



## Gambier Island Local Trust Committee Public Hearing Record

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### REGARDING PROPOSED BYLAW NOS. 145, 146 and 147

**Date:** May 27, 2021  
**Time:** 12:02 pm  
**Location:** Electronic Meeting via Zoom

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

**Staff Present:** Heather Kauer, Regional Planning Manager  
Jaime Dubyna, Island Planner  
Marnie Eggen, Island Planner  
Wil Cottingham, Administrative Assistant  
Diane Corbett, Recorder

**Also Present:** Members of the Public - 6

#### 1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 12:02 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of Coast Salish First Nations.

Chair Fast read the Chairperson's Opening Statement and explained that this Public Hearing was being conducted to hear views regarding:

- Proposed Bylaw Nos. 145 cited as cited as "Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2017";
- Proposed Bylaw No. 146, cited as "Bowyer and Passage Islands Land Use Bylaw, 2011, Amendment No. 1, 2017"; and
- Proposed Bylaw No. 147, cited as cited as "Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2017".

## 2. PROPOSED BYLAW NOS. 145, 146 and 147

Planner Eggen reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of *The Coast Reporter*, on May 14 and May 21, 2021, and noted that all notification requirements had been completed. She advised that the Public Hearing binder is available for review during this Hearing on the Islands Trust website under “Gambier Projects”.

To comment on the proposed bylaws, the public could contact [northphsub@islandstrust.bc.ca](mailto:northphsub@islandstrust.bc.ca) or provide verbal submissions before the end of the Public Hearing.

**The purpose of Proposed Bylaw No. 145**, if adopted, is to amend the Gambier Associated Islands Official Community Plan Bylaw No. 109 by doing three things:

- establishing two new development permit areas for the protection of the natural environment, ecosystems and biodiversity:
  - *Development Permit Area 1: Riparian Areas* on Orchid Creek, Bowyer Island, and
  - *Development Permit Area 2: Streamside Protection* on an un-named creek at the southern end of Anvil Island. The new DPAs would require that a development permit be obtained from the Islands Trust prior to undertaking development within 30 metres of the creek.
- and updating Development Permit Area 1: Riparian Areas language to align with the recent amendments to the Provincial Riparian Areas Protection Regulation. Updates would apply to Bowyer Island, Anvil, and South Thormanby Islands.

**The purpose of Proposed Bylaw No. 146**, (accompanying bylaw No. 145) if adopted, is to amend the Bowyer and Passage Islands Land Use Bylaw No. 114 by including language that identifies the applicability, exemptions and guidelines to be employed for the approval of development permits prior to development taking place within proposed *Development Permit Area No. 1 Riparian Areas* which applies to lands within 30 metres of Orchid Creek on Bowyer Island. (The proposed guidelines include a requirement for an assessment report prepared by a Qualified Environmental Professional).

**The purpose of Proposed Bylaw No. 147**, (accompanying bylaw No. 145) if adopted, is to amend the Gambier Associated Islands Land Use Bylaw by:

- including language which identifies the applicability, exemptions and guidelines to be employed for the approval of development permits prior to development taking place within proposed *Development Permit Area No. 2 Streamside Protection* that apply to lands within 30 metres of the creek on Anvil Island. (The proposed guidelines include a requirement for an assessment report prepared by a Qualified Environmental Professional or Registered Professional Biologist with expertise in aquatic biology); and
- updating language that identifies the applicability, exemptions and guidelines employed for the approval of development permits prior to development taking place within, already enacted, *Development Permit Area 1: Riparian Areas* that apply to lands within 30 metres of the creek on Anvil and the creek on South Thormanby Island.

The Planner noted that referrals were sent out for comment to two provincial agencies, two Regional Districts, and four First Nations.

Comments and responses received to date included:

- Squamish First Nation was supportive; three other First Nations had no response.
- The Ministry (FLNRORD) Responsible for the Riparian Areas Protection Regulation (RAPR) provided comments confirming Orchid Creek is a RAPR-applicable stream; Bylaw Nos. 145 and 146 must include RAPR requirements.
- The Ministry of Transportation and Infrastructure's interests were unaffected.
- There had been no response from the SCRDC and Metro Vancouver; it was assumed their interests were unaffected.

The Planner noted that thus far only one public submission had been received. It was unsupportive of Development Permit Area 1 for Orchid Creek on Bowyer Island.

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

### **3. PUBLIC COMMENTS**

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

Brian Clark, representative of Kildare Estates community on Bowyer Island, noted he had spoken on this before, and clarified he was not opposed to protection of Orchid Creek. This was more of a point of principle; this is not about protecting owners' rights to develop, but more about the process and how people use Qualified Environmental Professionals. He reminded the Local Trust Committee that four QEPs had commented on this: three said Orchid Creek was marginal, and one said there was no fish habitat. The concerns of Ministry representative Andrew Appleton had been addressed, except that Orchid Creek was fish-bearing.

There is a fish passage barrier, and no fish. The Minister is responsible for that Regulation but not qualified to comment on it, not a professional biologist. The main concern is that the Qualified Environmental Professionals were not listened to. Orchid Creek should be DPA2 since there are no fish. Mr. Clark positively commented on the guidelines brochure on the proposed bylaws that was sent out to affected property owners.

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

### **4. ADJOURNMENT**

Hearing no comments from the public, the Public Hearing was closed by Chair Fast at 12:23 pm.

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

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Diane Corbett, Recorder