



## Gambier Island Local Trust Committee Minutes of Regular Meeting

**Date:** October 1, 2020  
**Location:** Electronic Meeting

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

**Staff Present:** Heather Kauer, Regional Planning Manager  
 Jaime Dubyna, Planner 2  
 Ian Cox, Planner 1 (part)  
 Sonja Zupanec, Island Planner (part)  
 Marnie Eggen, Island Planner (part)  
 Courtenay Simpson, Planning Consultant, Northern Team (part)  
 David Marlor, Director, Local Planning Services (part)

**Also Present:** Lori Pratt, Area B Director & Chair, Sunshine Coast Regional District (part)  
 Mark Hiltz, Area F Director, Sunshine Coast Regional District (part)  
 Diane Corbett, Recorder  
 Members of the Public – 6

### 1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Chair Fast described the electronic meeting process.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 8.3 GM-RZ-2004.1 (DL696 Keats Island) – Bylaw No. 143 – for adoption

**By general consent** the agenda was approved as amended.

## 2.1 Electronic Meetings Resolution

### GM-2020-023

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

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

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

**CARRIED**

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

Deferred.

## 3. REPORTS

### 3.1 Trustee Reports

Trustee Stamford reported on working with the Gambier Island Community Association in support of their efforts to try to find a solution for long-term ownership of New Brighton dock.

The trustee noted the floats at Gambier Harbour dock, the second busiest dock in the southwest peninsula, had been blown away the previous weekend.

The Howe Sound Task Force would be meeting the following day regarding advancing the activities of the Task Force.

Trustee Rogers discussed the following points:

- Contact with groups on Thormanby Island with respect to water issues and rainwater catchments.
- Sunshine Coast Regional District (SCRD) is doing an emergency plan that includes Thormanby, Gambier and Keats. They need to develop a fire response management plan; within the terms, SCR D would include those three islands.
- Keats Island has continued to be busy since July, with a number of people making a semi-permanent home there on a regular basis, impacting roads and docks. The strain on the water system was quite severe in August.
- SCR D is looking at augmenting the Keats water system by providing a second water source.
- Shout out to Howe Sound Biosphere Region Initiative, who took another step in the journey towards accreditation as a UNESCO Biosphere Region. They have the

blessing of the Canadian arm of the UNESCO organization; this now goes to UNESCO as a whole. The area includes islands and watersheds in Howe Sound/ Atl'ka7tsem.

- The Coast Guard is developing an oil spill response plan, with an incident command system to ensure all resources of local governments are activated.

### **3.2 Chair's Report**

Chair Fast reported that Trust Council and Bowen Island Municipality met two weeks ago where there was discussion of the change of Islands Trust's tag line to "preserving and protecting over 450 islands and the surrounding waters in the Salish Sea".

Rick Hughes, Chair of the San Juan County, came to talk with Trust Council about mutual concerns, such as marine wildlife, and working together on oil spills.

At the convention of the Union of BC Municipalities (UBCM), Islands Trust presented a resolution about a live aboard strategy that was endorsed by the Convention, coordinating how to handle live aboard vessels along the coast.

Chair Fast reported on: a climate action webinar; meeting of Bowen Island Council; meeting of the Executive Committee. Upcoming meetings: Ocean Watch Task Force and Islands Trust Conservancy.

### **3.3 Electoral Area Director's Report – none**

Area F Director Mark Hiltz would join the meeting later for item 11.2.

## **4. DELEGATIONS - none**

## **5. TOWN HALL**

Jackie DeRoo, summer resident of Bowyer Island in Kildare Estates, commented on the proposed designation of Orchid Creek on Bowyer from Streamside Protection to a Riparian Development Permit Area, the result of a motion at the last LTC meeting, and inquired about the reason for the change and whether there would be an opportunity for the public to make formal comments.

Trustee Rogers provided background information, summarizing the process for the proposed bylaw since 2017. The Province recently had advised the LTC that the original consultant's report on the stream, which designated Orchid Creek a RAR-applicable stream, be accepted, as it had followed the methodology as described in the *Riparian Areas Protection Regulation*. The second biologist's report methods were not consistent with the described methodology. A report on this was available at the July 23, 2020 meeting and was within the current agenda package.

A public information meeting and public hearing would be conducted, with an opportunity to comment.

Brian Clark, past president of Kildare Estates, noted that the concern of Kildare Estates was the quality of the science, and asserted that the second report was more comprehensive. Kildare's position was that a RAR stream was not justified; it is not fish habitat. This would be challenged.

## **6. MINUTES**

### **6.1 Local Trust Committee Meeting dated July 23, 2020 - for adoption**

**By general consent** the Local Trust Committee meeting minutes of July 23, 2020 were adopted.

**6.2 Section 26 Resolutions-Without-Meeting Report dated September 23, 2020**

Received.

**6.3 Advisory Planning Commission Minutes – none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated September 23, 2020**

Received.

There was discussion of the Gambier OCP review.

Planner Dubyna reported that no responses had been received regarding the referral of the First Nations standing resolution of July 23, 2020.

**8. APPLICATIONS AND REFERRALS**

**8.1 GM-DP-2020.1 (Atchison)**

Planner Cox gave an overview of a development permit application for a driveway that was constructed through an area applicable to the Gambier Island Local Trust Committee Development Permit Area 3 – Riparian Areas.

Discussion ensued, and points included:

- This is one of twenty-two one-acre lots that has come up for sale within the last two years. Most have been sold; on that same ditch there are at least three driveways that have gone in. The proponent of this application is one of the only people in the area who can do this work. Need for consistency in how DPA is administered and how such retroactive applications are treated since there may be a series of pending applications.
- This was a large adjustment to the ditch because of the steep nature of the ditch. Needed to be installed at a particular angle. Water flows swiftly in the ditch in the winter and many of the aforementioned lots have similar topography
- It is complex, especially with the overlapping jurisdiction/possible required provincial authorization under the *Water Sustainability Act*. Staff should get more clarity on whether provincial authorization is needed in these ditch cases in anticipation of upcoming applications.
- There is quite a bit of RAR (now RAPR) information material on the Gambier webpage. Staff directs property owners/applicants to that information.
- Owners should understand they need a development permit.
- Owners need to know how the ditch fits into their plans and costs.
- Development permits are not discretionary; Guidelines are in the OCP.
- Discussion of OCP DPA guidelines
- The first thing people want to do when they purchases a property is access the lot; the initial entrance to the lot is where they need the permit. It is not intuitive that you would need a permit to access your lot.
- What do we do ongoing about after-the-fact information?

- This is a new (DPA) process; this may have happened inadvertently. Staff satisfied with the environmental report, that all the conditions have been met in this case.
- Applicant has met conditions; no further comments.
- Request for clearer images in report attachments (in this case the Environmental Report) were noted. Staff were provided sub-standard scans of materials with application.
- Staff will send out a recently developed informational brochure.

**GM-2020-024**

**It was MOVED and SECONDED**

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

**CARRIED**

**8.2 GM-RZ-2019.1 (South Keats Investments Ltd.)**

Consulting Planner Simpson gave an overview of a proposed amendment to the Keats Island Land Use Bylaw, 2002 (LUB), that would change the permitted number of docks on the subject property in the CD1 zone on Esplanade Road from one to three so that existing docks would conform to the LUB.

Harold Copping, applicant, spoke to the application and described the size of the three docks and ramps that serve nine properties of a non-profit corporation. He described the desire to increase the size of the community dock. He noted that the current ramp width was adequate and they did not see a need for an increase in width.

Peter Madden, owner of dock A, described a desire to increase the width from 12 to 15 feet, and length from 20 to 30 feet, to create an adequate landing. Extra space was needed to have slack adjustment for the chains. He noted it is the only way to access his property.

There was a discussion about maximum float area and ramp width.

A typographical error within the draft bylaw that referred to the Keats Island LTC instead of the Gambier Island LTC was noted for correction.

**GM-2020-025**

**It was MOVED and SECONDED**

that Gambier Island Local Trust Committee Bylaw No. 152 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020” be amended by changing 4.3.6: so that the maximum area to be covered by dock floats is 100 square metres; and changing 4.3.8 so that the maximum width of the ramp associated with a dock is 1.8 metres.

**CARRIED**

**GM-2020-026**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee Bylaw No. 152, as amended, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020” be read a first time.

**CARRIED**

**GM-2020-027****It was MOVED and SECONDED**

that Proposed Bylaw No. 152, as amended, be referred to the following First Nations, local governments and agencies for comment:

- a) First Nations: Squamish Nation, Musqueam Nation, Stz'uminus First Nation, Penelakut Tribe, Cowichan Tribes, Lyackson First Nation, Lake Cowichan First Nation, Halalt First Nation, and Tsleil-Waututh Nation.
- b) Local governments and agencies: Sunshine Coast Regional District and Ministry of Forests, Lands and Natural Resources Operations.

**CARRIED****GM-2020-028****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 152, as amended, cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020".

**CARRIED****GM-2020-029****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 152, as amended, cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2020", is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED****8.3 GM-RZ-2004.1 (DL696 Keats Island) – Bylaw No. 143 – for adoption**

Island Planner Zupanec gave an overview of the status of the rezoning application, for which all the conditions of the Local Trust Committee had been met. The adoption of the bylaw would result in the transfer of the Sandy Beach Nature Reserve to Islands Trust Conservancy; parkland dedication to the SCRD; public road and trail dedication to the Ministry of Transportation and Infrastructure; registration of covenants on DL696; and discharge of the Land Use Contract between the owner and the Local Trust Committee. Final reading of the bylaw would mark the end of the rezoning process.

Regional Planning Director Marlor commented on the history of the application and expressed appreciation for the work of the Island Planner and the cooperation of the applicant.

Josh Lapin, representing the applicant, thanked the Island Planner, Regional Planning Director and trustees for the dedication to this project, which spanned 45 years and which would bring the community to the next level of development and protect natural features.

Trustee Rogers thanked the applicant for being willing to engage in difficult conversations, and the Island Planner for her leadership.

**GM-2020-030****It was MOVED and SECONDED**

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

**CARRIED****9. LOCAL TRUST COMMITTEE PROJECTS****9.1 Project Management Presentation (Power Point)**

Regional Planning Manager (RPM) Kauer gave a presentation on management of projects within the northern office that focused on staffing and resource allocation for projects. Most projects are amendments to the Land Use Bylaws or Official Community Plans, and also administrative amendments. The number and scope of projects influences the possibility of resourcing by staff. The RPM announced the PowerPoint presentation would be uploaded to the website.

Discussion ensued. Points included: impact of time sensitive projects on project schedule; impact on public consultation of geography and off-island ownership; implementation of regional planning team; use of electronic meetings for consultation; implementation of intensive consultation for projects.

Chair Fast recessed the meeting at 1:00 pm and recalled the meeting to order at 1:20 pm.

**9.2 Keats Shoreline Protection Project**

Planner Dubyna reviewed the staff report outlining potential next steps for the Keats Shoreline Protection Project and summarized comments from the project Working Group. Staff recommended establishment of a Shoreline Development Permit Area, and requested direction as to how this top-priority project should proceed.

Discussion ensued, and included points on the following:

- impact of mooring buoys on eelgrass beds
- limiting size of docks
- applicability of a Development Permit Area (DPA)
- possible elimination of the W4 zone
- appreciation for comments and the operation of the Working Group
- availability of regulations from other Local Trust Areas
- availability of excellent relevant online material
- use of marine photos to demonstrate need for a DPA for better protection around Keats
- access issues and the proliferation of docks.

**GM-2020-031****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff revise the ‘Keats Island Shoreline Protection’ Project Charter to reflect our direction to establish a Shoreline Development Permit Area.

**CARRIED**

**GM-2020-032**

**It was MOVED and SECONDED**

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

**CARRIED**

**GM-2020-033**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff explore whether a Development Permit Area can restrict the proliferation of development in the marine area.

**CARRIED**

**GM-2020-034**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff develop potential Land Use Bylaw amendments to restrict wharf size, ramp size, type and size of access ramps and stairs, and mooring buoy anchor systems.

**CARRIED**

There was discussion of the 7.5 m setback from the natural boundary of the sea.

**9.3 Gambier Associated Islands (Anvil and Bowyer) Streamside Protection and Riparian Areas Development Permit Areas**

Island Planner Eggen reviewed the staff report and proposed Bylaw No. 145, draft Bylaw No. 146, and proposed Bylaw No. 147 pertaining to Streamside Protection and Riparian Areas Development Permit Areas. Proposed Bylaw No. 145 would remove Orchid Creek from DPA 2 and add it to DPA 1. Draft Bylaw No. 146 would amend Bowyer and Passage Island Land Use Bylaw with proposed new guidelines for DPA 1, which would apply to Orchid Creek on Bowyer, in response to comments from the Ministry that Orchid Creek is a RAR-applicable stream. Proposed Bylaw No. 147 currently proposes guidelines for DPA 2 applicable to an unnamed stream on Anvil Island. Staff recommend that Bylaw no. 147 be amended only to update the guidelines for existing DPA 1 to be consistent with new Riparian Areas legislation and Ministry comments.

Extensive discussion ensued on the draft and proposed bylaws.



**GM-2020-035****It was MOVED and SECONDED**

that the Project Charter for the RAR Implementation Project be amended by including a Community Information Meeting between First Reading and Second Reading in the autumn-winter of 2020-2021, and that representatives of the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development be invited to that meeting.

**CARRIED****GM-2020-036****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee amend Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, as follows:

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

**CARRIED****GM-2020-037****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, be read a first time, as amended.

**CARRIED**

**GM-2020-038**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 145, cited as “Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017”, as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GM-2020-039**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017”, be read a first time.

**CARRIED**

**GM-2020-040**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 146, cited as “Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017” is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GM-2020-041**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 147, cited as “Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017” for Local Trust Committee consideration:

- a) That would amend the Development Permit Guidelines for Development Permit Area 1: Riparian Areas enacted in the Gambier Associated Islands Land Use Bylaw, 2013 by updating the language based on the recently adopted Gambier Island Development Permit Area 3: Riparian Areas and so that the Guidelines align with the recent amendments to the *Riparian Areas Protection Regulation* as per comments from the Ministry of Forests, Lands, Natural Resources Operations, and Rural Development.

**CARRIED**

**GM-2020-042**

**It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee endorse the revised Project Charter for Riparian Areas Regulation Implementation, dated October 1, 2020, as amended.

**CARRIED**

**GM-2020-043****It was MOVED and SECONDED**

that the Gambier Island Local Trust Committee request staff to advise South Thormanby residents who may be affected of the re-commencement of the Riparian Areas Development Permit Area Project in the Gambier Associated Islands area and proposed Bylaw Nos. 145 and 147.

**CARRIED****10. CORRESPONDENCE**

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

**11. NEW BUSINESS****11.1 Climate Change Mitigation and Adaptation – none****11.2 New Brighton Dock – for update and discussion**

11.2.1 Marine Transportation Zoning (W2) - Options to Strengthen the Intent of the Zoning - for discussion

11.2.2 Letter to Elected Officials, Federal, Provincial and Regional

11.2.3 Letter to Squamish Nation

11.2.4 Letter dated August 7, 2020 to Sunshine Coast Regional District Board

Sunshine Coast Regional Directors Lori Pratt (Electoral Area B) and Mark Hiltz (Electoral Area F) joined the LTC for exploratory discussion regarding options to support maintaining public access to the New Brighton dock, currently under consideration for sale by the Squamish Nation Council.

Points from discussion included:

- Importance of public access at New Brighton dock, a crucial piece of infrastructure.
- Legislative requirements for the SCRD as a service provider under the *Local Government Act*.
  - Political process options for changing or introducing a new Regional District function include petition, alternative approval process, and referendum.
  - Need for support of three or four directors to make a change in a service or to start a new service function.
- Adjustments to services provided under the Ports function 345 are not included in the SCRD 2020 budget or work plan.
- Gambier Island Community Association's letter of intent to Squamish Nation was a measure of desperation in light of concerns of the community regarding island access.
- Planning grants from the Province, and other funding
- Regional District of Central Kootenay produced a service tool kit and template that could help guide considerations for a delegation to the SCRD.

- Concerns about the vagueness and possible interpretations of the W2 zoning; consideration of making the zoning tighter so the intent of a public wharf is honoured within the Land Use Bylaw.
- Debate on whether to request a legal opinion.
- Lengthy process for rezoning was noted.
- Squamish Nation has applied for the water tenure lease for the lot; terms of the lease were not known at this time.

Directors left the meeting at 3:25 pm.

**11.3 Subdivision Service Delivery – Issues with Long-Term Management of Subdivisions on Gambier – for discussion**

Deferred.

**11.4 Gambier Island Advisory Planning Commission (APC) – Staff Report**

Trustee Stamford voiced a preference for a Working Group over an Advisory Planning Commission in light of how well a Working Group worked for the Keats Island Shoreline Protection Project, and requested consideration of other options than APCs as pertaining to the Gambier OCP review.

Tabled.

**12. REPORTS**

**12.1 Trust Conservancy Report dated July 14, 2020**

**12.1.1 News Release regarding Species at Risk funding**

Trustee Stamford announced the Islands Trust Conservancy would be meeting the following week to look at how the ITC would be allocating funding to protect species at risk from Environment and Climate Change Canada. There may be projects that Gambier LTC can support and benefit from. The funding moved the Conservancy to a new level of ability to support, preserve and protect (under the *Species at Risk Act*).

**12.2 Applications Report dated September 23, 2020**

Received.

**12.3 Trustee and Local Expense Report dated July, 2020**

Received.

**12.4 Adopted Policies and Standing Resolutions**

Received.

**12.5 First Nations Activities – none**

**12.6 Local Trust Committee Webpage – none**

**13. WORK PROGRAM**

**13.1 Top Priorities Report dated September 23, 2020**

Received.

**13.2 Projects List Report dated September 23, 2020**

Received.

**14. INFORMATION ITEMS**

**14.1 Contiguous Forest Patches in Gambier-Keats Trust Area**

Received for information.

Chair Fast announced this was the image shown on-screen at the last meeting, for reference for residents.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Thursday, November 19, 2020 at 10:30 am via Electronic Zoom Meeting**

**16. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:55 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Diane Corbett, Recorder