



DATE OF MEETING: January 24, 2019
 TO: Gabriola Island Local Trust Committee
 FROM: Ian Cox, Planner 1
 Northern Team
 SUBJECT: Development of Ecological Protection Zone

RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee approve the “*Ecological Protection Zone*” Project Charter v 1.0 dated January 24, 2019.

REPORT SUMMARY

The purpose of this report is to provide the Gabriola Island Trust Committee (LTC) with information concerning the creation of an Ecological Protection Zone for inclusion in Gabriola Island Land Use Bylaw No.177. The LTC is asked to consider approval of the draft Project Charter “*Ecological Protection Zone*” in order to allow staff to draft bylaw amendments necessary to update the zoning of Coats Marsh Regional Park and Burren’s Acres Nature Reserve, in accordance with the LTC Top Priorities List item 3. Should the LTC find the project feasible at this time, staff recommends that the LTC approve the draft Project Charter v. 1.0 as presented in **Attachment 1** to this report.

BACKGROUND

The LTC passed the following resolution at their meeting on July 13, 2017.

GB-2017-115

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the top priorities item “develop a new ecological protection zone for the Land Use Bylaw” activity to include rezoning of Coats Marsh Regional Park and Burns Acres Nature Reserve to a park zone.

CARRIED

The Ecological Protection Zone item was subsequently moved to the Projects List and then placed back on the Top Priorities List on November 22, 2018.

Coats Marsh Regional Park

Coats Marsh Regional Park is jointly owned by the Regional District of Nanaimo (RDN) and the Nature Trust of BC (TNT) and was partially gifted through the Environment Canada [Ecological Gifts Program](#). For background regarding staff discussion with TNT and the RDN on the matter of rezoning the park, please refer to the staff Memorandum dated July 13, 2017 from Ann Kjerulf, Regional Planning Manager (See Attachment 2 – Staff Memorandum July 13, 2017). At that time, staff were of the opinion that the regional park should be rezoned to a conservation type zone, suggesting that the existing LUB Park 1 designation or similar would be appropriate for

consistency with the intent of Ecological Gifts Program, to ensure that “...the land’s biodiversity and environmental heritage are conserved in perpetuity.”¹ As identified in the Memorandum, it seems logical that the natural condition of the ecological gift be protected through appropriate zoning which the draft Project Charter aims to achieve. The park is managed by the RDN utilizing the [Coats Marsh Regional Park Management Plan](#) developed in 2010.

Burren’s Acres Nature Reserve

Islands Trust Conservancy (ITC) staff also consider Burren’s Acres Nature Reserve to be an ideal candidate for rezoning using a conservation or protection type zone. The 2.023 hectare property was acquired by the ITC, also through the Ecological Gifts Program. The [Burren’s Acres Nature Reserve Property Management Plan](#) was developed and is used by the ITC for annual monitoring, with additional assistance from community volunteer members and the property donor. As the Management Plan states, at the “...earliest opportunity the zoning [should] be changed to better reflect the permitted uses of the Trust Fund Board (now Trust Conservancy Board).”

Location

Coats Marsh Regional Park is located at 908 South Road and Burren’s Acres Nature Reserve is located at 1027 Conville Road, as shown in Figures 1 and 2 below.

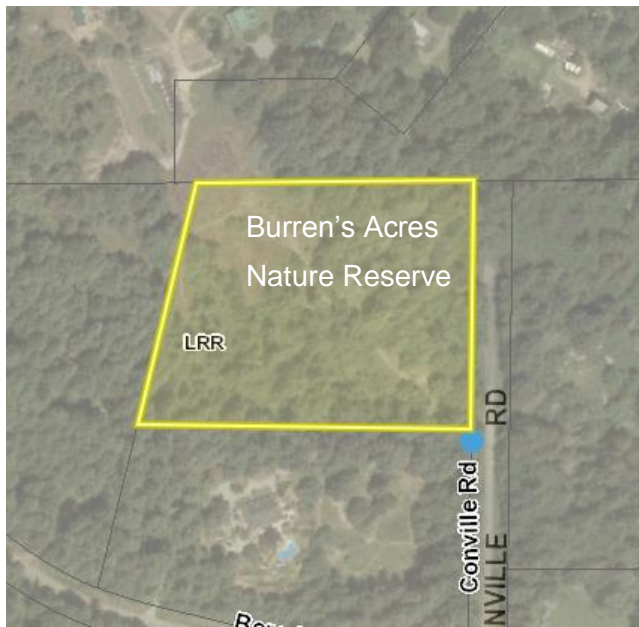


Figure 1 – Burren’s Acres Nature Reserve location



Figure 2 - Coats Marsh Regional Park location

¹ <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/overview.html>

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

A preliminary review of the ITPS is provided for consideration in **Attachment 3 – ITPS Directives Only Checklist**. Staff would undertake a full review of the Islands Trust Policy Statement (ITPS) before second reading of any draft bylaws.

Official Community Plan:

Development of an Ecological Protection Zone is consistent with the objectives and policies of the Gabriola Official Community Plan (OCP). Policies relevant to both the development of conservation/protection type zoning and to the subsequent re-zoning of the two subject properties is presented in **Attachment 4 - Site Context**.

Land Use Bylaw:

Coats Marsh Regional Park is zoned R – Resource, while Burren’s Acres Nature Reserve retains the same LRR – Large Rural Residential zoning designation that was in place when the property was acquired by the ITC in 2013. As mentioned, both properties were donated through the Ecological Gifts Program although they are not currently zoned in a manner consistent with either the intent of the program or, as is the case with Burren’s Acres, the current uses of the ITC. Development of an Ecological Protection Zone for the Gabriola Island Land Use Bylaw would guide the rezoning of the properties. See **Attachment 4 – Site Context** for a list of uses currently permitted by respective zoning.

Issues and Opportunities

Islands Trust Conservancy

Development of an ecological zone for the protection of, in particular, Burren’s Acres Nature Reserve (an ITC property) presents an opportunity to directly further the conservation Goals and Objectives of the Islands Trust Conservancy Regional Conservation Plan (see [pages 35-37 of the Regional Conservation Plan](#)).

- 1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities.*
- 2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals.*
- 3. Continue to secure and manage Trust Fund Board [now Trust Conservancy Board] lands and conservation covenants to maximize ecological integrity.*
- 4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area.*

Budget and timeline

Staff note that the expenditure of project funds would likely occur over the current and subsequent fiscal period (beginning April 2019) since the projected timeline as presented in the draft Project Charter is approximately six months in duration, from the development of policy and the drafting of bylaws to adoption by the LTC. Project budgets will be considered in accordance with Islands Trust Council Procedure C.4.2.1.3 (Local Trust Committees Projects Procedure).

Consultation

The LTC should consider if it wishes to undertake consultation with First Nations, School District (SD) 68, agencies or adjacent local governments, and direct staff accordingly.

Statutory Requirements

For OCP amendments, the LTC is required by the *Local Government Act* (LGA) to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. Islands Trust Council policy requires the LTC to consider consulting with adjacent local trust committees. I

Protocols

The following protocol agreements exist and are relevant to the draft project:

- There is a Protocol Agreement and Letter of Understanding between the Islands Trust and the Regional District of Nanaimo (RDN) regarding each local government's jurisdictions and responsibilities, and coordination between the Islands Trust and the RDN.
- There is a Protocol Agreement between the Snuneymuxw First Nation and the Islands Trust Council (on behalf of the Gabriola Island LTC) that identifies matters in which the LTC will consult with Snuneymuxw First Nation.

First Nations

Both subject properties are within the asserted territory of the Snuneymuxw First Nation as well as seven other First Nations and one Treaty Group according to the BC Provincial Consultative Areas Database²:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Snuneymuxw First Nation
- Stz'uminus First Nation (Chemainus)
- Hul'qumi'num Treaty Group

Review of applicable OCP policies suggests that the rezoning of the subject properties would not require a corresponding amendment to the OCP. Regardless, in accordance with the Trust Council First Nations Engagement Principles (see **Attachment 5**), staff recommend that the LTC provide local First Nations with an early and ongoing opportunity to comment on any draft bylaw amendments.

Rationale for Recommendation

Approval of the Project Charter "*Ecological Protection Zone*" Charter v 1.0 would not only address LTC Top Priority Item 3, but would further the broader object of the Islands Trust mandate to preserve and protect the natural environment. Further, since no Section 219 Conservation Covenants, restrictive covenants, easements, or Section 218 Statutory Rights of Way are registered to the property title for Burren's Acres Nature Reserve at this time, rezoning the parcel to include permitted uses, structures, and subdivision regulations commensurate with

² The Province of BC Consultative Areas Database contains a current inventory of local First Nations with interests in specific geographic areas.

an ecological protection or conservation type zone could safeguard against future development should there be any change to the legal ownership of the property.

ALTERNATIVES

1. Amend the Project Charter

The LTC may wish to consider amendments to the project charter. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to amend the Project Charter “Ecological Protection Zone” Charter v 1.0 to include ... (specific details to be provided by the LTC).

2. Proceed no further

The LTC may choose not to proceed with this project at this time. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to remove “Development of an Ecological Protection Zone” from the Top Priorities List and place it on the LTC Projects List.

NEXT STEPS

Upon approval of the Project Charter, staff will develop a Work Plan that will further detail the actions needed to accomplish the goals set out in the Project Charter. This will include a specific timeline, staff resources, and budget. Staff would present the detailed Work Plan and project update at the next LTC meeting for information.

Submitted By:	Ian Cox, Planner 1 Northern Team	January 14, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	January 15, 2019

ATTACHMENTS

1. Draft Project Charter
2. Staff Memorandum July 13, 2017
3. ITPS Directives Only Checklist
4. Site Context
5. First Nations Engagement Principles

Ecological Protection Zone - Charter v 1.0

Gabriola Island Local Trust Committee

Date: **DRAFT** January 14 2019

Purpose To develop a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177, including the rezoning of Coats Marsh Regional Park and Burns Acres Nature Reserve to a park or conservation/protection type zone.

Background This project is the result of the Gabriola Island LTC resolution dated July 13, 2017 to amend its Top Priorities List to include the development of a new ecological protection zone for the Land Use Bylaw, including the rezoning of Coats Marsh Regional Park and Burren's Acres Nature Reserve.

Objectives

- Develop an ecological protection or similar park or conservation type zone for the Gabriola Island Land Use Bylaw to be used in the rezoning of Coats Marsh Regional Park and Burren's Acres Nature Reserve.
- Strengthen relations with Snuneymuxw and other local First Nations with asserted interest on Gabriola Island.
- Incorporate First Nation perspectives into policy/regulatory options.
- Ensure proposed policy/regulatory changes are consistent with the Object of the Islands Trust and Islands Trust Policy Statement, with focus on ecological protection, conservation and enhancement.

In Scope

First Nations Relations and Perspectives

- Establish opportunities to incorporate First Nations perspectives on shared conservation interests in land-use and inter-governmental collaboration for effective regulatory decision making.

Regional Conservation Plan (RCP)

- Further the Goals and Objectives of the protection and enhancement of biodiversity and opportunities for conservation in the Islands Trust Area.

Rezone Coats Marsh Regional Park and Burren's Acres Nature Reserve

- Develop a regulatory scheme for permitted/prohibited uses and structures, minimum and minimum average lot sizes for subdivision, etc., commensurate with the Goals and Objectives of the RCP and of the intent of the Environment Canada Ecological Gifts Program.

Out of Scope

- OCP review and amendments
- Review of OCP Parks land use designation.
- The rezoning of other parcels save Coats Marsh Regional Park and Burren's Acres Nature Reserve.
- Review of LUB definitions
- Review of Development Permit Areas.
- Development of restrictive covenants or similar tools for the protection of the subject properties in alternate capacity.

Workplan Overview

Deliverable/Milestone	Date
LTC endorses/approves project charter and directs staff to develop a work plan based on the In Scope objectives of this charter.	Winter 2019 (Jan/Feb)
Draft bylaw(s) presented to LTC for review.	Early Spring 2019
Early referral of draft bylaws to First Nations.	Mid Spring 2019
Further consultation and referral of draft bylaw(s) to other agencies.	Late Spring 2019
Legal review of draft bylaws.	Summer 2019 (June)
Legislative process for draft bylaw(s).	July 2019
Adoption of draft bylaw(s) and communications materials.	Late Summer 2019

Project Team

Island Planner	Project Manager/ Planner
Regional Planning Manager	Project Sponsor
Legislative Clerk	Legislative Process/ Bylaw Review
Planner 1	Communications / Planning Support

Budget

Budget Source:
Gabriola LTC Ecological Protection Zone Project

Fiscal	Item	Cost
2019	Staff to research islands Trust and other jurisdictional precedent policy, draft bylaws	\$1,500
	Legal Services Review of proposed bylaws	\$3,000 (pending budget approval)
	Legislative Process (community information meetings; public hearing (if applicable); advertising)	\$2,500 (pending budget approval)
	Total	\$7,000

RPM Approval:

Date:

LTC Endorsement:

Resolution #



Islands Trust

MEMORANDUM

File No.: 5690-20 (RDN Parks)

DATE OF MEETING: July 13, 2017
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Coats Marsh Regional Park Zoning

PURPOSE

The purpose of this memorandum is to respond to the Local Trust Committee (LTC) request for staff to engage in discussions with the Nature Trust of BC and Regional District of Nanaimo regarding the zoning of Coats Marsh Regional Park, and to advise on potential opportunities to rezone lands for ecological protection.

BACKGROUND

Coats Marsh Regional Park was donated to the Regional District of Nanaimo and Nature Trust of BC in 2008 through the federal Ecological Gifts Program:

“Canada’s Ecological Gifts Program provides a way for Canadians with ecologically sensitive land to protect nature and leave a legacy for future generations. Made possible by the terms of the Income Tax Act of Canada and the Taxation Act in Quebec, it offers significant tax benefits to landowners who donate land or a partial interest in land to a qualified recipient. Recipients ensure that the land’s biodiversity and environmental heritage are conserved in perpetuity.”¹

A previous attempt to rezone Coats Marsh from Resource to Parks 1 was unsuccessful due to the perception that rezoning could result in a “change in use”, which would not be permitted under the terms of the Ecological Gift Program. The LTC passed the following resolutions at their meeting May 7, 2015:

GB-2015-046

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee Bylaw No. 271, cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2013”, be revised by removing all changes to Coats Marsh Regional Park, which is legally described as “The Northwest ¼ of Section 10, Gabriola Island, Nanaimo District, Except those Parts in Plans 29152, 30043 and 30051”.

CARRIED

GB-2015-048

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee Bylaw No. 272 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2013” be revised by removing all changes to Coats Marsh Regional Park which is legally described as the Northwest ¼ of Section 10, Gabriola Island, Nanaimo District, Except those Parts in Plans 29152, 30043 and 30051.

CARRIED

¹ Environment and Climate Change Canada Ecological Gifts Program. <https://www.ec.gc.ca/pde-egg/>

GB-2015-050

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to further discuss with The Nature Trust of BC and the Regional District of Nanaimo, encouraging them to request approval from the Ecological Gifts program for the change in zoning for the Coats Marsh Regional Park Property from Resource to Parks 1.

CARRIED

DISCUSSION

Staff have since met with Regional District of Nanaimo (RDN) staff who have indicated that they have no concerns with Coats Marsh being rezoned to Park, and that this would be consistent with the RDN Coats Marsh Regional Park 2011-2021 Management Plan².

Staff have also had discussions with Islands Trust Fund staff and confirmed that other sites within the Islands Trust have been gifted through the Ecological Gifts Program and subsequently rezoned. For example, portions of Retreat Island within the Galiano Local Trust Area, were gifted to the Galiano Conservancy through the Ecological Gifts Program and subsequently rezoned to “Nature Park”. Jennifer Eliason, Islands Trust Fund Manager, has recently contacted the Ecological Gifts program and confirmed rezoning the land for the purpose of ecological protection after the gift is not a concern and does not constitute a “change in use”. Furthermore Environment Canada considers a recipient to have changed the use of an ecological gift if the recipient:

- undertakes any action that results in or could result in a diminution of the ecological condition or protection of the ecological gift; or
- fails to take reasonable action to manage and protect the ecological condition of the ecological gift;

With this in mind, it seems logical that the ecological condition of the ecological gift should be protected through appropriate zoning.

Based on the information obtained, staff are of the opinion that Coats Marsh Regional Park should be rezoned to Park 1 or another conservation type zone, consistent with the intent of the Ecological Gifts Program to “ensure that the land’s biodiversity and environmental heritage are conserved in perpetuity”. Furthermore, Islands Trust Fund staff note that Burren’s Acres Nature Reserve, located at 1027 Conville Road (Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan 26561) is also a candidate site for rezoning. The nature reserve was an Ecological Gift to the Islands Trust Fund in 2013.

Development of a new ecological protection zone is currently an LTC Top Priority.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 9, 2017
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² Regional District of Nanaimo. Coats Marsh Regional Park 2011-2021 Management Plan.
<http://www.rdn.bc.ca/cms/wpattachments/wpID2222atID7635.pdf>

Attachment 2 – ITPS Directives Only Checklist



Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: Not assigned

File Name: Ecological Protection Zone

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

		ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	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.
N/A	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.
N/A	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.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	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.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	Development of and Ecological Protection Zone and the proposed rezoning of Coats Marsh Regional Park and Burren's Acres Nature Reserve are substantially in compliance with the Islands Trust Policy Statement.

ATTACHMENT 4 – SITE CONTEXT

LOCATION

Legal Description	Coats Marsh Regional Park Burren's Acres Nature Reserve
PID	Coats Marsh 009-735-828 Burren's Acres Nature Reserve 002-803-925
Civic Address	Coats Marsh 908 South Road, Gabriola Burren's Acres Nature Reserve 1027 Conville Road, Gabriola
Lot Area	Coats Marsh regional Park 110.63 acres 113 ha Burren's Acres Nature Reserve 5.1 acres 2.03 ha

LAND USE

Current Land Use	Coats Marsh Park, Passive Recreation Burren's Acres Nature Reserve, Park
Surrounding Land Use	Coats Marsh Residential to the south and east, Parks (as it abuts the 707 on the north-east corner), Forestry/Wilderness Recreation to the north and east parcel boundaries. Burren's Acres Large Lot Residential

HISTORICAL ACTIVITY

File No.	Purpose
Burren's Acres Nature Reserve GB-OWN-2012.1	Ecogift donation by Margaret Taylor in 2013. 2.023 hectare(5 acre) west side Gabriola Island. The reserve is within the asserted traditional territory of 8 First Nations. Farmed late 1800s/early 1900s, used brief period late 1930s and early 1940s for drying and transporting diatomaceous earth. In more recent decades, the property was logged, and related machinery and scrap metal was dumped on the land. Owner removed dense cover of invasive species cleaned up the debris left by logging/industrial use. Burren's Acres NR includes roughly 0.4 hectares of rock outcrop and 1.6 hectares of forest representing the mid-seral and mature stages of forest succession. Two provincially red- listed vegetation communities have been identified on the

<p>Coats Marsh regional Park GB-RZ-2006.2</p>	<p>reserve and there are sensitive herbaceous–rock outcrop ecosystems that are sensitive to disturbance.</p> <p>Wetland and mature second-growth forest area to be dedicated to the Gabriola Land Conservancy in exchange for density transfer of NW 1/4 of Section 10 to West 1/2 of NW 1/4 of Section 11.</p> <p>This application was withdrawn and closed in July 2007.</p>
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POLICY/REGULATORY

<p>Official Community Plan No. 166, 1997</p>	<p>ENVIRONMENTAL GOALS</p> <ol style="list-style-type: none"> 1. To preserve the unique natural environment of land, water and air and the life it supports. 2. To preserve the natural beauty of the Gabriola Planning Area and recognize that areas of sensitivity or unique value require special protective measures. <p>PARKS AND OUTDOOR RECREATION OBJECTIVES</p> <p>The objectives of this section are:</p> <ol style="list-style-type: none"> 1. To work co-operatively with provincial ministries and agencies in acquiring and managing provincial parkland on Gabriola; 2. To acquire parkland that is representative of the bioregion (i.e. wetlands, first growth forest); 3. To involve the community in parks planning; 5. To work in cooperation with the Regional District of Nanaimo in acquiring and managing community parks. <p>PARKS AND OUTDOOR RECREATION POLICIES</p> <p>l) The Trust Committee shall work with the Regional District of Nanaimo ensuring a smooth coordination of efforts between the two agencies respecting the securing, use, development and planning for park and outdoor recreational space on Gabriola.</p> <p>PARKS AND OUTDOOR RECREATION ADVOCACY POLICIES</p> <p>n) The Regional District of Nanaimo shall be strongly encouraged to establish additional regional park sites on Gabriola. Such sites should be:</p> <ol style="list-style-type: none"> i. either a regionally significant waterfront site or an upland woodland site of substantial size; ii. retained predominantly in a natural state, except for a small
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parking area, a public trail network, and interpretative signs.

ENVIRONMENTALLY SENSITIVE AREA OBJECTIVES

1. To ensure the protection of environmentally sensitive areas on Gabriola;
2. To protect important habitat and water resources areas through vegetation retention and building setbacks;
3. To encourage retention of the natural tree cover along the shoreline and to discourage tree removal to minimal selective cutting; and
4. To encourage owners of property which is environmentally sensitive to work co-operatively with conservation-based groups in defining means of providing for the protection of important sites; and
5. To consider the goals and objectives of the Regional Conservation Plan when making land-use decisions.

ENVIRONMENTALLY SENSITIVE AREA POLICIES

d) In order to protect area watercourses, rezoning adjacent to a watercourse shall be conditional upon the establishment of a protective setback area. The Ministry of Environment - Federal Fisheries report titled: Stream Stewardship - A Guide for Planners & Developers and Land Development Guidelines for the Aquatic Habitat shall be used as a guideline in determining how land is to be developed adjacent a watercourse (including a lake and wetland).

g) Trees bearing the nests of great blue heron, bald eagle, osprey and other raptors shall not be cut in accordance with provincial legislation. The zoning bylaw shall set standards and regulate the provision of screening for preserving and protecting trees bearing such nests. Such condition shall be applicable with respect to the rezoning of any site containing such a feature.

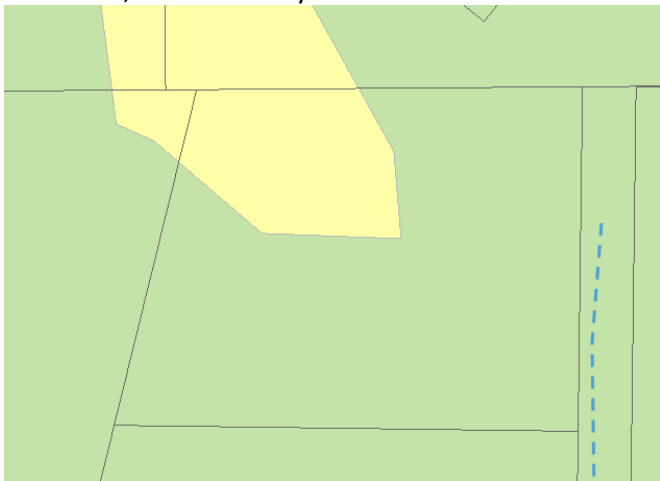
h) Fresh water features which have special biological significance to the local environment, such as Hoggan Lake, shall be protected through zoning and shall be designated as a development permit area

ENVIRONMENTALLY SENSITIVE AREA ADVOCACY POLICIES

j) Where environmentally sensitive areas are located on Crown land, Ministry of Environment is strongly encouraged to ensure these areas are placed in protective reserve, ecological reserve or natural state park or dedicated to the Islands Trust Fund for protection. Furthermore, public access should be limited to an appropriate level consistent with

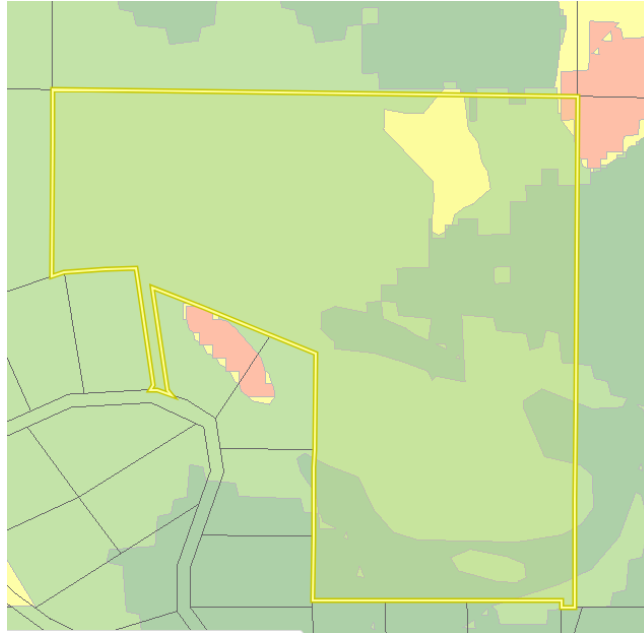
	<p>protecting the environmental sensitivity of the site.</p> <p>k) Once Ministry of Environment’s inventory of eagle trees and other raptor sites on Gabriola is completed, its implications should be considered in relation to future development.</p> <p>l) To protect the island’s watercourses, the Regional District of Nanaimo shall be requested to require applicants for building permit to indicate the location of streams and watercourses on the application.</p> <p>m) Ministry of Environment shall be requested to assist the Islands Trust by confirming the location of streams and watercourses on Gabriola.</p> <p>n) . Where nest sites for great blue heron, bald eagle, osprey and other raptors are located on private property, the property owners shall be encouraged to ensure that the site is protected, including through the use of a voluntary conservation covenant.</p>
Land Use Bylaw No. 177, 1999	<p>Coats Marsh Current zoning: R-Resource Permitted Principal Uses</p> <ul style="list-style-type: none"> i <i>agriculture</i>, including the sale of agricultural products grown or raised on the lot but excluding animal husbandry on lots less than 2.0 hectares (4.94 acres) ii <i>forestry</i> iii <i>single family</i> residential iv shooting range, on lands as shown on Schedule C, Map 4 v agri-tourism <p>Burren’s Acres Nature Reserve Current zoning: LRR – Large Rural Residential Permitted Principal Uses</p> <ul style="list-style-type: none"> i <i>single family</i> residential ii <i>agriculture</i>, including the sale of agricultural products grown or raised on the lot, but excluding animal husbandry on lots less than 2.0 hectares (4.94 acres) <p>Permitted Accessory <i>uses</i> and structures may be found in the Gabriola Island Land Use Bylaw No. 177</p>
Covenants	There is no Section 219 Conservation Covenant or Section 218 Stat. Right Of Way registered at this time. No other restrictive covenants or easements exist on title.
Bylaw Enforcement	None on file

SITE INFLUENCES

Islands Trust Conservancy	<p>The Islands Trust Conservancy (Formerly Islands Trust Fund) currently owns the Burren’s Acres Nature Reserve property. It was gifted to the ITC through the Ecological Gifts Program as described in the staff Memorandum dated July 13, 2017.</p> <p>Coats Marsh Regional Park is jointly owned and managed by the Regional District of Nanaimo and the Nature Trust of BC.</p> <p>See Goals and Objectives found on page 35-37 of the ITC Regional Conservation Plan.</p>
Regional Conservation Strategy	<p>Although Coats Marsh Regional Park is already listed as protected in the Regional Conservation Plan, both Burren’s Acres and Coats Marsh are within areas identified as having Medium to High conservation priority in the Islands Trust Area.</p>
Species at Risk	<p>See TCB Burren’s Acres Nature Reserve Management Plan and the RDN Coats Marsh Regional Park Management Plan for species and ecosystems inventories, habitat values, conservation goals, etc.</p>
Sensitive Ecosystems	<p>See TCB Burren’s Acres Nature Reserve Management Plan and the RDN Coats Marsh Regional Park Management Plan for species and ecosystems inventories, habitat values, conservation goals, etc.</p>
Archaeological Sites	<p>Remote Access to Archaeological Data (RAAD) mapping indicates that while no identified and recorded sites currently exist on either property, there is potential within, and adjacent to, the boundaries of each.</p>
Climate Change Adaptation and Mitigation	<p>Rezoning the subject properties using a conservation/ecological protection zoning type would ensure that no further human activity associated with direct GHG emissions or climate change would occur. Further, the protection of ecological biodiversity and biomass/cover would increase CO₂ uptake capacity for the lands.</p>
Groundwater Vulnerability	<p>Burren’s Acres Moderate, to Moderately Low</p> 

Coats Marsh

Low to Moderately Low vulnerability



While neither parcel is in an area of particularly severe local groundwater stress, restrictions on uses and structures as part of the rezoning would further reduce any possible stress on groundwater for the surrounding area by prohibiting future development that required the use of water, and rather protected natural ecosystems that aid in the protection and recharge of aquifer and groundwater networks. This could be considered to have a cumulative positive impact on groundwater in general for the immediate areas surround the parks and the island as a whole.



Policy:	6.1.1
Approved By:	Trust Council
Approval Date:	December 7, 2016
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

FIRST NATIONS ENGAGEMENT PRINCIPLES

A. PURPOSE

1. To provide a framework for engaging and building relationships between Islands Trust and First Nations.
2. To find opportunities for collaboration and mutual support through its many organizational activities.
3. To initiate and maintain respectful relationships with First Nations communities.

B. BACKGROUND

In the Islands Trust Area, there is a high level of uncertainty regarding current and future First Nations ownership and management of the land base. As of November 2016, many things are in a state of flux because of evolving provincial, national and international recognition of Aboriginal Title.

1. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international instrument adopted by the United Nations on September 13, 2007. It describes a minimum standard of rights for the “survival, dignity and well-being of the indigenous peoples of the world.” Additionally, Article 26 states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,” and it directs governments to recognize these territories. UNDRIP was endorsed by Canada in 2010 and officially adopted it in May 2016.
2. In 2015, the Truth and Reconciliation Commission issued ‘Calls to Action’ to redress the legacy of residential schools and to advance the process of Canadian reconciliation. Several of these calls to action speak to the recognition of aboriginal rights over land. In particular, action 47 calls on all levels of government, including local governments, to “repudiate concepts used to justify European sovereignty over Indigenous peoples and lands... and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.” (Truth and Reconciliation Commission of Canada, 2015).
3. In 2014, the Supreme Court of Canada handed down a decision in the case of the *Tsilhqot’in Nation vs. British Columbia*. In that decision, the court concluded that the Tsilhqot’in Nation has Aboriginal title to over 1,750 square kilometers of their traditional lands, previously deemed Crown land. *Tsilhqot’in* also confirmed that where Aboriginal title has not been established, the Crown has a duty to consult with and accommodate First Nations with stated land claims.
4. The Islands Trust works with separate nations with different customs, history, culture and expectations of engagement.

C. REFERENCES

1. *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, United Nations, Sept.13, 2007.

2. *Truth and Reconciliation Commission: Calls to Action*, Truth and Reconciliation Commission of Canada, 2015.
3. *Tsilhqot'in Nation vs. British Columbia*, Supreme Court of Canada, 2014.

D. DEFINITIONS

For the purpose of this policy:

“**First Nations**” refer to entities recognized by the Department of Aboriginal Affairs and Northern Development of Canada who have included the Trust Area, or a part of the Trust Area in the asserted traditional territory.

“**Islands Trust**” refers to all Islands Trust bodies, except island municipalities.

E. FIRST NATIONS ENGAGEMENT PRINCIPLES

1. Islands Trust is committed to becoming aware of what it does not know or understand about First Nations.
2. Islands Trust is committed to proving sincere desire for reconciliation
3. Islands Trust is committed to integrating, where possible, activities that support First Nations reconnecting with the Trust Area lands and waters

F. POLICY

1. The First Nations Engagement Principles in Section E:
 - a. underpin every activity of Islands Trust in order to have an enduring relationship with First Nations based on trust, honour and goodwill; and
 - b. are sequential and they speak of a way forward to acknowledge how profoundly First Nations have been ignored and disrespected, but these principles also point to a path forward that is genuine and sincere.
2. In committing to Principle E.1, Islands Trust should and island municipalities are encouraged to:
 - a. commit to “listening and learning” about the history of First Nations’ connection to the land and waters;
 - b. commit to “listening and learning” about First Nations’ perspective on treaties, rights and title; and
 - c. commit to acknowledging that history, to ensure First Nations and ourselves that the history has been heard and understood correctly.
3. In committing to Principle E.2, Islands Trust should and island municipalities are encouraged to:
 - a. commit to acknowledging the historical biases in the organization, which come from Canadian culture and assumptions, and have often resulted in non-Natives citizens ignoring and minimizing their relationship with First Nations; and
 - b. commit to undertaking actions that reflect an effort to change societal attitudes and systems.
4. In committing to Principle E.3, Islands Trust should and island municipalities are encouraged to:
 - a. commit to supporting, where possible, traditional gathering and harvesting activities;
 - b. commit to supporting, where possible, the integration of Traditional Knowledge into stewardship practices and policies; and
 - c. commit to supporting the development of a Reconciliation Action Plan.