



Gambier Island Local Trust Committee Regular Meeting Agenda

Date: May 28, 2020
Time: 10:30 am
Location: Electronic Meeting via Zoom

Pages

- | | | | |
|-------|---|---------------------|--------|
| 1. | CALL TO ORDER | 10:30 AM - 10:30 AM | |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | REPORTS | 10:30 AM - 10:50 AM | |
| 3.1 | Trustee Reports | | |
| 3.2 | Chair's Report | | |
| 3.3 | Electoral Area Director's Report | | |
| 4. | DELEGATIONS - none | | |
| 5. | TOWN HALL | 10:50 AM - 11:00 AM | |
| 6. | MINUTES | 11:00 AM - 11:05 AM | |
| 6.1 | Local Trust Committee Meeting Minutes - none | | |
| 6.2 | Section 26 Resolutions-Without-Meeting Report dated May 20, 2020 | | 4 - 4 |
| 6.3 | Advisory Planning Commission Minutes -none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 11:05 AM - 11:30 AM | |
| 7.1 | Follow-up Action List dated May 20, 2020 | | 5 - 6 |
| 7.2 | Protected Archaeological Sites in British Columbia - for information | | |
| 7.2.1 | <u>Local Government Notification Letter to Property Owners</u> | | 7 - 8 |
| 7.2.2 | <u>Property Owner Brochure</u> | | 9 - 10 |

7.2.3	<u>BC Archaeological Request Form</u>	11 - 13
	<u>https://www.archdatarequest.nrs.gov.bc.ca/</u>	
7.3	Executive Committee response to My Sea to Sky request regarding Woodfibre LNG Extension - for information	14 - 16
7.4	Map of Potential Privately Managed Forest Land (PMFL) - for information	
8.	APPLICATIONS AND REFERRALS	11:30 AM - 11:50 AM
8.1	GM-DVP-2020.1 - (Maltby, 283 Gordon Road, Keats Is.) - Staff Report - for decision	17 - 31
9.	LOCAL TRUST COMMITTEE PROJECTS	11:50 AM - 12:15 PM
9.1	Keats Shoreline Protection Project - Memorandum	32 - 70
9.2	Associated Islands (Bowyer & Anvil) Riparian Areas Protection - verbal update	
10.	CORRESPONDENCE	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
11.	NEW BUSINESS	12:15 PM - 1:05 PM
11.1	Climate Change Mitigation and Adaptation	
11.1.1	<u>Climate Change and Islands Trust - Key Messages</u>	71 - 82
11.2	2019-2020 Annual Report - Memorandum - for decision	83 - 84
11.3	Letter to Minister of the Environment and Climate Change Strategy regarding BC Recycling Regulation Amendment to Include Industrial, Commercial and Institutional (ICI) Sector - for consideration	85 - 86
	----- BREAK 1:05 PM TO 1:30 PM -----	
12.	REPORTS	1:30 PM - 1:50 PM
12.1	Trust Conservancy Report dated February, 2020	87 - 88
12.2	Applications Report dated May 20, 2020	89 - 91
12.3	Trustee and Local Expense Report dated February, 2020	92 - 92
12.4	Adopted Policies and Standing Resolutions	93 - 95
12.5	First Nations Activities	
12.6	Local Trust Committee Webpage	

13.	WORK PROGRAM	1:50 PM - 2:10 PM	
13.1	Top Priorities Report dated May 20, 2020		96 - 96
13.2	Projects List Report dated May 20, 2020		97 - 98
14.	INFORMATION ITEMS		
14.1	Islands Trust Chair response Letter to Minister of Transport dated April 24, 2020 regarding a call for Investigation by the Transportation Safety Board regarding Freighter Collision and Anchorage Locations in the Southern Gulf Islands		99 - 101
14.2	Islands Trust News Release dated May 8, 2020 regarding Non-Essential Travel		102 - 102
14.3	Islands Trust New Release dated May 5, 2020 regarding Local Trust Committee Electronic Meetings and Public Hearings		103 - 104
14.4	Islands Trust News Release dated May 14, 2020 regarding Islands Trust Council's First Electronic Meeting June 2020		105 - 106
15.	UPCOMING MEETINGS		
15.1	Next Regular Meeting Scheduled for Thursday, July 23, 2020 at 10:30 am - location to be determined		
16.	CLOSED MEETING		
16.1	Motion to Close the Meeting		
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated June 13, 2019 and Bylaw Enforcement and that the recorder and staff attend the meeting.</i>		
16.2	Recall to Order		
16.3	Rise and Report		
17.	ADJOURNMENT		

Resolutions Without Meetings Log

Gambier Island

Resolution Number	Action	Date
2020-004 "That the Gambier Island Local Trust Committee change the physical location of the May 28, 2020 meeting to the Islands Trust Victoria Office, 200-1627 Fort Street."	In Favour	23-Apr-2020
2020-003 "That the Gambier Island Local Trust Committee waive the restrictions in section 19 and 20 of the Gambier Island Meeting Procedure Bylaw No. 87, as shown below, for the regular meeting of May 28, 2020: 19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities. 20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee nor more than three regular meetings in any calendar year. 21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings."	In Favour	22-Apr-2020
2020-002 "That the Gambier Island local Trust Committee adopt the Local Trust Committee minutes dated January 30, 2020."	In Favour	17-Apr-2020
2020-001 "That given concerns about the COVID 19 virus, the Gambier Island Local Trust Committee regular meeting scheduled for Thursday, March 26, 2020 , be cancelled."	In Favour	20-Mar-2020

Follow Up Action Report

Gambier Island

27-Apr-2017

Activity	Responsibility	Dates	Status
1 Staff to prepare written communication materials for distribution to Gambier Island residents regarding the adoption of Bylaws 148 and 149 (RAR). Update: pending DPA 3 minor amendments	Jaime Dubyna	Target: 31-Aug-2017	Completed

28-Jun-2018

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

13-Dec-2018

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gambier Island

13-Dec-2018

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

21-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC indicated satisfaction that Section 4.4.10 of the Keats Island LUB has been met for application GM-BP-2019.23.	Bronwyn Sawyer		Completed

30-Jan-2020

Activity	Responsibility	Dates	Status
1 LTC approved issuance of GM-DVP-2018.2 as amended, as per the minutes.	Becky McErlean Jaime Dubyna		Completed
2 LTC endorsed revised project charter for the LTC-top priority project, Keats Island Shoreline Protection Project.	Jaime Dubyna		Completed

Archaeological sites are the physical remains of past human activity. There are over 50,000 known archaeological sites in British Columbia representing thousands of years of human history. The **Heritage Conservation Act (HCA)** recognizes the historical, cultural, scientific, spiritual, and educational value of archaeological sites to First Nations, local communities, and the public. Archaeological sites on both public and private land are protected under the HCA and must not be altered or damaged without a permit issued by the Province of British Columbia's Archaeology Branch.

Receipt of this form indicates that your local government has reviewed the records of the Archaeology Branch to determine whether your proposed activities are likely to impact a protected archaeological site. By identifying overlaps with archaeological sites early in the planning and development process, appropriate and timely steps can be taken that support an efficient development process. You should be aware that there are limitations concerning this review; please read the Provincial disclaimer¹ below.

Your property or project area falls into the selected category:

☐ **Direct overlap with protected archaeological site:** _____

Provincial records indicate that an archaeological site protected under the HCA is recorded within your property or project area.

- Your proposed activities may impact the protected archaeological site.
- You must obtain a site alteration permit issued by the Archaeology Branch before impacting the site.
- Completing an application for alteration permit usually requires archaeological expertise. You may consider engaging an eligible consulting archaeologist (see page 2) to confirm the results of this review and assist you in establishing permit requirements with the Archaeology Branch.
- Disturbance of a protected archaeological site without an alteration permit is a contravention of the HCA and may result in substantial fines and development delays.
- The archaeological site impact management and permit process is summarized on page 2. If you have questions about the process, contact the Archaeology Branch.

☐ **Direct overlap with an area of high archaeological potential**

Provincial records indicate your property or project area has high potential to contain an archaeological site protected under the HCA, either because the area has been previously assessed for potential or there is a known archaeological site within 50 m that may extend beyond its recorded boundaries.

- Your proposed activities may impact an unrecorded archaeological site. Archaeological sites are protected under the HCA, even if they have not yet been identified and recorded.
- Disturbance of a protected archaeological site without a permit is a contravention of the HCA. Accidental discovery of an unknown archaeological site during development requires activities to be halted until permit requirements have been established; this may result in significant development delays.
- To avoid the possibility of unauthorized archaeological site impacts and development delays, you may wish to engage an eligible consulting archaeologist (see page 2) to determine in advance whether your activities are likely to impact an unrecorded protected archaeological site.
- The archaeological site impact management and permit process that you will need to follow if an archaeological site is encountered before or during development activities is summarized on page 2. If you have questions about the process, contact the Archaeology Branch.

☐ **No identified overlap with archaeological sites or areas of high archaeological potential**

Provincial records do not indicate known archaeological sites or areas of high archaeological potential within your property or project area.

- Provincial records may be incomplete with regard to archaeological potential in your area.
- There is always a possibility for unrecorded archaeological sites to exist. Archaeological sites are protected under the HCA, even if they have not yet been identified and recorded.
- If an archaeological site is encountered, development activities must be halted and the Archaeology Branch contacted for direction (250-953-3334).

¹ **Provincial Disclaimer:** The Archaeology Branch of the Province of BC is responsible for the administration of the *Heritage Conservation Act*. It is not administered by municipal or regional governments. In completing this form, municipal and regional government staff rely on information provided by the Province of BC. Any questions regarding this document should be directed to the Archaeology Branch or to an eligible consulting archaeologist. The information in this document is based on a search of Provincial records. There are archaeological sites in BC that are unknown and not recorded in these records. The Province makes no representations or warranties with respect to the accuracy or completeness of this information. Persons relying upon it do so at their own risk.

Archaeological Site Impact Management and Permit Process

Archaeological sites are protected under the *Heritage Conservation Act* (HCA) and must not be altered or damaged without a permit issued by the Province of British Columbia's Archaeology Branch. The archaeological site impact management and permit process is summarized below. This summary applies to the majority of situations where small-scale development plans are in conflict with protected archaeological sites. There are always exceptions that can be explained to you by an archaeologist or the Archaeology Branch as you proceed through the steps. Major development projects may be subject to additional requirements that are beyond the scope of the basic process described below.

What do I do if my property or project area contains a protected archaeological site?

You must obtain a site alteration permit issued by the Archaeology Branch before conducting activities that will impact a protected archaeological site. Permit applications are available on the Archaeology Branch website. However, completing a permit application usually requires archaeological expertise. Most applicants will therefore engage a professional archaeologist to review development plans, verify archaeological records, confirm that an alteration permit is required, complete the permit application, and work with the Archaeology Branch on the applicant's behalf to ensure all HCA permit requirements are met. **Note that the application process for all Archaeology Branch permits takes 8-12 weeks from the date the application is submitted.** Contact an eligible consulting archaeologist for time and cost estimates.

After discussing your project, a desktop review, and/or a preliminary reconnaissance, the archaeologist may conclude that your activities will not impact the archaeological site. The archaeologist should send a letter stating their professional opinion to the Archaeology Branch. You may no longer require an alteration permit to proceed with your activities. In other cases the Archaeology Branch may conclude that an alteration permit cannot be issued based on the information available.

What is an archaeological impact assessment?

An archaeological impact assessment (AIA) is conducted by an archaeologist under an inspection permit. The permit allows the archaeologist to conduct subsurface tests to collect information about the archaeological site. The AIA results in recommendations for managing impacts to the archaeological site. The archaeologist's recommendations and their feasibility should be discussed with you before they are submitted to the Archaeology Branch. Common recommendations include:

- Changing building plans or construction techniques to reduce or avoid archaeological site impacts.
- Proceeding with an alteration permit with or without concurrent archaeological studies, depending on the expected degree of impact to the site.
- No further archaeological study or permits required.

Contact an eligible consulting archaeologist

An eligible consulting archaeologist is able to hold a Provincial heritage permit that authorizes archaeological studies. Ask an archaeologist if he or she can hold a permit. Contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Find an archaeologist through the BC Association of Professional Archaeologists (www.bcapa.ca) or through business directories.

Contact the BC Archaeology Branch

BC Archaeology Branch
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: 250-953-3334

Web: www.for.gov.bc.ca/archaeology/property_owners_and_developers

Data Request Form (to inquire about archaeological sites within your property or project area): www.archdatarequest.nrs.gov.bc.ca

Points to consider before improvements and renovations:

1. Why should I be concerned about archaeological sites on my property?

In many cases archaeological sites are our only link to our past. They provide us with a wealth of knowledge about our heritage, a fragile link to our origins and the nature of our early history in B.C. If we fail to preserve them we risk losing their cultural and historic value forever. Therefore, the Province controls damaging activities within these sites by protecting them by law and requiring a heritage permit to develop within site boundaries. Damaging a site without a heritage permit is unlawful.

2. What can I expect from my municipality, regional district and the BC Archaeology Branch?

Local governments may access the Provincial database to determine if these records show a site located within your property. If you are considering property improvements and have a site on your property, you must consult with a qualified archaeologist to determine the next steps.

If archaeological studies are required, the BC Archaeology Branch will work with you to avoid or minimize site damage during property improvements.

3. Are there any costs involved?

The property owner is responsible for the costs of required archaeological studies. However, by taking early action, you can minimize the costs to manage impacts to the archaeological site.

What are archaeological sites?

An archaeological site is a location where there is evidence of past human activity. Archaeological site examples include stone carvings, remains of ancient houses and campsites, shell middens, culturally modified trees, and early trading posts. These sites provide information about aboriginal life during the last 12,000 years and non-aboriginal life for the past 200 years.

Archaeological sites are fragile. The information contained in an archaeological site comes from the context in which artifacts are found as much as from the artifacts themselves. Once this context is destroyed through construction or landscaping, this information is lost, even if the artifacts are still there.

Archaeological sites, like mineral deposits, arable land, forests, fish and wildlife, are an important part of the environment.

The Heritage Conservation Act of British Columbia is the legislation that allows for the protection and conservation of archaeological sites.

B.C.'s Archaeology Branch can help you to ensure that improvements made to your property don't do unnecessary harm to archaeological sites below the surface.

Cover and inside page photo: Fort Victoria 1858, #PDP03885
— courtesy of British Columbia Archives.

Back page photo: Kitwanga, by J.S. O'Dwyer, no. 101588
— courtesy of the Canadian Museum of Civilization.

Where can you get more information?

Request data about a property:
www.archdatarequest.nrs.gov.bc.ca

To find the Archaeology Branch visit:
www.for.gov.bc.ca/archaeology
or phone:
(250) 953-3334



If you are
PLANNING
to develop or
renovate your
property...

...please help
to protect B.C.'s
archaeological sites.

THREE STEPS TO INCLUDE ARCHAEOLOGY IN PROPERTY IMPROVEMENTS

B.C.'s archaeological heritage is a precious, non-renewable resource.

British Columbia's heritage includes archaeological sites – the physical evidence of how and where people lived in the past.

For 98% of the time people have lived in British Columbia, no written records were made.

Archaeological sites and oral tradition are the only vestiges of this rich history extending back at least 12,000 years. This resource is of great value to First Nations, local communities and the general public. We need to protect and conserve this rich but fragile legacy.

Plan ahead before you dig.

You may not be aware, but property improvements you are planning could destroy important archaeological sites.

Plan ahead before renovating or building a new home. Any project that alters the land – such as excavations for building an addition, or installing a pool or pond – can damage and sometimes destroy valuable records of our past

Integrating the management of archaeological sites, at the outset of a project, can help ensure associated costs are kept to a minimum and damage to the site is reduced or avoided.

Find out if your property contains an archaeological site.

Your municipality or regional district is usually the first stop you'll make to obtain a building or development permit.

Many of these offices can access provincial records of known archaeological site locations within their jurisdictions, or you can contact the Archaeology Branch for this information. See the back of this brochure for contacts.

If you are told that your property may contain an archaeological site, you should hire a qualified archaeologist to confirm the site location. The archaeologist can also assess if the proposed project will damage archaeological deposits and discuss the steps to take. Qualified archaeologists can be contacted through the British Columbia Association of Professional Archaeologists (www.bcapca.bc.ca) or listings in the yellow pages.

If you find something in the ground – stop digging!

There are numerous archaeological sites in British Columbia and many are recorded.

But some are not. Sometimes artifacts and other archaeologically sensitive material, or even human remains, can be discovered accidentally.

If you think you have uncovered evidence of an archaeological site during a building project or renovation, you must call B.C.'s Archaeology Branch immediately.

Branch archaeologists will review your project plans and make recommendations to manage site impacts and secure the required permitting.

1

2

3

[B.C. Home](#) » [Forests, Lands, Natural Resource Operations and Rural Development](#) » [Archaeology](#) » [Archaeology Information Request](#)



Ministry of Forests, Lands, Natural Resource Operations and Rural Development

This information is collected by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development's Archaeology Branch under section 26 (c) of the Freedom of Information and Protection of Privacy Act. The personal information collected by the Archaeology Branch will be used to process information requests from citizens of British Columbia. In addition, personal information may be used by the Archaeology Branch for survey purposes.

Should you have any questions about the collection of this personal information, please contact the Archaeology Branch by email at ArchDataRequest@gov.bc.ca, by phone at 250-953-3334, or by mail at:

Archaeological Site Inventory Section
Archaeology Branch
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
PO Box 9816, Stn Prov Govt
Victoria BC V8W 9W3

- Note:**
- Required fields are prefixed with a red asterisk (*).
 - Please read the [Data Access Policy](#) to clarify the type of data you may receive.
 - Most information requests are completed within one week; however, turnaround time can sometimes exceed three weeks depending on demand. There is no fee for this government service. An alternative is to contact a professional consulting archaeologist for information and advice. Archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through business directories.

YOUR CONTACT INFORMATION

* I have read and accept the information request [Terms and Conditions](#) ☐ Yes ☐ No

* Name

* Email Address

* I am a:

* **My Affiliation / Company** 

* **Address** * **City**

* **Province** * **Postal Code**

* **Phone Number** (###-###-####)

YOUR INFORMATION REQUEST

- *1. What information are you requesting? (select and complete one):
- ☐ I request information and advice about archaeological sites on the parcel(s) described below (include civic address, PID, legal description; attach maps below if available):
- ☐ Other (describe in detail below):
-
- *2. Why do you require this information? (select and complete one)
- ☐ I am a representative of the seller or prospective purchaser of the parcel(s) described above. The parcel(s) described above are currently listed for sale.
- ☐ I am the property owner of the parcel(s) described above. I require the information because:
- ☐ Other (describe below):
-
- *3. Who will have access to this information, including third party access? (select one)
- ☐ I will not share this information with anyone.
- ☐ The following person(s) may have access to this information:
-
4. If you have requested archaeological site data, what format do you require? (select all that apply)
- ☐ PDF
- ☐ Excel
- ☐ Access
- ☐ Shapefile (ESRI, NAD 83, BC Albers Projection)
- ☐ Map(s)
- *5. Which organization, service, or information source prompted you to contact the Archaeology Branch with an information request? (select one)
- ☐ I am a regular business user of this information request service

- ☐ My realtor
- ☐ My local government
- ☐ [Archaeology Branch web site](#)
- ☐ [Natural Resource Online Services](#) (area of interest search)
- ☐ [FrontCounter BC](#)
- ☐ Other (please specify):

File Attachment(s)

You can attach a maximum of five files to assist us in locating and retrieving the information you need. Shapefiles must include the following four file types: .dbf, .prj, .shp, .shx.

File Attachment #1	Choose File	No file chosen
File Attachment #2	Choose File	No file chosen
File Attachment #3	Choose File	No file chosen
File Attachment #4	Choose File	No file chosen
File Attachment #5	Choose File	No file chosen

Submit Form

Reset Form

Note: Large file attachments may take a few minutes to upload. Please wait for the confirmation message before closing your browser.

Print and Close

Cancel



200 - 1627 Fort St., Victoria, BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

May 08, 2020

File Number: 5020 Coastal & Marine
Advocacy LNG Tankers

Via Email: tracey@myseatosky.org

Tracey Saxby
Executive Director
www.My Sea to Sky.org

Hello Tracey:

Re: Woodfibre LNG's Request to Extend their EA Certificate

Thank you for your email. I am responding on behalf of the Islands Trust Executive Committee. Trustees Sue-Ellen Fast and Michael Kaile may wish to reply on behalf of Bowen Island Municipality. On May 6, 2020, the Executive Committee considered your correspondence and was advised that Clare Frater, now Director of Trust Area Services, had, that morning, received notice that she was invited to participate in the review of the Woodfibre application for a five-year extension to the Environmental Assessment Certificate.

The Executive Committee discussed your correspondence and the opportunity for staff to comment on the extension application. The Committee decided given that the scope of the involvement of the Trust was limited to marine shipping issues; the Trust would decline to comment on the extension application.

Thank you for writing.

Sincerely,

Dan Rogers
Islands Trust Vice Chair and Gambier Area Trustee
drogers@islandstrust.bc.ca
604-220-1500

Cc: Islands Trust Executive Committee
Gambier Island Local Trust Committee
Bowen Island Municipal Trustees

From: Tracey Saxby [<mailto:tracey@myseatosky.org>]
Sent: Thursday, April 30, 2020 3:06 PM
To: Kate-Louise Stamford; Sue Ellen Fast; Dan Rogers; Michael Kaile
Subject: Woodfibre LNG's request to extend their EA certificate

Dear Trustees,

As you may already know, Woodfibre LNG has recently applied for a 5-year extension to its environmental assessment certificate, which expires on 26th October 2020.

Our understanding from the BC EAO is that there is no opportunity for public engagement throughout the extension application process. As such, we would like to share our concerns about Woodfibre LNG's extension application with members of the Technical Working Group, which includes Islands Trust, and we request council to incorporate our concerns in your response to the BC EAO.

Has Islands Trust been notified by the BC EAO of Woodfibre LNG's request to extend the certificate for another 5 years?

Can you please advise us of your internal timeframes and process to participate as part of the Technical Working Group to review Woodfibre LNG's extension application?

The current deadline for the Technical Working Group to respond is **19th May 2020**. Given the current COVID-19 pandemic, we are concerned that this is not enough time for local governments to adequately review Woodfibre LNG's extension application and provide feedback, especially as local governments are on the frontlines of the pandemic response.

We are also concerned that Woodfibre LNG submitted its application for an extension two months late, which further reduces the amount of time available for the BC EAO and the Technical Working Group to review the application. Please see the attached letter from Ecojustice to the BC EAO on behalf of My Sea to Sky with regards to this matter.

It is not clear which policy framework will be applied to Woodfibre LNG's extension application by the BC EAO, as in Woodfibre LNG's application they refer to the BC EAO's 2016 guidance documents, however BC EAO staff have verbally suggested that the new BC EAO 2020 Certificate Extension Policy will apply.

We intend to review Woodfibre LNG's extension application in greater detail, and we will share our concerns with Mayor and Council as soon as possible to help inform your response. At this time, however, we can say that both the viability of the natural gas industry and the urgency of climate change may indicate the need for Woodfibre LNG to be completely re-evaluated rather than for its extension application to be summarily approved.

For your convenience, we have provided links to the relevant documents below and attached. Please feel free to contact me directly if you have any questions.

Sincerely,

Tracey Saxby

BACKGROUND INFORMATION:

- 1) Woodfibre LNG's application [letter](#) dated 24th March 2020.
- 2) [BC EAO's 2016 guidance documents](#) which Woodfibre LNG refers to in their application.
- 3) New BC EAO [2020 Certificate Extension Policy](#) that was published on 24th April, 2020.
- 4) Ecojustice letter to BC EAO on behalf of MS2S, calling for BC EAO to reject the application (attached), dated 30th April 2020.

Tracey Saxby

Executive Director

My Sea to Sky

Cell: +1 (604) 892-7501

Email: tracey@myseatosky.org

Web: <http://myseatosky.org>

We proudly acknowledge that we work in the traditional, unceded territories of the Coast Salish peoples, including the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Selílwitulh (Tsleil-Waututh) Nations.

DATE OF MEETING: May 28, 2020
TO: Gambier Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager

SUBJECT: Development Variance Permit
Applicant: Jon Maltby
Location: 283 Gordon Road

RECOMMENDATION

1. That the Gambier Island Local Trust Committee waive the requirement for a survey plan signed by a B.C. Land Surveyor; and
2. That the Gambier Island Local Trust Committee approve issuance of Development Variance Permit GM-DVP-2020.1 (Maltby).

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for a reduction in the front and side interior lot lines of the subject property to allow for the siting of an existing bunkhouse with two decks and an attached structure functioning as a pump house and storage shed.

The above recommendation is supported as: a reduction in building setback to a public highway has been approved via a permit issued by the Ministry of Transportation and Infrastructure (MOTI), the siting of the decks and pump house do not affect the views of the neighbours; the variance has minimized development impacts as the site is cleared and close to the road; there is a vegetated screen, notification to date has generated no concerns/objections and the variance does not appear to impact the intent of the bylaw regulation.

BACKGROUND

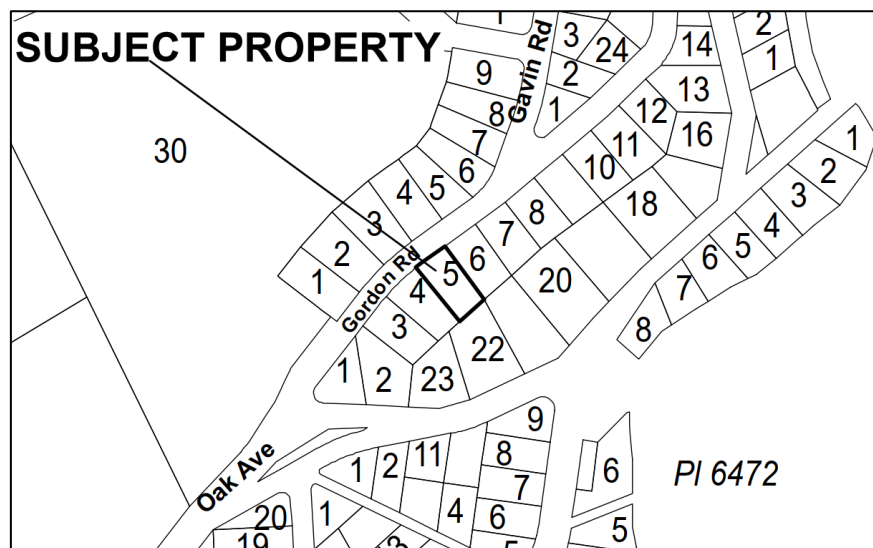
The proposal is to vary the front lot line and interior side lot line regulations in the Keats Island Land Use Bylaw 78, 2002 (LUB). Specifically:

- a) Subsection 2.7.2 is varied to permit: the eaves of a new addition to a single family residence to be sited within 0.0 metres of a front lot line.
- b) Subsection 2.7.2 is varied to permit: the eaves of a single family residence to be sited within 0.66 metres of an interior side lot line.

- c) Subsection 2.7.4 is varied to permit: a new addition to a single family residence to be sited within 0.56 metres of a front lot line.
- d) Subsection 2.7.4 is varied to permit: a single family residence to be sited within 1.22 metres of an interior side lot line.

The application will allow for the siting of the bunkhouse with two decks and pump house/storage room. The applicant has indicated that the existing water tank currently located in MOTI right of way and the existing portable garage that currently straddles the interior side lot line and projects into the neighbouring property to the northeast will be moved to locations entirely within the subject property and placed to meet required setbacks.

Figure 1 – Subject Property



A copy of the MOTI permit is attachment 3 of this report. The notice and draft permit (GM-DVP-2020.1) are Attachments 4 and 5.

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as ER – Eastbourne Residential in the Keats Island Official Community Plan No.77, 2002 (OCP). There are no Development Permit Areas designated in the OCP for the subject property.

Land Use Bylaw:

The property is in the CR1 – Community Residential 1 Zone in the LUB.

The existing use complies with use and density provisions for the zone on the property. The building meets the requirements of a dwelling as defined in the LUB. A building permit has been applied for and the permit type is single family dwelling.

Figure 2 – Air photo (2018 SCRD Website)

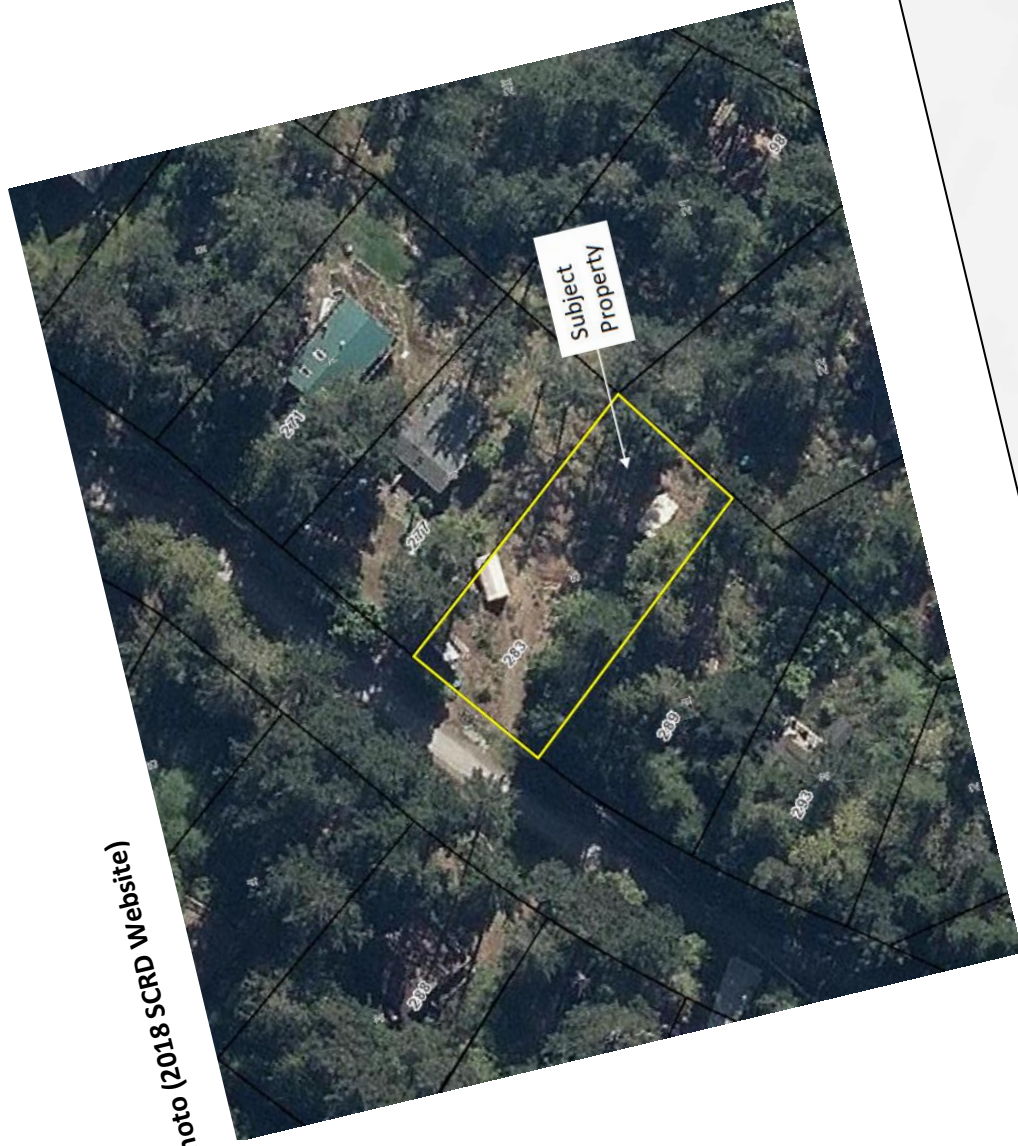


Figure 3 – Site Plan



Islands Trust Fund:

This application has no considerations for the Islands Trust Fund and has no considerations for the Regional Conservation Plan.

Issues and Opportunities***Rationale for the Variance***

The variance would allow for issuance of a building permit from the Sunshine Coast Regional District.

Impact on Neighbourhood

The proposed deck and pump house/shed is 0.56 metres from the front lot line (Gordon Road) and 0.66 metres from the interior side lot line shared with a neighbouring property to the northeast. Gordon Road appears to be a well used road on Keats Island. The property owner has obtained a permit from the B.C. Ministry of Transportation and Infrastructure to allow for a reduction in the allowable setback from Gordon Road. Moving the water tank and portable garage within property lines to locations that meet setbacks will eliminate the current impacts to Gordon Road and the neighbouring property.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on May 26, 2020.

At the time of writing, staff have received no submissions containing concerns regarding the proposed variance. Any submissions received prior to the LTC considering this variance will be forwarded to the LTC.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- Notification to date has not generated any negative responses.
- The variance does not appear to impact the intent of the bylaw regulation.
- A setback permit has been issued by Ministry of Transportation and Infrastructure for a reduction in setback to a provincial public highway (Gordon Road).

ALTERNATIVES

- **Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

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

- **Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee deny application GM-DVP-2020.1 (Maltby).

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	May 19, 2020
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ATTACHMENTS

1. Site Context
2. Maps and Photographs
3. MOTI Permit
4. Notice
5. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 5 BLOCK 16 DISTRICT LOT 1595 PLAN 10378
PID	009-445-528
Civic Address	283 Gordon Road, Keats Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
	None on file

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as ER – Eastbourne Residential in the Keats Official Community Plan Bylaw No 77. (OCP). There are no development permit areas designated in the OCP for the subject property.
Land Use Bylaw	The property is in the CR1 zone in the Keats Island Land Use Bylaw No. The existing residential use of the property complies with the use provisions for the zone. The newly constructed covered deck with pump house/shed is located within the front yard. A cistern is also currently located in the front yard and straddling the front lot line into MOTI ROW. Applicant indicates this will be moved. There is a portable garage that will also be relocated. 2.7 Measurement of Setbacks Buildings and Structures .2 The following features may project into a required setback area: • steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area; • balconies, decks and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area; .4 Unless a greater minimum setback is specified in respect of a zone, no building or structure except a fence, pump/utility house, or fire hut may be located:

	• within 5.0 metres (16.4 feet) of any front lot line; • within 1.5 metres (5 feet) of any interior side lot line Lot coverage (dwelling and garage): approximately 7.4%
Covenants	Restrictive covenant 492562M – building scheme. No impact to review.
Bylaw Enforcement	None on file

SITE INFLUENCES

Islands Trust Fund	This application has no consideration for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None identified.
Sensitive Ecosystems	ITC Sensitive Ecosystem Mapping Secondary – mature forest Tertiary – mature forest Islands Trust Ecosystem Mapping (ITEM) – Young forest Identified low relative value in Regional Conservation Plan 2018-2027
Hazard Areas	None identified.
Archaeological Sites	The owners should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No impacts anticipated.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

B.C. Land Surveyor's Site Plan
On Lot 5 Block 16
D. L. 1595 Plan 10378

Parcel Identifier: 009-445-328



Keats Island

Road

ROAD EASEMENT



Legend:

- Iron Nail Found
- 1/2" Stake Set
- ▲ Spike Set

Note:

Lot dimensions were derived from Plan 10378.
 Date of Field Work: Aug. 10, 2013
 Legal Notations
 Land Began within building scheme, see 4238171.

Restorative Covenant
 Reg. Number: 492562M
 Reg. Date: 1969.07.28
 Remarks: See 592951.

This Plan was prepared for building location purposes and is for the exclusive use of the client. The planmaker accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without the consent of the planmaker.

Don Smith
 Don Smith Land Surveys
 P.O. Box 1591
 Gibsons, BC
 V0N 1V0
 T 604.886.9140
 F 604.886.9148
 File 16-13-Site Plan

BCLS

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PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Sechelt Area Office
Box 356
Sechelt, BC V0N 3A0
Canada

("The Minister")

AND:

Jon Maltby
412 18 Street E
North Vancouver, British Columbia V7L 2Y2
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; an 8' x 16' cabin with deck within 4.5m setback from, Gordon Road, located at the lot legally described as Lot 5 Block 16 District Lot 1595 Plan 10378 (283 Gordon Road), as shown on drawing submitted by the Permittee.

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. The rights granted under this permit are for an indefinite period.

Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted.



5. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
6. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or III. the operation of the Highways;
7. Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
8. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with the Use. In particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.
9. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
10. It is the responsibility of the permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
11. Permittee to be responsible for the supply of all labour, equipment, materials in connection with these works.
12. All final designs are to be submitted to this office upon completion of works.
13. A copy of this permit must be on site at all times during the said works.
14. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
15. The layout shown on the submitted drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
16. It is the permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 7 of the Water Act, for works in or around any natural water-course, as and if required.
17. Any cutting, decking, and disposal of merchantable timber on subject right-of-way is to be done pursuant to provisions of the Forestry Act and authorization from the District Forestry Office must be obtained prior to the commencement of the permitted works. Right-of-way boundaries must be clearly marked by a qualified professional surveyor prior to inspection of the site by the Ministry of Forest personnel.
18. The Permittee shall ensure all equipment working on or hauling material on to and from the Site does not damage or deposit material onto any part of an existing roadway. Materials spilled onto the public roadways or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads and driveways caused by its construction equipment and/or operations.
19. All grubbing and debris from clearing to be disposed of to the satisfaction of the District Highways Manager.
20. No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.
21. Any damage to the Ministry of Transportation and Infrastructure right-of-way as a direct result of the permitted works shall be repaired and maintained by the Permittee in perpetuity.
22. If the Permittee proceeds on this permit, it is deemed that all terms and conditions have been accepted.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Sechelt, British Columbia, this 26 day of June, 2019

Kattia Woloshyniuk, Area Development and Operations Technician
On Behalf of the Minister

Page 2 of 2



Islands Trust

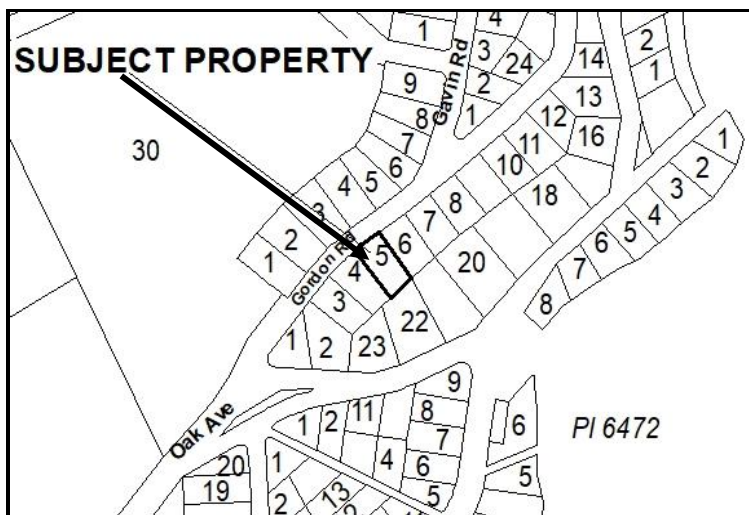
NOTICE
GM-DVP-2020.1
GAMBIER ISLAND LOCAL TRUST COMMITTEE
(MALTBY)

NOTICE is hereby given that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying the Keats Island Land Use Bylaw No. 78, 2002, in general terms, as follows:

- To reduce the setback (front lot line) for eaves from 4.0 metres to 0.0 metres
- To reduce the setback (front lot line) for single family dwelling from 5.0 metres to 0.56 metres
- To reduce the setback (interior side lot line) for eaves from 1.0 metres to 0.66 metres
- To reduce the setback (interior side lot line) for single family dwelling from 1.5 metres to 1.22 metres

The property is legally described as: PID 009-445-528 Lot 5 Block 16 District Lot 1595 Plan 10378

The general location of the subject area is shown in the following sketch:



If you have any questions or comments regarding the proposed Permit, please contact Bronwyn Sawyer, Planner 2, at 250-247-2207; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road,
Gabriola, BC V0R 1X3;

Fax: 250-247-7514 or

Email: northinfo@islandstrust.bc.ca

A copy of the proposed Permit is available on the Islands Trust website

<http://www.islandstrust.bc.ca/islands/local-trust-areas/gambier/current-applications/> commencing **May 15, 2020** and continuing up to and including **May 26, 2020**. Also, attached for your convenience, is a copy of the proposed Permit.

Following the end of the notice period, the Gambier Island Local Trust Committee may consider issuance of the proposed permit at its **Electronic Business Meeting** to be held at **10:30 am, Thursday, May 28, 2020**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Gambier Island Local Trust Committee meeting, on May 28, 2020, the public may join the meeting by:

- **Calling:** 855.703.8985 (Toll Free)
- **Logging into:** <https://islandstrust.zoom.us/j/65524089372>

The **Webinar ID number** is: 655 2408 9372

Please refer to the posted agenda on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is placed on the agenda.

Written comments made in response to this notice will also be available for public review.

Becky McErlean, Deputy Secretary



GAMBIER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GM-DVP-2020.1

TO: Jonathon and Joanna Maltby

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

PID: 009-445-528

Lot 5 Block 16 District Lot 1595 Plan 10378

2. Pursuant to Section 498 of the *Local Government Act*, the *Keats Island Land Use Bylaw No. 78, 2002* is varied as follows:

- a) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.2 “The following features may project into a required setback area: steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area”; is varied:

- To reduce the front lot line setback for the roof eave from 4.0 metres to 0.0 metres.

- b) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.4 “Unless a greater minimum setback is specified in respect of a zone, no building or structure except a fence, pump/utility house, or fire hut may be located within 5.0 metres (16.4 feet) of any front lot line”; is varied:

- To reduce the front lot line setback for a single family residence from 5.0 metres to 0.56 metres.

- c) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.2 “The following features may project into a required setback area: steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area”; is varied:

- To reduce the interior side lot line setback for the roof eave from 1.0 metres to 0.66 metres.

- d) PART 2 – GENERAL LAND USE REGULATIONS, Section 2.7 MEASUREMENT OF SETBACKS – Buildings and Structures, Subsection 2.7.4 “Unless a greater minimum setback is specified in respect of a zone, no building or structure except a fence, pump/utility house, or fire hut may be located within 1.5 metres (5 feet) of any interior side lot line” is varied:

- To reduce the setback from the interior side lot line for a single family residence from 1.5 metres to 1.22 metres.

3. The development shall be consistent with Schedules "A" and "B" attached to and form part of this permit. This permit is not a Building Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Keats Island Land Use Bylaw No. 78, 2002* and to obtain other approvals necessary for completion of the proposed development, including approval of the Sunshine Coast Regional District and Ministry of Transportation and Infrastructure.

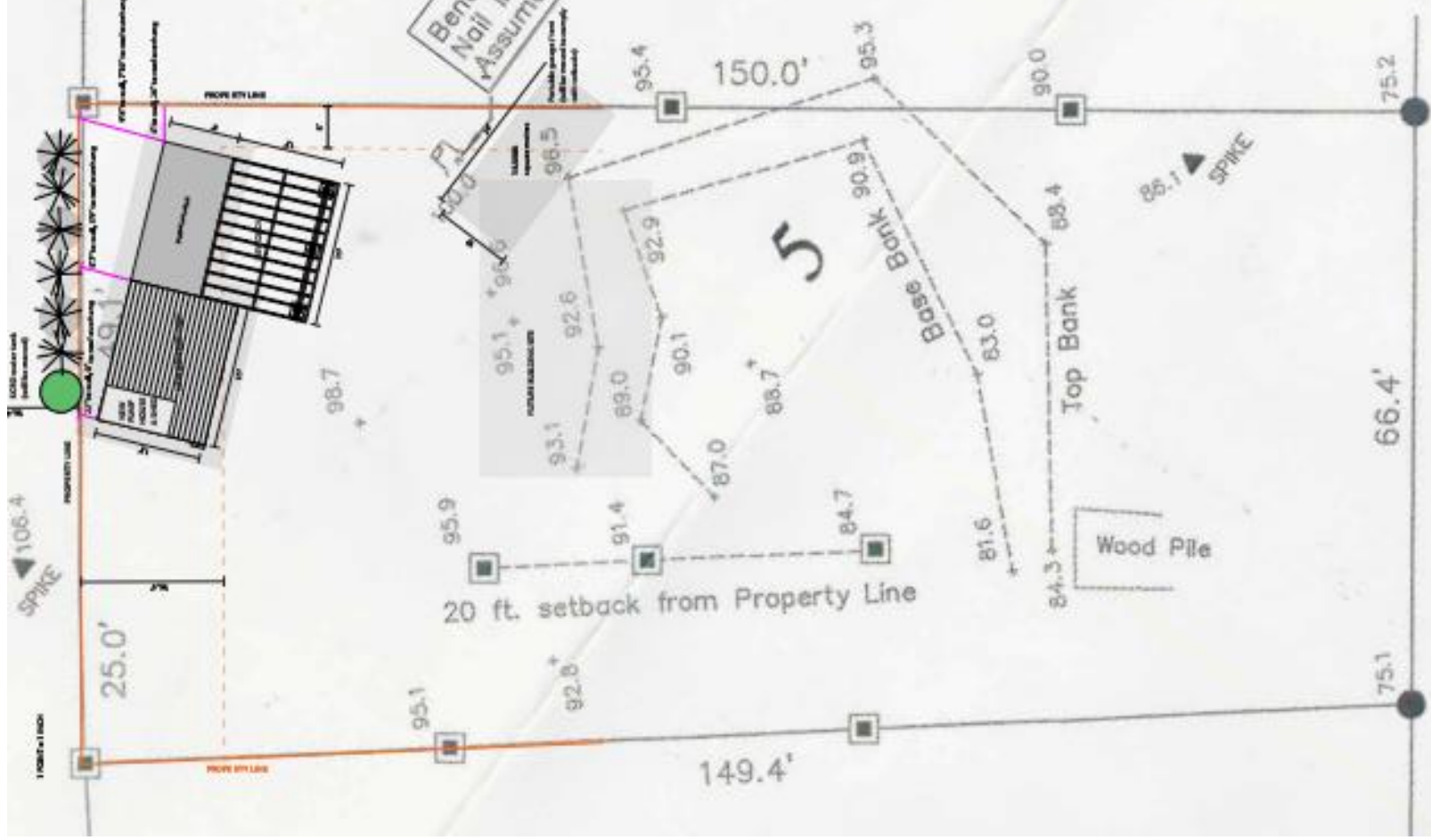
AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 2020.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 2022, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A"



Schedule "B"
Site Plan - detail



MEMORANDUM

File No.: GM-6500-20 Keats Shoreline Protection

DATE OF MEETING: May 28, 2020
TO: Gambier Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: **Keats Island Shoreline Protection Project**

PURPOSE

The purpose of this memo is to update the Gambier Island Local Trust Committee (LTC) on progress to date with the Keats Shoreline Protection Project, to introduce the discussion paper resulting from the first phase of the project, and to outline potential next steps for LTC consideration.

BACKGROUND

At the January 30th, 2020 Gambier Island LTC regular business meeting staff presented the amended project charter for LTC endorsement. The LTC passed the following resolution:

GM-2020-005

It was Moved and Seconded,

that the Gambier Island Local Trust Committee endorse the revised 'Keats Islands Shoreline Protection' Project Phase 2 Project Charter v.3 dated January 30, 2020.

CARRIED

PROJECT UPDATE

Since the endorsement of the revised project charter in January 2020, staff have been undertaking a review of current LUB regulations and OCP policies on Keats Island, and other Local Trust Area regulations and policies. The goal of this review is to analyse what opportunities may exist for regulatory and/or policy changes that could potentially provide increased shoreline protection on Keats Island.

As a means for providing baseline information to the LTC and the Keats Island Shoreline Protection Working Group with respect to shoreline protection regulations and policies on Keats Island, the attached discussion paper includes:

- A summary of relevant Islands Trust Policy Statement directive policies;
- A summary of relevant Keats Island Official Community Plan (OCP) policies;
- A description of current regulations in the Keats Island Land Use Bylaw (LUB);
- A summary of relevant regulations in other Local Trust Area land use bylaws; and,
- A brief outline of four potential options for regulatory and/or policy changes that could help to protect the shoreline on Keats Island.

NEXT STEPS

Proposed next steps include:

- Staff to present discussion paper to Working Group to generate recommendation on options and report back to LTC.

Submitted By:	Jaime Dubyna Planner 2	May 19, 2020
Concurrence:	Heather Kauer Regional Planning Manager	May 20, 2020

ATTACHMENTS:

1. Keats Shoreline Protection Review Discussion Paper
2. Project Charter v.3.1, updated May 28, 2020

GAMBIER ISLAND LOCAL TRUST COMMITTEE
KEATS ISLAND SHORELINE PROTECTION PROJECT

DISCUSSION PAPER

MAY 2020

Jaime Dubyna, Planner 2



Contents

List of Figures	1
Summary	2
1. Background	2
2. Limitations.....	3
3. Existing Islands Trust Policies.....	4
3.1. Islands Trust Policy Statement.....	4
3.2. Keats Island Official Community Plan	5
3.3. Keats Island Land Use Bylaw	6
3.4. Other Local Trust Area Bylaw Regulations.....	10
4. Options.....	11
4.1. Establish a Shoreline Development Permit Area	11
4.2. Flood Protection Bylaw	13
4.3. Create Marine Zones.....	14
4.4. Establish Heritage Conservation Areas	16
5. Conclusion.....	17
6. Appendix 1 – Islands Trust Policy Statement Policies	18
7. Appendix 2 – Keats Island OCP Policies	18
8. Appendix 3 – Keats Island LUB Regulations	18
9. Appendix 4 – Summary of Other Local Trust Area Regulations.....	18

List of Figures

Figure 1. Location of M1 and M2 zones on Keats Island	7
Figure 2. Zones that permit marine-based structures	9
Figure 3. Example of setbacks from natural boundary of sea	14
Figure 4. Marine-based zones on Keats Island	15

Summary

As a mechanism for providing background and context, staff have prepared a discussion paper on shoreline policies and regulations on Keats Island. The purpose of this discussion paper is to provide analysis, technical information and recommend options in order to inform discussion and deliberation.

Following LTC endorsement of this discussion paper, the next step in the review process is proposed to be a referral of this discussion paper to the Keats Island Shoreline Protection Working Group for comment. Working Group comments and recommendations would then be brought back to the LTC for consideration.

1. Background

At the July 27, 2017 regular meeting of the Gambier LTC, a resolution was passed which moved the item “Keats Island Regulatory Options for Docks and Other Foreshore Development” to the top priority project list, with the specified activity of “amending policies and regulations for docks and other foreshore development.” This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development.

The concerns are understood to include environmental impacts, particularly on eelgrass or forage fish spawning areas; visual impacts to neighbours; and impacts on public access to the foreshore for residents and visitors of the Island.

In addition to community concerns, a review and update to shoreline policies and regulations for Keats Island has not been done since the adoption of the Keats Island Official Community Plan (OCP) Bylaw No. 77, 2002 and the Keats Island Use Bylaw No. 78, 2002 (LUB). While 18 years may not seem that long ago, it is generally considered good practice to review OCPs every 5 to 10 years. As well, it has been noted that some regulations found in the current LUB have been carried over from the repealed “Sunshine Coast Regional District Land Use Regulation By-law No. 76, 1974.”

A high concentration of archaeological values, including an estimated 80% of known archaeological sites, are found near the foreshore. Increasingly, First Nations are expressing concerns about the proliferation of shoreline development, which may impact their ability to engage in traditional food gathering activities, and other cultural impacts, as well as generating rights and title implications.

Subsequently, at the April 19, 2018 regular meeting, the LTC endorsed a project charter for ‘Phase 1’ of the project, renamed “Keats Island Shoreline Protection Project”. ‘Phase 1’ introduced potential policy, regulatory and voluntary options related to shoreline protection, and conducted two public meetings and a survey to solicit community input on shoreline values. At the January 31, 2019 regular meeting, a summary of community input was presented to the LTC, the LTC deemed ‘Phase 1’ complete and endorsed a project charter for ‘Phase 2’ of the project.

The purpose of ‘Phase 2’ is to review and update relevant OCP policies and LUB regulations to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access on Keats Island. The project aligns with Trust Council direction related to the protection of the foreshore and nearshore, and for climate change adaptation and mitigation. The objectives of ‘Phase 2’ include OCP and LUB updates to address the following:

- Sea level rise and flood protection;
- Protection of archaeological resources, sensitive ecosystems and species at risk; and
- Consistency with Atl'ka7tsem/Howe Sound cumulative effects studies, conservation and marine use planning documents; and the Islands Trust Conservancy Regional Conservation Plan 2018-2027 and Coastal Douglas-fir Ecosystem Protection Toolkit.

The scope of the project includes:

- Establishing a Keats Island Shoreline Protection Working Group;
- Reviewing and updating relevant OCP policies and schedules, LUB setbacks and flood protection levels, dock regulations, marine zones, and flood protection bylaw;
- Potentially developing a shoreline development permit area;
- Conducting minor 'housekeeping' bylaw amendments.

The first deliverables identified in the project charter include LTC endorsement of the revised project charter and Working Group Terms of Reference, and establishing the Working Group; completed in June 2019. Since then, staff have met with the Working Group to introduce the project and relevant topics, conduct a boat tour to identify areas of concern or interest along the Keats shoreline, and identify the Working Group's key concerns related to the Island's foreshore and marine areas.

This discussion paper has been prepared for the Working Group and the Gambier Island LTC, to present an overview of existing Keats Island regulations and policies, provide a comparison of other Local Trust Area's regulations, and present four potential regulatory options for proceeding. The Working Group will be asked to provide recommendations to the LTC in relation to the four options. The findings of this discussion paper along with the Working Group's recommendations are proposed to inform the LTC as they move forward with considering the existing Keats shoreline policies and regulations.

2. Limitations

This discussion paper has several limitations that should be considered relevant. An overarching goal of this project is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access on Keats Island.

It is noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

The scope of this project does not include determining the legal status of current docks and foreshore structures under the LUB. In addition, the scope of this project does not include identifying whether current docks and foreshore structures still require permissions or a license for a Crown lease. It is the responsibility of property owners to confirm the legality of their docks or foreshore structures with the Province.

It is recognized that Keats Island is accessible by boat only, and that many upland properties are water access only, having no access to a developed road. Options for access include private boat, water taxi from Gibsons or Horseshoe Bay, and a passenger service from Langdale.

3. Existing Islands Trust Policies

3.1. Islands Trust Policy Statement

The Policy Statement guides land use planning and development through the preserve and protect mandate of the Islands Trust. It includes goals and policies that reflect the values and concerns for the future of the Trust Area. Local trust committee official community plans and land use bylaws must comply with the Policy Statement. There are a number of policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development, as follows in the table below:

Table 1. ITPS Policies

ITPS Policies	
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.
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.
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.

A comprehensive list of relevant ITPS policies are found in Appendix 1.

3.2. Keats Island Official Community Plan

There are several policies in the Keats Island Official Community Plan (OCP) Bylaw No. 76, 2002 which speak to protecting coastal and/or foreshore areas:

P 3.20 *In order to protect the island's foreshore and beaches from pollution, environmental degradation, and inappropriate development or use, zoning regulations for coastal areas should be designed to ensure protection of natural coastal processes and features.*

P 4.20 *The integrity of foreshore features, shoreline features, and intertidal processes should be maintained by:*

- a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore;*
- b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas;*
- c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures;*
- d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline.*

P 4.21 *The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.*

The OCP also includes the following policy for protecting archaeological resources:

P 5.117 *The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by the Local Trust Committee.*

There are additional OCP policies that support dock or wharf development, specifically for water-access only lots, and that encourage sharing of docks through joint ownership or agreements between neighbours:

P 4.16 *Zoning regulations should provide for the existing public wharves, public barge ramp, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements.*

P 5.84 *Water-access lots are recognized as areas suitable for private docks and moorings.*

P 5.85 *Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves.*

Appendix 2 provides a comprehensive list of existing OCP policies.

3.3. Keats Island Land Use Bylaw

For clarity, the LUB provides the following definitions:

- accessory** *in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.*
- moorage** *means the tying of a boat or vessel:*
- *to a wharf, dock, or float; or*
 - *to a mooring buoy that is in turn anchored to the seabed.*
- dock** *means a marine-based structure, usually comprised of a float, ramp and pier which is used for the private moorage of boats or vessels in association with a permitted residential use on the adjacent upland.*
- public wharf** *means a wharf serving the general public for the purpose of loading and unloading people, goods and material, plus temporary moorage space for the boating public.*
- wharf** *means a marine-based structure, usually comprised of a pier, ramp(s) and float(s), which is available in association with a public use, provincial marine park, private institutional or communal moorage use.*

Permitted Uses

The Keats Island Land Use Bylaw (LUB) permits non-commercial anchorage or moorage use through four routes:

- in marine zones;
- accessory to a residential use of a residential zone;
- accessory to a permitted use of an institutional zone;
- for public use associated with park use in the Provincial Marine Park (P2) zone (Plumper Cove Marine Provincial Park).

There are two locations zoned Marine 1 – Public Wharf (M1) on Keats, where non-commercial boat moorage use is permitted: Eastbourne and Keats Landing government wharves.

There are also two locations zoned Marine 2 – Communal Moorage (M2) zone on Keats, where non-commercial anchorage and moorage of private vessels is permitted: directly adjacent to Keats Landing wharf, and in a marine-only area adjacent to the Eastbourne wharf. The M2 zone permits this use provided it serves “....only single family uses on any Keats Island upland lot, and for which user fees may be charged.”

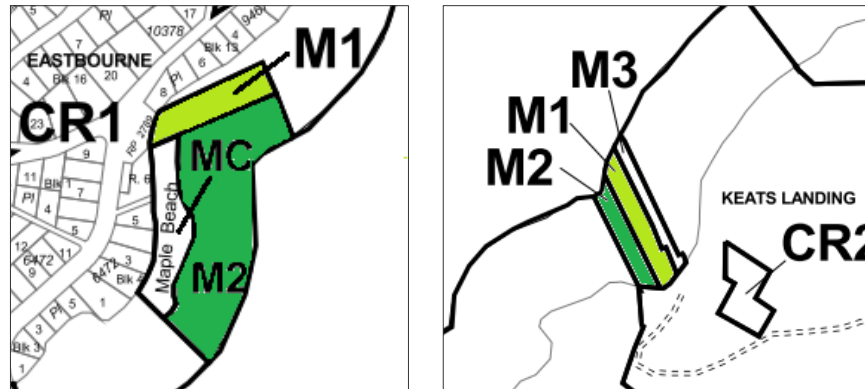


Figure 1. Location of M1 and M2 zones on Keats Island

The following residential zones permit non-commercial anchorage and moorage in the marine-based area, accessory to a permitted residential use on the adjacent upland:

- Community Residential 1 (CR1)
- Community Residential 2 (CR2)
- Comprehensive Development 1 (CD1)
- Rural Residential (RR)
- Rural Comprehensive (RC)

And, the following institutional zones permit non-commercial anchorage and moorage in the marine-based area, accessory to a permitted use in the adjacent upland:

- Private Institutional 1 (PI1)
- Private Institutional 2 (PI2)

Generally, commercial or industrial use of a “buoy, float, dock, wharf, ramp or related structure” is prohibited on Keats Island, unless it is expressly permitted in Part 4 of the LUB. For example, Section 4.16 of the LUB permits “buoys, floats, dolphins and pilings, necessary for the establishment or operation of a use permitted in this zone”, in the Marine 4 – Private Log Dump (M4) zone.

Permitted Structures

Docks

The LUB provides regulations for private docks and associated structures (floats, ramp, pier) within the marine-based area of the following residential zones:

- Community Residential 1 (CR1)
- Community Residential 2 (CR2)
- Comprehensive Development 1 (CD1)
- Rural Residential (RR)
- Rural Comprehensive (RC)

Regulations for docks include the maximum number of docks permitted per waterfront lot, the maximum area covered by a dock float, and the maximum width of a ramp associated with a dock. To

align with OCP policies that support or encourage communal/shared docks, the LUB includes regulations where the maximum float size may be increased per residential dwelling served by that dock, provided a restrictive covenant is registered.

While the LUB includes docks under permitted structures in the Private Institutional 2 (PI2) zone, the regulations for marine-based structures in this zone are directed toward wharves. It is also noted that both the Provincial Marine Park (P2) and Marine 2 – Communal Moorage (M2) zones include regulations for docks, but do not include docks under permitted buildings and structures in that zone.

Wharves

The LUB permits wharves through two routes: for public use and in association with a private institutional camp. Public wharves are permitted in the following zones:

- Provincial Marine Park (P2)
- Marine 1 – Public Wharf (M1)
- Marine 2 – Communal Moorage (M2)

The M1 and M2 zones provide the main public access points to Keats Island; as noted, the M1 zone includes Eastbourne and Keats Landing government wharves. The P2 zone includes the upland and marine-based area of Plumper Cove Marine Provincial Park. LUB regulations related to public wharves include limiting the maximum area covered by a float and the maximum width of a ramp.

Wharves and associated structures (float, dolphin, pilings, etc.) that are necessary for the establishment or operation of a private institutional camp use, are also permitted in the Private Institutional 1 (PI1) and Private Institutional 2 (PI2) zones. There are associated regulations for wharves for each of these zones, including the maximum number of wharves permitted and maximum area covered by floats and ramps.

Appendix 3 provides summary tables of zone-specific regulations found in the LUB in relation to docks, wharves and other marine structures.

As shown in Figure 2, most of the Keats shoreline is zoned to permit marine-based structures such as docks and wharves.

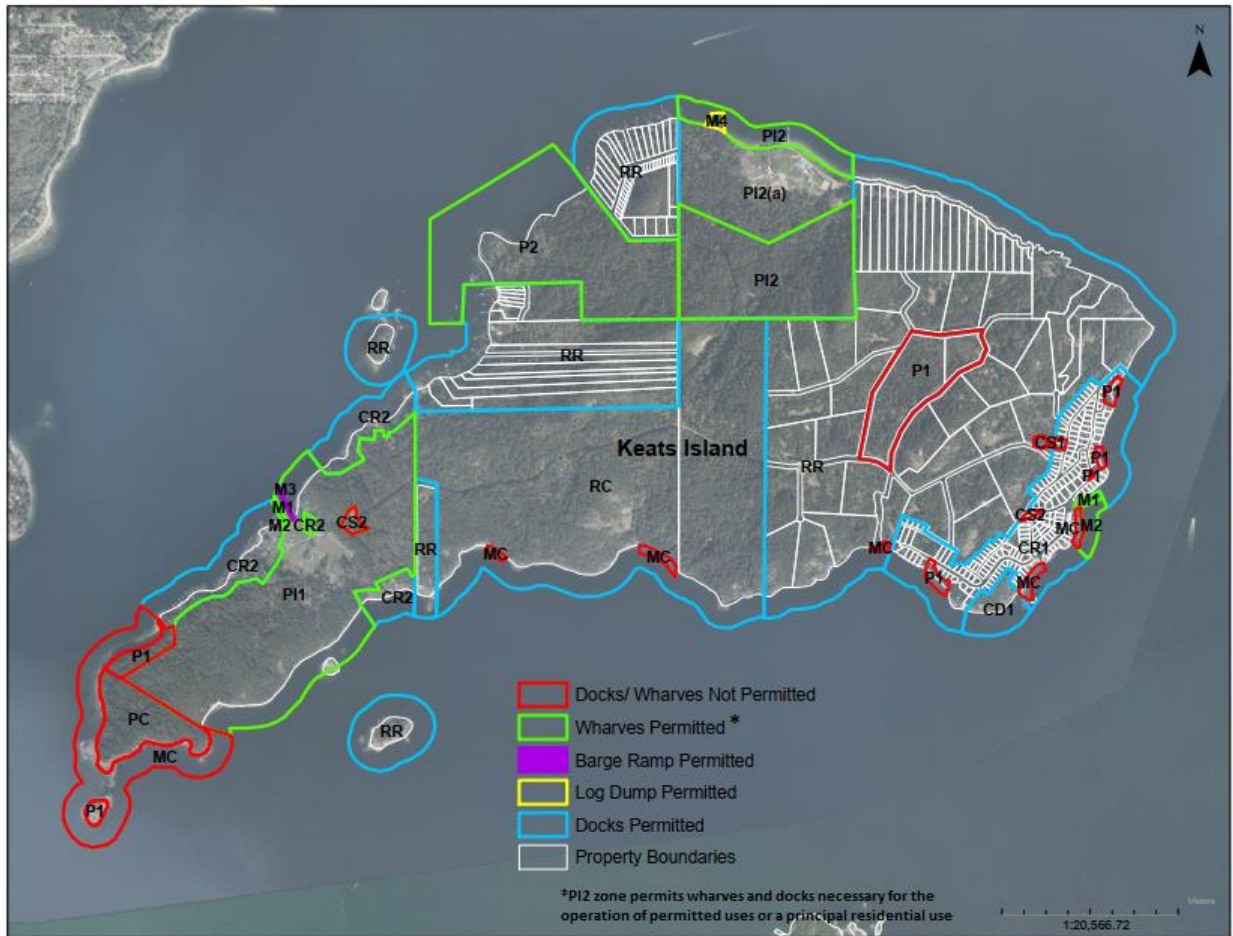


Figure 2. Zones that permit marine-based structures

Setbacks

Natural Boundary of the Sea

The LUB provides the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:

2.7.2 *The following features may project into a required setback area:*

- steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;
- balconies, decks and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

2.7.3 *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.

For clarity, the LUB provides the following definitions:

<i>natural boundary</i>	<i>means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.</i>
<i>retaining wall</i>	<i>means the placement of riprap or a structure between lands of different elevations to protect structures and/or to prevent erosion.</i>
<i>structure</i>	<i>means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes:</i> <i>• fences;</i> <i>• surfaced areas of gravel, concrete, or other similar material comprising driveways and uncovered parking areas; and</i> <i>• underground sewage disposal systems including septic tanks, absorption fields and related appurtenances</i>

3.4. Other Local Trust Area Bylaw Regulations

Policies and regulations related to shorelines differ from island to island in the Trust Area, as each island has taken a variety of approaches to address shoreline development and protection. Since each LTA has its own Land Use Bylaw (LUB) and Official Community Plan (OCP), each island has taken an approach consistent with its own individual culture, history, and intensity of use. The main tools available to the LTAs under the *Islands Trust Act* are modifications to the OCP and associated LUBs to include shoreline-specific provisions. Within the LUBs, this generally takes the form of increasing setbacks from the natural boundary of the sea and limiting buildings and structures within the setback area and in marine areas.

Table 2 (next page) provides a brief overview of how the LTAs in the Islands Trust regulate the shoreline area. Further summaries of each island's regulations are outlined in Appendix 4 – Summary of Other Local Trust Area Regulations. A select number of associated islands bylaws were included in this study.

Table 2: Summary of Other LTA Regulations

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m*	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓	15 m*	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m*	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*May be reduced with engineer certification.

4. Options

As outlined in Section 3.3, the Keats Island LUB currently regulates docks and other foreshore development through a combination of general and zone-specific regulations. Outlined below is a brief discussion of potential options that could be considered by the LTC for enhancing shoreline protection further through its regulatory and policy framework on Keats Island.

4.1. Establish a Shoreline Development Permit Area

Authorized by the *Local Government Act* (LGA), development permit areas (DPA) are one regulatory option available to the LTC for managing development on private land. Under Section 488 of the LGA, DPAs may be designated within an official community plan for a number of purposes, including “protection of the natural environment, its ecosystems and biological diversity” and “protection of

development from hazardous conditions”. DPAs are established over specific land or areas and include development guidelines to address DPA objectives. Examples of objectives that may be relevant to Keats include:

- To preserve and protect the ecological values of shorelines and associated foreshore and upland areas;
- To protect and/or minimize disruption of important natural features and processes;
- To protect fish or wildlife habitat;
- To prevent erosion;
- To adapt to anticipated effects from climate change.

The guidelines may prescribe how applicable development activity occurs within that DPA. Examples include guidelines for retaining walls and other shoreline stabilization works; dock construction regarding density, size and materials; protecting eelgrass and other plant or tree species; setbacks from the natural boundary; requirements for professional reports (i.e. engineer, biologist, etc.); and restoration or enhancement measures.

There are several LTAs that have established Shoreline DPAs, which guide development within a specified area upland of the natural boundary of the sea, and in some cases, seaward to the boundary of the area of bylaw application.

Ballenas-Winchelsea Islands designates all land 30 metres upland of the natural boundary of the sea within its Shoreline DPA, for the protection of the natural environment and to protect development from hazardous conditions. The DPA applies to all construction and land alteration within the Shoreline DPA, and includes general guidelines, shoreline specific guidelines for steep slopes and bluffs, and guidelines for boat launch facilities.

Salt Spring Island designates all land covered by water between the natural boundary of the sea and a parallel line draw 300 metres seaward of the natural boundary of the sea within its Shoreline DPA. It also encloses upland areas measured 10 metres from the natural boundary of the sea in areas where the marine environment has been identified as particularly sensitive to development impacts. Guidelines include addressing water quality, residential dock float size, shoreline stabilization works, lighting over the water and reducing impact on kelp or eelgrass beds.

Considerations:

Pros

- Would address the greatest number of concerns identified by the LTC and Working Group of all options listed;
- Furthers the Islands Trust’s “preserve and protect” mandate;
- Guides development, does not preclude development;
- Certain development activities may be exempted from the requirement for a development permit;
- Applicable to residential, industrial and commercial development;
- Specifies natural or hazardous areas that must remain free of development, except in accordance with the conditions of the permit;

- May require measures to preserve, protect, restore or enhance specified natural features or areas;
- May incorporate recommended sea level rise and flood protection measures;
- Opportunity to incorporate recommendations in the Islands Trust Coastal Douglas-fir Zone Ecosystem Protection Toolkit and Islands Trust Conservancy Regional Conservation Plan;
- Opportunity to incorporate Green Shores or “soft shore” alternative approaches to shoreline and flood protection;
- No public notification required for an application for a Development Permit. Public consultation is done at the time of the DPA’s establishment within the OCP and LUB.

Cons

- Amendments to OCP and LUB required, including mapping updates;
- Not applicable to institutional, agricultural, forestry or parks development;
- Limited discretion for LTC. Issuance of DP is in accordance with DPA guidelines;
- Bylaw infraction enforcement can be costly;
- Misunderstanding of DPAs can lead to difficulty gaining public acceptance;
- Property owners concern for additional costs and regulations.

4.2. Flood Protection Bylaw

Section 524 of the LGA enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province’s [“Flood Hazard Area Land Use Management Guidelines”](#) (the Provincial Guidelines). Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development, and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines require a setback of 15 metres from the future estimated natural boundary of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site specific conditions, for example in low-lying areas or areas of known erosion hazard.

The current Keats LUB requires a 7.5 metres setback from the natural boundary of the sea for buildings and structures, and requires amendments to be consistent with the Provincial Guidelines. Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

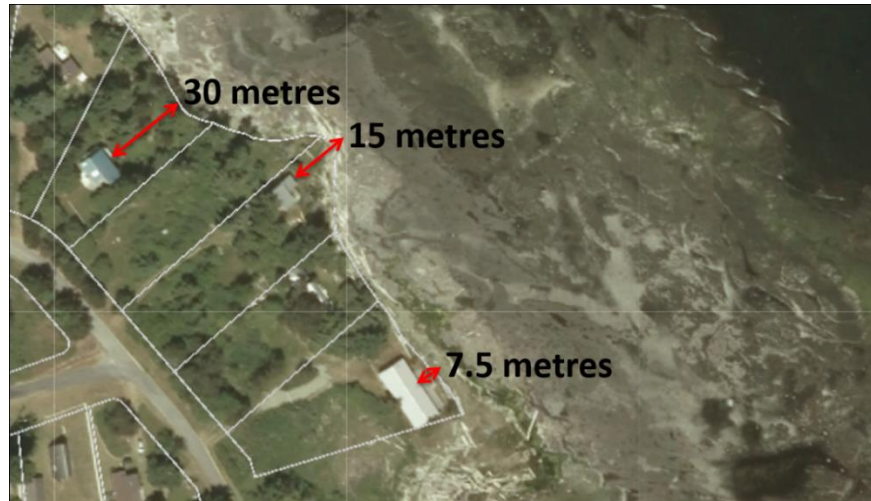


Figure 3. Example of setbacks from natural boundary of sea

For historic development that does not meet the Provincial Guidelines, the province recommends that redevelopment be regulated by requiring a restrictive covenant stipulating that any future development must meet the FCL and setback requirements in force at the time of redevelopment. Given its historic development pattern, this final recommendation could potentially apply to a number of properties on Keats.

Considerations:

Pros

- Aligns with provincial direction;
- Designed to prevent injury or loss of human life, and to minimize property damage resulting from flood events;
- Potentially an Islands Trust-wide option.

Cons

- Only address flood construction levels; do not address most aspects of dock or retaining wall density, design or setbacks, or environmental protection beyond flood construction levels;
- Coastal floodplain mapping and data is costly, Islands Trust relies on Regional Districts and the Province for this information;
- Flood hazard assessment reports by qualified professional engineer may be out of reach for some property owners;
- Could have implications for smaller lots – i.e. limit or restrict some lots.

4.3. Create Marine Zones

Another option available to the LTC is to create marine-specific zones for the marine area surrounding Keats Island. Currently, there are six (6) marine zones that cover approx. 18% of the marine area surrounding Keats, and the other 82% shares the zoning of the adjacent upland area. It is noted that one zone, the Marine General (MG) zone includes surrounding marine areas outside of the perimeter of the other zones (as shown in Figure 4 below). In the Marine zones (except the MG zone), the LUB

KEATS ISLAND
Land Use Bylaw No. 78
Schedule B

Zones

MC, M1, M2, M3, M4

Legend:

- CR1 Community Residential 1
- CR2 Community Residential 2
- CD1 Comprehensive Development 1
- RR Rural Residential
- RC Rural Comprehensive
- PI1 Private Institutional 1
- PI2 Private Institutional 2
- PC Private Conservation
- CS1 Community Service 1
- CS2 Community Service 2
- P1 Natural Area Community Park
- M1 Marine 1 - Public Wharf
- M2 Marine 2 - Commercial Moorage
- M3 Marine 3 - Public Barge Ramp
- M4 Marine 4 - Private Log Dump
- MC Marine Conservation
- MG Marine General

Map Details:

- Shoal Lake
- Plumier Cove
- Observatory Pt.
- Barfleur Passage
- Prenton Island
- Keats Island
- Keats Island Lagoon Area
- Keats Island
- Keats Island Lagoon Area
- Keats Island
- Keats Island Lagoon Area

Map Scale: 1:10,000

Map Date: 2010

Map Author: [Name]

Map Title: Keats Island Land Use Bylaw Schedule B

Amending the LUB to create new marine zone designations would simplify zoning in general in the LUB, and would focus regulations below the natural boundary of the sea to marine-specific uses, buildings and structures only. This option would require amendments to the existing zoning regulations found in the LUB, and may involve a comprehensive review and update to the entire LUB. As a result, this option would provide an opportunity to also consider amendments to other zoning regulations.

Additional regulations could include setbacks from important marine plant species. One example that may be replicated for Keats is Section 9.11.1 of the [Salt Spring Island Land Use Bylaw no. 355, 1999](#), which requires a 10 metre setback from eelgrass (*Zostera marina*) or kelp (*Nereocystis luetkeana*).

15

Considerations:

Pros

- Marine/foreshore focus only – no regulations or guidelines for development of land that impacts the foreshore;
- Simplifies zoning in marine areas;
- Regulates dock size, density, and other marine structures;
- Opportunity to update LUB regulations, including provincial best practices for docks;
- Can incorporate existing Islands Trust mapping data – including sensitive ecosystems and eelgrass mapping.

Cons

- May require OCP amendments;
- May require substantial amendments to the LUB;
- Can be achieved through amendments to existing zoning.

4.4. Establish Heritage Conservation Areas

In accordance with Section 614 of the LGA, Heritage Conservation Areas (HCA) are designated within an OCP. Similar to DPAs, where a Development Permit application must be “in accordance with” DPA guidelines, a Heritage Alteration Permit (HAP) must act in accordance with the HCA “purpose”. While DPAs may be designated for a number of purposes, a HCA is designated for the purpose of “heritage conservation”. The LGA provides the following definition:

conservation *includes, in relation to heritage, any activity undertaken to protect preserve or enhance the heritage value or heritage character of heritage property or an area;*

Further definitions are provided within the LGA for “heritage value”, “heritage character”, and “heritage property”. While heritage conservation is often thought of from a historical or architectural perspective (i.e. heritage buildings), HCAs can apply to cultural areas, land or natural features of importance. In this way, staff surmise that this option may also further the [Reconciliation Action Plan 2019-2022](#) adopted by the Islands Trust Council in 2019, by exploring opportunities for collaboration and knowledge sharing with local First Nations. HCAs could recognize important cultural or historical areas or features of importance on Keats, and facilitate understanding of property owners on First Nations concerns.

Existing Keats OCP policies that address heritage conservation are broad and encourage preservation and protection of heritage values and character, and encourage the use of voluntary conservation covenants. Establishing a HCA is an opportunity to strengthen heritage conservation on Keats Island.

HCAs are a relatively underused regulatory tool in the Islands Trust. Staff are aware of one HCA on Salt Spring Island, the HCA 1 – Ganges Village Core. While the Ganges Village Core is a designated HCA that protects a number of heritage buildings, it also protects heritage trees – in Centennial Park, on the grounds of the elementary school, mature trees with a trunk diameter greater than 20 cm and fruit trees over 50 years old, as decided by a certified arborist.

An important note when considering the establishment of HCAs, is that they may not be used to prevent a land use that is permitted within the LUB, and may not conserve natural landscapes or undeveloped land, except as noted in Section 588(1) of the LGA:

588 (1) *This Part must not be used to conserve natural landscapes or undeveloped land except*
(a) to the extent that the exercise of power under this Part in respect of natural landscape or undeveloped land is, in the opinion of the local government, necessary for the conservation of adjacent or proximate real property that is protected heritage property,
(b) with respect to a site that has heritage value or heritage character related to human occupation or use, or
(c) with respect to individual landmarks and other natural features that have cultural or historical value.

Considerations:

Pros

- Strengthens the protection of important heritage areas, properties and/or features;
- Provides long-term protection;
- Can apply to a historical, cultural, aesthetic, scientific or educational value;
- Can protect identified natural features and characteristics;
- No public notification required for an application for a HAP. Public consultation is done at the time of the HCA's establishment within the OCP and LUB.

Cons

- Does not address regulations or guidelines associated with dock or retaining walls;
- Generally underused, may be unfamiliar to many;
- Limited discretion for LTC. Issuance of HAP is in accordance with HCA purpose;
- Enforcement can be costly;
- Could potentially be a slow process to establish a HCA – planning and research, consultation, etc.

5. Conclusion

This discussion paper is intended to identify and document existing policies and regulations related to the Keats Island shoreline and make recommendations as to potential updates to these policies and regulations.

The options presented in Section 4 represent some potential regulations that could be enacted in response to specific concerns from the community. Staff recommend that the LTC consider pursuing all of the options over time but identify a priority sequence for consideration. Staff recommend that the LTC start with consideration of a Shoreline Development Permit Area as this regulatory tool has the potential for impacting the most areas of interest.

- 6. Appendix 1 – Islands Trust Policy Statement Policies**
- 7. Appendix 2 – Keats Island OCP Policies**
- 8. Appendix 3 – Keats Island LUB Regulations**
- 9. Appendix 4 – Summary of Other Local Trust Area Regulations**

APPENDIX 1 – ISLANDS TRUST POLICY STATEMENT

ITPS Policies	
3.1.3	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
3.1.4	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
3.4.4	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.
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.
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.
5.2.3	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.
5.2.6	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.
5.5.4	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.
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.
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.

APPENDIX 2 - KEATS ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 77, 2002

SECTION 3. ECOSYSTEM PRESERVATION AND PROTECTION	
P 3.2	Measures which assist in maintaining and protecting unfragmented forest ecosystems and habitats, groundwater supplies, scenic areas, undeveloped beaches and pedestrian hiking trails is encouraged and supported by the Local Trust Committee. Such measures may include incentives to: retain large lots; register conservation or restrictive covenants which protect natural features or limit development; dedicate hiking trails and beach accesses.
P 3.3	Residents and property owners are encouraged to assume ongoing long term stewardship of environmentally sensitive features and undeveloped natural areas on private lands. The voluntary use of conservation covenants to protect the natural environment of Keats Island and surrounding islets is strongly supported by the Local Trust Committee.
P 3.5	Areas considered to be environmentally sensitive are shown generally on Schedule "C", Environmentally Sensitive Areas. The Local Trust Committee encourages the cooperation of relevant senior government agencies to further identify and protect environmentally sensitive features and areas.
P 3.6	Natural features and areas identified as environmentally sensitive to development may be protected by land use regulation. In considering permits, referrals, applications and rezoning proposals, the Gambier Island Local Trust Committee may request or require, as a condition of approval, the registration of restrictive covenants to maintain undeveloped specified portions of lots in order to protect specific features or retain certain undisturbed natural areas
P 3.7	New development detrimental to environmentally sensitive features and areas is discouraged. Setbacks for all buildings and structures shall be designed to protect significant riparian and wildlife habitat and encourage maintenance of indigenous vegetation within these areas.
P 3.8	Hazardous lands are those with natural characteristics that may endanger land use and related development. These can include areas susceptible to damage from natural phenomena such as storm wave action, flooding, severe erosion, land slippage, and rock fall. a) Areas of land where land use and related development is or may have to be restricted due to hazardous natural conditions include: - Lots or portions thereof having registered upon their title restrictive covenants prohibiting or limiting placement of buildings or structures due to hazardous conditions; and - Areas of land identified during the subdivision or building inspection processes as having natural conditions that may be hazardous to land use and related development. b) The Local Trust Committee is supportive of measures implemented by the Ministry of Transportation during the subdivision process and the Sunshine Coast Regional District during the building inspection process that protect land use development from hazardous conditions.

P 3.11	BC Parks is requested to: adequately supervise public recreational use of Plumper Cove Provincial Marine Park, particularly where overnight camping is permitted; require the use of holding tanks for vessels moored within the Park's water lot lease; and require that park users take their own garbage with them when they leave the site.
P 3.20	In order to protect the island's foreshore and beaches from pollution, environmental degradation, and inappropriate development or use, zoning regulations for coastal areas should be designed to ensure protection of natural coastal processes and features.
SECTION 4. STEWARDSHIP OF RESOURCES	
P 4.5	Residents and property owners are encouraged to retain areas of land and water in their natural state to ensure sufficient natural habitat is retained for maintenance of wildlife and bird populations or retention of rare or significant native vegetation.
P 4.15	Public access and the right to recreational use of the foreshore should be supported and protected, and such access and use should also respect the interests of adjacent residents and tenure holders. The use of public beaches should be regulated to ensure public access to and enjoyment of beaches is not impeded or impaired by inappropriate development or use of the foreshore.
P 4.16	Zoning regulations should provide for the existing public wharves, public barge ramp, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements.
P 4.17	Upon application for rezoning, a change, expansion, or downsizing in existing foreshore uses including public wharves, public and private barge ramps or boat launches, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements may be considered by the Local Trust Committee. Each application should address issues such as ensuring public access to the foreshore and safety issues.
P 4.18	Any foreshore rezoning proposal should only receive favourable consideration by the Local Trust Committee when the proposal is made in response rather than in anticipation of the needs and desires of the Keats Island community, at a time when establishment of such a use would enjoy widespread support within the community as a whole.
P 4.19	Given that most of the foreshore in the planning area is heavily used for recreational purposes, zoning regulations should not permit shellfish and finfish farms in the planning area; however, on application, the zoning regulations may be amended to permit shellfish aquaculture provided that the aquaculture uses do not preclude the traditional enjoyment of the shoreline by the public or upland owners and do not preclude recreational uses traditionally enjoyed by the people in the Howe Sound area.
P 4.20	The integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline.

P 4.21	The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.
P 4.22	Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.
P 4.23	The Ministry of Sustainable Resource Management and Land and Water British Columbia Inc. are encouraged to respect land use regulations of local government when authorizing uses of the foreshore and adjacent marine waters.
P 4.24	The Federal Department of Fisheries and Oceans is encouraged to require holding tanks in boats and to designate all waters surrounding Keats Island and adjacent islets, including and especially Plumper Cove Provincial Marine Park, as non discharge areas for purposes of sewage disposal from boats.
SECTION 5. SUSTAINABLE COMMUNITIES	
P 5.1	Preservation and protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of Keats Island and surrounding islets is encouraged.
P 5.4	New proposals for future development should only be permitted to occur at a scale and rate of growth that is respectful of: community-held values; the island's unique rural character; consideration of the historical character of distinctive settlement areas including water-only access; the islands' limited infrastructure; the requirements of applicable land use regulations.
P 5.8	Provisions pertaining to lot site coverage, building or structure setbacks, heights, floor area regulations, screening, and water-only access or parking requirements shall be included in the land use regulations and should be developed with regard to maintenance of residential privacy, and with regard to retaining the unique rural character, historical character of distinctive settlement neighbourhoods, and natural landscapes of Keats Island.
P 5.12	The Local Trust Committee encourages land owners to retain, on a voluntary basis, undeveloped natural areas on their properties in order to protect specific features or retain natural landscapes.
P 5.42	Lands in the Keats Island planning area deemed to be of special importance for environmental, heritage, recreational or aesthetic reasons should be designated "Conservation" on Schedule B.
P 5.56	Intrusion or expansion of roads and vehicular access into water-access-only lots is strongly discouraged.
P 5.77	The existing publicly owned wharves, Eastbourne and Keats Landing, which are shown on Schedule B, were approved for transfer to the Sunshine Coast Regional District, on Oct. 21, 2000, are essential public access facilities, and should be retained for public use.
P 5.78	The traditional use of Keats Island public wharves for the loading and unloading of passengers and cargo, emergency evacuation purposes, and for day use or temporary moorage purposes, is strongly supported by the Local Trust Committee.
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.
P 5.80	The Sunshine Coast Regional District is requested to involve the Local Trust Committee and the Keats Island community in developing Regional District policies and guidelines respecting ongoing maintenance, repairs, and management of both Keats Island public wharf facilities. Such policies and guidelines should clearly and consistently address issues, such as: a) priorities, scheduling, and funding of annual maintenance, repairs, improvements and capital expenditures on ports facilities; b) vehicle parking restrictions on public wharves;

	c) vessel loading and unloading; d) emergency evacuation; e) day use, temporary moorage, and long term moorage for private vessels (if any); f) private subleasing arrangements for community moorage purposes (if any); g) enforcement; h) amendment procedures for changes in policy; i) opportunities for ongoing public consultation and involvement in ports issues.
P 5.81	In developing its long term ports repairs, maintenance, and capital improvements strategies, the Sunshine Coast Regional District is requested to consider the Eastbourne wharf as a priority facility for repairs, maintenance, and any proposed improvements, as a means of making the facility more available for safe year round use.
P 5.82	When accessing Keats Island via public wharf, island residents, property owners, and visitors are encouraged to utilize the public wharf facility which is located in closest proximity to where they reside, or where they are visiting, as a means of reducing cross island traffic.
P 5.83	The Local Trust Committee may consider a proposed location for long term public moorage for private vessels, in response to an application for rezoning. Environmental impact information may be required and community information and consultation meetings should be held on island prior to the public hearing. Issues to be resolved prior to approval consideration should include: location; proposed use and scale; level of community support; environmental impacts; impacts on the immediate surroundings; impacts on existing Keats Island facilities and services; the availability of services and resources necessary and potential impacts on cross island traffic, and Keats Island growth and development patterns.
P 5.84	Water-access lots are recognized as areas suitable for private docks and moorings.
P 5.85	Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves.
P 5.86	The zoning regulations should require that docks be setback from the seaward extension of the property lines to ensure right of access to adjacent foreshore and to protect privacy.
P 5.87	When considering applications for new development on lots that do not have waterfront access, the Local Trust Committee should consider the impacts of the proposed development on the existing public wharves, including parking and access requirements, and encourage the landowners to provide other means of access.
P 5.116	The preservation and protection of the heritage value and character of historic Keats Island settlement patterns and remains is encouraged.
P 5.117	The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by the Local Trust Committee.
P 5.118	The use of voluntary conservation covenants to protect heritage resources is encouraged by the Local Trust Committee.
SECTION 6. CLIMATE CHANGE ADAPTATION AND MITIGATION	

P 6.1	The Local Trust Committee should consider ways of balancing seemingly competing interests, such as encouraging shifts in density while protecting the rural nature of the island, by considering these issues from a perspective of reducing greenhouse gas emissions and adapting to or mitigating the impacts of climate change.
P 6.2	The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation. These criteria should address issues such as the impact of proposed density on reducing greenhouse gas emissions, the land use and the form of development, building materials and construction methods, energy efficiency and sources, and the long-term potential for the development to decrease footprint on the landscape. The criteria should also include a comprehensive cost benefit analysis to illustrate the benefits of a green approach to land use and development.
P 6.4	The Local Trust Committee should look for new methods for better understanding and monitoring greenhouse gas emissions, as well as other measures of climate change, that are relevant to Keats Island. Relevant baseline data are needed to map future reductions in greenhouse gas emissions

APPENDIX 3 - KEATS ISLAND LAND USE BYLAW No. 78, 2002

Table 1. Permitted Uses in the Marine-based Area																		
Use	CR1	CR2	CD1	RR	RC	PI1	PI2	PC	CS1	CS2	P1	P2	M1	M2	M3	M4	MC	MG
Non-commercial anchorage & moorage of private vessels	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	-	-	-
Temporary mooring facilities (for ferry, water taxi, sea plane, etc.)	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-
Public Boat Anchorage & Moorage associated with Park Use	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-
Boat & seaplane loading and unloading	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-
Barge loading & unloading	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-
Private log dump; log storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-

Table 2. Permitted Structures in the Marine-based Area																		
Structure	CR1	CR2	CD1	RR	RC	PI1	PI2	PC	CS1	CS2	P1	P2	M1	M2	M3	M4	MC	MG
Mooring Buoys	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	✓	-	-
Floats	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	✓	-	-
Docks	✓	✓	✓	✓	✓	-	✓	-	-	-	-	-	-	-	-	-	-	-
Stairs	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	-	-	-	-	-	-
Ramp (Dock or Wharf)	*	✓	✓	✓	✓	✓	-	-	-	-	-	-	✓	-	-	-	-	-
Piers	-	✓	✓	✓	✓	✓	-	-	-	-	-	-	✓	-	-	-	-	-
Dolphins & Pilings	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	✓	-	-
Swimming Float	-	-	-	-	-	✓	✓	-	-	-	-	-	✓	-	-	-	-	-
Wharves	-	-	-	-	-	✓	✓	-	-	-	-	✓	✓	✓	-	-	-	-
Floating Breakwater	-	-	-	-	-	✓	✓	-	-	-	-	-	✓	✓	-	-	-	-
Floating Boathouse	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-	-
Barge Ramp	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	✓	-	-	-
Walkway	-	-	-	-	-	-	-	-	-	-	-	-	✓	✓	-	-	-	-

*Under the CR1 zone, a dock ramp is not listed as a permitted structure, however, the Land Use Bylaw does identify a max. dock ramp width of 2.4 m in the CR1 zone.

Table 3. Marine-based Structure Density & Limitations

	CR1	CR2	CD1	RR	RC	PI1	PI2	PC	CS1	CS2	P1	P2	M1	M2	M3	M4	MC	MG
Max. # of docks (or wharves where permitted) per waterfront lot	1	1	1	1	*1	3	3	-	-	-	-	1	-	-	-	-	-	-
Max. float area	65 m ²	65 m ²	65 m ²	65 m ²	65 m ²	-	-	-	-	-	-	600 m ²	-	600 m ²	-	-	-	-
Permitted increase of float area (with covenant)	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	-	-	-	-	-	-	-	-	-	-	-	-	-
Ramp width	2.4 m	2.4 m	2.4 m	2.4 m	2.4 m	-	-	-	-	-	-	2.4 m	-	2.4 m	7 m	-	-	-
Max. area covered by any structure	-	-	-	-	-	3000 m ²	**3000 m ²	-	-	-	-	-	-	-	-	-	-	-

*Maximum of one dock permitted in the marine-area abutting each waterfront lot **for each principal residential dwelling unit** (RC zone only).

**The PI2 zone also permits a max. area covered by structures in the marine-based area of 150 m² per permitted residential dwelling unit located on the adjacent upland lot, provided the lot on which the dwelling units are located is larger than 16 ha (40 acres). For reference, the Barnabas property is in the PI2 zone.

APPENDIX 4 - SUMMARY OF OTHER LOCAL TRUST AREA REGULATIONS

Island, Bylaw No.	Setback from Natural Boundary of the Sea	Min. elevation above the NB of the Sea	Exemptions from Setback from NB of the Sea	Other (permitted bldgs. or structures) within Setback from NB of the Sea	Shoreline Development Permit Area – Y/N
Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013	15 m	-	-	Ocean loop geo-exchanges systems.	Shoreline DPA All construction within 30 m of the NB of the sea requires a Development Permit.
Bowyer and Passage Islands Land Use Bylaw No. 114, 2011 (in Gambier Island Local Trust Area)	7.6 m	-	- Boathouse, including accessory ramps; - Propane tank; - Utility lines; - Stairs, ramps or walkways not exceeding 2.5 m in width, to access the foreshore or a permitted dock; - Decks or platforms not exceeding a height of 1.2 m above natural grade and 17 m² (183 sq.ft.) in area within the setback area; - Lifting devices.	<i>Note:</i> There are property-specific min. setbacks from the NB of the sea for (historic) buildings or structures that apply to identified properties within the LUB (i.e. Kildare Estates on Passage Island).	No.
Denman Island Land Use Bylaw No. 186, 2008	15 m 30 m (sewerage system, building/structure for intensive	1.5 m	- Boathouse (5 m setback required); - Fence; - Access stairway.	-	No.

	agriculture or domesticated animals)				
<u>Gabriola Island Land Use Bylaw No. 177, 1999</u>	7.5 m* (*15 m where frontage is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer) 30 m (septic sewage disposal field)	1.5 m	- Boathouses; - Walkways and stairs (average max. elevated floor height of 0.3 m and max. width of 1 m).	-	DPA 2 – Lock Bay - Area of DPA 4 shown on <u>Schedule D.</u> DPA 4 – Flat Top Islands Area - Area of DPA 4 shown on <u>Schedule D.</u> DPA 5 – Gabriola Pass Marine Protected Area - Area of DPA 5 shown on <u>Schedule D.</u>
<u>Galiano Island Land Use Bylaw No. 127, 1999</u>	7.5 m 30 m (sewage absorption fields, buildings/ structures for farm animals)	-	- Sign; - Pumphouse with a floor area less than 10 m².	-	DPA 2 – Shoreline All land 15 m upland of the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.
<u>Gambier Island Land Use Bylaw No. 78, 2004</u>	15 m 40 m (animal enclosures, pens, feeding troughs, animal runs, manure piles)	1.5 m	- Signs, arbours and trellises; - Boat houses, stairs, or walkways required for foreshore access or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea.	- Allows up to 0.6 m projection for a projecting feature (i.e. bay windows, chimneys, roof overhangs, eaves, gutters, etc.). - Allows up to 1 m projection for a projecting feature (i.e. canopies, sunshades, unenclosed balconies, patios, porches, etc.). - Structures no more than 0.6 m above grade level (i.e. wellheads, parking spaces),	DPA 2 – Brigade Bay Area Area of DPA 2 shown on <u>Schedule I.</u>

				except sewage disposal systems and fields shall comply with Provincial regulations.	
<u>Gambier Associated Islands Land Use Bylaw No. 120, 2013</u> (including Anvil, Pasley, North and South Thormanby Islands)	7.5 m	-	• One boathouse not exceeding 18.5 m²; • Propane tanks; • Utility lines; • Lifting devices associated with permitted marine uses; • Stairs, ramps or walkways not exceeding 2.5 m in width, to access the foreshore or a permitted dock; • Decks or platforms not exceeding a height of 1.2 m above natural grade and 10 m² in area within the setback area.	-	No.
<u>Hornby Island Land Use Bylaw No. 150, 2014</u>	15 m 30 m (feed troughs, manure piles, buildings/ structures housing animals; sewage disposal fields)	1.5 m	-	• Signs or fences that do not exceed 2 m in height.	No.
<u>Lasqueti Island Land Use Bylaw No. 78, 2005</u>	15 m* (*reduced to 7.5 m where frontage is adequately protected from erosion by natural bedrock or works as certified by a	1.5 m	• Boathouse (5 m setback required); • Fence; • Access stairway.	-	No.

	professional engineer)				
Mayne Island Land Use Bylaw No. 146, 2008	7.5 m	1.5 m	- Fence; - Utility shed; - Navigational aid; - Structures supporting a permitted dock or wharf; - Stairs or walkways required to access the foreshore or a permitted dock.	Allows up to 1 m projection for a projecting feature (i.e. steps, eaves and gutters, etc.) and for balconies, decks and sun shades.	No.
North Pender Island Land Use Bylaw No. 103, 1996	15 m 60 m (sewage disposal field or septage pit)	-	- Walkways and stairs for dock or foreshore access, not exceeding 1 m in height and 1.2 m in width; - Anchor pads or abutments up to 1.5 metres in width for securing a dock structure or wharf to the upland; - Up to 3 metres length of a dock walkway or ramp; - Pumphouses used exclusively for housing an individual water system.	Allows up to 0.6 m projection for a projecting feature (i.e. chimneys, gutters, sills, bay windows, steps, eaves, sunlight control projections, balconies, or porches, etc.).	DPA 6 – Intertidal Sensitive Ecosystems Areas of DPA 6 shown on Schedule N.
North Pender Associated Islands Land Use Bylaw No. 148, 2003	15 m* 50 m for the CD3(a) zone on James Island	-	-	-	Shoreline DPA All non-Crown land within 15 m upland of the NB of the sea. *Buildings and structures may not be sited within 15 m of the NB of the sea, without first obtaining a Development Permit.
Salt Spring Island Land Use Bylaw No. 355, 1999	15 m* (*reduced to 10 m with engineer certification the NB	1.5 m	- Pumphouse; - Boathouse.	In the CA1(c) and CA1(d) zones, building setbacks from the NB of the sea do not apply to buildings or structures used for boat	DPA 3 – Shoreline DPA area shown on Map 20.

	is located on non-erodible material) 30 m (sewage disposal field or septage pit, and for identified commercial, institutional or agricultural activities)			building, boat repairs, boat rental and marina administration and services.	
Saturna Island Land Use Bylaw No. 119, 2018	7.6 m	-	• Fences; • One small boat storage platform not exceeding a floor area of 18.5 m²; • One boathouse not exceeding a floor area of 18.5 m²; • Stairways; • Wharf and dock ramps and their footings.	-	No.
South Pender Island Land Use Bylaw No. 114, 2016	7.6 m	-	• Fence, • Pump/utility house, • Stairway, • Wharf and dock ramps or their footings.	• Allows up to 1 m projection for steps, eaves, gutters, retaining walls, balconies, decks, etc. • Retaining structures less than 1.2 metres (4 feet) in height at all points <u>not</u> included in definition of "Structure".	No.
Thetis Island Land Use Bylaw No. 89, 2011	7.6 m	-	• Boathouse, • Pumphouse.	• Allows up to 0.6 m projection for a projecting feature (i.e. chimneys, sills, bay-windows and ornamental architectural features). • Allows up to 1.8 m projection for a projecting feature (i.e. steps, eaves, awnings,	No.

				canopies, balconies, decks or porches). Fences, free-standing lighting poles, warning devices, antennas, masts, utility poles, wires, flagpoles, signs and sign structures may be sited on any portion of a lot.	
Thetis Associated Islands Land Use Bylaw No. 94. 2014 (incl. Ruxton, Reid Islands)	10 m	1.5 m	- Fence, - Utility shed, - Boathouse located within the R2, R3, R4 or R5 zones, - Platform with a max. area of 5 m², a set of stairs or a walkway or combination of the two, for accessing the foreshore, - Boat ramp.	-	No.

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

Gambier Island Local Trust Committee

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

Updated: May 28, 2020

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

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

Objectives

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

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

In Scope

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

Out of Scope

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

Workplan Overview

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

Project Team

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

Budget

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

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

Climate Change and the Islands Trust

Key Messages

- Islands Trust Council joined governments around the world in declaring a Climate Emergency in March 2019, calling for an urgent response to the threats and costs posed by climate change.
- We believe that our response should prioritize those who are most vulnerable to climate impacts and those most in need of support in transitioning to renewable energy systems.
- The island ecosystems and communities of the Trust Area are particularly vulnerable to the cumulative impacts of climate change, including:
 - **Rising sea levels:** flooding of coastal homes, infrastructure and archeological sites;
 - **Warmer oceans:** disruptions to the marine food web, diseases such as sea star die-off;
 - **More acidic Salish Sea:** weakened shells of oysters, scallops and crabs;
 - **Intense rain:** flooding, loss of food crops, and damaged infrastructure;
 - **Strong windstorms:** damaged trees, increased coastal erosion and power outages;
 - **Droughts:** lower groundwater levels, increased risk of saltwater intrusion to groundwater, greater risk of forest fires; and
 - **Temperature changes:** disruptions to the seasonal timing of plant and animal life cycle events, reduced biodiversity and new invasive species.
- The protection of forests in the Trust Area also has the potential to help mitigate climate change through carbon sequestration. Islands Trust Area forests sequester more than 190,000 tonnes of carbon per year. This equates to emissions from more than 40,000 passenger vehicles per year.
- Our 2018-2022 Strategic Plan and proposed 2020/21 Budget both include a strong commitment to action in the areas of climate change mitigation, adaptation and resilience, including initiatives such as:
 - Developing climate change and environmental indicator data for islands in the Trust Area
 - Amending our Policy Statement, Official Community Plans, Land Use Bylaws to include consideration of climate change
 - Developing a regional freshwater strategy
 - Reviewing foreshore policies and bylaws
 - Mapping eelgrass throughout the Trust Area
 - Developing a climate change focused stewardship education program
 - Striving for carbon neutral operations and virtual meetings
- We know we can't do it alone. The Islands Trust is committed to working together with First Nations, local communities, partner agencies, and other levels of government, to pursue an absolute reduction in greenhouse gas emissions in the Trust Area and to ensure that those most vulnerable to the impacts of climate change have the tools and support to adapt and grow resilient.

Backgrounder

Climate Change is Happening

NASA scientists report that the Earth's average surface temperature in 2018 was the fourth highest in nearly 140 years of record-keeping. The United Nations' Intergovernmental Panel on Climate Change (IPCC - <https://www.ipcc.ch/>) has determined that prior projections on climate change were conservative and that the Earth is continuing to heat beyond known levels as a result of human caused (also known as anthropogenic) carbon dioxide emissions and the resulting biological feedbacks that increase other greenhouse gasses such as methane and water vapour.

Become more familiar with anthropogenic climate change by exploring scientifically vetted resource such as:

- Canadian Climate Atlas - <https://climateatlas.ca/climate-change-basics>.
- Callison, C. (2014). *How climate change comes to matter: The communal life of facts*. Duke University Press.
- Climate Communication - <https://www.climatecommunication.org/>

Government Action on Climate Change

The House of Commons of Canada and the Legislature of British Columbia acknowledged the growing crisis of climate breakdown by holding emergency debates following the release of the October 2018 IPCC report. Regional Districts, and the Cities of Vancouver and Victoria have engaged in climate change mitigation and adaptation efforts (See Appendix 1).

Climate Change in the Islands Trust

The Islands Trust is already a signatory to the [BC Climate Action Charter](#), committing itself to:

- Being carbon neutral in its corporate operations;
- Measuring and reporting the Trust Area's greenhouse gas emissions;
- Creating complete, compact, more energy efficient communities.

One of the biggest challenges we have around meeting our commitments to this charter is the measuring of carbon dioxide emissions within the trust (See Appendix 2).

Climate change is already visible within the Trust Area in a number of ways including:

- more extreme winter and summer temperatures;
- more extreme dry spells that increase droughts, wildfire, and water sustainability concerns;
- warmer ocean temperatures resulting in species migration changes and shellfish safety warnings;
- more extreme weather events leading to flooding, wind damage, and erosion; and
- sea level rise causing erosion and damage to archaeological sites, structures, and groundwater aquifers.

In the Islands Trust area we need to consider both how we might mitigate and adapt to the changing climate.

- **Mitigations** deal with how we can *reduce the greenhouse gases that are the root cause* of human caused climate changes
- **Adaptations** are behavioral and physical changes we can make in our use of natural resources to *deal with the results* of changing climate.

Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions while maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>

- Climate Action to Go Kits - <https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>
- Efficiency BC - <https://betterhomesbc.ca/>
- Coastal Douglas Fir Protection Toolkit, another key report from last term. Page 11 has a chart showing the levels of carbon sequestration by island, and pages 20 and 21 make recommendations. Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

By becoming a carbon neutral organization, the Islands Trust committed to no net increase in greenhouse gas emissions from its *operations*. Carbon neutrality has been achieved since 2012 through three steps:

- Performing an emissions inventory of our operations;
- Implementing an action plan to reduce emissions; and
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.

Further work is being done in our operations to reduce carbon dioxide emissions by seeking low carbon catering for events and increasing virtual meetings.

Some Islands within the Trust Area have taken various mitigation efforts to date including:

- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All local trust committee official community plans contain targets and policies related to GHG emission reduction (Appendix 1 contains actual targets by local trust committees and includes Bowen Island Municipality).
- All staff reports to the local trust committees address GHG emission reduction and climate impacts of new development.

Local Trust Committees have the following tools available for addressing climate change mitigation efforts:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*. Could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*. Can be used to reduce heating and cooling requirements through building siting, systems and landscaping.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.
- **Off-street Parking and Loading Regulations** - Section 525 of the *Local Government Act* – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Detailed information on these tools is contained in Appendix 3

Adaptations

In the Islands Trust Area, these impacts of climate change include sea level rise, possible salt water intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (eg. Educating people to reduce food waste and drive less) or structural (eg. Requiring water storage for household and fire suppression use). The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The overall site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climate-change>
- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide>

Local Trust Committees are being supported in understanding potential adaptations through staff reports. In addition,

the islands of North Pender, South Pender, Galiano, Mayne and Saturna are collaboratively working on a project to assess groundwater and establish water budgets. Tools to support Local Trust Committees in understanding possible adaptations include:

- **Zoning Authority** - Section 479 of the *Local Government Act*. Require setback from the sea and water bodies, building location and size, appropriate uses and density.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*. Regulations to address increased rain events.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*. Flood plain regulations along foreshore, rivers and lakes. Tree and vegetation retention in areas prone to land slip.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*. Siting, landscaping and features for new development.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*. Water collection and storage, landscaping.
- **Flood Plain Regulations** – Section 425 of the *Local Government Act* – protect development in areas subject to flooding.
- Detailed information on these tools is contained in Attachment 4.

Issues and Opportunities

- **Limited data on changes in island-based carbon contributions.** Generally, the Islands of the Trust Area lack accurate community energy and emissions Inventory information which limits our ability to accurately measure how emissions programming is reducing carbon levels. However, in the absence of accurate data to measure change we can use logic to make decisions. The field of research has provided enough data now on effective solutions that we can feel confident that adopting some of these options leads to solid change.
- **Trust Policy versus Local Trust Committee activity.** There are discrepancies between what the whole Trust Council agrees to within the Policy Statement, what individual LTCs have said in their Official Community Plans, what is actually seen in the current Land Use Bylaws around issues of climate change, and what variances are being allowed from the OCPs. As leaders in our communities we need to understand the issues deeply so that we make consistent decisions across these scales of work. We should consider what model bylaws might be beneficial for *all* LTCs to adopt and work to do so in a timely fashion.
- **Climate action engagement strategy.** In our own communities, how might we work with organizations to enact changes and foster new ideas. Education around key aspects within the Trust's mandate are critical to ensuring climate action is undertaken in the Trust Area. This could be guided with short briefs that could be collaboratively drafted by Trustees and staff to inform the Trustees and be passed on to community members in appropriate venues. For example, it would be good to have a brief on why not to cut mature trees or why protection of eel grass is critical. This could be work that the climate action working group could engage in.

Appendix 1: Lessons from Others in our Region

Vancouver

The city of Vancouver has done a number of things around climate change which are detailed in their report:

- Summary (<https://vancouver.ca/green-vancouver/climate-emergency-response.aspx>)
- Full report (<https://council.vancouver.ca/20190424/documents/cfsc1.pdf>)

Their 6 big moves are:

1. Walkable complete communities - By 2030, 90% of people live within an easy walk and roll of their daily needs.
2. Safe and convenient active transportation and transit - By 2030, two thirds of trips in Vancouver will be by active transportation and transit.
3. Pollution free cars, trucks and buses - By 2030, 50% of the kilometres driven on Vancouver's roads will be by zero emissions vehicles.
4. Zero emission space and water heating - By 2025, all new and replacement heating and hot water systems will be zero emissions.
5. Lower carbon construction - By 2030, the embodied emissions from new buildings and construction projects will be reduced by 40% compared to a 2018 baseline.
6. Restored forests and coast - By fall 2020, to develop "negative emission" targets that can be achieved by restoring forest and coastal ecosystems.

Examples from the 53 accelerated actions listed in the full report

(<https://council.vancouver.ca/20190424/documents/cfsc1.pdf>) which might be helpful examples for the Islands Trust context include:

- Item 5: Zero Emissions Building Standards Accelerate the implementation of the Zero Emissions Building Plan.
 - Reducing concrete in buildings and shifting to low carbon concrete
- Item 7: Active Transportation and Transit Infrastructure Accelerate the development of infrastructure to make it easier to choose walking, cycling and transit.
 - Trail networks for alternative transportation
- Item 8: Transportation Demand Management Enhanced transportation demand management to support walking, cycling and transit.
 - EV parking requirements, charging stations as part of new development
- Item 12: Solid Waste Reduce solid waste and use it to reduce fossil fuel use.
 - Composting to reduce food waste in local areas
- Item 14: City Leadership Updating the City's Green Operations Plan to reflect the urgency of the climate emergency.
 - Virtual meetings
 - Providing digital ways for public to "visit" with staff
- Item 15: Intergovernmental Relations and Community Engagement
 - Community and partner engagement

Other **key structural changes** suggested in Vancouver that might be helpful in the Islands Trust context are:

- Climate action engagement strategy – work with organizations in community to enact changes and foster new ideas, also allows for community education work
- Climate action working group – to be more flexible, and nimble with this work

Victoria

<https://www.victoria.ca/EN/main/residents/climate-change/climate-action.html>

Capital Regional District

<https://www.crd.bc.ca/project/climate-action>

Regional District of Nanaimo

<https://www.rdn.bc.ca/action-on-climate-change>

Sunshine Coast Regional District

<https://www.scrd.ca/Climate--Energy>

Cowichan Valley Regional District

<https://www.cvrld.bc.ca/2101/Climate-Change>

Appendix 2: Greenhouse Gas Emission targets for Local Trust Committee and Bowen Island Municipality - from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019.

For its 2008-2011 term, Council adopted a Strategic Plan that includes Green House Gas reduction as a major objective. Through 2009 local trust committees and Bowen Island Municipality received advice on policy options from planners, undertook community and stakeholder consultation and engagement, and undertook formal bylaw process, including information meetings, referrals, readings, and public hearings.

Every Official Community Plan in the Islands Trust Area (except Piers Island) includes targets to reduce greenhouse gas emissions and policies and actions to achieve these targets. The targets and objectives are generally to be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

- Additional background information is available on the Islands Trust climate change page: <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/>
- The Trust's carbon neutral reports are posted to: <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/carbon-neutral-operations/>

Local Trust Committee/ Island Municipality	Reduction By 2015	Reduction By 2020	Reduction By 2050	Notes
Bowen Island Municipality	-	33%	80%	Reduction over 2007 emissions
Ballenas-Winchelsea	-	50%	50%	Below per Canadian per capita for 2020/2050
Gabriola	-	33%	85%	Reduction over 2007 emissions
Mudge	-	50%	50%	Below per Canadian per capita for 2020/2050
DeCourcy	-	50%	50%	Below per Canadian per capita for 2020/2050
Galiano	-	33%	-	Reduction over 2007 emissions
Gambier	-	33%	85%	Reduction over 2007 emissions
Associated	-	20%	85%	Reduction over 2007 emissions
Keats	-	33%	85%	Reduction over 2007 emissions
Denman	-	33%	85%	Reduction over 2007 emissions
Hornby	-	25%	80%	Reduction over 2007 emissions
Lasqueti	-	50%	50%	Below per Canadian per capita for 2020/2050
Mayne	-	33%	-	Reduction over 2007 emissions
North Pender	-	33%	-	Reduction over 2007 emissions
Associated	-	50%	50%	Below per Canadian per capita for 2020/2050
Saturna	-	33%	-	Reduction over 2007 emissions
SSI	15%	40%	85%	Reduction over 2007 emissions
Piers	-	-	-	Bylaw is not compliant
South Pender	-	33%	-	Reduction over 2007 emissions
Thetis	-	33%	85%	Reduction over 2007 emissions
Associated	-	-	-	Bylaw contains no targets
Valdes	-	50%	50%	Below per Canadian per capita for 2020/2050

Appendix 3: Mitigation Tools from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019.

Climate Change Mitigation Tools

Climate change mitigation involves actions that reduce greenhouse gas emissions (GHGs). In the local trust areas the main source of GHGs is combustion from transportation and combustion from heating and cooling buildings. Therefore, any policies and regulations that reduce the need for transportation, or reduce the need for heating or cooling of buildings will help in reducing GHGs.

The Province committed to providing the Community Energy and Emissions Inventory (CEEI) for local governments. For the Islands Trust area there is very little data available. The only metric is residential heating using wood, propane or oil (and this is withheld for Lasqueti and Gambier LTAs). There are no metrics available for transportation or any other source of GHG emissions. The last year CEEI reports were undertaken was 2012. As a result we currently do not have metrics to measure progress towards targets in OCPs. Bowen Island Municipality has Community Energy and Emission Inventories (starting on page 40 of this linked document <https://bowenisland.civicweb.net/document/118760>).

Local trust committees and Bowen Island Municipality have the following tools available to them to reduce GHGs:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to mitigate climate change.

1. **Enact existing Official Community Plan policies** for the mitigation of climate change that are already in the official community plans but have not yet been acted on (Appendix 2 contains a list of these policies).
2. **Update official community plans** to ensure the mandatory GHG reduction targets and policies are relevant and up to date; Galiano Island, Mayne Island, North Pender Island, South Pender Island and Saturna Island local trust committees have targets for GHG reduction set for 2020 with no targets for any future dates, and as such those targets will be out of date next year. The Salt Spring Island Local Trust Committee has not adopted any targets or policies for the Piers Island OCP. The Thetis Associated Islands OCP contains objectives and policies but no targets. While the Islands Trust has very limited metrics to measure progress, the requirement to have targets and policies in official community plans is mandatory under s. 473 of the *Local Government Act*. These official community plans should be updated within the next year to ensure they remain compliant with required content for an official community plan, and to address targets and policies for GHG reduction. Other local trust committees should review their targets and policies for relevance to current conditions.
3. **Use the zoning authority under s. 479 of the *Local Government Act* to cluster development** and move away from large lots to small compact "villages". This can be accomplished through OCP policies to

require this kind of development, rezoning appropriately by increasing density in appropriate locations and reducing in other locations and density transfer to move density to appropriate areas. Some local trust committees already have some form of this in their OCPs. Salt Spring and Gabriola have density transfer that has seen some significant land use changes. While these were not specifically created to address climate change mitigation, they can be effective in changing the land use pattern to one that is more sustainable and reduces the need for transportation.

4. **Use the climate change development permit areas to reduce the heating and cooling requirements for buildings.** To improve building energy efficiency, land use planning can require landscaping and orientation of buildings in a way to maximize sun in winter and shade in summer. This would be done through a development permit area (DPA), with the justification and objectives in the Official Community Plan and the guidelines in the Land Use Bylaw. Local trust committees and Bowen Island Municipality may use DPAs to reduce GHG emissions and for energy conservation under s. 488 of the *Local Government Act*. Using these DPAs, local trust committees and Bowen Island Municipality may establish guidelines around landscaping, siting of buildings and structures, form and exterior design of buildings and structures, machinery, equipment and systems external to buildings or structures. The DPA may also place restrictions on type and placement of trees and other vegetation in proximity to buildings and structures to provide for energy conservation and reduction of GHGs.

Appendix 4: Adaptation Tools from Climate Change Emergency Declaration Briefing provided to Trust Council in June 2019.

A. Climate Change Adaptation Tools:

Climate change adaptation involves adapting communities to the anticipated effects of climate change. In the Islands Trust area, these effects include sea-level rise, longer periods of drought, more intense storm events, wildfires, warmer summers and warmer winters, and ecosystem changes which may impact plant and animal species.

Local trust committees and Bowen Island Municipality have the following tools available to them to adapt to climate change:

- **Zoning Authority** - Section 479 of the *Local Government Act*.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to adapt their communities to the effects of climate change:

1. Sea Level Rise Adaptation Tools

The Provincial government has established an expected sea-level rise in the Victoria area of 3.1 cm/50 years.

The Provincial (Subdivision) Approving Officer is currently requiring at time of subdivision a covenant for a 15 metres setback and 1.5 metres above the current high high water mark for any buildings or structures. This approach by the Provincial Approving Officer is a broad-brush approach to adapting to climate change and does not consider site specific conditions. Before initiating adaptation measures local trust committees and Bowen Island Municipality should have an understanding of the local situation.

- a) **Undertake mapping of sea-level rise** on the islands to provide information to assist with developing policies and regulations to adapt to sea-level rise.
- b) **Enact zoning regulations under s.479 of the *Local Government Act* and flood level regulations under s. 524 of the *Local Government Act*.** Using these provisions, local trust committees and Bowen Island Municipality may enact regulations to require setbacks for buildings and structures from the future anticipated natural boundary of the sea, as well as establish a minimum elevation for buildings and structures above the anticipated future elevation of the sea. Local trust committees and Bowen Island Municipality could make exceptions for structures that are designed to be moved (not on permanent foundation). Notwithstanding, the Provincial Approving Officer will continue to have independent authority to establish different requirements.

2. Longer Periods of Drought Adaptation Tools

Islands Trust Staff currently has little information on groundwater such as the effects of climate change on recharge and capacity of the aquifers to provide water. Research and mapping of

aquifers would allow local trust committees to develop policies and regulations that reflect the capacity of the aquifers including anticipated climate change effects. Water storage and alternative water supplies could be considered. Means to reduce water consumption includes using development permit areas for water conservation, requiring drought tolerant planting, and requiring features to reduce water use.

- a) **Undertake research and mapping of aquifers, develop water consumption budgets, and identify salt water intrusion risks**, based on expected climate change effects. This work would then inform the land use planning for future development on the islands. This work is already underway for some islands, and staff is working with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development to undertake a robust salt water intrusion risk assessment and mapping for the Islands Trust area.
- b) **Update policies and regulations to align their development potential** – through land use and density provisions – with the anticipated capacity of the aquifers.
- c) **Use the climate change development permit areas under s. 488 of the *Local Government Act* to promote water conservation.** Local trust committees and Bowen Island Municipality could establish goals, objectives and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote water conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for water conservation.

4. **More Intense Storms Adaptation Tools**

Climate change is expected to result in more intense storm events, with higher winds and heavier rain than in the past.

- a) **Develop runoff control bylaws** under s. 523 to deal with anticipated flood and runoff from storm events.
- b) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas subject to flooding and require they remain free from development except development may be permitted in accordance with the guidelines. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

5. **Wildfire Adaptation Tools**

As climate change results in hotter and longer dryer periods during the summer months, the risk of wildfires on the islands increases. Most islands have a wildfire plan prepared by the fire district or regional district.

- a) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas at risk to wildfires and include requirements respecting the character of development, including landscaping, and the siting,

form, exterior design and finish of buildings and other structures, and establish restrictions on the type and placement of trees and other vegetation in proximity to the development. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

6. **Warmer Summers and Warmer Winters Adaptation Tools**

Climate change is expected to lead to our summers and winters becoming warmer.

- a) **Establish development permit areas for energy conservation** under s. 488 of the *Local Government Act* to require that the exterior form and design of buildings, and other specific features of the development, reduce the need for energy in summer and winter. Local trust committees and Bowen Island Municipality could establish goals, objective and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote energy conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for energy conservation.

MEMORANDUM

File No.: 0680-25 (Annual Report)

DATE OF MEETING: **May 19, 2020**

TO: Gambier Island Local Trust Committee

FROM: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: 2019-2020 Annual Report

RECOMMENDATION:

1. That the Gambier Island Local Trust Committee endorse the following text for inclusion in the 2019-2020 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

“The Gambier Island Local Trust Committee (GM LTC) held six regular business meetings, one special meeting, and one public hearing in the 2019/20 fiscal year.

Work for this period focused on advancing the GM LTC priorities to address shoreline protection for Keats Island, and implementation of the Riparian Areas Protection Regulation (formerly Riparian Areas Regulation). The GM LTC adopted Bylaws 148 and 149 to update streamside and riparian area protection regulations on Gambier Island.

The GM LTC received and considered four variance applications and one development permit application. Staff also reviewed thirty-two building permit referrals, one subdivision referral, and one crown land referral within the Gambier Local Trust Area.

The GM LTC also adopted a standing resolution stating its intent engage in reconciliation by honouring the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples as well as its intent to work with First Nations governments on implementing actions that support reconciliation and maintain relationships based on respect and recognition.”

Local trust committees are asked to endorse their draft sections of the 2019-2020 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2020.

Preparation of the Islands Trust Annual Report is outlined in Trust Council’s [Annual Report Policy 6.10.i](#). Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and subsequent consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs & Housing and circulate it as indicated in Trust Council’s policy.

The recommended text (above) has been reviewed by the Islands Trust Communications Specialist and approved by the Director of Local Planning Services.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	May 15, 2020
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May 8, 2020

The Honourable George Heyman
Minister of the Environment and Climate Change Strategy
PO Box 9047 Stn Prov Gov
Victoria, BC V8W 9E2

Dear Minister Heyman,

Re: BC RECYCLING REGULATION AMENDMENT TO INCLUDE ICI SECTOR

We write further to the Sunshine Coast Regional District's (SCRD) letter dated June 28, 2019 regarding requesting an amendment to the BC Recycling Regulation to expand the scope of Packaging and Paper Products (PPP) to include the Industrial, Commercial and Institutional (ICI) sector.

This letter is to reaffirm the Sunshine Coast's request for that amendment.

BC is known across Canada and North America as a leader in Extended Producer Responsibility (EPR). However, there is a gap in service that occurred when in 2014, the BC Recycling Regulation was expanded to include Packaging and Paper Products (PPP). The amendment included the residential sector only and the ICI sector was excluded. This has resulted in schools, hospitals, restaurants, grocery stores and small businesses dependent on the private sector or in some cases, local governments for access to recycling and does not hold the producers of the ICI PPP accountable to fund the costs for recycling.

Regional Districts, through their Solid Waste Management Plans are required to set waste diversion targets and restrict recyclable material from the garbage. With recent changes in the global commodity market, as a result of the Chinese National Sword, local governments are facing challenges that include reduced access or lack of access to recycling for the ICI sector. Without being included in the Recycling Regulation, ICI recyclables such as cardboard, paper, metal, plastic and glass containers run a risk of being landfilled. This shortfall in services will delay the ability of local governments to meet diversion targets set out in their Solid Waste Management Plans and Provincial waste reduction targets. As well, if landfilled, landfill site life is decreased, of which the SCRD's only landfill has less than seven years remaining.

Amending the Recycling Regulation to expand the scope of PPP to include the ICI sector is a solution to the gap in accessible recycling for the ICI sector. This amendment will avoid ICI recyclables from being disposed of in the landfill, shifts the costs to the producers of ICI PPP and allows the SCRD to implement initiatives such as recycling bans to help reach diversion targets in our SWMP.

Thank you for your time. We respectfully ask that you move expediently on this amendment request to assist in promoting a healthy and sustainable environment.

Sincerely,

SUNSHINE COAST REGIONAL DISTRICT

Lori Pratt
Chair and Director Area B (Halfmoon Bay)



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality February 2020

Islands Trust Conservancy Board News

Please join us in welcoming Trustee Donald Clarke who has been appointed to the Conservancy Board for a two-year term. Trustee Clarke brings a wealth of professional knowledge and experience from his 25 years working in over 50 First Nations communities in political advising, negotiations administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, social, economic and cultural development.

Islands Trust Conservancy Elections

Islands Trust Conservancy Board elected by acclamation the following:

Board Chair: Kate-Louise Stamford

Vice Chair: Sue Ellen Fast

ITC Representative to the Financial Planning Committee: Kate-Louise Stamford

Regional Conservation Plan Updates

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

Salish Sea Ecosystem Conference: Chair Stamford, Trustee Fenton and Trustee Hannon, as well as some staff, will be attending the Salish Sea Ecosystem Conference in Vancouver.

Mapping and Studies: The ITC is assisting Local Planning Services with mapping contiguous forests in the Islands Trust Area. The mapping will cover the whole of the region. The ITC has also contracted research to assist with property management issues arising from climate change.

Goal 2 – Strong relationships with First Nations

Islands Trust Conservancy Board directed staff to bring the Board recommendations regarding revision of the Vision Statement to be inclusive of Indigenous Peoples.

Goal 3 – Protection of core conservation areas

Property Management

Salish View Nature Reserve Management Plan: Islands Trust Conservancy Board approved the first Salish View Nature Reserve Management Plan dated January 17, 2020.

Land Acquisition and Covenants

The ITC continues to work on seven conservation covenants and two land acquisitions. Notable updates are found below in “activities by local trust area /island municipality.”

Goal 4 – A strong voice for nature conservation

Outreach: The ITC has reached out to landowners who have contacted us in the past about land conservation via twenty-eight letters, sent to nine local trust areas. The ITC is working with Trust Area Services and Local Planning Services to conduct outreach regarding mature and old forests and their importance and expects to send outreach letters to focus landowners in March 2020.

Fund Development Plan: The ITC Board approved a fund development plan for work that is not routinely funded by Trust Council.

Activities by Local Trust Area/Island Municipality

Denman – The ITC completed three community engagement processes for nature reserves on Denman. The ITC Board consented to change the location of the proposed wildlife viewing platform at the Settlement Lands Covenant, Denman Island, from the area proposed in the Covenant Agreement to the pollinator demonstration garden.

Gambier – The ITC is reviewing a transfer agreement with the Convention of Baptist Churches for the transfer of Sandy Beach on Keats. There are several charges on the land title that need to be resolved before the transfer.

Lasqueti – The ITC approved the first Salish View Nature Reserve Management Plan dated January 17, 2020. The Management Plan will be posted on the website at <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/all/lasqueti-island/salish-view-nature-reserve/>

Thetis – The ITC, in collaboration with the Thetis Island Nature Conservancy, completed trail building on Fairyslipper Forest Nature Reserve. The ITC is now working to provide a safe public access to the nature reserve.

Salt Spring – The ITC approved an Opportunity Fund Grant of \$3,500 to be awarded to the Salt Spring Island Conservancy. The ITC is continuing to negotiate a covenant for 200 Collins Road.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

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-2020.1	Maltby, Jonathon & Joanna	07-Feb-2020	PID: 009-445-528 Setback variance to include existing structure and new decks. 283 Gordon Road, Keats Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 02-Mar-2020

File transferred from Jaime to Bronwyn due to workload shift.

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: Jaime Dubyna

Planning Status

Status Date: 30-Apr-2020

Planner reviewing file.

**Applications****Rezoning**

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

Planner: Sonja Zupanec**Planning Status****Status Date:** 28-Dec-2018

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

Status Date: 25-May-2017

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

Status Date: 20-Apr-2017

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

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

Planner: Bronwyn Sawyer**Planning Status****Status Date:** 11-Oct-2019

Applicant to provide information requested as per LTC direction

Status Date: 10-Oct-2019

Preliminary staff report to LTC

Status Date: 10-Jul-2019

Applicant in process of providing staff with additional project details



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2018.1	Gambier Island Sea Ranch c/o Miller Thomson Planner: Sonja Zupanec	08-Nov-2018	PIDs: Various (29) Subdivision application - Gambier Island Sea Ranch
Planning Status			
Status Date: 31-Dec-2019 Referral response sent to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.			
File Number	Applicant Name	Date Received	Purpose
GM-SUB-2018.2	CONVENTION OF BAPTIST CHURCHES OF BC Planner: Sonja Zupanec	14-Dec-2018	PID: 014-385-694 110 lot subdivision Civic address: 900 Keats Road, Gibsons, BC
Planning Status			
Status Date: 28-Dec-2018 Referral response sent to MOTI and applicant. Several conditions for PLA must be met prior to final subdivision approval.			
File Number	Applicant Name	Date Received	Purpose
GM-SUB-2019.1	G.L. Development Corp. Planner: Bronwyn Sawyer	10-Sep-2019	PID: 012-824-941 Two lot subdivision. Civic address: 650 Dulcie Road, Gambier Island, BC.
Planning Status			
Status Date: 21-Oct-2019 Referral response sent to MOTI			
Status Date: 01-Oct-2019 Under review by planner			

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending February 2020

630 Gambier	Invoices posted to Month ending February 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-630	LTC "Trustee Expenses"	657.00	660.61	-3.61
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	4,578.00	2,843.02	1,734.98
65210-630	LTC - Local Exp - APC Meeting Expenses	411.00	0.00	411.00
65220-630	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-630	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,533.00</u>	<u>2,843.02</u>	<u>2,689.98</u>
Projects				
73001-630-3003	Gambier RAR	2,000.00	2,718.64	-718.64
73001-630-4094	Gambier Keats Island Shoreline Protection Review	5,000.00	798.96	4,201.04
73001-630-4099	Gambier Howe Sound Forum	3,000.00	2,000.00	1,000.00
TOTAL Project Expenses		<u>10,000.00</u>	<u>5,517.60</u>	<u>4,482.40</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.

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

6.	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.
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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

Jaime Dubyna

Rec'd: 12-Feb-2015

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

Responsible

Dates

Review of OCP and LUB to implement shoreline protection measures.

Jaime Dubyna

Rec'd: 31-Jan-2019

Marnie Eggen

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

Rec'd: 24-Oct-2013

Kate-Louise
Stamford



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:

- 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.

22-May-2014

4. *Gambier Site-specific Water Zones*

Responsible

Date Received

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

26-Sep-2013

Projects Report

Gambier Island

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



200 - 1627 Fort St., Victoria, BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

April 24, 2020

File Number: 5020-30 Anchorages

Via Email: marc.garneau@parl.gc.ca

The Honourable Marc Garneau
Minister of Transport
330 Sparks Street
Ottawa ON K1A 0N5

Dear Minister Garneau:

Re: Call for TSB Investigation into March 30th Freighter Collision in Plumper Sound

As Chair of the Islands Trust Council, I wish to express my gratitude for the efforts that you and your federal government colleagues have undertaken to help quell the spread of the COVID-19 pandemic here in Canada. While I am certain that the pandemic is everyone's top priority at the moment, I am writing to bring your attention to a recent incident that could have led to a catastrophic fuel spill here in the Islands Trust Area.

In the early morning hours of March 30, 2020, high winds caused a 200-metre freighter that was anchored in Plumper Sound, British Columbia, to drag its anchor across the ocean floor and collide with another anchored freighter. We understand that the collision caused damage, including a hole in one of the vessels' hulls. To make matters worse, the anchor chains of the two vessels became dangerously entangled, severely impairing their ability to maneuver in the narrow confines of Plumper Sound. Tugboats were fortunately able to rescue the two vessels. Canada narrowly avoided a catastrophic fuel spill at a time when the country was already struggling to deal with the pandemic. But it was, yet again, too close a call. Over the last decade, there have been some twenty cases of vessels drifting out of their assigned anchorage locations in the Southern Gulf Islands. It is time for stronger federal action to ensure that this does not happen again.

Islands Trust Council calls upon the federal government to conduct a comprehensive Transportation Safety Board investigation into the March 30th freighter vessel collision in Plumper Sound, British Columbia.

I'm sure you will agree that we all need to better understand exactly what happened, whether the established protocols were followed, and how we can best ensure that this alarming trend does not continue.

In addition, **Islands Trust Council reiterates its longstanding request that the federal government take all measures possible to reduce, and ultimately eliminate, the use of the 33 commercial freighter anchorage sites throughout the Southern Gulf Islands, collectively referred to by Transport Canada as the 'South Coast of British Columbia'.** The anchorage sites are located within the traditional and treaty territories of local First Nations who have utilized the waters and resources in the Southern Gulf Islands since time immemorial. The sites were designated without consultation with local First Nations or local communities. We are concerned and vitally aware of the impacts these anchorages incur on First Nations and small island communities, as well as local species and ecosystems at risk. These impacts include significant noise, light, and air pollution; disturbance of local marine ecosystems and food webs; threats to local economies; and the ever-looming risk of catastrophic fuel spills in this environmentally sensitive region. Furthermore, we are concerned that the acoustic disturbance from freighters transiting through the foraging areas of the endangered Southern Resident Killer Whale is a significant factor contributing to that species' extinction.

.../2

Since 2008, Islands Trust has been expressing its serious concerns regarding the inappropriate use of the Southern Gulf Islands for industrial activities such as commercial freighter anchorages and the transfer of gypsum and other materials utilizing barges for export. In September 2016, the Union of BC Municipalities endorsed an Islands Trust resolution calling on Transport Canada to assess the cumulative risks and impacts associated with projected vessel traffic increases in the Salish Sea and develop an innovative twenty-year mitigation plan.

The Islands Trust Area is one of the most productive marine ecosystems in the world and includes the highest density of species at risk in Canada. The significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973. Nonetheless, over the past ten years, the number of coal, grain and break bulk cargo ships anchoring in the Southern Gulf Islands has increased dramatically as ships wait to access the Port of Vancouver. Coastal communities are concerned over the increasing number of vessels, the growing size of these vessels and the longer periods of time that vessels are spending at anchor due to long-standing supply chain issues. Industry and government predict anchorage use will continue to increase unless the federal government and the Port of Vancouver implement long-term solutions. To date, the Oceans Protection Plan and the Interim Protocol for the Use of Southern B.C. Anchorages have not been successful at resolving the problems at hand.

Islands Trust remains committed to working collaboratively and constructively with Transport Canada and industry to resolve this important issue without further delay. The protection of this sensitive region is of critical importance to Canada's national interests. I therefore ask for your attention to this issue, starting with a Transportation Safety Board investigation into the March 30th freighter vessel collision in Plumper Sound.

Yours sincerely,



Peter Luckham

Chair, Islands Trust Council

pluckham@islandstrust.bc.ca

cc: Islands Trust Area MPs
BOĶĖĶEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation

Snuneymuxw First Nation
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SṠÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁŁŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁŁŁP (Tsartlip) First Nation
WŚIKŁEM (Tseycum) First Nation
xʷməθkʷəy̓əm Musqueam

The Honourable Marc Garneau

April 24, 2020

Page 3

Cc: First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal Council
Te'mexw Treaty Association
BC Minister of Environment and Climate Change
BC Minister of Transportation and Infrastructure
Gabriolans Against Freighter Anchorages
Anchorage Concern Thetis
Cowichan Bay Ship Watch Society
Plumper Sound Protection Association
Stuart Channel Anchorages Protection
Chamber of Shipping of British Columbia
Shipping Federation of Canada
Nanaimo Port Authority
Pacific Pilotage Authority
Vancouver Fraser Port Authority
Cowichan Valley Regional District Board
Town of Ladysmith Mayor and Council
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

May 8, 2020

2020-13-IT

Trust Council Reminds People to Avoid Non-essential Travel to the Islands

Lekwungen, METULIYE/Victoria, BC—In a region known for its welcoming farm stands, markets, and art studios, elected leaders are once again reminding people to avoid non-essential travel to the Gulf and Howe Sound islands and to minimize community interactions.

As the Province starts to reopen gradually, the Islands Trust Council reminds visitors to stay close to home, and continue physical distancing and other measures a little bit longer.

Trust Council suggests islanders continue to limit community interactions and refrain from extending invitations to visitors.

"As we head into the May long weekend, we need people to remember our pleas that they avoid non-essential travel to the Gulf and Howe Sound islands and minimize community interactions as directed by the BC Centre for Disease Control," emphasized Peter Luckham, Chair of the Islands Trust Council. "On most islands, our medical resources are non-existent or limited. In most cases, it is volunteers who offer first response, and we don't want to put them at risk. Most island residents are over 60, which is one of the reasons we are insistent about people avoiding non-essential travel and minimizing community interaction. When you avoid contact with others, you limit the chances the COVID virus has to spread."

The Canadian Coast Guard has requested that all mariners avoid non-essential trips and consider staying close to home to save lives. Boaters already in the Trust Area are asked to avoid making supply and grocery trips on the islands.

Through their social media accounts, BC Ferries' message continues to be: The Coast isn't going anywhere and neither should you. Please avoid non-essential travel and #StayHome.

"Thank you for staying close to home," offered Chair Luckham. "We look forward to the time when we can once again welcome visitors to these beautiful islands."

—30—

The Islands Trust works to preserve and protect over 450 islands in the Salish Sea through land use planning, the Islands Trust Conservancy, and Trust Council programs and services. The Trust Area, located within Coast Salish territory, is the homeland of over 28,000 Coast Salish Peoples who have called this area home since time immemorial. Covering 5,200 square kilometres between the British Columbia mainland and southern Vancouver Island, the Trust Area has 26,000 residents and 10,000 non-resident property owners. The region features many indigenous archaeological and culturally significant sites, and some of the world's most endangered ecosystems.

Contact: Peter Luckham, Chair, Islands Trust Council 250.210.2553
Russ Hotsenpiller, Chief Administrative Officer, via Vicki Swan, Communications Specialist 250.405.5156

May 5, 2020

2020-12-IT

Local Trust Committees Having Electronic Meetings and Public Hearings

Lekwungen, METULIYE/Victoria, BC—Trust Area residents and property owners may be able to attend their next local trust committee meeting or public hearing from their homes. All they need is a phone or a computer with access to the internet.

Under the *Emergency Program Act*, the Province has repealed and replaced Ministerial Order MO83 with M139. The new order gives Islands Trust the ability to hold meetings electronically, without in-person public participation, and allows for bylaws to be read and public hearings to be held electronically.

Local governments and Islands Trust are required to hold public hearings for some development applications before making a decision.

“This new development will help us serve the public better,” shared Peter Luckham, Chair of the Islands Trust Council. “Public input is an essential part of land use decision-making, even when a public hearing is not required. When we have an electronic meeting or public hearing, we’ll encourage public participation. We want the public to understand what we are doing and why decisions are made. We’ll encourage written submissions in advance of meetings and hearings and invite the public to participate using their computers or phones.”

Local trust committees, Trust Council, Executive Committee, Council committees, and the Islands Trust Conservancy Board will be conducting meetings using Zoom, an electronic video and audio conferencing system, which can be accessed by anyone through the internet, or phone.

Ways the public can participate in meetings will be shared on the Islands Trust and Islands Trust Conservancy websites, through Islands Trust [subscriber notices](#) and newspaper advertising (when newspaper deadlines allow). Procedural changes will be communicated using the same methods.

For future meeting notifications, including electronic meeting login information and phone numbers, members of the public are encouraged to subscribe to updates by going to the Islands Trust [website](#).

Until further notice, to protect the health and safety of trustees, Islands Trust employees, and the public during the COVID-19 pandemic, all local trust committee meetings will be held electronically and broadcast using Zoom.

The Islands Trust appreciates the public’s understanding and assistance during this time.

—30—

The Islands Trust works to preserve and protect over 450 islands in the Salish Sea through land use planning, the Islands Trust Conservancy, and Trust Council programs and services. The Trust Area, located within Coast Salish territory, is the homeland of over 28,000 Coast Salish Peoples who have called this area home since time immemorial. Covering 5,200 square kilometres between the British Columbia mainland and southern Vancouver Island, the Trust Area has 26,000 residents and 10,000 non-resident property owners. The region features many indigenous archaeological and culturally significant sites, and some of the world's most endangered ecosystems.

Contact: Peter Luckham, Chair, Islands Trust Council 250.210.2553
Russ Hotsenpiller, Chief Administrative Officer, via Vicki Swan, Communications Specialist 250.405.5156

May 14, 2020

2020-14-IT

Public Invited to Islands Trust Council's First Electronic Meeting

Lekwungen, METULIYE/Victoria, BC – Islands Trust Council will make history on June 16th and 17th when they hold their first two-day electronic meeting using Zoom, an electronic video and audio conferencing system. The meeting can be attended using a computer or device connected to the internet. Participants can also choose to attend using a telephone.

Trust Council, through its provincial mandate, is responsible for preserving and protecting the 450 islands in the Salish Sea. Council meets quarterly to make decisions about matters that apply to the Islands Trust Area.

“We usually meet in person, but COVID-19 related restrictions have made electronic meetings necessary,” shared Peter Luckham, Chair of Islands Trust Council. “It’s a great opportunity for people throughout the Islands Trust area to attend and meet widely across the Salish Sea. We encourage the curious and anyone interested in preserving and protecting the Islands Trust area to login or phone in to the meeting. On day two, we will provide opportunity for the public to participate through Delegations and a Town Hall. We welcome your input, comments, ideas and feedback on topics related to the jurisdiction of the Islands Trust.”

On June 5th, full details on how to attend the electronic meeting, along with the agenda package, will be posted to the [calendar tool](#) June 16-17 dates and [What's New](#) on the homepage. Newsletter [subscribers](#) will receive an update.

Each meeting day begins at 9:00 AM. The two-day agenda ([DRAFT subject to change](#)) includes:

- **Delegations**

Scheduled on day two, members of the public can talk to council www.islandstrust.bc.ca/talktocouncil about matters that impact the whole Trust Area. Organizations and individuals who want to make a formal delegation will be given 10 minutes (time your presentation to allow for questions) to address Trust Council. A written request must be received by Tuesday, May 26th, and any presentation or shared material e.g. Power Point must be received by June 8th for review and approval by Executive Committee prior to the Trust Council meeting.

Please email your topic, presenters' name, and contact information to Executive Coordinator, Lori Foster lfoster@islandstrust.bc.ca, by Tuesday, May 26th if you wish to make a delegation presentation.

- **Town Hall**

Following the delegation presentations, Town Hall is open to anyone that wishes to address council. Meeting attendees may ask questions and raise issues that impact the whole Trust Area, or make suggestions about Trust Council work. Depending on the number of people that wish to speak to council, between 3-5 minutes per person will be allotted. Town Hall participants will not be able to share documents during the meeting.

- **Trustee Roundtable**

Trustees exchange local information about initiatives, events or developments of interest to all Trustees.

- **Decision and Information Items**

Most of the Trust Council Meeting involves routine business. Trust Council receives, discusses and makes decisions about policies, finances, updates, recommendations and proposed work for the coming quarter.

- **Closed Session**

During this session, which is closed to the public, trustees may review litigation and personnel matters.

Learn how to attend the June Trust Council electronic meeting. Go the Islands Trust [website](#).

To receive notifications about upcoming Trust Council meetings, sign up to receive subscriber [notices](#).

Until further notice, to protect the health and safety of trustees, Islands Trust employees, and the public during the COVID-19 pandemic, Trust Council meetings will be held electronically and broadcast using Zoom. The Islands Trust appreciates the public's understanding and assistance during this time.

- 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 unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, co-operation 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 5200 square kilometres.

Contact: Peter Luckham, Chair, Islands Trust Council 250.210.2553
Russ Hotsenpiller, Chief Administrative Officer, via Vicki Swan, Communications Specialist 250.405.5156