entirety:~~

Commented [ME4]: Reworded for clarity.

"The following activities are exempt from any requirement for a DP-1 development permit:

- (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (c) repair or replacement of a septic field in situ;
- (d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
- (e) With the exception of trees and vegetation containing nests protected under Section 34 of the Wildlife Act, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
- (f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- (g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- (h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (i) ecological restoration or enhancement projects undertaken or authorized by a public body;
- (j) work authorized by Fisheries and Oceans Canada under Section 35 of the Fisheries Act;

GM-BL-147

- (k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the Water Act;
 - iv. creation of a fire break in accordance with the Wildfire Act.
- (l) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (16.4 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- (m) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (1.6 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- (n) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- (o) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared."

And replacing with:

"The following activities are exempt from any requirement for a DP-1 development permit:

- a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- b) repairs or other non-structural alterations or additions to a pre-existing building or other structure to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
- c) repair or replacement of a septic field within the same area of land as the existing septic field;
- d) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
- e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream boundary, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;

GM-BL-147

- f) the maintenance of an area of human disturbance, other than a building or other structure, if the area is not extended and the type of disturbance is not changed;
- g) manual removal of invasive species and manual planting of native vegetation conducted on the basis of advice from a Qualified Environmental Professional;
- h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence more than 10 metres (32.8 feet) from the stream boundary, if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the ~~high water mark of a stream boundary~~.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream boundary if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream boundary, if the building is located within an existing area of human disturbance and the total area of small accessory building is less than 10 metres (32.8 feet) squared."

Commented [ME5]: Changed to "stream boundary" to be consistent with RAPR and other occurrences in bylaw amendment.

- 2.5 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA**
GUIDELINES 9.1 DP-1 RIPARIAN AREAS Guidelines (4) is amended by ~~removing the following text deleting the text in its entirety:~~

"Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Commented [ME6]: Reworded for clarity.

GM-BL-147

- (a) In general, all development in this Development Permit Area (DPA) 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 Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).
- (b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.
- (c) Where a QEP's RAR assessment report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the RAR assessment report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- (d) 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.
- (e) 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 compliance with recommendations of a professional's report."

And replacing with:

"Prior to undertaking any non-exempt development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.

GM-BL-147

- b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- c) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the assessment report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.
- d) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- e) Where an assessment report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- f) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in a QEP's assessment report.
- g) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the stream boundary, unless the parcel boundary is being created for an ecological reserve under the *Ecological Reserve Act* for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with recommendations of a QEP.
- j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- k) No subdivision plan should be designed in such a way that activities described in 9.1(2) would be likely to occur within 30 metres of the stream boundary, unless the development will comply with the recommendations of

Commented [ME7]: Word added for clarity.

GM-BL-147

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."

- 2.6 SCHEDULE A – Land Use Bylaw Regulations **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES** is amended by inserting the following after subsection 9.1:

"9.2 DP-2 STREAMSIDE PROTECTION

Applicability

- (1) The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 9.2(2):

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

Exemptions

- (2) The following activities are exempt from any requirement for a DP-2 development permit:
- a) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - b) repair or replacement of a septic field in situ;
 - c) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - d) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - e) gardening and yard maintenance activities within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - f) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - g) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing

GM-BL-147

season, topping, or the pruning or removal of a structural root within the critical root zone;

- h) ecological restoration or enhancement projects undertaken or authorized by a public body;
- i) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
- k) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres (1.6 feet) on either side of the fence, or 1.5 metres (4.9 feet) on either side of the fence in agricultural areas;
- l) The construction of a private trail if all of the following apply:
 - i. The trail is 1 metre (3.28 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres (16.4 feet) away from the high water mark of a stream.
- m) Disturbance of soils more than 10 metres (32.8 feet) from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres (16.4 feet) squared;
- n) The constructing of a small accessory building more than 10 metres (32.8 feet) from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres (32.8 feet) squared.

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

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

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

Guidelines

- (3) Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

GM-BL-147

- a) Applicants are to provide a report, prepared by a Qualified Environmental Professional (QEP) or Registered Professional Biologist (R.P. Bio) with expertise in aquatic biology. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this DPA.
- b) In general, all development should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems.
- c) Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.
- d) Where this DPA includes unique native species dependent on streamside habitat identified in the professional report as worthy of particular protection, their habitat areas should be left undisturbed. The owner should be required to follow any measures identified by the professional for protecting the streamside habitat over the long term and these measures should be included as conditions of the development permit.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- f) Where a QEP or R.P. Bio. has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report.
- g) The development permit should only allow activities identified in the professional's report, and the owner should be required to follow any protective or mitigative measures identified by the professional, and these measures should be included as conditions of the development permit.
- h) Monitoring and regular reporting by a QEP or R.P. Bio. at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- i) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of the DPA in compliance with recommendations of a professional's report."

GM-BL-147

READ A FIRST TIME THIS 19TH DAY OF NOVEMBER , 2020

PUBLIC HEARING HELD THIS DAY OF , 20XX

READ A SECOND TIME THIS DAY OF , 20XX

READ A THIRD TIME THIS DAY OF , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 20XX

ADOPTED THIS DAY OF , 20XX

Chair

Secretary

Riparian Areas Protection on Bowyer Island

A GUIDE to Proposed DEVELOPMENT PERMIT AREA

Spring Update 2021
Gambier Local Trust Committee



THIS GUIDE...

is provided to inform land owners about the proposed changes to the Gambier Associated Islands Official Community Plan and Bowyer and Passage Islands Land Use Bylaw. These changes are intended to establish a **new Development Permit Area on Orchid Creek** for the purposes of bringing Bowyer Island into compliance with the provincial Riparian Areas Protection Regulation (RAPR). Please review the enclosed information and contact the Islands Trust Northern Office if you have questions.

HOW WOULD THIS DEVELOPMENT PERMIT AREA WORK?

If you were to undertake a development activity (as defined on reverse page) within 30 metres of Orchid Creek (as illustrated on map on reverse page), you would be required to submit a development permit application prior to development. As part of the application, you would be required to hire a Qualified Environmental Professional (QEP) who would assess the potential impact of your proposed activity on the riparian area and determine the size of the Streamside Protection and Enhancement Area (SPEA). The SPEA is the 'no-development zone' along the side of the stream that is too sensitive for any land alteration activity. The QEP will also prescribe mitigation or enhancement measures to be undertaken to protect the SPEA from the development activity. The QEP's assessment report will be required to be submitted along with the application.

In order to be approved, the development would need to meet the set of Development Permit guidelines, found in proposed Bylaw No. 146 on the Islands Trust website.

WHAT ARE RIPARIAN AREAS?

Riparian areas are the areas bordering streams, lakes and wetlands that connect water to land. These areas support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes.

In addition, riparian areas play a key role in maintaining the natural hydrologic cycle of a watershed by stabilizing stream channels, reducing erosion, filtering impurities and sediment, capturing and storing runoff water and precipitation and recharging aquifers that store groundwater.

WHAT IS THE RIPARIAN AREAS PROTECTION REGULATION?

The Riparian Areas Protection Regulation (RAPR) (formerly known as Riparian Areas Regulation (RAR)) is provincial legislation that protects fish habitat and requires local governments to enact bylaws that protect riparian areas during development. It applies to a "Riparian Assessment Area" (RAA) which is all land within 30 metres of a RAPR-designated stream. A **STREAM** is defined in RAPR to include **any watercourse - whether or not it contains water year round - that contributes to fish habitat and includes ponds, lakes, rivers, creeks, ditches, springs and wetlands if they are connected by surface flow to fish habitat.** On Bowyer Island, Orchid Creek is confirmed to be a RAPR-designated stream.



Islands Trust

Northern Office

700 North Road | Gabriola Island

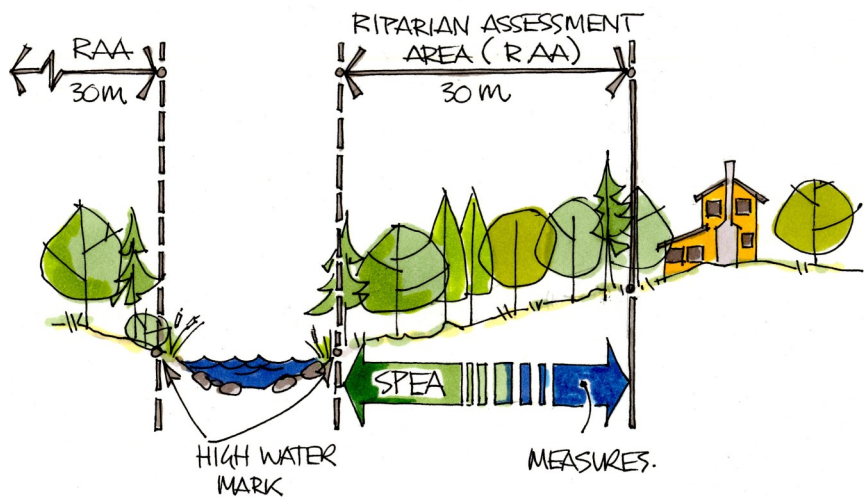
British Columbia | V0R 1X3

Phone: 250.247.2063

Toll Free: 1.800.663.7867

Fax: 250.247.7514

E-mail: northinfo@islandstrust.bc.ca



Activities in the Riparian Assessment Area that would REQUIRE a Development Permit:

- Subdivision of property.
- Addition, removal, or alteration of soil, or vegetation.
- Addition, removal or alteration of a building or structure.
- Creation of non-structural, impervious or semi-impervious surfaces (e.g. pavement).
- Application of artificial fertilizers, pesticides or herbicides.

Activities in the Riparian Assessment Area that would NOT REQUIRE a Development Permit:

- Repairs or non-structural alterations or additions that do not change either the existing foundation or the footprint of a pre-existing building or structure.
- Maintenance of areas already subject to human disturbance:
 - Areas where soil or vegetation has been added, removed or altered (e.g. garden, lawn, landscaped area).
 - Areas modified for agriculture (e.g. crops, pasture, range, hayfields and normal farm practices).
 - Areas used for resource extraction that have not been restored.
- Removal of trees that pose a risk to life or property.
- Pruning of not more than 2 trees in one growing season.
- Emergency procedures to prevent immediate threats to life and property (erosion, flooding or fire).

Current Setback from Streams also applies

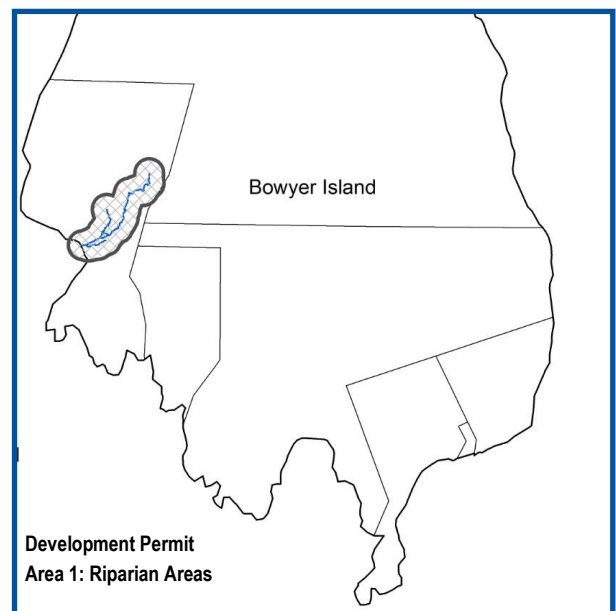
The current setback for buildings and structures to streams, wetlands or lakes on Bowyer Island is 30 metres and that will continue to apply in addition to the proposed Development Permit Area.

PROPOSED BYLAW CHANGES

Proposed Bylaws 145 and 146 establish a Development Permit Area (DPA) to protect Orchid Creek's Riparian Areas as they pertain to fish habitat and RAPR. Bylaw 145 sets out amendments to Gambier Associated Islands Official Community Plan, which provides a context and rationale for protection, and delineates the location of the DPA. Bylaw 146 sets out amendments to Bowyer and Passage Island's Land Use Bylaw, listing the applicable development activities, exempted activities, and prescribes the guidelines that must be met before the Development Permit can be approved.

TIMELINE AND NEXT STEPS

The Local Trust Committee gave first reading to the bylaws in October 2020. In November 2020 a community information meeting was held regarding the proposed DPA for Orchid Creek which included a presentation by the Ministry responsible for the Riparian Areas Protection Regulation. The recording can be accessed on the Islands Trust website. **A community information meeting and public hearing is anticipated late April.** Public input can be received by the Local Trust Committee anytime during the bylaw amendment process and up until the end of the public hearing.



For more information on the proposed Development Permit Area and the Provincial Riparian Area Protection Regulations, please visit:

- www.islandstrust.bc.ca
- <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/citizen-resources>



Riparian Areas Protection on Anvil and South Thormanby Islands

Spring Update 2021
Gambier Local Trust Committee



THIS GUIDE...

is provided to inform residents and land owners about the proposed changes to the Gambier Associated Islands Official Community Plan and Land Use Bylaw.

These changes are intended:

- to add a non-RAPR Development Permit Area (Development Permit Area 2: Streamside Protection) to Anvil Island; and
- update the existing RAPR Development Permit Areas on Anvil and South Thormanby Islands for the purposes of bringing the islands into compliance with the provincial Riparian Areas Protection Regulation (RAPR).

Please review the enclosed information and contact the Islands Trust Northern Office if you have questions or comments.

WHAT ARE RIPARIAN AREAS?

Riparian areas are the areas bordering streams, lakes and wetlands that connect water to land. These areas support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes.

In addition, riparian areas play a key role in maintaining the natural hydrologic cycle of a watershed by stabilizing stream channels, reducing erosion, filtering impurities and sediment, capturing and storing runoff water and precipitation and recharging aquifers that store groundwater.

The Riparian Areas Protection Regulation (RAPR) (formerly known as Riparian Areas Regulation (RAR)) is provincial legislation that protects fish habitat and requires local governments to enact bylaws that protect riparian areas during development.

In 2015, the Gambier Island Local Trust Committee conducted an assessment of the Islands and identified a RAPR watercourse on South Thormanby Island and on Anvil Island. In addition, a non-RAPR watercourse on Anvil Island was identified and despite not being critical fish habitat, is significant freshwater/riparian habitat.



Islands Trust

Northern Office

700 North Road | Gabriola Island

British Columbia | V0R 1X3

Phone: 250.247.2063

Toll Free: 1.800.663.7867

Fax: 250.247.7514

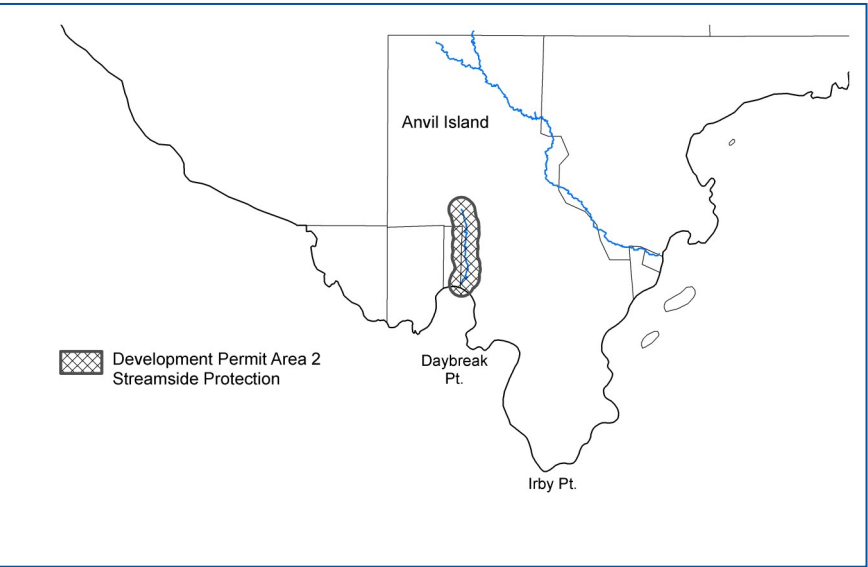
E-mail: northinfo@islandstrust.bc.ca

CURRENT PROTECTION

The Gambier Island Local Trust Committee amended the Gambier Associated Islands Official Community Plan (OCP) and Land Use Bylaw (LUB) in 2018 to introduce new policies and regulations to protect RAPR watercourses on South Thormanby and Anvil Islands. A new Development Permit Area (DPA1: Riparian Areas) was established on one creek on each of the islands and is applicable to any development or land alterations within 30 metres of the RAPR watercourse. Property owners intending to build, excavate or remove trees or vegetation within the 30 metres riparian assessment area need to apply to the Islands Trust and hire a Qualified Environmental Professional (QEP) to conduct a science based assessment of the proposed activities. The QEP's assessment will determine the Streamside Protection and Enhancement Area (SPEA) on the property and determine where development may take place or be restricted if it has potential to damage vegetation and/or fish habitat. The QEP recommendations form part of the Development Permit issued by the Local Trust Committee.

PROPOSED BYLAW CHANGES

Proposed Bylaws 145 (to amend the OCP) and 147 (to amend the LUB) are drafted to establish a new non-RAPR Development Permit Area (DPA) on Anvil Island (Development Permit Area 2: Streamside Protection) (see map below) and to update the existing RAPR Development Permit Areas on Anvil and South Thormanby Islands for the purposes of bringing the islands into compliance with the recent changes to the provincial Riparian Areas Protection Regulation (RAPR).



TIMELINE AND NEXT STEPS

The Gambier Local Trust Committee gave first reading to the proposed bylaws in October 2020. A community information meeting and public hearing is anticipated late April. Public input can be received by the Local Trust Committee any-time during the bylaw amendment process and up until the end of the public hearing.



For more information on the proposed Development Permit Area and the Provincial Riparian Area Protection Regulations, please visit:

- www.islandstrust.bc.ca
- <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation/citizen-resources>

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

DATE OF MEETING: April 1, 2021
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Keats Island Shoreline Protection Project 'Phase 3' – Draft Bylaws No. 153 and 154

RECOMMENDATION

1. That the Gambier Island Local Trust Committee direct staff to forward Draft Bylaw Nos. 153 and 154 to Squamish Nation and Tsleil-Waututh Nation for early review and comment.

REPORT SUMMARY

The report introduces two draft bylaws, Draft Bylaw No. 153 to amend the Keats Island Official Community Plan (OCP) Bylaw No. 77 and Draft Bylaw No. 154 to amend the Keats Island Land Use Bylaw No. 78 (LUB).

Staff are recommending the draft bylaws be forwarded to First Nations for review and comment. At this time, staff are not recommending first reading of the draft bylaws to provide sufficient time for First Nations to review the draft bylaws and provide comment, and in acknowledgement that there may be amendments made to the draft bylaws following First Nations review.

The Gambier Island Local Trust Committee (LTC) is asked to consider the draft bylaws, and provide staff with direction on next steps. The LTC may also consider amending the draft bylaws without giving first reading.

BACKGROUND

The LTC passed the following resolutions at the February 4, 2021 LTC regular business meeting:

GM-2021-004

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Official Community Plan Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 of the Staff Report dated February 4, 2021, with the addition of a Hazardous DPA in relation to three areas identified in the Local Trust Committee meeting of February 4, 2021.

CARRIED

GM-2021-005

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee direct staff to prepare a draft bylaw to amend Keats Island Land Use Bylaw, 2002, consistent with draft bylaw language presented in Attachment 2 and Attachment 3 of the Staff Report dated February 4, 2021, and consistent with the Official Community Plan language and with the removal of any change to the M4 zone.

CARRIED

GM-2021-006

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee direct staff to proceed with early referrals to First Nations under the advice of the Islands Trust Senior Intergovernmental Policy Advisor.

CARRIED

Staff have sent early notification to Squamish Nation and Tsleil-Waututh Nation to introduce the project. On February 25, 2021, a meeting was held between Islands Trust staff, a Trustee and Squamish Nation staff, where Squamish Nation staff expressed interest in receiving the draft bylaws for review and comment. Staff are recommending the draft bylaws be forwarded to both Squamish Nation and Tsleil-Waututh Nation, and that engagement remains ongoing during the project's process.

A copy of the project charter is found in Attachment 1. A copy of the Draft Bylaw Nos. 153 (OCP) and 154 (LUB) are found in Attachments 2 and 3.

ANALYSIS

Staff have identified the following for LTC consideration:

- Summary of Draft Bylaw No. 153 (OCP)
- Summary of Draft Bylaw No. 154 (LUB)
- Hazardous Slopes
- Setback from the Natural Boundary of the Sea
- Consistency with Islands Trust Policy Statement
- DAI Bylaw

Issues and Opportunities

Draft Bylaw No. 153 (OCP)

Draft Bylaw No. 153 (OCP) would establish a new Development Permit Area 3: Shoreline (DP-3) in the OCP, for the purpose of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. Draft Bylaw No. 153 (OCP) includes a description of the location, justification and objectives of the new DP-3. Plan No. 1 attached to and forming part of the Draft Bylaw No. 153 would amend Schedule E of the OCP to include areas within the Shoreline DPA.

All areas zoned Marine Conservation (MC), Private Conservation (PC) and Provincial Marine Park (P2) have not been included in DP-3. The Sandy Beach Nature Reserve has not been included in DP-3, as ownership has been transferred to the Islands Trust Conservancy and a conservation covenant will be placed on title to protect it in perpetuity.

Draft Bylaw No. 153 (OCP) would also include updates to all references in the *Local Government Act* (LGA), as the current references found in the OCP are outdated. While this work was not explicitly included in the scope of the project, staff found that document continuity would be affected if LGA references were only updated in one section of the OCP and not all the others.

Draft Bylaw No. 154 (LUB)

Draft Bylaw No. 154 (LUB) would amend marine structure regulations, including:

- Increasing the setback of private floats and docks from lot line projections into marine areas;
- Adding a new regulation requiring private floats and docks be sited 10 metres from existing docks or structures;
- Adding a new regulation limiting the seaward projection of a private float and dock to 30 metres measured from the natural boundary of the sea;
- Reducing the permitted float area for private and shared docks;
- Reducing the permitted width of ramps associated with docks;
- Reducing the permitted area of wharf floats, connecting ramps and piers in the Private Institutional 2 (PI2) zone;
- Corrections to Provincial Marine Park (P2) zone regulations where it references “docks” and should reference “wharf”.

Currently Subsection 4.6.5 of the LUB permits a maximum area of 3,000 square metres (or 32,970 square feet) for wharves (including floats, ramps and piers) in the marine-based area of the PI2 zone. Staff conclude that this regulation is fairly generous and could likely be reduced considerably (1,000 m²). Using Islands Trust orthophoto mapping, staff estimate the combined area of the existing marine structures (wharf float, connecting ramp and pier) in the PI2 zone to be approx. 750 m².

In the LUB, a “dock” is defined in relation to private use – “*private moorage of boats or vessels in association with a permitted residential use on the adjacent upland*”, and a “wharf” is defined in relation to public use – “*in association with a public use, provincial marine park, private institutional or communal moorage use.*” A “public wharf” is a permitted marine structure in Subsection 4.10.4 in the P2 zone, however Subsections 4.10.6 and 4.10.7 refer to “docks”. Staff have amended these subsections in Draft Bylaw No. 154 (LUB) to apply to a “wharf” rather than a “dock”.

Staff have not included any amendments to the permitted maximum area of a wharf (float) in the P2 nor the Marine 1 – Public Wharf (M1) zone, in accordance with OCP Policy 5.79, which provides:

P 5.79 *Use of existing public wharf facilities shall be addressed by land use zoning regulations. Any change in use, expansion or downsizing, should only be considered subject to extensive consultation with the Keats Island community as a whole.*

Staff conclude that the LUB regulations in Section 4.10 regulate the maximum float size (600 m²) and number (1) of wharves permitted in the P2 zone.

Staff had previously recommended reducing the permitted width of a ramp associated with a dock in the P2 zone, however given that this is within a provincial park and for public use, it is expected that when it came time to replace or construct a new ramp, the Province would employ provincial best practices.

No amendments have been made to the LUB regulations for the Comprehensive Development 1 (CD1) and Comprehensive Development 2 (CD2) zones. The CD1 zone is subject of Proposed Bylaw No. 152, which addresses the dock regulations of that zone; and the CD2 zone is subject to the recently adopted Bylaw No. 143 (consolidated into Keats Island Land Use Bylaw, 2002 in March 2021).

Draft Bylaw No. 154 (LUB) also includes draft guidelines, exempted activities and applicability for the Shoreline DPA. The LTC may amend the draft bylaw to remove or include additional exemptions or guidelines.

Hazardous Slopes

At the February 4, 2021 meeting, the LTC identified three areas on Keats Island that could be included in the Shoreline DPA as hazardous areas (shown in Figure 1):

- the upland adjacent to Andy's Beach (where Silver Creek flows);
- the long, narrow lots in the northeast portion of Keats Island (on Plan 3662); and
- the upland adjacent to Pebble Beach.

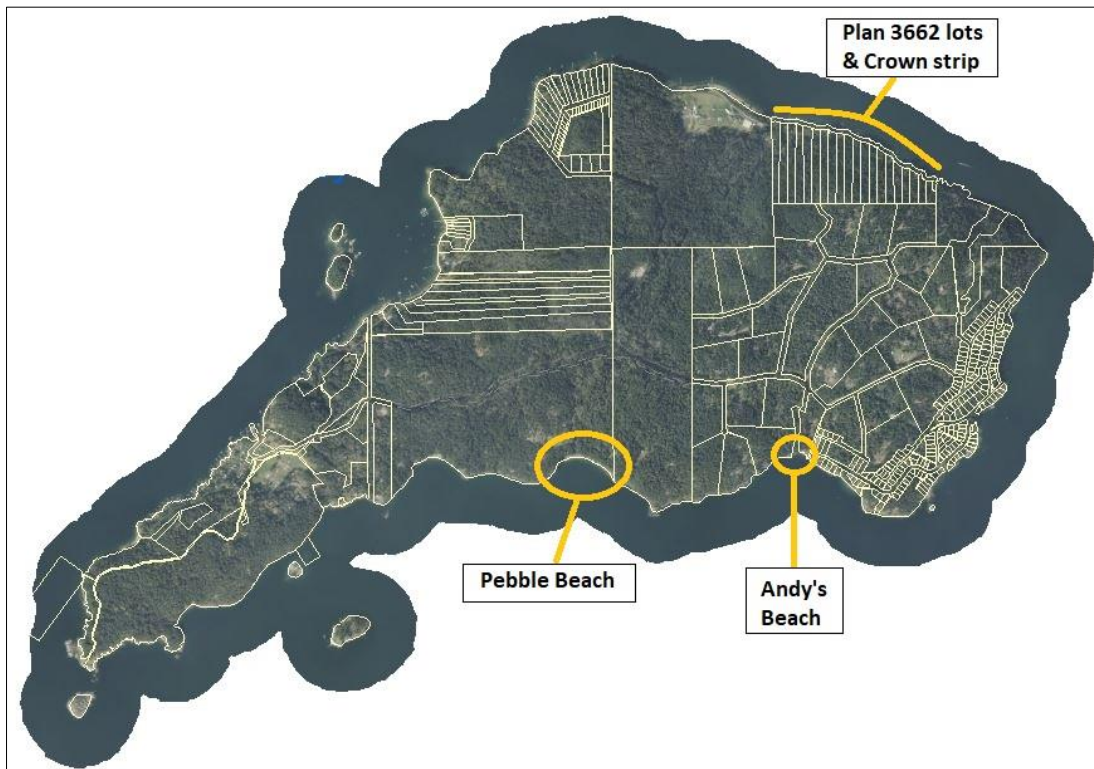


Figure 1. Potential hazardous slopes on Keats Island

The LTC noted that there is a history of bank collapse at Andy's Beach. Staff note that a portion of the upland area directly adjacent to Andy's Beach is identified on Schedule E of the OCP as being within the Streamside Protection DPA (DP-2), and development within that area may be subject to the DP-2 guidelines found in Section 9.2 of the LUB.

The LTC also noted that the lots on Plan 3662 (Cotton Point) are identified as high bank waterfront lots, that may be subject to instability. According to provincial mapping, and confirmed on ParcelMap BC (LTSA), there is a 66' (approx. 20 metre) Crown strip between the natural boundary of the sea and the boundary of the lots on Plan 3662. It is staff's understanding that any development within the Crown strip, including access to a permitted private dock, would require permission or authorization from the Province. Islands Trust mapping indicates there are several structures constructed within the Crown strip; however, according to provincial mapping there is currently only one Crown tenure application for access across the Crown strip associated with Lot 7, Plan 3662.

The upland lot adjacent to Pebble Beach is currently undeveloped, however staff note there is subdivision potential on this lot. Aside from setback requirements, there are no regulations related to siting from the adjacent upland of Pebble Beach at this time.

Islands Trust contour mapping indicates steep slopes in all three identified areas, but no information regarding soil erosion or slope instability hazards. The Islands Trust mapping department can utilize LIDAR mapping and set baseline parameters to identify steep slopes, such as identifying slopes of 30% or greater; however a slope hazard assessment should be completed by a qualified (geotechnical) professional.

In the absence of a qualified professional's analysis, the mapping may identify steep slope areas (i.e. 30% or greater) within the Shoreline DPA, and a guideline could be included in the Shoreline DPA guidelines that requires an assessment report by a qualified professional (i.e. geotechnical analysis) where development is proposed in those areas. As staff are not qualified to provide an analysis of slope hazards, staff advise this would likely require hiring a qualified professional to conduct a geotechnical analysis. Staff note there is one guideline (9.3.3.3) in Draft Bylaw No. 154 (LUB) that addresses steep slopes or bluffs:

- d) *New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.*

The boundaries for the Shoreline DPA do not take into consideration steep slopes or other conditions, but include all upland areas measured 7.5 metres from the natural boundary of the sea (aside from those zoned P2 and PC). The Shoreline DPA could be increased further upland to include areas where slopes are 30% or greater (or where the baseline is decided). For example, rather than measuring the Shoreline DPA from 7.5 metres upland of the natural boundary of the sea, it could be increased to 15 or 30 metres upland of the natural boundary of the sea to capture development further upland. Should the LTC direct staff to explore this option, staff will report back at a subsequent LTC meeting.

Staff contacted Sunshine Coast Regional District (SCRD) Building Department staff to understand the building permitting process in relation to steep slopes. The Building Inspector informed staff that they require a Letter of Assurance from a geotechnical professional for all new residential buildings, and for some additions to residential buildings. In areas where there is significant concern for hazards, based on the professional's analysis, the SCRD may require a geotechnical assessment report and/or section 219 covenant be registered on title.

Currently the Keats Island Shoreline Protection project charter includes the following objective: "Increase protection of development from sea level rise and flood hazards." Staff advise that adding "steep slopes" to the Shoreline DPA may require amendments to the project charter, including amendments to the objectives, scope, workplan overview (timeline) and budget.

Alternatively, the LTC may consider including a hazardous slopes DPA on its project list as a future project.

Setback from the Natural Boundary of the Sea

In the [staff report](#) dated February 4, 2021, staff had recommended not including the structures identified in Subsection 2.7.3 in the list of activities exempted from the requirement of a development permit (DP), thus requiring a DP; however the LTC indicated that this may require further contemplation. For reference, Subsection 2.7.3 provides:

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

Staff consider Subsection 2.7.3 to be fairly generous, as it does not regulate the number of stairs, walkways or platforms, nor does it regulate the size of these structures, aside from the combined floor area of platforms. By not regulating the number or size of stairs or walkways (specifically the width or length), or the number of platforms, results in multiple configurations in the upland directly adjacent to the shoreline. Additionally, this regulation does not take into consideration land alteration and vegetation clearing, nor best practices to construct these structures.

Should the LTC resolve to exempt these structures from the requirement for a DP, the LTC may consider amending Subsection 2.7.3 to reduce the footprint of permitted structures in the setback from the natural boundary of sea, including:

- Reducing the number of permitted platforms to one;
- Reducing the permitted combined floor area of platforms;
- Limiting the size of a pump/utility house, and/or not permitting a pump/utility house in the setback;
- Permitting only one set of stairs or one walkway;
- Limiting the width and length of stairs or walkways.

Should the LTC direct staff to include any of these options, the Shoreline DPA could require a DP for structures that go beyond what is permitted in Subsection 2.7.3; for example, where a set of stairs is longer than “X” (to be determined) metres, a DP would be required. Such a structure would also require a Development Variance Permit (DVP) application.

Comments received from the Islands Trust Senior Intergovernmental Policy Advisor (SIPA) recommend extending the setback from the natural boundary of the sea further upland to increase protection of both cultural heritage areas and the natural environment. Staff had presented this option to the LTC previously, however direction was given to maintain the existing setback found in Subsection 2.7.3 of the LUB. Should the LTC consider increasing the setback from the natural boundary of the sea, the extent of the upland area of the Shoreline DPA should be adjusted accordingly.

Consistency with Islands Trust Policy Statement

Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement (ITPS) Directives Only Checklist (Attachments 4 and 5) and have concluded that for the most part the Draft Bylaw Nos. 153 (OCP) and 154 (LUB) as written are not contrary or at variance with the ITPS. However, staff have indicated that consistency with ITPS Directive Policy 5.2.6 is “TBD” (to be determined), as there may be additional amendments made to the draft bylaws in relation to slope instability and erosion.

Development Approval Information (DAI)

The LTC is asked to consider establishing a Development Approval Information (DAI) bylaw for Keats Island. The staff report dated February 4, 2021 noted that while the OCP designates Keats Island as an area where development approval information (DAI) may be required, there is currently no DAI Bylaw in effect. Staff presented the option of establishing a DAI Bylaw for Keats (or Gambier, generally) that would establish the authority of the LTC to request information from property owners.

A model Development Approval Information bylaw has been drafted and is currently being considered by the Regional Planning Committee of Islands Trust. The model bylaw is anticipated to be available to the Local Trust Committees for consideration of adoption within the next 6 months. Since a DAI bylaw is an administrative bylaw,

there would be no requirement for a public hearing or formal notification or consultation so could be relatively easy to implement.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The general process for proposed bylaws after first reading includes referrals of the bylaws to First Nations, provincial agencies, local governments and other referral agencies. A community information meeting and public hearing are included as part of community consultation, and may occur between first and second reading, or between second and third reading.

Staff are recommending that the draft bylaws be forwarded to Squamish Nation and Tsleil-Waututh Nation for early review and comment at this time. Sending the draft bylaws early in the process will provide ample time for collaboration with the nations.

Staff will present a list of other recommended agencies and First Nations that the LTC may send referrals to following first reading.

Rationale for Recommendation

Staff are presenting draft bylaws that would establish a Shoreline DPA (DP-3) for Keats Island and amend regulations for marine structures in the Land Use Bylaw.

Staff are recommending that the Draft Bylaw Nos. 153 (OCP) and 154 (LUB) be forwarded to Squamish Nation and Tsleil-Waututh Nation for review and comment. Staff are not recommending first reading at this time, as there may be amendments made to the draft bylaws by the LTC and following review and comment by First Nations.

ALTERNATIVES

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

1. Amend the draft bylaws

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected, then the following resolution is recommended:

That the Gambier Island Local Trust Committee amend Draft Bylaw No. XXX, cited as “...” with the following: [list amendments].

2. Give first reading of draft bylaws

The LTC may give first reading to the draft bylaws. If this alternative is selected, the LTC can also direct staff to send out referrals to other agencies and First Nations. If selecting this alternative, then the following resolution is recommended:

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.

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

That the Proposed Bylaws No. 153 and 154 be referred to the following First Nations, local governments and agencies for comment:

[list to be provided by staff]

3. Request additional information

The LTC may request specific additional information from staff prior to consideration of first reading. If this alternative is selected, then the following resolution is recommended:

That the Gambier Island Local Trust Committee request staff provide the following [specify information request] prior to further consideration of Draft Bylaw Nos. 153 (OCP) and 154 (LUB).

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will forward the draft bylaws to First Nations for review and comment. Staff will report back to the LTC at a subsequent meeting where the LTC may resolve to proceed with first reading of the draft bylaws.

Submitted By:	Jaime Dubyna Planner 2	March 18, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 23, 2021

ATTACHMENTS

1. Project Charter
2. Draft Bylaw No. 153 (OCP)
3. Draft Bylaw No. 154 (LUB)
4. Islands Trust Policy Statement Directives Only Checklist – Draft Bylaw No. 153 (OCP)
5. Islands Trust Policy Statement Directives Only Checklist – Draft Bylaw No. 154 (LUB)

Keats Island Shoreline Protection 'Phase 3' – Project Charter v.1

Gambier Island Local Trust Committee

Date: November 19, 2020

Purpose: The Gambier Island Local Trust Committee (LTC) seeks to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions; and to develop potential land use bylaw amendments to restrict the size and type of identified marine structures.

Background: 'Phase 1' of this project involved community consultation to solicit input on policy, regulation and voluntary stewardship options to address shoreline protection on Keats. 'Phase 2' established a community Working Group to discuss the project and provide recommendations to the LTC, which included establishment of a Shoreline DPA. A Shoreline DPA aligns with Islands Trust Policy Statement (ITPS) direction to protect sensitive coastal areas and coastal processes, and identify areas hazardous to development; and Keats Island Official Community Plan (OCP) policies that support environmental and rural conservation on Keats.

Objectives

- Improve the protection of Keats Islands' shoreline and foreshore areas, including sensitive ecosystems and species at risk;
- Increase protection of development from sea level rise and flood hazards;
- Update marine structure regulations.

In Scope

- Amend the Keats Island OCP by designating a Shoreline Development Permit Area and guidelines for the marine and near shore areas of Keats Island;
- Amend the Keats Island Land use Bylaw for marine zones to restrict marine structure size and type (wharves, ramps, mooring buoys), in accordance with best practices for marine structures.

Out of Scope

- Amendments to the setback from the natural boundary of the sea.
- Proposed new OCP designations or LUB zones.
- Proposed heritage conservation areas.
- Flood Protection Bylaw.

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of Project Charter	November 19, 2020
Staff prepare draft bylaw language, LTC consideration of draft bylaw language	February 2021
Early referrals to First Nations	March 2021
LTC consideration of 1 st reading, bylaw referrals to First Nations, Agencies and adjacent LTAs	April 2021
<i>Legal Review (discretionary)</i>	<i>May/June 2021</i>
LTC consideration of referral responses, legal review and 2 nd Reading	July 2021
Community Information Meeting & Public Hearing	July 2021
3 rd reading of proposed bylaws, Executive Committee approval	September/October 2021
Ministerial approval, adoption of bylaw amendments, distribution of communication materials	January/February 2022
LTC Adoption of bylaws	Spring 2022

Project Team

Planner 2	Project Manager
Regional Planning Manager	Project Sponsor
Legislative Clerk	Administrative Support
GIS Department	Mapping Support
RPM Approval: Date: Nov. 19/20	LTC Endorsement: Resolution #: 2020-054 Date: Nov. 19/20

Budget

Budget Sources:		
Fiscal	Item	Cost
2020-2021	Legal Review (<i>discretionary</i>)	\$3000
2020-2021	CIM, Public Hearing notice	\$2000
	Total	\$5000 (*pending approval)

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
LTC regular business meeting	Revised project charter to LTC for consideration	November 19, 2020	n/a
LTC regular business meeting	Staff present draft bylaw language to LTC for consideration	February 2021	n/a
n/a	Early referrals to First Nations	March 2021	n/a
LTC regular business meeting	LTC consideration of 1 st reading, LTC direct staff to send bylaw referrals to First Nations, Agencies and adjacent LTAs	April 2021	n/a
n/a	<i>Legal review of draft bylaws (discretionary)</i>	<i>May / June 2021</i>	<i>Approx. \$3000 (pending approval)</i>
LTC regular business meeting	LTC consideration of referral responses and consideration of 2 nd Reading	July 2021	n/a
CIM, Public Hearing	Community Information Meeting and Public Hearing*	July 2021	Approx. \$2000 (pending approval)
LTC regular business meeting	LTC consideration 3 rd reading of proposed bylaws	September 2021	n/a
Executive Committee meeting	Executive Committee approval	September/October 2021	
n/a	Ministerial approval	January/February 2022	n/a
LTC regular business meeting	LTC adoption of bylaws	Spring 2022	n/a
TOTAL			\$5000 (pending approval)

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

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

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ 20____

ADOPTED THIS

_____ DAY OF _____ 20____

Chair

Secretary

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

Schedule “1”

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

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

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

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

Location

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

The Shoreline Development Permit Area applies to all land measured 7.5 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

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

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

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

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

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

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

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were 90 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

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

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

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY,

Draft Bylaw No. 153 (OCP)

AND ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

OBJ 3.2 TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;

OBJ 3.3 TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;

OBJ 3.4 TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;

OBJ 3.5 TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;

OBJ 3.6 TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

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

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

Draft Bylaw No. 153 (OCP)

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

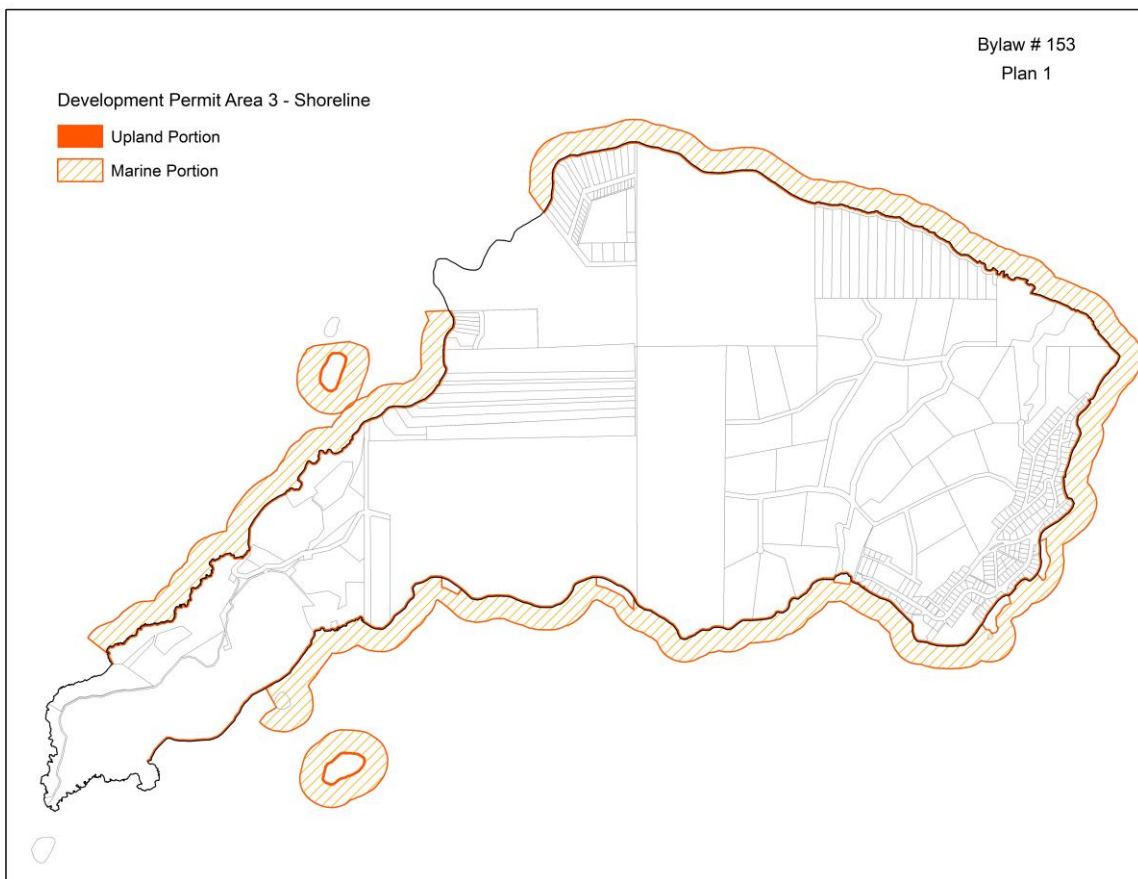
Schedule "2"

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

Draft Bylaw No. 153 (OCP)

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153

Plan No. 1



DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

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

Schedule “1”

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:
 - 1.1 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
 - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“2.7.6 Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
 - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“2.7.7 Private floats and docks shall not be sited or extended towards the sea beyond 30 metres from the present natural boundary of the upland parcel.”
 - 1.4 **PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.8.
 - 1.5 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “dock ramps” after “docks” and before “and stairs”.
 - 1.6 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)”.
 - 1.7 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
 - 1.8 **PART 4 – ZONE REGULATIONS, Section 4.1 COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
 - 1.9 **PART 4 – ZONE REGULATIONS, Section 4.4 RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)”.

- 1.10 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
- 1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.12 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.
- 1.13 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)”.
- 1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
- 1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1,000 metres (10,764 square feet)”.
- 1.17 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.19 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** as shown on Appendix 1 attached to and forming part of this bylaw.

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

Appendix 1

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

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

Exemptions

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

- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
- b) Repair, maintenance or alteration of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of 'structure' in the Keats Island Land Use Bylaw;
- c) The installation of a mooring buoy;
- d) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
- e) Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- f) The construction of a trail if all of the following apply:
 - i. Trail design and location must minimize vegetation disturbance;
 - ii. No native trees are removed;
 - iii. The trail is 1 metre wide or less;
 - iv. The trail is for personal, non-vehicular use only;
 - v. The trail is constructed of soil, gravel, mulch or other pervious surface;
 - vi. The trail is designed to prevent soil erosion where slopes occur;
- g) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;
- h) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding,

Draft Bylaw No. 154 (LUB)

shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;

- i) Pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture (ISA), which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone;
- j) The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property;
- k) Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
- l) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- m) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- n) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- o) Subdivision involving lot consolidation;
- p) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department).

Guidelines

- .3 Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development, and the following guidelines apply:

General Guidelines:

- a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
- b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
- c) New upland structures or additions should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.
- d) New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.
- e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
- f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to

Draft Bylaw No. 154 (LUB)

any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

- g) Where this Development Permit Area includes critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.

Guidelines for the Construction and Replacement of Docks and Ramps

- h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- i) All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.
- j) Construction details such as design, materials, methods, timing of construction and access should be provided at the time of permit application.
- k) Docks should be located and designed to avoid the need for shore defence works or breakwaters.
- l) Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This may require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question.
- m) Docks must be designed to ensure that public access along the shore is maintained.
- n) Dock and float design should allow natural light penetration to the submerged land underneath. Natural light penetration can be facilitated by spacing the decking surface of the dock, incorporating grating and minimizing the width of the structure. Where possible, docks should be aligned in a north-south direction to allow for the maximum extent of light.
- o) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
- p) Dock and float design should allow the free flow of water beneath it.
- q) All docks should be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels.
- r) Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted.
- s) Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area, unless two or more parcels have legal access to the dock, in which case permitted total surface area may be increased in accordance with the regulations in the Land Use Bylaw.

Draft Bylaw No. 154 (LUB)

- t) The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
- u) Preference is given to mooring buoys that are considered “seagrass-friendly” and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Guidelines for Shoreline Modifications

- v) Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback pursuant to Section 2.7.3 of the Land Use Bylaw or for reclaiming land lost due to erosion.
- w) Shoreline protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- x) Applications for shoreline protection or stabilization works shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows:
 - i. The need for the proposed modification to protect existing structures;
 - ii. Where the modification is proposed to protect new structures, the locations on the property where those structures could be built and not require shoreline modification;
 - iii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iv. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
 - v. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
 - vi. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.
- y) Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with experience in coastal and/or geotechnical engineering, and:
 - i. Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Apply the ‘softest’ possible shoreline protection measure that will still provide satisfactory protection;
 - iii. Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land;
 - iv. Address compatibility with adjacent shoreline protection works.

Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as ‘hard’ or ‘soft’. ‘Hard’ measures refer to those with solid, hard surfaces, such as concrete bulkheads, while ‘soft’ measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

• Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls	 SOFT HARD
---	---

In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.

- z) Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
- An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
 - The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - All shoreline protection structures are installed upland of the present natural boundary of the sea.
- aa) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:
- The replacement structure is of the same size and footprint as the existing structure or smaller;
 - The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure;
 - Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.
- bb) Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters.

Draft Bylaw No. 154 (LUB)

- cc) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering.
- dd) Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.
- ee) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Guidelines for Vegetation Management, Restoration and Enhancement

- ff) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- gg) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- hh) If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.
- ii) Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable.
- jj) All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

Guidelines for Subdivision

- kk) All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.
- ll) New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

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

File Name: Draft Bylaw No. 153 (OCP)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 (Keats Island Shoreline Protection Project)
File Name: Draft Bylaw No. 154 (LUB)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

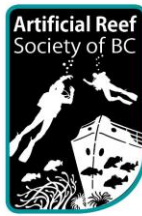
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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



March 26, 2021

EMAIL sfast@islandstrust.bc.ca

Sue Ellen Fast
Gambier Island Local Trust Committee
Islands Trust (Victoria Office)
200 Fort Street,
Victoria, BC V8R 1H8

Dear Chair Fast,

Re: New Marine Habitat Enhancement Proposal – Howe Sound

In 2015, the HMCS Annapolis, a decommissioned naval ship, was placed in Halkett Bay Provincial Marine Park to create an artificial reef. The sinking of the Annapolis in April 2015 resulted in increased habitat to support species abundance. In fact, by early 2016, nearly 50 different marine species made the Annapolis home. The Artificial Reef Society of British Columbia (ARSBC) is proposing to further enhance marine habitat growing on the Annapolis by adding a replica of the iconic CH-124 Sea King helicopter. The placing of this all-metal skeletal sculpture onto the flight deck of the Annapolis would further amplify marine habitat opportunities, support additional marine studies in cooperation with Fisheries & Ocean Canada (DFO) and continue to provide a stimulus to dive tourism within the park.

As way of background, please know post sinking, the ARSBC initiated a five-year citizen science program with the provincial government to record and report on species adaptation and recruitment as part of the Annapolis Biodiversity Index Study (ABIS). Over this period of research, diverse varieties of fish and fauna were identified with the help of volunteer divers and the Vancouver Aquarium marine taxonomist. Given the net gain of fish and fauna reported from the ABIS project, we propose to enhance the habitat holding capacity by placing a replica of the Sea King helicopter to actual scale onto the flight deck.

For additional information on marine life enhancement, please see the report published by Ocean Watch, *Former HMCS Annapolis: Artificial reef harbours many species* at [OceanWatch-HoweSoundReport2020-SH-HMCSAnnapolis.pdf](#) or ARSBC website, <https://artificialreefsocietybc.ca/annapolis-project-abis.html>

Our relationship with local communities is important. The ARSBC is in the process of seeking support from BC Parks for this marine enhancement. This project will be conforming to all applicable environmental regulations and will be seeking approvals from federal regulatory agencies Transport Canada, DFO and Environment and Climate Change Canada. As part of the process, we are reaching out to communities and First Nations for comment by April 26th. If you have any questions, require additional information, or would like to provide comment on the proposal to place a new sculpture to enhance marine habitat growing on the Annapolis, please contact me by e-mail at comms@artificialreefsocietybc.ca or mobile (778) 928-1919.

Sincerely,


Kiersten Enemark,
Director, Communications
Artificial Reef Society of British Columbia

cc: Trustee Kate-Louise Stamford
Trustee Dan Rogers
Howard Robins, President, ARSBC
Rick Wall, Vice President, ARSBC

Former HMCS Annapolis: artificial reef harbours many species

AUTHORS

Donna Gibbs, Marine Taxonomist, Howe Sound Conservation and Research Team, Ocean Wise Research Institute

Aroha Miller, Manager, Ocean Watch, Ocean Wise Research Institute

with contributions from

Doug Pemberton, Director for Biological Monitoring Programs, Artificial Reef Society of BC

REVIEWER

Jeff Marliave, Senior Research Scientist, Howe Sound Conservation and Research Team, Ocean Wise Research Institute

NB: The Ocean Watch Howe Sound Edition [OWHS] 2017 Annapolis article incorrectly stated the length of this vessel as 370 metres long. It is in fact 371 feet, or 113 metres long.

What is happening?

In 2015, the Annapolis, a decommissioned naval ship, was sunk in Ch'á7clsm/Halkett Bay, on the south-east of Chá7elkwnech/Gambier Island to create an artificial reef. Due to historical log boom storage in this area, habitat potential was reduced compared to other nearby sites. The sinking of the Annapolis was thus designed to provide usable habitat to increase species abundance and diversity in the area, and is monitored by the [Artificial Reef Society of BC](#) (ARSBC) through their citizen science program, the [Annapolis Biodiversity Index Study](#) (ABIS) (see Resources). By early 2016, nearly 50 different marine species had made the Annapolis home (see [Annapolis](#), Ocean Watch Howe Sound Edition [OWHS] 2017).



Marine organisms populating the Annapolis. (Credit: Lee Newman)

What is the current status?

Artificial reefs provide habitat that attracts sea life, from the smallest invertebrates to large fish. One important feature of the Annapolis is its similarity to habitat that attracts rockfish and lingcod, two groups of fish with low population numbers in Átl'ka7tsem/Txwnéwu7ts/Howe Sound (see [Critical Fish Stock](#), OWHS 2020). The number of rockfish species observed on the Annapolis has increased; however, yelloweye rockfish (*Sebastes ruberrimus*) have not yet been observed during 2019 dives (Table 1).

Table 1. Presence (+)/absence (-) of rockfish species observed during dives on the Annapolis between 2015 to 2019.

YEAR	COPPER	QUILLBACK	YELLOWTAIL	YELLOW EYE
2015 (from May 21)	+	+	-	-
2016	+	+	-	+
2017	+	+	+	+
2018	+	+	+	+
2019 (up to March 9)	+	+	+	-

The results of the ABIS project over the past few years are very promising, with some exciting discoveries such as lingcod (*Ophiodon elongatus*), yelloweye rockfish, gravid copper (*S. caurinus*) and quillback rockfish (*S. maliger*), and midshipman (*Porichthys notatus*), as well as many invertebrate discoveries. In the past four years, sponges and tunicates have begun to settle. Most recently, 161 species have been recorded as using the Annapolis for habitat. Most of these species are small invertebrates and algae. Two small species of encrusting sponge have been identified. However, the number of plant and moss animal species recorded during dives has decreased. It is unclear whether this is a natural fluctuation. All other animal groups have increased in abundance, with some more than doubling the number of species present, for example molluscs and echinoderms (Figure 1). Ongoing monitoring is necessary and continues via a BC Parks Enhancement Funding Grant to support the ABIS.

The ship has not been down long enough to suggest any trends of future settlement. However, early observations indicate that there are currently more marine species in the area inhabiting the Annapolis than there were before the ship was sunk.

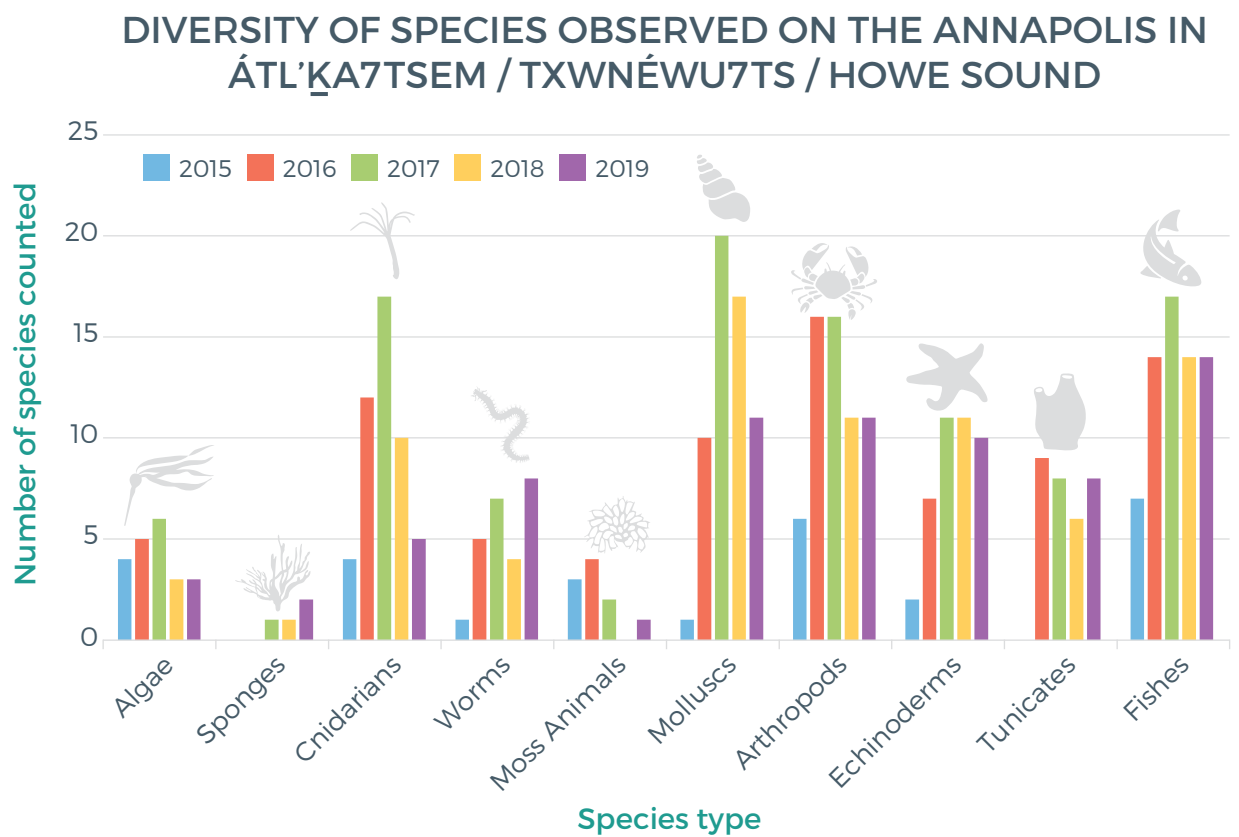


Figure 1. Number of species in different categories observed on the Annapolis since it was sunk in April 2015. Data for 2015 is from May 21. Data for 2019 includes dives conducted up to early March (the project completion date). All other years are full calendar years.

What are the potential impacts of climate change on the Annapolis?

Climate change impacts are unlikely to directly affect the Annapolis as an artificial reef. However, direct impacts may be seen on the species that use this habi-

tat. Further details about climate change impacts on particular species can be found in the relevant articles (e.g., [Critical Fish Stocks](#), OWHS 2020).



Diane Reid

Divers on the Annapolis. (Credit: Diane Reid)

What has been done since 2017?

The table below reports on progress made on recommended actions from the previous 2017 article, where identified. Many of these require ongoing action.

2017 ACTION	ACTION TAKEN
GOVERNMENT ACTIONS AND POLICY	
Support citizen science efforts.	The 2018 (August) to 2019 (March) term for the ABIS project was funded by BC Parks.

What can you do?

A detailed overview of recommended actions relating to climate change is included in *The path to zero carbon municipalities* (OWHS 2020). In some cases, no progress was identified on previous recommended actions; these remain listed below. Additional actions marked as **NEW** also follow.



Individual and Organization Actions:

- Learn about the monitoring project through the ARSBC website.
- **NEW** If you are a diver, take the course offered by Ocean Wise to improve your identification skills (see Resources).



Government Actions and Policy:

- Monitor and assess the effectiveness of artificial reef habitat.

Methods

Data has been collected by voluntary divers as a part of the ARSBC's citizen science program, the ABIS.¹

For the 2018/2019 term (August to March), ABIS was funded by BC Parks. A total of five dive trips involving 16 divers was possible in this time. The divers covered all exposed areas of the ship over the course of these dives, including port and starboard breezeways, hangar, antenna deck, flying bridge, foredeck and aft deck areas. Other areas explored and documented included some interior areas such as #1 Mess, forward Capstan Room, Halfdeck, Operations area, and Burma Road (the main corridor that runs through the interior

of the ship from bow to stern). Some dives occurred around the circumference of the ship where the hull meets the bottom. Some areas below decks still require examination, e.g., the Cafeteria, Galley, Sick Bay and some of the Mess areas below Burma Road.

Divers are encouraged to record their marine life findings using video or photography, and report these to Donna Gibbs (donna.gibbs@ocean.org). Donna is a marine taxonomy specialist, who uses these images and videos to identify the species and/or groups (phyla) represented.

Resources

This list is not intended to be exhaustive. Omission of a resource does not preclude it from having value.

Marine Life Identification for Divers course
<https://ocean.org/marine-life-identification-for-divers/>

Artificial Reef Society of BC (ARSBC)
<https://artificialreefsocietybc.ca/index.html>

Annapolis Biodiversity Index Study (ABIS)
<http://www.artificialreefsocietybc.ca/annapolis-project-abis.html>

References

¹ Artificial Reef Society of British Columbia. Annapolis: Project ABIS [Internet]. 2019 [cited 2019 Aug 30]. Available from: <http://www.artificialreefsocietybc.ca/annapolis-project-abis.html>



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality January 26, 2021

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board continues to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings are live-streamed and recorded, and the public can participate by connecting to the link or the phone number provided in the meeting notice. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

Staff have posted the ITC Board meeting schedule for 2021 here:

www.islandstrustconservancy.ca/about-us/meetings/.

The ITC Board directed staff to add “Public Comments and Delegations”, a town hall opportunity, to the standing agenda, allocating 15 minutes to this new section.

An election was held for Board Chair and Vice Chair positions as required by the ITC Meeting Bylaw. Trustee Kate-Louise Stamford was elected ITC Board Chair and Trustee Sue-Ellen Fast as Vice Chair. Both positions were election by acclamation.

An update regarding ITC staffing was provided, including notes as follows:

1. ITC Manager – Kate Emmings confirmed as permanent Manager Jan 11
2. Ecosystem Protection Specialist – posted internally, confirmed Kathryn Martell in the role Feb 16
3. Communications and Fundraising Specialist – position temporarily divided into two part-time roles: Communications Specialist (Erin Coulson) and a Fundraising Specialist (Carla Funk)
4. Species at Risk Program Coordinator role (see below) – hiring expected before end of March
5. Summer Co-op Student – Field work technician, job description in development

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of Islands Trust Conservancy (ITC). ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Islands Trust Area. For more information, visit

www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The project charter for the Species at Risk (SAR) program was reviewed and approved as interim, pending a few adjustments as discussed by the Board. The project coordinator who will ultimately complete the planning and oversee the implementation of SAR at a detailed level is still being recruited.

Goal 2 – Strong relationships with First Nations

Staff continue to work to deepen relationships with First Nation communities and governments, notably through upcoming management planning for several nature reserves and participation in the Sidney

Island Ecological Restoration Project. Staff also participated in a January training session regarding residential schools.

Goal 3 – Protection of core conservation areas

Property Management

Currently, four management plans are in development and set to complete before the end of March, including two on Gabriola Island, one on Salt Spring Island, and one on Thetis Island. See reference to open house events below regarding these four for the current year.

Land Acquisition and Covenants

The Sandy Beach Nature Reserve on Lhek'tines/Keats Island became ITC's 30th in 30 years in December 2020 and the ITC Board received a donation of land on North Pender in February 2021 (see below). Management planning will begin in the next fiscal year to create the first management plan for these new nature reserves.

Staff continue negotiations on 144 ha of land: eight covenants (S. Pender, Salt Spring [3], Keats, Bowen, Thetis, and Lasqueti) and two land acquisitions.

Goal 4 – A strong voice for nature conservation

The ITC Fund Development Action Plan was reviewed and approved as drafted, with staff directed to implement the plan.

*Please feel free to contact Islands Trust Conservancy for more details.
Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca*

Activities by Local Trust Area/Island Municipality

Bowen – \$5,000 Opportunity Fund Grant paid out to Bowen Island Conservancy.

Gabriola – A management planning open house for the S’ul-hween X’pey/Elder Cedar Nature Reserve and the Coats Millstone Nature Reserve will be held on February 22, 2021. Two public surveys continue to March 15 – one for [Elder Cedar](#) and one for [Coats Millstone](#).

Galiano – ITC Manager Kate Emmings advised the Board of a declared conflict of interest regarding the Crystal Mountain conservation proposal on Galiano, and noted the file will be managed by Trust Area Services Director Clare Frater and Ecosystem Protection Specialist Kathryn Martell.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, was completed on December 18, 2020, and marks the 30th nature reserve in 30 years of Islands Trust Conservancy history. News coverage of [the announcement](#) included local outlets, [Pacific Yachting](#), and the [Toronto Star](#). The ITC received a \$12,000 contribution as part of the land transfer and the ITC Board has allocated \$10,000 to create a property management fund.

Lasqueti – The ITC Board considered a response to the Lasqueti Official Community Plan referral. The Board resolution has been provided to planning staff for consideration by the Lasqueti Island Local Trust Committee.

Funded through grant programs, increased wetlands restoration work is being planned for the Salish View and John Osland nature reserves, in partnership with Lasqueti Island Nature Conservancy.

North Pender/Sidney – Funded through grant programs, restoration work is planned at Dragonfly Pond on Sidney Island. Work will pilot removal techniques for invasive parrot’s feather and American bullfrog.

The ITC received a land donation on North Pender Island in February. A formal announcement for this donation is pending.

Salt Spring – The Board approved both the 2020 update of the Deep Ridge Nature Reserve Management Plan and the Lower Mount Erskine Nature Reserve Management Plan. These will be posted to the ITC website shortly.

A management planning open house was held on February 11, 2021, with regards to the Ruby Alton Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

Thetis - A management planning open house was held on February 10, 2021, with regards to the Moore Hill Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

Please feel free to contact Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
GM-BOV-2020.1	Werkema, Klaas & Christine	11-Sep-2020	PID: 003-460-011 Board of Variance application. Civic address: 1310 Sea Ranch Shoreline, Gambier Island, BC.
Planner: Sonja Zupanec			
Planning Status			
Status Date: 13-Nov-2020			
Board issued resolution to deny the application. Applicant notified by email of final decision and requirement to remove tram within 60 days.			
Status Date: 29-Sep-2020			
File material reviewed by Legislative Clerk, opened & assigned.			

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: 26-Feb-2021			
Target April LTC agenda.			
Status Date: 08-Feb-2021			
Awaiting additional info from applicant.			
Status Date: 28-Jan-2021			
No change in status.			



Applications

Development Permit

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 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.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.



Applications

Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.



Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

Status Date: 03-Jun-2020

File transferred to Planner Zupanec.

Status Date: 30-Apr-2020

Planner reviewing file.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.



Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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.



Applications

Development Variance Permit

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 15-Sep-2020

Pending receipt of further information.

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.



Applications

Development Variance Permit

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.

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.

Rezoning

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2020.1	Torgerson et al	02-Nov-2020	ID: 004-197-402 Replacing old cabin. Civic address: 1040 Taki-Te-Si Road, Gambier Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 10-Dec-2020

New plans submitted - under planner review

Status Date: 26-Nov-2020

Waiting for additional information from applicant

Status Date: 23-Nov-2020

Under planner review

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending February 2021

630 Gambier	Invoices posted to Month ending February 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	500.00	122.35	377.65
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,815.00	1,241.00	2,574.00
65210-630	LTC - Local Exp - APC Meeting Expenses	255.00	0.00	255.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,614.00</u>	<u>1,241.00</u>	<u>3,373.00</u>
Projects				
73001-630-2016	Gambier OCP/LUB	4,000.00	0.00	4,000.00
73001-630-3003	Gambier RAR	3,500.00	0.00	3,500.00
73001-630-4094	Gambier Keats Island Shoreline Protection Review	3,500.00	0.00	3,500.00
TOTAL Project Expenses		<u>11,000.00</u>	<u>0.00</u>	<u>11,000.00</u>

Gambier Island Local Trust Committee Policies & Standing Resolutions

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

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

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

**Top Priorities Report****Gambier Island****1. *Riparian Areas Regulation*****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

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
Sonja Zupanec

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

1.1 TRUTH PRECEDES RECONCILIATION

We all have to recognize that we are part of a heritage and ongoing reality of colonialism. Whether we have benefited from it or whether we have been victimized by it, we have to understand how we have been impacted by this dominant system. Oftentimes, we have been influenced to such an extent that we often don't even know that we're discriminating or being discriminated against. We must question what we've been taught and explore the possibilities of how things should be in the future.¹

- Senator Murray Sinclair, Chief Commissioner of the Truth and Reconciliation Commission of Canada (TRC)

No Acknowledgment of Place

When contemplating Policy Statement amendments through the lens of Reconciliation, it is important to acknowledge that First Nations have been excluded from legislative debates, policy and planning dialogues and cooperative partnerships throughout most of the history of the Islands Trust. The area in which the Islands Trust has existed as a jurisdictional body since 1974 is located within the treaty and territorial areas of the BOKEĆEN, Cowichan Tribes, Halalt, Xwémalhkwu, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək ʷəŋən (SXIMELEŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, səliłwətaʔt, SEMYOME, shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SÁÁUTW, Stz'uminus, Tla'amin, scəwaθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOŁEŁP, WSIKEM, and xʷməθkʷəyəm (the First Nations). Yet, there is no evidence in Hansard Reports, policy papers, or academic reviews that First Nations were ever part of the dialogue on the formation or boundaries of the Islands Trust Area.

Missing from the Trust Object

The Object of the Trust has never specifically named Indigenous Peoples or First Nations as agencies to cooperate or coordinate with, despite the fact that the Trust makes land use decisions within First Nations' treaty and territorial lands and waters:

It is the object of the trust to preserve and protect, in co-operation with municipalities and the Government of the Province, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally. (Islands Trust Act, 1974)

The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia. (Islands Trust Act, 2018)

Objectives of the Islands Trust Council would be to request First Nations be added to the object of the Trust after the words “for the benefit of the residents of the Trust Area, Indigenous Peoples, and of British Columbia generally, in cooperation with First Nations governments, municipalities...”.

Missing from History

The history of the Islands Trust Area and the colonization of the Gulf Islands is one of violence and erasure. It is important to understand that the history of the Islands Trust Area did not begin at the time of colonization in the 1880s; neither did it begin at the formation of the Islands Trust in 1974. The historical legislative policies and conceptualization of the Gulf Islands never acknowledged or recognized that the area had been home to Indigenous Peoples since time immemorial. The beauty and “unique amenities” of the Gulf Islands are the very reasons why the area was home to Indigenous Peoples for thousands of years, and are reflected in the telling of

¹ Globe and Mail: *For Senator Murray Sinclair, leadership is defined by humility*, Jan 24, 2021

First Nations' creation stories, relationship to the lands and waters, and stewardship of those lands and waters for future generations.

It should be underscored that the Islands Trust Area was, and still is, the location of permanent village sites with homes, longhouses, cultivated gathering areas for harvesting, clam gardens, and cultural sites. This occupation, over thousands of years, lay the foundations for the unique environment and amenities of the islands as we know them today. The Salish Sea Basin had one of the highest pre-contact population densities in North America, and has the earliest physical evidence of human seafaring and island occupation in the Americas. At this time, there are approximately 28,000 Coast Salish peoples living in and around the Islands Trust Area and 56,000 in the Coast Salish transboundary region. The climate and resources located in the Islands Trust Area were ideal for large village sites, evidenced by extensive scientific reviews of middens and archaeological sites in the area and oral history told by Cultural Knowledge Holders and Elders.

In a recent First Nations engagement meeting with Islands Trust staff, an Elder mentioned how longhouses on islands were burned to the ground and how the posts in the ground were cut to erase all evidence that the longhouse had even existed. The concept that these lands and waters had not been occupied and were free for the taking arose as residential schools were being built and the reserve system was enacted to segregate First Nations peoples away from their homelands so that they could be settled by non-Indigenous populations. From 1974 to current day times, there has been very little historical reference or acknowledgement of the longstanding presence of First Nations in the lands and waters of the Islands Trust Area.

Terra Nullius

For the settler communities who were colonizing the Islands Trust Area, the mentality of the day was one of “taming” the lands, and claiming lands through philosophical frameworks of Doctrine of Discovery² and terra nullius³. Beginning in 1875, the area was subject to *The Gradual Civilization Act*. The *Act* supported the concepts of private land ownership through the forced removal of First Peoples from the islands to reserves, away from locations deemed desirable for European settlement. As well, the *Act* ensured Indigenous Peoples did not have voting rights or citizenship rights to their own lands and waters. Further oppressive legislation restricted Indigenous Peoples to the reserve, did not allow them to gather in groups larger than three people, and denied them the ability to buy or hold land or hire legal representation. *The Gradual Civilization Act* was just one of the many oppressive legislative tools that facilitated the genocide of Indigenous Peoples, their homelands, their language, culture, and governance and family structures in the formation of Canada and the Islands Trust Area.

Residential Schools

The Islands Trust Area was the location of the Kuper Island Indian Residential School from 1889 to 1975, a place where cultural genocide occurred with the forced removal of children as young as five years old from the surrounding communities of Beecher Bay, Burrard, Chehalis, Chemainus / Chemainus Bay, Chilliwack, Clemclem / Clemclemluts, Cole Bay, Comeaken / Comiaken, Comox, Cowichan, Equimalt, Galiano, Khenipsen / Ghenipsen, Halelt / Halalt, Katzie, Koksilah, Kuleets, Kwaw Kwaw A Plit, Ladysmith, Langley, Lyackson, Malahat, Musqueam, Nanoose, Patricia Bay, Pauquachin, Penelakut, Qualicum, Quamichan, Saanich, Siccamen, Skawahlook / Skawollock, Skwah, Somenos, Songhees, Sooke, Squamish, Tsartlip, and Tsawout⁴.

² UNDRIP para. 4: all doctrines, policies and practices based on advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences

³ Oxford Reference: land that is unoccupied or uninhabited for legal purposes. The application of English law to overseas possessions distinguished between settled colonies

⁴ National Centre for Truth and Reconciliation

The school earned the name “Alcatraz” for its remote location on the small island. Right from its founding by the Catholic Church, the scale of suffering at Kuper Island was beyond the pale . . . Even school officials described Kuper Island as “ruinous” and “insanitary (sic),” with the school’s notoriously poor conditions exacerbating outbreaks of typhus, smallpox and tuberculosis.

- National Centre for Truth and Reconciliation

10,000 Years of Knowing

At the time of the formation of the Islands Trust in 1974, the government of the day recognized the importance of the unique “amenities” of the lands and waters. There was understanding that the environment of the area was fragile and could be greatly impacted by development and resource extraction or overuse. However, it was not acknowledged or understood that this unique environment was the result of thousands of years of active cultivation and stewardship by Indigenous Peoples. Hence, the government failed to consider Indigenous Knowledge of the lands and waters of the Salish Sea, the “10,000 years of knowing” (a term stated by Chief Leah George-Wilson of the Tsleil-waututh Nation), in the formation of policies and legislation that directly impacted First Peoples’ homelands in the Islands Trust Area.

Throughout its forty-seven years of preserving and protecting the Trust Area the Islands Trust has consistently failed to recognize or acknowledge resource gathering areas, spiritual places, medicinal plant areas, and culturally significant species. The Islands Trust has managed the Islands Trust Area with a disconnected, single-species view of the ecological landscape versus a relational, interconnected acknowledgement of what truly makes the Islands Trust Area unique. Indigenous ways of knowing are not only important to reconciliation efforts, but also to the effective stewardship of these lands and waters.

Double Standards

Despite the fact that, in the formation of the Islands Trust, it was recognized that rapid population growth and development could greatly impact the communities that had established themselves on the islands and that quality of life should be sustainable and minimize negative effects⁵; it was never considered that the areas in question had been subject to the forced removal of Indigenous children to the horrors of residential school and the forced removal of their parents to reserves far from the growing populations of settlers. Efforts to protect the well-being of constituents in Trust Area communities were not equally exerted to protect the well-being of the First Peoples who were no longer residents of the islands due to their forced removal.

Failure to Protect Cultural Heritage

Cultural heritage sites and features, and ancestral loved ones, remain throughout these islands from which First Nations have been forcibly removed. This cultural heritage, and the ancestral loved ones, have been desecrated, destroyed, and impacted as settler communities built on top of First Nation village sites, and extracted resources from culturally significant areas. With the enactment of the *Islands Trust Act* in 1974, the Islands Trust became the planning body that determined the impacts to cultural heritage sites and ancestral loved ones via its land and water use decisions. From its earliest version the *Islands Trust Act* acknowledged the importance of preserving and protecting cultural heritage. In 1974, it stated under s. 3(2)(d) that the Islands Trust was to “locate and identify archaeological and historical sites within the trust area” and under s. 3(2)(a) “make recommendations . . . for the preservation and protection of the trust area and its unique amenities and environment”. The Gabriola Island Community plan of 1978 acknowledged the “fragile nature of the environment” and the “special natural and archaeological areas” of the island.

⁵ BC Round Table on Environmental and Economy, and the Commission on Resources and Environment 1990-1994

It is therefore surprising to find no evidence to suggest that Islands Trust Council, or local trust committees, ever undertook to locate and identify the archaeological areas, or to preserve and protect the ancestral loved ones' resting places and cultural heritage such as fish weirs, clam gardens, artifacts, burial cairns, petroglyphs, or middens that exist extensively on all islands within the Islands Trust Area. However, in 1984, the Islands Trust did document and identify the settler heritage buildings in the Islands Trust Area in an extensive publication.⁶

In 1992, the Islands Trust encapsulated the views of the public in a *Summary Report on the Islands Trust Public Forums: These Islands of Ours . . . Framing Our Common Future*. At the public forums, people listed "history and archaeological heritage" and "archaeological record" as key attributes they valued about the Trust Area. In 1994, the Islands Trust received more opportunities to cooperate and enter into new relationships with First Nations with treaty and territorial rights and title in the Islands Trust Area. Amendments were made to the *Islands Trust Act* that allowed the Islands Trust to enter into agreements with First Nations governments. In the 1994 legislative debates⁷, legislators sought to clarify section 20(1)(b): the opportunity for the Islands Trust to enter into agreements with First Nations. Debate included the ability for the Islands Trust to enter into "a separate or bilateral set of negotiations" with First Nations to build "a very good working relationship" related to "conflicts over aspects that are considered to be heritage" and statements that "this is not just a question of the preservation of site-specific artifacts" but to provide the Trust with "a significant amount of empowerment". Debate further centred around the importance of First Nations heritage for the future, and how the preservation of sites in Haida Gwaii was an example of successful agreements. Unfortunately, despite this growing public consciousness and increased authority to preserve and protect First Nations' cultural heritage and establish stronger, more collaborative relationships with First Nations in the Trust Area, the Trust continued its pattern of inaction.

In 1994, the Islands Trust was also granted new legislative authority through amendments to *Bill 21 Heritage Conservation Statutes Amendment Act*, 1994, changes to the *Islands Trust Act*, and changes to the *Municipal Act*. Amendments to the *Islands Trust Act* included new powers to engage in "activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of the history and heritage" and to "conserve heritage property". Heritage property under the *Municipal Act* was defined as "property that in the opinion of a body or person authorized to exercise a power under this Act in relation to the property has sufficient heritage value or heritage character to justify its conservation, or is a protected heritage property". Protected heritage property is defined as "protected under section 6(2) of the *Heritage Conservation Act*".

The *Heritage Conservation Act* states that heritage property is protected and it is illegal to "damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of human habitation or use before 1846". The Islands Trust Area is within a historically rich and culturally abundant place of significant heritage value and properties. As noted above, the role and responsibility of the Trust was to recognize and protect the cultural heritage and historical significance of the area, which included the heritage of Indigenous Peoples. Land use decisions, bylaws, and official community plans should have been reflective of these new legislative powers to ensure the preservation and protection of significant sites such as Poets Cove, Grace Islet, and Harbour House to name just a few. The devastating impacts of the removal of ancestral loved ones from their resting places to institutions such as the Royal BC Museum, Simon Fraser University, University of British Columbia, and the Museum of Civilization contributed to cultural genocide within the Islands Trust Area.

⁶ Islands Heritage Buildings: A Selection of Heritage Buildings in the Islands Trust Area 1984

⁷ Legislative Session: 3rd Session, 35th Parliament, Volume 17, No. 2 June 29, 1994

Continued Legacy of Inaction

The history of the Islands Trust has unfortunately been one of complacent disregard for the history of Indigenous Peoples in the Trust Area and a lack of will to protect the collective heritage of the area for Indigenous Peoples, British Columbians, and Canada as a whole. Throughout the entire Trust Area, the destruction of archaeological sites, gravesites, cultural areas, and villages continues to this day. The history of cumulative impacts and destruction to the culture and historical understanding of area has been devastating to First Nations communities and their well-being, and has contributed to a general lack of trust in the role of Islands Trust. Despite the clear mandate to preserve and protect against development pressures in this fragile area, the Islands Trust has facilitated development on village sites that had existed for thousands of years, leading to the destruction of those areas and the unearthing of ancestral loved ones. This is especially tragic given that Indigenous Peoples were forcibly removed from the area and stripped of their ability to preserve and protect their own heritage through land use decision-making.

The formation of the Islands Trust in 1974 made it uniquely positioned to ensure the preservation and conservation of historical sites and archaeological areas for future generations of Indigenous Peoples and all British Columbians. As noted in legislative debates from 1974 to 1994, this had always been part of the rationale for the formation of the Islands Trust. Nonetheless, the Islands Trust has generally seemed to lack the will to compel other ministries and government agencies to prioritize the heritage of Indigenous Peoples, despite having the authority to do so, and despite being granted additional powers to work cooperatively with First Nations through amendments to the *Heritage Conservation Act* in 1994.

The Islands Trust did enter into protocol agreements with some First Nations after 1994; however, those agreements did not lead to additional protections or land use decision policies to protect the heritage of Nations or create collaborative relationships at a government-to-government level. The looting of ancestral remains and cultural artifacts has long been a known practice in the area, outlined in media articles in local newspapers, in meetings held with island communities, and in community conversations going back before the formation of the Islands Trust. Unfortunately, Islands Trust enforcement policies were not coordinated with other ministries or First Nations to address the looting of cultural artifacts or sites, and advocacy efforts have not been successful at curbing these unlawful activities that lead to the erasure of cultural heritage and desecration.

We end this section on the history and legacy of the Islands Trust Area with a quote from Chief Roland Wilson, West Moberly First Nation:

You can show Canada and the world that the only way to escape our colonial history of neglect and betrayal is to act boldly and honourably in the decisions that lie before us today.

BRIEFING

To: Executive Committee **For the Meeting of:** February 24, 2021
From: Lisa Wilcox, SIPA **Date Prepared:** February 18, 2021
SUBJECT: Islands Trust Reconciliation Report 2019 - 2021

PURPOSE: The Islands Trust Council has made reconciliation a priority and undertaken to strive to align initiatives and policies with guidelines set out in the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), the Truth and Reconciliation (TRC) Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice.

To align reporting and provide updates on the reconciliation goals the Islands Trust is undertaking staff compiled the attached Reconciliation Report 2019-2021 to be provided to Trust Council, March 2021 session for information purposes. Since the reporting period of 2018 to 2019 was not reported in a similar format, this first report covers multiple years ending with the 2020/2021 fiscal.

In future annual reporting will align the Islands Trust reconciliation goals with similar annual reporting required under Section 5 of DRIPA and help summarize, and inform the Reconciliation Action Plan 2018-2022, local trust committee projects and priorities, and other committee resolutions related to reconciliation and First Nations engagement.

FOLLOW-UP: Staff will follow up with any local trust committees or committee on projects, priorities, or resolutions to help address progress outstanding to support and assist with this work.

ATTACHMENT(S):

1. Reconciliation Report 2019-2021
-

Prepared By: Lisa Wilcox, Senior Intergovernmental Policy Advisor, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO, February 18, 2021



RECONCILIATION REPORT

Islands Trust / 2019 to 2021



ACKNOWLEDGEMENT

The Islands Trust acknowledges that the Islands Trust Areas is located within the treaty and territorial lands and waters of the BOKÉĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək'wəŋən (SXIMEŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXŁ, Penelakut, Qualicum, Scia'new, səliłwətaʔt, SEMYOME, shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SʔÁUTW, Stz'uminus, Tla'amin, scəwəθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOŁŁP, WSIKEM, and xʷməθkʷəyəm.

A NEW WAY FORWARD

Trust Council began fundamental work to advance reconciliation within the Islands Trust Area and within the Islands Trust organization beginning with the January 2019 special meeting of newly elected trustees. At the January 2019 special meeting, Trust Council began outlining the strategic plans of the organization and the goals for the four-year term. To mark a new way forward toward reconciliation Hereditary Chief Bill Williams/találsamkin Siyam (Skwxwú7mesh) and Hereditary Chief Ian Campbell/Xàlek/Sekyú Siyam (xʷməθkʷəyəm/Skwxwú7mesh) spoke to Trust Council at this special meeting encouraging them to approach their term as a journey of reflection and action toward reconciliation. They spoke of the relationship to the land and waters, paddling in the canoe together, and the responsibility that comes when working collaboratively and in mutually respectful ways.

“Reconciliation requires that a new vision, based on a commitment to mutual respect, be developed.”

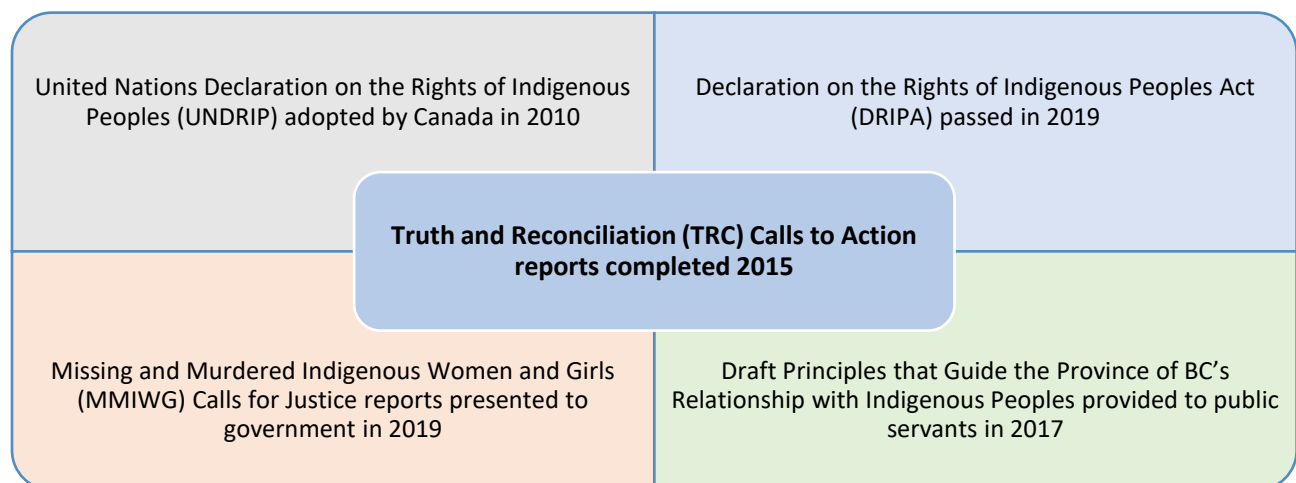
— Senator Murray Sinclair, Chair of the Truth and Reconciliation Commission of Canada





Foundation Documents: Reconciliation work undertaken by the Islands Trust is guided by the foundation documents tabled and adopted through commissions, testimony, and resolutions of the federal and provincial governments, Indigenous, Métis, and Inuit. Foundation documents include the Truth and Reconciliation (TRC) Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice (hereafter called the “foundation documents”).

Staff as provincial employees are also guided by the Draft Principles that Guide the Province of BC’s Relationship with Indigenous Peoples (hereafter called “the principles”) and planning staff are also guided by the Canadian Institute of Planning policy statement “Planning Practice and Reconciliation” (“CIP planning principles”).



The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states:



The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world.

Article 43



MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS (MMIWG) CALLS FOR JUSTICE

On June 17, 2020, Union of BC Municipalities (UBCM) encouraged members to bring the Calls for Justice to their respective councils or boards for review, prioritization and consideration of endorsement in collaboration with local Indigenous communities.

On July 5, 2020, the Executive Committee requested a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the September 30, 2020, Executive Committee meeting. Senior Intergovernmental Policy Advisor (SIPA) provided a briefing to Executive Committee on the Calls for Justice on August 5, 2020, and subsequently Executive Committee passed the following recommendations on September 30, 2020.

RECOMMENDATIONS:

1. That the Executive Committee request that all staff be required to take training related to cultural safety in keeping with Missing and Murdered Indigenous Women and Girls Calls for Justice.
2. That the Executive Committee request that staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.
3. That the Executive Committee request that the Trust Programs Committee consider the Missing and Murdered Indigenous Women and Girls Calls for Justice when developing draft amendments to the Policy Statement.
4. That the Executive Committee request staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.
5. That the Executive Committee request that staff draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.
6. That the Executive Committee request the Chair to write to the Union of British Columbia Municipalities Executive to report on actions taken by Islands Trust in response to the UBCM recommendation to its members that they consider the Missing and Murdered Indigenous Women and Girls Calls for Justice.

DECLARATION ON THE RIGHT OF INDIGENOUS PEOPLES ACT (DRIPA)

In November 2019 the provincial government passed legislation to implement UNDRIP as a framework for reconciliation. The *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) will guide this work. Islands Trust will begin the process of reviewing policies and processes to align with DRIPA and will provide reporting on this work on an annual basis.



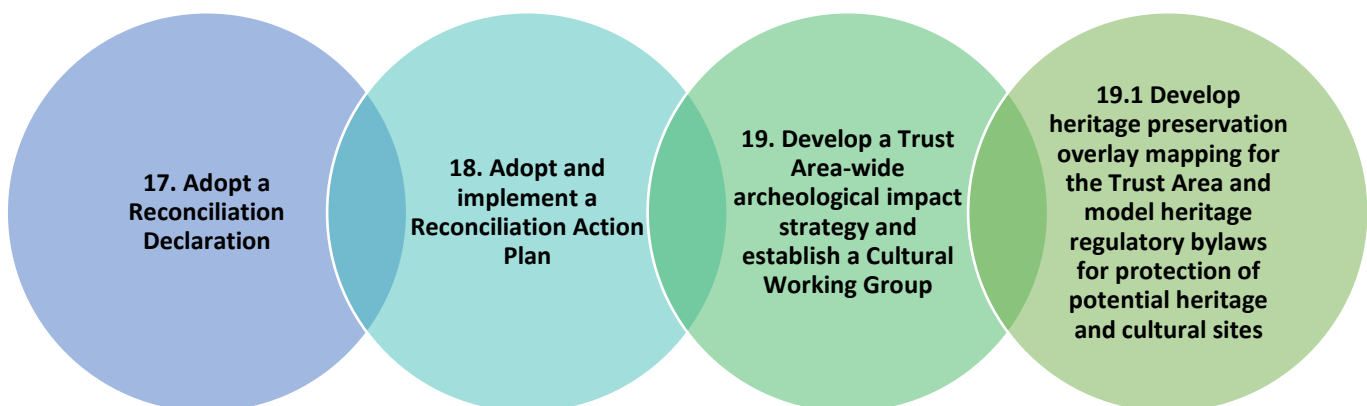
STRATEGIC PLAN ELEMENTS

Trust Council adopted the Islands Trust Strategic Plan 2018-2022 to represent the priorities of Trust Council and the Islands Trust and to provide a framework to guide decision-making and allocate resources. Statement of Trust Council 2018-2022 states:

The object clause in the *Islands Trust Act* provides our mandate to ‘preserve and protect’ the Trust Area and the Policy Statement remains a primary guide in our goal setting and decision-making. We acknowledge however, that the Policy Statement does not fully contemplate much of what we face. First Nations must be acknowledged . . . we will strive to ensure that we enact the guiding principles of Reconciliation creating mutually respectful and collaborative relationships with First Nations.



Under Community and Communication, the objective set out in the Strategic Plan is to “strengthen relations with First Nations”. The strategic elements to accomplish that include:





17. Adopt a
Reconciliation
Declaration

17. Reconciliation Declaration: In March 2019 on Gabriola, Trust Council unanimously passed the Islands Trust Reconciliation Declaration to acknowledge, commit, and strive to the principles of reconciliation.

The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

The Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.
Adopted: Gabriola Island March 14, 2019

Reconciliation Standing Resolutions (item 2 of Reconciliation Action Plan – Standardization of Reconciliation Standing Resolutions): Local trust committees also committed to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples with the passing of a Reconciliation Standing Resolution to guide the respectful relationship with First Nations governments at the local island level. The Local Trust Committees of Galiano, Denman, Hornby, Salt Spring, North Pender, South Pender, Mayne, Thetis, Gambier, Gabriola, Lasqueti, and Ballenas-Winchelsea all passed the Reconciliation Standing Resolution; Saturna Local Trust Committee and Bowen Island Municipality did not pass the Standing Resolution.

That the 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 (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 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 endeavours 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;*

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;

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.



18. Adopt and implement a Reconciliation Action Plan

18. Reconciliation Action Plan

At the June 2019 Trust Council meeting on Galiano, Councillor Ken Thomas (Penelakut Tribe) and Jim Chisholm, Band Manager for Penelakut spoke to the historical connections to the lands and waters of the Salish Sea, the collaborative relationship that could exist with commitment from trustees, and acknowledgement of the historical wrongs that continue to impact First Nations to this day. Trust Council then undertook to unanimously adopt an Islands Trust Reconciliation Action Plan 2018-2022 that outlined steps to meet the Truth and Reconciliation (TRC) Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In the adoption of a Reconciliation Action Plan Islands Trust Council sought to fulfil the TRC Call to Action #43 and #44. Trust Council acknowledged that the journey of truth and reconciliation is a long-term relationship building and healing process that would be undertaken by the organization as a whole, and will require government-to-government engagement, and interagency cooperation into the future.

TRC Call to Action #43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

TRC Call to Action #44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

1. Education/Training – Cultural Competency, Cultural Safety – 2-year plan – see the section on Organizational Change through Training.

2. Standardization of Reconciliation Standing Resolutions – see section on Reconciliation Standing Resolution.

3. Policy and Procedures – 4-year plan – ongoing.

- New processes put in place to review staff reports to ensure they are supporting the work of reconciliation and concerns of First Nations;
- New processes in place to review building permits and providing applicants with information on archaeological data and chance find protocols;
- Review of engagement processes for Official Community Plans and bylaw changes;
- Budget reviews to ensure engagement and capacity funding is in place for projects and initiatives;

4. Cultural, Naming and Recognition Work – 4-year plan

- Islands Trust through its engagement with First Nations will develop a collaborative process to implement cultural, naming and recognition within the Islands Trust Area, including:
 - Signage;
 - Covenant area pathways and signage;
 - Placenames;
 - Plaques and wayfinding;
 - Use of language and language revitalization.

5. Liaison and Engagement with First Nations and Others – see the section on First Nations Engagement and Interagency engagement.
6. Communications and Messaging – see the section on Communications and Media.
7. Cultural Working Group – see the section on Organizational Change through Training and item 19.

19. Develop a Trust Area-wide archeological impact strategy and establish a Cultural Working Group

19. Develop a Trust Area-wide Archeological Impact Strategy and Establish a Cultural Working Group - ongoing

Cultural Working Group – over 30 sessions where held over a two year period to engage staff and trustees with Cultural Knowledge Holders, and in training that focused on protocol, Indigenous Law, and cultural understanding. This focused understanding lead to greater understanding of the impacts to cultural heritage, and ancestral loved ones.

Members of the Cultural Working Group engaged with SIPA to develop new understanding of their roles as planners, and staff; this focused immersive training empowers staff to build stronger relationships with First Nations, evaluate applications more inclusively, and develop their understanding of cultural safety.

Archaeological Impact Strategy – over the past two years staff have examined the current planning and application process and how that impacts archaeological sites. The following strategies have been put in place as interim measures until 19.1 can be implemented:

- Desktop review of archaeological data to review registered and potential sites on all applications;
- Provide applicants with the Islands Trust Chance Find Protocol for all applicants with potential sites on a property;
- Provide applicants with notification of proximity to potential and registered sites on a property;
- Provide applicants with data on archaeological sites on their properties if requested;
- Provide contacts of Cultural Knowledge Holders or contacts at Archaeological Branch if requested;
- Provide planners and staff with knowledge about impacts to and legal requirements to protect archaeological sites;
- Developed relationships with staff at the Archaeological Branch to liaison and describe the role of the Islands Trust and the Islands Trust reconciliation initiatives;
- Develop relationships Capital Regional District staff to liaison and describe the role of the Islands Trust and the Islands Trust reconciliation initiatives;
- Work with societies and conservation groups to assist them in understanding the importance of cultural heritage and archaeological awareness.

Special Recognition – Trustee Grant Scott liaised with the SIPA and the Archaeological Branch to repatriate an ancestral loved one from an islander's home, and worked to ensure that the ancestral loved one will be cared for by the K'òmoks First Nation. The ancestral loved one had been disinterred over 45 years ago.

19.1 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites

19.1 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites

The Islands Trust Area is a sensitive ecosystem with significant historical places and cultural heritage throughout the islands and waters. All islands have archaeological sites and cultural heritage places that date back over 10,000 years. Ensuring the preservation

and protection of the cultural heritage and heritage values that exist on the islands is a priority for the Islands Trust. The Islands Trust in 2021 will be undertaking an initiative in collaboration with First Nations and Cultural Knowledge Holders and archaeologists to understanding how to preserve and protect the significant cultural and historical places within the Islands Trust Area.

The Islands Trust Strategic Plan outlines that staff and trustees will develop a heritage preservation overlay mapping initiative that will inform model heritage regulatory bylaws to ensure the protection of potential heritage, and cultural sites. The Islands Trust staff and trustees look forward to engaging with community and First Nations to ensure that we preserve and protect the heritage and cultural values on the islands now and in the future.

Heritage Preservation Overlay



UNDRIP ARTICLES

29 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

31 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.



ORGANIZATIONAL CHANGE THROUGH TRAINING

1. Education/Training – Cultural Competency, Cultural Safety – 2-year plan Reconciliation Action Plan

Training is a foundational step within an organization, training in reconciliation leads to greater understanding and knowledge and the Truth and Reconciliation Commission stated in Calls to Action #57 that education in reconciliation is the responsibility of all governments. Public servants and elected trustees cannot fulfil their roles without an understanding of the history and legacy of the Islands Trust Area and the genocide that occurred to Indigenous Peoples.

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

TRC Calls to Action

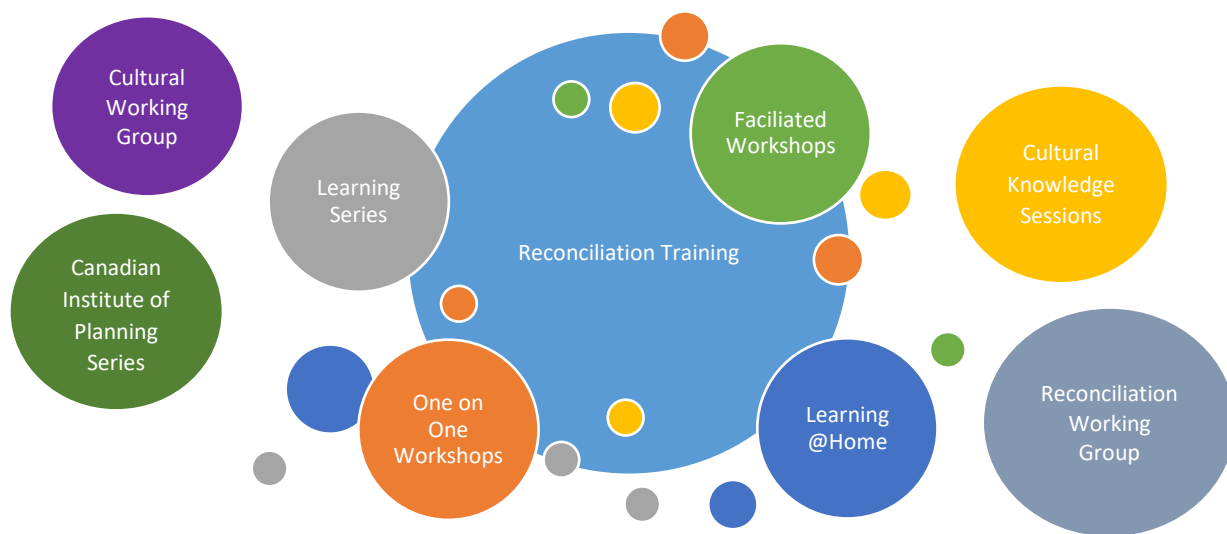
Executive Committee and the Chief Administrative Officer approved the development of training modules for trustees and staff, and Trust Council set learning about Indigenous Law and First Nations Engagement as a Learning Series priority. The Islands Trust sought to provide training to staff and elected officials based on the guiding principles of the foundation documents, the principles, and the CIP planning principles. The Islands Trust also sought guidance and review of the training modules from Hereditary Chief Bill Williams (Sᓄwxwú7mesh), residential school survivors Bill Adsit (Tahltan) and Hereditary Chief Eugene Harry (MÁLEXEŁ), and Holocaust descendant Rima Wilkes (Professor UBC Sociology).

The Islands Trust commitment to reconciliation training is a commitment to all Islands Trust staff, the Islands Trust community, and represents a commitment to the reconciliation journey all Canadians must undertake.

Successful learning¹ means we can be challenging the learned beliefs and premises that exist within people, organizations, and environments. The culture that an organization creates to lead in the learning environment means approaching the whole organization and the whole person. Education in reconciliation as outlined by the TRC Calls to Action #57 will require leadership, organizational transformation, openness to learning, shifting the landscape of learning, and understanding of the physical design of training modules.

¹ Methodology source: Harvard University Leaders of Learning Professor Richard Elmore, Educational Leadership/Harvard Graduate School of Education

Within the Islands Trust, training success means shifting the common identity and set of beliefs of the organization. Within the Islands Trust Area systemic challenges exist that create a false narrative of Indigenous Peoples history, presence, social structure, kinship ties, First Nations jurisdiction, governance, reserve system, and the oppressive legislation that lead to genocide. Although the Islands Trust values to preserve and protect are an organizational strength; how those values are expressed and operationalized within the organization must be challenged through training as set out by the TRC Calls to Action #57. The Trust Council and Chief Administrative Officer undertook this work and the Senior Intergovernmental Policy Advisor produced, and delivered all training, and vetted all outside training, webinars, podcasts, documentaries, or information material. To create lasting change over time training modules are provided to trustees and staff using various methods.



The following principles were used to create successful learning experiences and support organizational change.

Principle One²: Pathways Principle – how do you change over time, how do you learn and develop? Pathways Principles means creating varied opportunities to learn with both mandatory and voluntary experiential ways to engage. The Pathways Principle allows for visual, auditory, reading, and questioning learners learning styles to be met ensuring that a one-size fits all approach is avoided.

Principle Two: Context – modeling behaviour and learning potentialities based on the physical, social, and relational factors in the environment. SIPA provides modeling behaviour based on Indigenous protocol, and cultural teachings as well as introducing staff and trustees to learning sessions on the land with Cultural Knowledge Holders, and Indigenous leaders, and community members. Learning modules

² Methodology source: Harvard University Leaders of Learning Professor Richard Elmore, Educational Leadership/Harvard Graduate School of Education



speak to the place in which we live, the relationship to the land and waters, Indigenous ways of knowing, and the social and economic lived experience within the Islands Trust Area as it relates to the treaty and territorial lands and waters of First Nations.

Principle Three: Dimensions of the Learner – looking at the whole learner. Teaching from a place of understanding the whole learner means accepting we are on a journey, and that many people are at different stages of learning when they come to work or are elected to the Islands Trust. Learning may need to be adjusted or tailored to different learners and learning may need to happen over time. There is no expectation that all learners will reach the same place at the same time through one learning module or methodology. The goal is to ensure that each person that is trained within the Islands Trust structure moves forward on their journey to help and touch others with their learning.

One on One Workshops (item 1.1 of Reconciliation Action Plan): meeting with staff and trustees on a one on one basis allows learners to talk about their gaps in understanding, bias, stereotypes, and lived experiences in a safe and supported workshop.

Facilitated Workshops (item 1.2 of Reconciliation Action Plan): half-day sessions held at each office location or on island with trustees.

Learning Series: Reconciliation Orientation (item 1.3 and item 1.9 of Reconciliation Action Plan) – presentation and meetings, with orientation material.

Learning Series: Residential School History and Legacy (item 1.4 of Reconciliation Action Plan) – mandatory training and presentation with speaker. Presentation is selected material from the Truth and Reconciliation Commission Six-volume Reports. Presented to trustees in December 2019 in Victoria Bill Adsit (Tahltan) residential school survivor speaker. Presented to staff in January 2020 by electronic zoom meeting (due to COVID-19 restrictions) Hereditary Chief Eugene Harry (MÁLEXE) residential school survivor speaker.

Learning Series: First Nations Acknowledgements (item 1.7 of Reconciliation Action Plan) – electronic meeting to practice language, names, and phrasing, with handout.

Learning Series: Indigenous Law, UNDRIP, Rights and Title (item 1.13 of Reconciliation Action Plan) – planning staff participated in an electronic meeting to learn and ask questions on concepts and legal principles that are fundamental to their work, with booklet.

LEARNING @HOME

Is a voluntary individually directed learning experience. If you want to learn more about a certain topic covered in the Learning @Home series or have a question about a particular topic that sparks your interest please send me a note by email, or chat on Jabber. Many of the Learning @Home topics have come from staff members or trustees seeking out knowledge on reconciliation, First Peoples, or history and then forwarding that to me. I am grateful for this sharing and that this individual learning staff has undertaken has helped expand learning and that we are all learning together in new ways at the Islands Trust.



Learning Series: Indigenous Law, UNDRIP, Rights and Title (item 1.13 of Reconciliation Action Plan) – trustees meet on Bowen Island for a presentation and questions on this important topic, with booklet.

Cultural Knowledge Holder Workshops (item 1.8 of Reconciliation Action Plan) - staff and trustees attended on island sessions with Harold Joe, Cultural Knowledge Holder (Cowichan Tribes) on understanding cultural heritage, history and legacy of impacts to cultural heritage, respecting the land and waters, and cultural understanding. Some sessions were attended by Capital Regional District staff and officials, conservancy societies, and islanders. Sessions also included staff from the Islands Trust Conservancy and partner conservancy society members.

Reconciliation Working Group - Trust Programs Committee created working groups one on reconciliation. The Reconciliation Working Group included Trustee Colbourne, Trustee Fenton, Trustee Peterson, and Trustee McConchie, and the SIPA (nine meetings held).

Cultural Working Group (item 1.8 of Reconciliation Action Plan) - Creation of a cultural working group with the intention of focusing on knowledge and understanding around engagement, protocol, cultural understanding, and working with First Nations. Six staff members and eight trustees form the cultural working group. Members of the cultural working group received more focused training, and participated in cultural knowledge holder sessions.

Learning @Home: Land and Territorials Acknowledgements (item 1.7 of Reconciliation Action Plan) – one hour electronic meeting with staff to understand the importance of land and territorial acknowledgements, to practice language, names, and phrasing, with handout.

Learning @Home National Indigenous Peoples Day and National Indigenous History Month (item 1.11 of Reconciliation Action Plan) – one topic per week (4 total in this series) including creation stories, documentaries, podcasts.

Learning @Home Reconciliation and Truth (item 1.7 of Reconciliation Action Plan) – documentaries and questions.

Indigenous Approaches to Planning – Canadian Institute of Planning (item 1.10 of Reconciliation Action Plan) series went for one week with webinars on land use, methodology, Indigenous ways of knowing, cultural knowledge, legal understanding as it relates to planning, and engaging with First Nations – notes were provided to all planners summarizing the sessions.

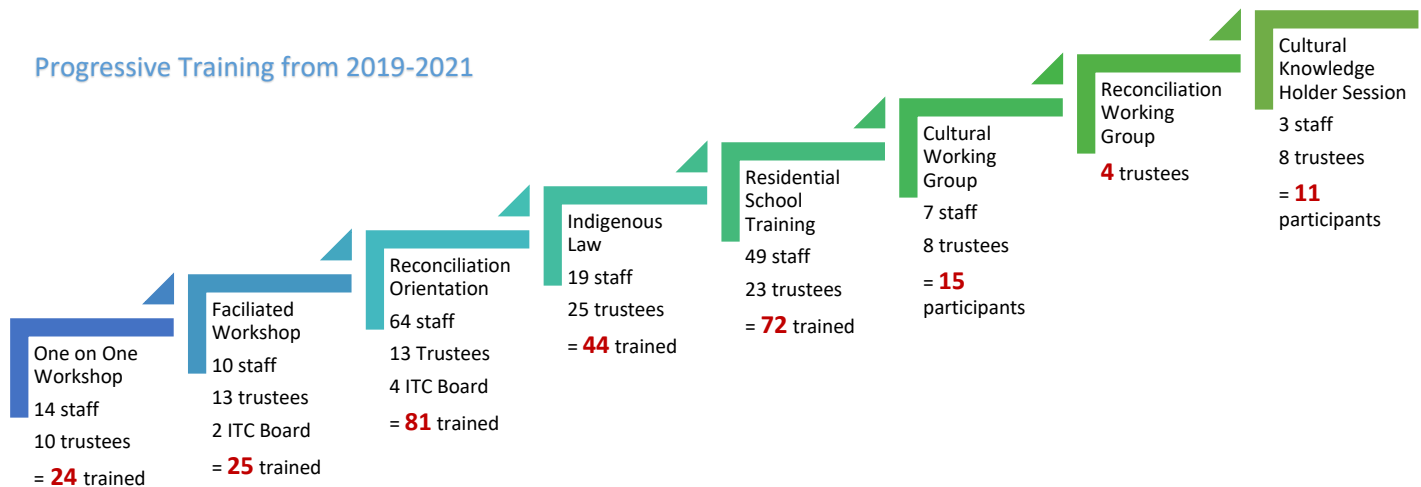
External Training Sessions (item 1.12 of Reconciliation Action Plan) – SIPA presented the Islands Trust reconciliation process at UBC Sociology (two sessions), Royal Road University (one session), and Royal Road University Environmental Planning (one session).

Training Participation:

Over the past two years, training outcomes have created positive change within the organization. Islands Trust has also trained fourteen staff who have moved on to other ministries, local governments, or other positions outside the organization.

Percentage of trustees participating in training = 96%. Percentage of staff participating in training = 98%

Progressive Training from 2019-2021



Over the coming year orientation material and mandatory training processes will be put in place to assist staff and trustees in understanding and training. Looking forward, engaging with Cultural Knowledge Holders and specific topic speakers will be an ongoing goal.

FIRST NATIONS ENGAGEMENT

5. Liaison and Engagement with First Nations and Others / Reconciliation Action Plan

Over the last two years the Islands Trust and Islands Trust Conservancy met and attended meetings with the following First Nations and Treaty Alliances/Councils; as well as Cultural Knowledge Holders:

First Nations Governments:

BOĶĖĈEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
K'ómoks (Comox) First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
shíshálh (Sechelt) First Nation
Snuneymuxw (Nanaimo) First Nation
Sḵwxwú7mesh (Squamish) Nation
Tla'amin (Sliammon) Nation
səlilwətaʔt (Tsleil-waututh) Nation

Community Members:

Hereditary Chief Bill Williams (Sḵwxwú7mesh)
Harold Joe (Cowichan Tribes)
Elder August Sylvester (Penelakut)
Eugene Harry (MÁLEXEL)

Treaty and Tribal Alliances:

Cowichan Tribal Alliance
Cowichan Tribes
Stz'uminus (Chemainus) First Nation
Halalt First Nation
Penelakut Tribe
Lyackson First Nation
Naut'sa mawt Tribal Council (NmTC)
Halalt First Nation
Xwémalhkwa/ʔop qaymıxʷ (Homalco)
toq qaymıxʷ (Klahoose) First Nation
K'ómoks (Comox) First Nation
MÁLEXEL (Malahat) Nation
təʔamen qaymıxʷ (Tla'amin) Nation
Snaw-naw-as (Nanoose) First Nation
Stz'uminus (Chemainus) First Nation
scəwəθən məsteyəxʷ (Tsawwassen)
səlilwətaʔt (Tsleil-waututh) Nation
T'Sou-ke Nation
W̱SÁNEĆ Leadership Council Society
W̱JOŁŁP (Tsartlip) First Nation
W̱ SIŁEM (Tseycum) First Nation
S̱ÁUTW̱ (Tsawout) First Nation

Islands Trust also corresponded and/or sent referrals to scəwəθən məsteyəxʷ (Tsawwassen), We Wai Kai (Cape Mudge), Wei Wai Kum (Campbell River), W̱ JOŁŁP (Tsartlip), W̱ SIŁEM (Tseycum), and xʷməθkʷəy̓əm (Musqueam), Ts'uubaa-asatx (Lake Cowichan), Lək'wəŋən (SXIMEŁŁŁ (Esquimalt), Songhees, T'Sou-ke), Scia'new (Beecher Bay), SEMYOME (Semiahmoo), S̱ÁUTW̱ (Tsawout), Stz'uminus (Chemainus), and Qualicum.

Specific Meetings and Engagement	
Cowichan Tribes	- Senior staff meeting to talk about advocacy and relationship building - Meeting on Policy Statement and Islands 2050
K'ómoks First Nation	- Senior staff, Ministry of Municipal Affair, Ministry of Indigenous Relations and Reconciliation, elected officials from local governments on jurisdiction and decision making within K'ómoks territory - Elected officials from local governments, Chair Peter Luckham attending to learn about K'ómoks cultural heritage permitting, DRIPA, and relationship building

shíshálh First Nation	Engagement on the Policy Statement and Islands 2050
MÁLEXEL First Nation	- Engagement on the Policy Statement and Islands 2050 - Engagement on Ganges Village Plan
Penelakut Tribe	- Engagement on working together and building relationships - Engagement on Policy Statement and Islands 2050 - Meeting with senior staff on applications that impact Penelakut Tribe cultural areas - Meeting with senior staff on management plans related to Islands Trust Conservancy - Dialogue on preservation and protection of cultural areas and heritage
Tla'amin Nation	- Engagement on the Policy Statement and Islands 2050 - Engagement on land use decision making on Lasqueti and waters of the Salish Sea
Snuneymuxw First Nation	- Engagement on applications that impact Snuneymuxw First Nation treaty and territory - Engagement on reviving protocol agreement - Engagement on building relationships and working together to preserve cultural heritage - Engagement on Policy Statement and Islands 2050
səlilwətaʔ Nation	Engagement on Policy Statement and Islands 2050
Sḵwxwú7mesh Nation	- Bowen signage and naming and recognition - Sandy Beach and Islands Trust Conservancy management plans - Engagement on Keats Island Shoreline Protection project - Engagement on Policy Statement and Islands 2050
Halalt First Nation	- Engagement on Policy Statement and Islands 2050 - Engagement on Ganges Village plan
BOŖEĆEN First Nation	Dialogue with Islands Trust Conservancy on covenant areas, cultural areas, and mapping
Naut'sa mawt Tribal Council	Chair and Chief Administrative Officer with senior staff attended a meeting to build relationships with the Naut'sa mawt Tribal Council
Cowichan Tribal Alliance	Engagement on Ganges Village Plan
ŬSÁNEĆ Leadership Council	- Engagement on Policy Statement and Islands 2050 - Engagement with Islands Trust Conservancy and covenant areas
First Nations Leadership Council	Dialogue on advocacy and climate emergency

INTERAGENCY COOPERATION

Over the last two years Islands Trust trustees and senior staff have held meetings to strengthen interagency cooperation and to speak about the work and mandate of the Islands Trust. As well, Islands Trust senior staff are working closely with Ministry partners to update and align agreements and processes to ensure they are reflective of DRIPA, and the reconciliation goals of the Islands Trust.

Specific Meetings and Engagement	
Ministry of Indigenous Relations and Reconciliation (MIRR)	- Chair and senior staff met with the Minister to speak about the reconciliation work the Islands Trust was undertaking - Senior staff worked closely together to guide Islands Trust on how to engage on the Policy Statement and Islands 2050 - MIRR facilitated meetings with some First Nations and local governments which Islands Trust attended
Ministry of Forests, Lands, and Natural Resources Operations	- Senior staff met with the Deputy Minister on relationship building, cooperation, and policy alignment - Senior staff dialogue on updating agreements and working together - Engagement on crown land consultation and engagement processes
Ministry of Transport and Infrastructure (MoTI)	Senior staff met with MoTI staff to talk about interagency cooperation, understanding, consultation, and reconciliation
Archaeological Branch	- Senior staff met with senior staff of the Archaeological Branch to discuss processes and understanding, the role of the Islands Trust and working together - Dialogue about protection of cultural heritage and Islands Trust and Archaeological Branch contacts - CAO wrote the Archaeological Branch to advocate for strengthening the relationship
Ministry of Municipal Affairs	- Dialogue about the Policy Statement and Islands 2050 - Collaborative dialogue about engagement correspondence on specific projects
Capital Regional District	Mayne Island LTC engaged with CRD staff and officials and conservancy partners to ensure cultural protection and preservation of Cotton Park, on Mayne Island

POLICY STATEMENT AMENDMENT/ISLANDS 2050

In 2017, the Islands Trust began engaging with First Nations government on the plans to amend the Islands Trust Policy Statement. Correspondence was sent to First Nations to introduce the Policy Statement Amendment process. In 2018, Islands Trust corresponded with First Nations to introduce the

Islands 2050 project and the hope to engage on a meaningful level to collaborative begin the process of amending the Policy Statement.

At the end of 2018 and the beginning of 2019, the Islands Trust trustees and senior staff began the engagement process. Meetings were held with various First Nations and with Treaty Alliances or Councils. In 2019, all communities and organizations were impacted by COVID-19. Islands Trust staff undertook to change the engagement process to adjust to the new reality of remote working/community safety/access to technology.

Capacity Funding - From 2019 to 2021, the Islands Trust provided capacity funding to First Nation governments and First Nation treaty associations to review and engage on the Policy Statement amendment process. The Islands Trust also began dialogue with other ministries and agencies to collaboratively work together to fulfil the co-collaborative Object of the Trust and support the work of reconciliation in the Trust Area. To date meetings have been held with Ministry of Indigenous Relations and Reconciliation. First Nations and Treaty Alliances will be able to access capacity funding until the end of March 2021.

Capacity Funding	
Cowichan Tribes	• Capacity funding received and comments on amendments received
Tla'amin First Nation	• Capacity funding received and comments on amendments received
WSÁNEĆ Leadership Council	• Capacity funding received, meetings, and amendments expected by end of March 2021
Naut'sa mawt Tribal Council	• Capacity funding offered
səlilwətaʔt (Tsleil-waututh) Nation	• Capacity funding offered
K'òmoks First Nation	• Capacity funding offered
Snuneymuxw First Nation	• Capacity funding offered
MÁLEXEŁ First Nation	• Capacity funding offered
Penelakut First Nation	• Capacity funding offered
shíshálh First Nation	• Capacity funding offered

After March 2021, Islands Trust staff will continue engaging with First Nations governments and Treaty Alliances as we undertake the amendment process; we will be engaging to ensure that comments received in meetings and during the capacity funding process are reflective of reconciliation language, core concerns, and expectations.

Staff will be undertaking to remove offensive and disrespectful language from the Policy Statement and will be working with First Nations Knowledge Holders, and governments, as well as with interagency partners to ensure that the Policy Statement aligns with the goals of DRIPA and the foundation documents.

Staff will continue to engage with First Nations governments and interagency partners until the Policy Statement is submitted to the Minister of Municipal Affairs.

WORKING WITH COMMUNITY

Community engagement and support on reconciliation engagement occurred throughout 2019 and 2021 with conservancy groups and societies, constituents, and island organizations. Islands Trust Senior Intergovernmental Policy Advisor provided educational resources, and understanding to various societies, and conservancy groups, and liaised with individual constituents on reconciliation and the work of the Islands Trust.

Direct engagement with community was postponed due to COVID-19 including the Dust n Bones documentary presentation on Denman, Hornby, Gabriola, and Salt Spring Island. The Dust n Bones documentary presentation was made possible through the Islands Trust History and Heritage Grant. The Senior Intergovernmental Policy Advisor supported the grant application to UBCM Reconciliation Pilot Project to facilitate reconciliation work on Galiano Island. One event was attended by over 100 Galiano islanders to hear from Elder August Sylvester (Penelakut Tribe) and Harold Joe (Cowichan Tribe) and host a screening of Dust n Bones before COVID-19 restrictions were put in place.

COMMUNICATIONS/MEDIA ENGAGEMENT

Since 2018, the SIPA has reviewed news releases and communications material to ensure that language and tone aligns with the Islands Trust goals of reconciliation. On March 19, 2019, the Islands Trust began incorporating language and territorial place in news releases. In 2019, fifteen news releases have incorporated First Nations language and acknowledgement of territorial or treaty place. In 2020, all twenty-five news releases included First Nations language and acknowledgement of territorial or treaty place.

As the Islands Trust moves forward communications language and tone will be reflective of the foundation documents and specific Truth and Reconciliation Calls to Action such as:

#47: We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

TRC Calls to Action

UNDRIP Article 8 (e) Indigenous peoples and individuals have the right not to be subjected to . . . any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

UNDRIP Article 15 (2) States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

LOCAL TRUST COMMITTEE PRIORITIES AND PROJECTS

Local Trust Committees have been setting priorities and protects, and the work of reconciliation is happening and part of the overall work LTCs are undertaking.

Ballenas-Winchelsea

1st Priority	Description: Advocacy for the protection and appropriate use of Crown islets. Activity: To work with Nanoose First Nation, provincial agencies and other agencies to facilitate appropriate public use of the islands. - Coordinate a boat tour of the BW islands and islets inviting FN representatives, MABR members and Regional District Electoral Area representative.	19-May-2015
2nd Priority Medium Level	Description: Nanoose First Nation Relationship Building. Activity: - Coordinate BW meeting rotation at Nanoose FN meeting facility	26-Jul-2011

Denman

07-Nov-2019	Description: naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas Activity: Reference Staff Report dated November 7, 2019	
-------------	--	--

Gabriola

1st Priority	Description: Housing Options and Impacts Review Project Activity: Develop an Engagement and Communication Strategy; Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options; Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services; Develop a strategy to address all housing continuum gaps; Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.	22-Nov-2018
27-Jan-2011	Description: First Nations cultural references Activity: Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.	



22-Jan-2015	Description: Snuneymuxw Protocol Agreement	
	Activity: Implementation of Snuneymuxw First Nation Protocol Agreement	

02-Apr-2015	Description: Snuneymuxw Relationship Building	
	Activity: Strengthen relationship with Snuneymuxw First Nation	

Galiano

Reconciliation Standing resolution passed and community engagement ongoing.

Gambier

Engaging with Squamish and Tsleil-waututh First Nation on the following priorities:

3rd Priority High Level	Description: Keats Island Shoreline Protection Project - Phase 3	31-Jan-2019
	Activity: Review of OCP and LUB to implement shoreline protection measures. Establish Shoreline DPA and updates marine structure regulations.	
4th Priority High Level	Description: OCP Advocacy Policies - Implementation & Support	24-Oct-2013
	Activity: Supporting the advocacy policies of the Gambier, Keats, and Associated Islands OCPs, and Islands Trust Strategic Plan (e.g. woodlots, industrial facilities, Howe Sound)	

Hornby

1st Priority	Description: Comprehensive OCP Review	06-Nov-2020
	Activity: The Hornby Island Local Trust Committee would like a Comprehensive Official Community Plan amendment to be prioritized by the Regional Planning team. Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA.	

Lasqueti

24-Sep-2018	Description:
	Community to Community Forum
	Activity:
	Establish relationships with First Nations with interests in the Lasqueti Local Trust Area.

Mayne

	Description:	
	Land Use Bylaw Technical Amendments	
	Activity:	
1st	Draft Bylaw with technical amendments prepared for June 29, 2020 LTC agenda.	23-Sep-2019 31-Mar-2021
Priority	Through First reading at June 29 meeting, referrals sent, public hearing is being scheduled for September 2020.	
Medium	Second reading July 27th.	
Level	Public Hearing postponed.	
	Additional amendments proposed at Sept. 28, 2020 meeting.	
	Public Hearing to held prior to October 26, 2020 meeting.	
	Bylaw referred to Executive Committee. Bylaw returned for referral to First Nations.	
	Bylaw returned to EC and approved.	

North Pender

Ongoing reconciliation focus with passing of the Reconciliation Standing Resolution and engagement with community and Nations.

Saltspring

	Description:	
	Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection	
	Activity:	
1st	Jan. 19, 2021 - LTC request \$75,500 special tax requisition for 2021/22 SSIWPA;	07-Jun-2012 30-Dec-2022
Priority	recommend amend 2021/22 budget to allocate up to \$80,000 from surplus funds to spend on a SSIWPA strategic plan and Weston Lake Watershed Assessment	
Medium	Consultation - SSIWPA supports ongoing well and lake monitoring post pilot monitoring stage.	
Level	Analysis - Master project charter update for consideration. Proposal to consider sub project charter.	
	Legislative - Draft bylaw amendments for LUB proof of water requirements at time of subdivision submitted to FLNRORD staff for preliminary review.	



3rd Priority High Level	Description: Ganges Village Planning Activity: Dec. 15, 2020 - verbal update Nov. 10 2020 - Project Charter, Public Engagement Framework, and Task Force Terms of Reference adopted. Endorsed applying for C2C funding.	08-Jun-2020 31-Mar-2022
----------------------------------	---	-------------------------

06-Oct-2020	Description: OCP Amendments Activity: • First Nations Heritage and Cultural Site Protection (Jan. 2015) • Piers Island Bill 27 OCP Update (Dec. 2015) • Marine Environment Protection (Foreshore Audit) (June 2016) • Official Community Plan Review (Nov. 2017) • Development of a Music Strategy (June 2020) • Waste Transfer Stations (Waste Management Plan) (July 2020)	
-------------	---	--

Saturna

1st Priority High Level	Description: First Nations Relationship Building Activity: Review of OCP to include references to First Nations. Project Charter endorsed July 18, 2019 Letter Sent to First Nations as per Project Charter Public Hearing scheduled for January 2021	16-Sep-2016
----------------------------------	---	-------------

South Pender

01-Nov-2019	Description: First Nations Language Activity: Consider OCP amendment to include a more fulsome historical accounting of First Nations	
-------------	--	--

Thetis

3rd Priority	Description: Relationship Building with First Nations Activity: Potential topics to explore: Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review: land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea.	27-Feb-2018
-----------------	---	-------------



07-Sep-2011	Description: Associated Islands OCP and LUB
	Activity: Develop new OCP and LUB to replace CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.

11-Feb-2020	Description: Plan to Improve Community Engagement Policy and Practice and to include First Nations
	Activity: Reference: 'Proposal for a Thetis Island Official Community Plan Engagement Strategy' discussed at February 11, 2020 LTC meeting.

RESOLUTIONS

Trust Council - 2020

2020-006	Carried	4.2.1 Statement of Solidarity - Briefing	11-Mar-2020
Resolution: It was Moved by Trustee Busheikin and Seconded by Trustee Wolverton, That Trust Council assert the following: Statement of the Islands Trust: The Islands Trust area is a community in which Indigenous People were forcibly removed and disenfranchised from their village sites and gathering places, and the history of that legacy continues to this day, not only in the Trust area but throughout British Columbia and Canada. We ask that the Federal and Provincial Governments take steps to uphold the guiding principles of the United Nations Declaration on the Rights of Indigenous Peoples signed by the Government of Canada in 2010, and the Declaration on the Rights of Indigenous Peoples Act adopted by the Government of British Columbia in 2020. We ask the Governments to engage and work together to maintain and strengthen the relationship with Indigenous Peoples and we ask the Governments to look to the guiding principles of the Truth and Reconciliation Calls to Action 2012 and the Calls for Justice tabled by the National Inquiry into Missing and Murdered Indigenous Women and Girls in 2019 as a way forward. The Islands Trust remains committed to strive toward relationships that are respectful of human rights, and human dignity, and the work of reconciliation, and acknowledges that Indigenous, Metis, and Inuit have lived on these lands since time immemorial. Trustees Critchley, Brent, Maude, Langerreis, Kaile, Thorn, Middleton and Wright Opposed			
2020-068	Carried	4.2.1 Prioritizing of the 2018-2022 Continuous Learning Plan - RFD	15-Sep-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Langerreis, THAT Islands Trust Council approve the delivery of a prioritized Continuous Learning Plan with respect to the report of Sept 15. Discussion included combining items 1 & 5 as suggested by SIPA Wilcox.			
2020-073	Carried	6.2.2 History, Heritage and Conservation Grants-in-Aid Policy - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Morrison, THAT Trust Council amend Policy 2.1.14 History, Heritage and Conservation Grants In-Aid dated March 13, 2018 with the revised Policy 2.1.14 History, Heritage and Conservation Grants In-Aid dated September 15, 2020 which is inclusive of First Nations history, heritage, objects and sites.			

2020-078	Carried	6.2.7 Changing Islands Trust Tagline - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Colbourne, That motion TC-2020-077 be tabled until tomorrow and seek advice from Senior Intergovernmental Policy Advisor Wilcox around the use of the term Salish Sea.			
2020-077	Rescinded	6.2.7 Changing Islands Trust Tagline - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Fast and Seconded by Trustee Fenton, THAT Trust Council direct staff to replace the tagline 'Preserving Island Communities, Culture and Environment' with 'Preserving and Protecting Over 450 Islands in the Salish Sea'. THIS MOTION WAS TABLED UNTIL LATER IN THE MEETING - not rescinded			
2020-089	Defeated	10.1 Disturbance of Cultural Heritage Sites and Ecosystems / Trustee Colbourne - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Colbourne and Seconded by Trustee Peterson, THAT Islands Trust Council formally ask the Province of British Columbia to replace references to 'development' with 'disturbance' in legislation and processes related to local governments and municipalities. DEFEATED			
2020-105	Defeated	7.1.5 Policy Statement Amendment Project Update - Briefing	02-Dec-2020
Resolution: It was Moved by Trustee Wright and Seconded by Trustee Brent, That Trust Council defines the words 'unique amenities' to be inclusive of the environment and the cultural heritage of Indigenous Peoples within the Islands Trust Areas, and that these aspects are prioritized and protected. (this resolution was postponed to the March 2021 meeting as shown by the next resolutions)			
2020-114	Carried	9.2.4 Amendment to Strategic Plan for Heritage Preservation Overlay Mapping - RFD	02-Dec-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Wolverton, That Trust Council amend the 2018-2022 Strategic Plan by adding new strategy '19.1 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites.' During debate, it was clarified that the resolution refers to First Nations heritage preservation.			

Trust Council - 2019

2019-017	Carried	4.3 Continuous Learning Plan - RFD	12-Mar-2019
Resolution: That Trust Council refer the Continuous Learning Plan to Executive Committee with the following recommendations from Trust Council for additions to the list for review, suggestions and refinement at next Trust Council; 1. Water Licensing Branch session, 2. Climate change related topics including enforcement, bylaw sharing associated with climate change, 3. Housing agreements and how they work, 4. First Nations relationship building, 5. Indigenous Law, 6. How we measure Preserve and Protect, 7. Engagement tools associated from IAP2, 8. Agency liaison such as Agricultural Land Commission, 9. Freedom of Information and Protection of Privacy Act (FOIPPA) session, 10. Business type training including Microsoft products.			

2019-039 Carried 12.4 Reconciliation Declaration - RFD 14-Mar-2019

Resolution:

1. That Trust Council make the following declaration regarding reconciliation: The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home. The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process. The Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea. 2. That the Islands Trust Council request the Chair to write to First Nations in the Islands Trust Area to provide Trust Council's declaration regarding reconciliation.

2019-040 Carried 12.6 Herring roe fishery advocacy (Trustees Busheikin & Critchley) - RFD 14-Mar-2019

Resolution:

That Trust Council write a letter to Minister Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard, asking for a moratorium on the herring fishery in the Salish Sea until an ecosystem based management plan is in place that considers the current and future effects of climate change and the potential impacts on predator species, in particular, Chinook Salmon and Southern Resident Killer Whales; and that Bowen Island Municipality and First Nations in the Trust Area be invited to participate as signatories to this letter.

Executive Committee - 2020

2020-030 Carried 6.1.12.4 Gulf Island Frontlines - The Way Forward in a time of Reconciliation - requesting support for a resolution 26-Feb-2020

Resolution:

That Executive Committee request staff include the solidarity statement, as presented by Senior Intergovernmental Policy Advisor Wilcox at today's meeting, in the Trust Council agenda package.

2020-032 Carried 7.1.2.2 History and Heritage Grant Application - RFD 26-Feb-2020

Resolution:

That Executive Committee authorize a grant of \$4,500 to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees.

2020-037 Carried 6.2 History and Heritage Grant - change to islands 10-Mar-2020

Resolution:

That Executive Committee direct staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to an event on Salt Spring Island.

2020-081 Carried 7.1.3.2 Crown Land Referrals and Reconciliation - Briefing 08-Jul-2020

Resolution:

that the Executive Committee request a meeting with the Minister with specific concerns around Crown land issues and First Nations reconciliation, and the role of cooperation with Provincial agencies in building relationships and trust with First Nations in the Islands Trust area.

2020-084 Carried 9.5 UBCM - The Compass dated June 17, 2020 08-Jul-2020

Resolution:

that the Executive Committee request a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the August 5, 2020, Executive Committee meeting.

2020-095 Carried 8.2.2.1 Missing and Murdered Indigenous Woman and Girls Calls for Justice - Briefing 05-Aug-2020

Resolution:

The Executive Committee request staff to provide a Learning at Home series on the one year anniversary on the Calls for Justice report.

2020-104	Carried	7.1.3.1 Islands Trust Sign for Bowen Island - RFD	02-Sep-2020
Resolution: That the Executive Committee approves the design of the Islands Trust sign for Bowen Island, as presented on September 2, 2020.			
2020-117	Carried	7.1.1.1 Executive Committee Budget Request for FY2021/22 - RFD	30-Sep-2020
Resolution: That the Executive Committee request staff to draft an amendment to the Strategic Plan regarding development of heritage overlay mapping and development of model bylaws.			
2020-143	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request that staff plan education on the Murdered and Missing Indigenous Women and Girls Calls for Justice for trustees and senior staff.			
2020-142	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request that all staff be required to take training related to cultural safety in keeping with Murdered and Missing Indigenous Women and Girls Calls for Justice.			
2020-145	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request staff to include information about the Murdered and Missing Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.			
2020-147	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request the Chair to write to the Union of British Columbia Municipalities Executive to report on actions taken by Islands Trust in response to the UBCM recommendation to its members that they consider the Missing and Murdered Indigenous Women and Girls Calls for Justice.			
2020-146	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request that staff draft amendments to the Communications Policy and the Advocacy Policy to address the Murdered and Missing Indigenous Women and Girls Calls for Justice.			
2020-153	Carried	5.1 Mayne Island LTC Bylaw No. 180 (LUB Amendment)	18-Nov-2020
Resolution: That Executive Committee return the Mayne Island Local Trust Committee Bylaw No. 180, cited as 'Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020' for referral to First Nations inconsideration of Trust Council's reconciliation policies.			

Trust Programs Committee - 2020

2020-009	Carried	8.1 Cultural Heritage Resources	10-Feb-2020
Resolution: That Trust Programs Committee request that Local Planning Committee consider options for protecting cultural heritage resources, in the short term, due to the extended timeline of the Policy Statement Amendment Project.			

2020-015	Carried	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee forward the Trust Policy Statement analysis documents, including the 2011 report, and the briefing slides presentation, plus the UNDRIP report, to Trust Council for information.			
2020-017	Defeated	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee create three working groups around sections three, four, & five of the existing Trust Policy Statement and reconciliation.			
2020-016	Carried	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee request staff to provide an interim briefing on First Nation engagement of the Policy Statement Review.			
2020-018	Carried	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee create three working groups around the following lenses: reconciliation, climate change, and affordable housing, within the Trust Policy Statement. The three working groups are as follows: Reconciliation: Trustees Colbourne, Fenton, McConchie, and Peterson. Climate Change: Trustees Fenton, Langereis, and Morrison. Affordable Housing: Trustees Colbourne, Critchley, Luckham and Rogers.			
2020-029	Carried	6.2 Policy Statement Amendment Project Working Groups	23-Jun-2020
Resolution: that Trust Programs Committee approve the guidelines, as amended, for the Policy Statement Amendment Project Working Groups established in the areas of Reconciliation, Climate Change and Affordable Housing.			
2020-031	Rescinded	5.1 Policy Statement Amendment Project Update - Briefing	13-Aug-2020
Resolution: That the Trust Programs Committee forward this question for consideration by Trust Council: 'What legislative gaps exist for the Islands Trust to carry out its mandate and commitments to reconciliation?			
2020-033	Carried	5.2 History, Heritage and Conservation Grants-in-Aid Policy - RFD	13-Aug-2020
Resolution: That the Trust Programs Committee forward the Request for Decision regarding the History, Heritage and Conservation Grants-In-Aid policy to Trust Council, as amended.			
2020-065	Carried	7.1 Ministry of Transportation and Infrastructure (MOTI) Road Standards - Briefing	05-Nov-2020
Resolution: that Trust Programs Committee request staff to investigate options for a joint review with the Ministry of Transportation and Infrastructure of road standards, incorporating the Climate Change Declaration and the Reconciliation Declaration, and report back to Trust Programs Committee			
2020-067	Carried	that Trust Programs Committee recommend to Executive Committee that they undertake an extension to the climate change speaker series with an Indigenous perspective.	05-Nov-2020
Resolution: that Trust Programs Committee recommend to Executive Committee that they undertake an extension to the climate change speaker series with an Indigenous perspective.			

Trust Programs Committee - 2019

2019-012	Carried	8.3.1 Saturnina Foundation Funding Request for Support for First Nations	30-Jan-2019
Resolution: That the Executive Committee authorize a grant of \$500 to the Saturnina Foundation in support of the application to hold an event with First Nations on Saturna Island celebrating the new Sencoten Dictionary.			
2019-028	Carried	6.4.5 Reconciliation Declaration - RFD	27-Feb-2019
Resolution: That the Executive Committee support Chief Administrative Officer Hotsenpiller in the recommendation that the Indigenous Peoples binders received at January Trust Council not be disseminated but used as a reference tool at this time.			
2019-035	Carried	3.3.8 Potential Protocol Agreement Halalt First Nation dated March 8, 2019	12-Mar-2019
Resolution: That the Executive Committee request staff work with Halalt First Nations staff to bring forward a draft protocol agreement for consideration.			
2019-036	Carried	4.1 Vice Chair Rogers to attend Squamish Nation Leadership Forum for Chair Luckham	12-Mar-2019
Resolution: That Vice Chair Rogers be appointed Islands Trust Council representative on behalf of the Chair for meeting with Squamish Nation on April 8th.			
2019-052	Carried	7.1.2.2 2018/19 Annual Report - RFD	17-Apr-2019
Resolution: That the Executive Committee request staff amend the format and outline of contents for the 2018/19 Annual Report to add a section on First Nations and Reconciliation and that the format and outline of contents be approved as amended.			
2019-062	Carried	6.4.2 Reconciliation Action Plan - RFD	08-May-2019
Resolution: That the Executive Committee endorse the draft Islands Trust Reconciliation Action Plan and refer the plan to Trust Programs Committee, Local Planning Committee and Islands Trust Conservancy Board for review and comment.			
2019-106	Carried	11.6 Letter from FNLC to the Islands Trust Council regarding the Climate Change Emergency Declaration	03-Jul-2019
Resolution: That the Letter from First Nations Leadership Council to the Islands Trust Council regarding the Climate Change Emergency Declaration be referred to staff for recommendation for a response and be drafted under the signature of the Chair.			
2019-114	Carried	7.1.2.2 Expressions of interest for participation in a Cultural Working Group - RFD	24-Jul-2019
Resolution: That the Executive Committee direct staff to request expressions of interest from staff and trustees for participation in a Cultural Working Group, as outlined in the Reconciliation Action Plan 2019-2022 Item 7, and return to the Executive Committee with recommendations on membership and reporting requirements.			
2019-145	Carried	7.1.2.1 Cultural Working Group membership - RFD	04-Sep-2019
Resolution: That the Executive Committee approve the creation of a Wa lhtiá,éĀi (Culture) Working Group and that the group be comprised of the 15 people who responded to a request for an expression of interest as well as the Chair of Trust Council and the Chief Administrative Officer as ad hoc participants.			



2019-155 Carried Bowen Island Municipal Council 02-Oct-2019

Resolution:

that staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.

January 21, 2021 – for immediate release

2021-02-IT

Islands Trust actively promotes regional collaboration

Lək̓ʷəŋən, METULIYE/Victoria, B.C. – Islands Trust Council has launched a new program to promote regional cooperation and collaboration in the Islands Trust Area, the region between the British Columbia Mainland and southern Vancouver Island. Through the new program, the Islands Trust is formalizing its commitment to provide administrative support to coordination groups comprised of First Nations, organizations and/or stakeholders that meet to share information and collaborate, or to determine, implement or carry out First Nation, regional district, improvement district, or government of British Columbia policies in the Trust Area.

The Islands Trust is mandated through the provincial Islands Trust Act to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” In response to a desire to more actively promote inter-jurisdictional relationship-building and dialogue, Trust Council has allocated budget and staff time to support the administrative needs of cooperation groups and has adopted a new [Secretariat Services policy](#).

“The Islands Trust Policy Statement, approved by the Minister of Municipal Affairs, describes that cooperative actions are required of other agencies, organizations, and individuals to ensure that activities in the Trust Area are carried out in a manner that is sensitive to the needs of Trust Area ecosystems and communities,” said Peter Luckham, Islands Trust Council Chair. “With the many challenges facing the region, it has never been more important to help people and governments come together regularly to coordinate their efforts to preserve and protect the Trust Area and to build the relationships needed to address the opportunities of the future.”

Quick Facts

Secretariat services includes professional services such as administrative support, meeting organization, meeting administration, public notices, recording and distribution of meeting notes or minutes, and website hosting and updating.

The Trust Programs Committee has approved secretariat support to the following coordination groups:

2020/21

- \$5,000 plus staff time and resources – Baynes Sound Lambert Channel Ecosystem Forum
- \$3,800 – to support the Howe Sound (Atl'ka7tsem) Community Forum
- \$3,000 – to start the Southern Gulf Islands Regional Forum
- \$800 – to support the Coastal Douglas-fir Conservation Partnership

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

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

2019/20

- \$2,900 – to support the Baynes Sound Lambert Channel Ecosystem Forum
- \$3,000 – to support the Howe Sound (Atl'ka7tsem) Community Forum and related task forces

2018/19

- \$6,000 plus staff time and resources – to start the Baynes Sound Lambert Channel Ecosystem Forum

- 30 -

The Islands Trust is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and another 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique environment and amenities by planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

Contact:

Peter Luckham, Chair, Islands Trust Council 250.210.2553

Russ Hotsenpiller, Chief Administrative Officer, Islands Trust, via Erin Coulson, A/Communications Specialist 250.405.5197