



DATE OF MEETING: January 9, 2024
 TO: Gambier Island Local Trust Committee
 FROM: Marlis McCargar, Island Planner
 Northern Team
 SUBJECT: Keats Island Marine General Zone Amendment – Draft Bylaw No. 158

RECOMMENDATION

1. That the Gambier Island Local Trust Committee add Keats Island Marine General Zone Amendment to the minor project list, make it first priority and pause the current minor project.
2. That the Gambier Island Local Trust Committee request staff to prepare a draft Project Charter for a minor project titled “Keats Island Marine General Zone Amendment”.
3. That the Gambier Island Local Trust Committee request staff conduct a comprehensive planning analysis that will include site context, policy review, identify issues and opportunities, statutory requirements and recommendations for the zoning amendment.
4. That the Gambier Island Local Trust Committee request that staff review the Islands Trust Policy Statement Directives Only Checklist and determine if Bylaw No. 158, cited as " Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023", is contrary to or at variance with the Islands Trust Policy Statement.
5. That the Gambier Island Local Trust Committee draft Bylaw No. 158 be referred to the following for comment:

First Nations: Squamish Nation, Snuneymuxw First Nation, Lyackson First Nation, Cowichan Tribes, Penelakut Tribe, Lake Cowichan First Nation, Stz'uminus First Nation, Halalt First Nation, Tsleil-Waututh Nation, Musqueam Nation

Local Governments and Agencies: Sunshine Coast Regional District, Islands Trust Conservancy, Ministry of Forests, Ministry of Transportation and Infrastructure and Fisheries and Oceans Canada.

REPORT SUMMARY

The purpose of this report is to introduce draft Bylaw No. 158, which seeks to permit the establishment and use of telecommunication utilities in the Marine General (MG) zone. This is an LTC initiated bylaw amendment.

This staff report provides the Gambier Island Local Trust Committee (LTC) with a preliminary overview of the proposal, as part of the Connected Coast Partnership, to place subsea fibre optic cable in the marine area adjacent to Keats Island. It also outlines the gaps and possible issues associated with moving forward with a zoning amendment in an expedited timeline. Staff recommends that the LTC proceed within Islands Trust process for a bylaw amendment, but request that staff prioritize this amendment due to the time sensitive nature.

BACKGROUND

In March 2023, Islands Trust received a Crown Lease referral for multiple locations and landing sites of fibre optic cable within the Gambier Local Trust Area. The response back to the Ministry of Forests was that the application area was not zoned for the proposed purpose in the marine area around Keats Island. The Marine General zone surrounds Keats Island and does not permit public utility use or any structures aside from navigational aids. The other proposed locations were compatible with current zoning.

Islands Trust staff met with members of the Connected Coast Partnership team on October 5, 2023 to further discuss the rezoning requirement and staff encouraged the proponent to submit an application as soon as possible to meet their project completion timelines. Connect Coast Partnership completion date is scheduled to be in March 2024.

Members of the Connected Coast team appeared as a delegation to the Gambier Island Local Trust Committee (LTC) meeting on October 17, 2023. At that time, the team introduced the LTC to the project (a joint venture between the City of Prince Rupert, CityWest and the Strathcona Regional District), that aims to bring high-speed internet to rural and remote communities along the BC coastline, Haida Gwaii and Vancouver Island. It was noted there are challenges with respect to bringing cables ashore through the Marine General (MG) zone around Keats Island. The LTC expressed interest in the project and recognized the benefit that it would bring to residents of Keats Island. The proponent was encouraged to submit an application and the LTC discussed expediting it, once received.

The Connected Coast Partnership is responsible to ensure that all of the required permits are in place prior to construction. It was communicated to staff, that the Connected Coast Partnership is not directly gaining financially from this project, but providing an opportunity for existing Internet Service Providers (ISPs) to connect to the network and provide high speed internet to its users.

Islands Trust did not receive a rezoning application and due to a concern around Connected Coast Partnership time constraints, the LTC passed the following resolutions on November 21, 2023:

GM-2023-045

It was MOVED and SECONDED

that section 4.16.1 of Bylaw 78 be amended by:

1. deleting the words “and structures” from the first line;
2. deleting the word “and” from the end of the first bulleted line;
3. replacing the period in the second bulleted line with a semi-colon and adding the word “and” after it;
and
4. adding a third bulleted line that states “the establishment and the use telecommunication utilities”.

CARRIED

GM-2023-047

It was MOVED and SECONDED

that GMLTC request staff to advance amendments to Bylaw 78 as resolved at the LTC meeting of November 21 and bring forward for First Reading.

CARRIED

GM-2023-048

It was MOVED and SECONDED

that the advancement of the amendment to Bylaw 78 approved on November 21 be designated to the Local Trust Area's top priority for the LTC Projects List.

CARRIED

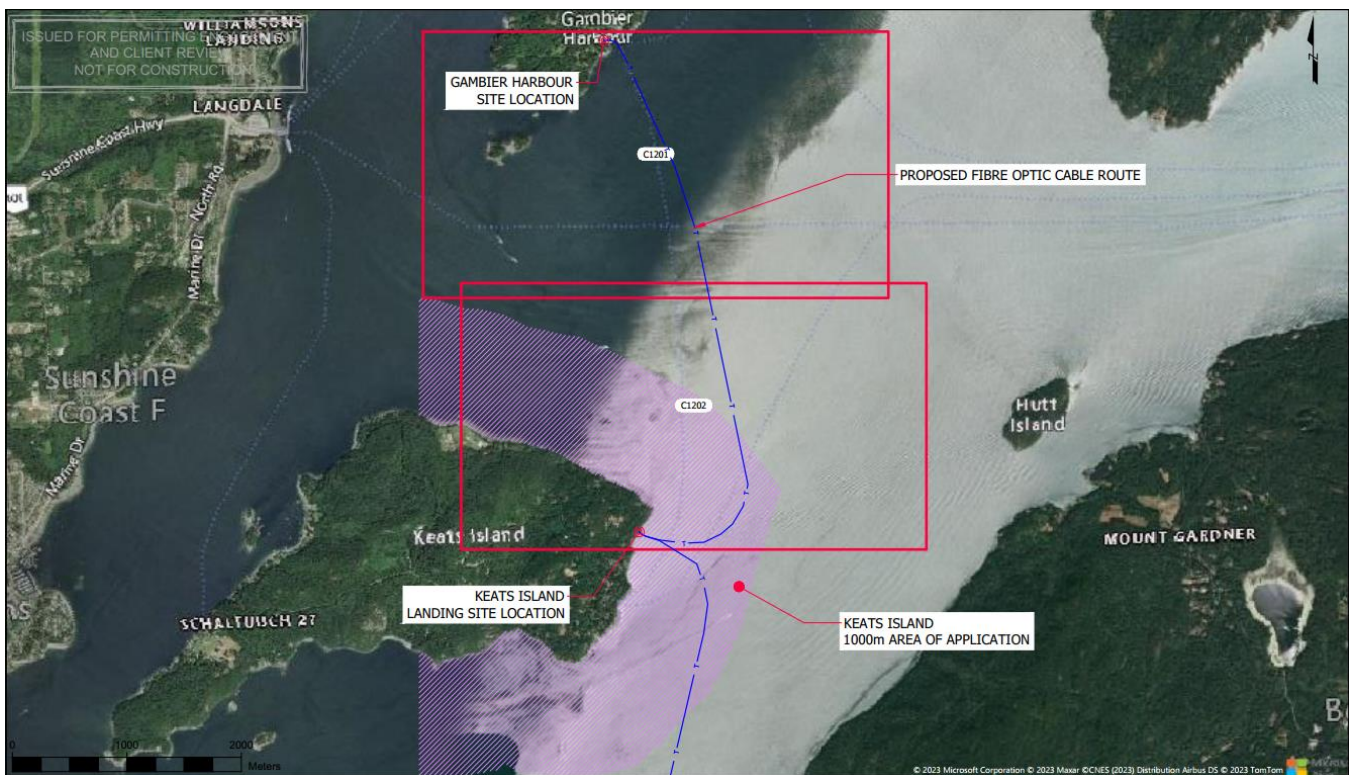
The LTC passed the following motion via resolution without meeting (RWM) on December 8, 2023:

GM-RWM-2023.6

It was MOVED and SECONDED,

That the Gambier Island Local Trust Committee is not required to hold a public hearing on Bylaw No. 158 cited as "Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023" as the Bylaw is consistent with the Keats Island Official Community Plan No. 77, 2002, and request staff to proceed with public notification as per Section 467 of the Local Government Act.

CARRIED



Map 1: Area of Application

RATIONALE FROM CONNECTED COAST PARTNERSHIP

The Connected Coast Partnership will bring high-speed internet access to rural and remote communities along coastal B.C., Haida Gwaii, and Vancouver Island. It will connect communities to a subsea fibre-optic network that will run from Prince Rupert to Haida Gwaii, down the Sunshine Coast, and around Vancouver Island. The cable will provide more than 150 landings at rural and remote coastal communities, including 48 indigenous communities representing 44 First Nations, providing the opportunity to connect to high-speed internet. It is anticipated that the project will be completed by March 2024.

Connected Coast Partnership is proposing to lay a fibre optic cable within the Marine General (MG) zone to connect Keats Island residents to the network, improving connectivity for the residents of Keats Island. The marine cable will be encased in a split pipe armouring system and rest on the seabed floor.

Once it reaches the shore, the cable will continue to be buried 0.6 meters deep in a protective conduit system until reaching an underground vault located. The trenched marine cable route will continue up land and terminate at a pole mounted cabinet.

Keats Island residents stand to benefit from improved connectivity through the Connected Coast Network. The fibre installation will provide the highest quality connectivity. This installation would bring backbone fibre to communities and would allow residents in this community access to many essential services such as online education, health and e-commerce.

PROJECT PRIORITIZATION AND DEVELOPMENT

By [Trust Council Policy 6.2.1](#), an LTC can have one active Minor Project at a time. As the LTC already has an active project, the Keats Shoreline Protection Project, the LTC is required to pause that project while another project is taking priority.

Typically, all projects need a project charter which help to outline a work plan, scope the project and meet desired objectives. If the LTC decides to move forward in a typical process, staff are recommending development and endorsement of a project charter.

DRAFT BYLAW NO. 158

On November 21, 2023, the LTC requested that staff make the following changes to the Marine General (MG) zone in the [Keats Island Land Use Bylaw No. 78](#):

- delete the words “and structures” from the first line;
- delete the word “and” from the end of the first bulleted line;
- replace the period in the second bulleted line with a semi-colon and adding the word “and” after it; and
- add a third bulleted line that states “the establishment and the use telecommunication utilities”.

Staff have made the requested changes. The draft amendment bylaw is found in Attachment 1 and the tracked changes version of the bylaw is found in Attachment 2.

ANALYSIS

Policy/Regulatory

Typically, planning staff will use the following sections to determine if the proposed amendment is consistent with policy/regulatory framework.

Islands Trust Policy Statement:

Staff did not review the Islands Trust Policy Statement (ITPS) and have not determined if it supports this proposal. For bylaws, the ITPS directives only checklist is required. Staff recommend that the LTC determine whether the draft bylaw is contrary to the ITPS.

Official Community Plan:

Staff have not referenced the applicable Keats Island Official Community Plan (OCP) policies. Staff are unaware if there other relevant policies or guidelines pertinent to this amendment.

Land Use Bylaw:

Staff have not referenced the applicable LUB regulations. It is unclear if the amendment meets all of the applicable development guidelines.

Issues and Opportunities

Through LTC direction, staff have not conducted any analysis and present the proposed amendment for first reading (Attachment 1). However, staff will typically identify any potential issues or opportunities arising from an amendment project (e.g. environmental impacts, legal issues, financial implications, First Nations or intergovernmental implications, Regional Conservation Plan, sensitive ecosystems, species at risk, climate change adaptation, etc.). In addition, staff will identify any information gaps or opportunities for mitigation, adaptation or avoidance (consultation, technical studies, legal agreements, etc.).

Consultation

As this does not involve an OCP amendment, the LTC is not required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. However, in the spirit of relationship building, this is considered to be good practice. The LTC should consider if it wishes to undertake additional consultation and direct staff accordingly.

Decision to Not Hold a Public Hearing

The LTC is not holding a Public Hearing for draft Bylaw No. 158 under the authority granted in Sections 467 of the *Local Government Act* that states that a local government may decide not to hold a Public Hearing on a draft Bylaw if an Official Community Plan (OCP) is in effect for the subject area, and the draft bylaw is consistent with the OCP. The draft Bylaw No. 158 appears to be consistent with the Keats Island OCP and therefore, the LTC has passed a resolution to not hold a public hearing.

Other Government and Agency Referrals

Other relevant government agencies that the LTC may want to consider referring the draft bylaw to include: Ministry of Forests, Ministry of Transportation and Infrastructure and Fisheries and Oceans Canada.

Islands Trust Conservancy:

Staff have not reviewed the [Islands Trust Conservancy \(ITC\) and Local Planning Services Coordination](#) policy. Examples of reasons to refer to the ITC Board for comment include:

- directly affects an ITC owned property or conservation covenant;
- directly affects a property adjacent to an ITC owned property or conservation covenant;
- pertains to terrestrial Crown land, or
- pertains to intertidal Crown land located within 100m of a ITC owned property or conservation covenant.

The LTC may want to consider referring the draft bylaw to the ITC Board for comment.

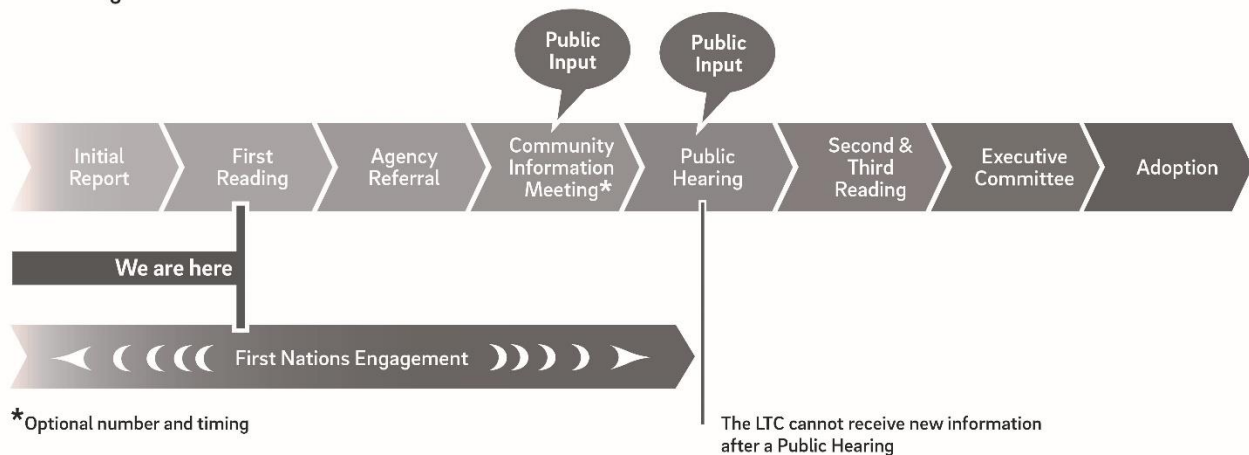
First Nation Referrals

Given that it is uncertain to staff whether draft bylaw No. 158 will have proposed or anticipated impacts to land or waters, staff recommend that the LTC follow the referral process for a zoning amendment.

Staff have searched the provincial Consultative Areas Database (CAD), which resulted in the following ten First Nations with potential interests the marine area surrounding Keats Island: Squamish Nation, Snuneymuxw First Nation, Lyackson First Nation, Cowichan Tribes, Penelakut Tribe, Lake Cowichan First Nation, Stz'uminus First Nation, Halalt First Nation, Tseil-Waututh Nation, Musqueam Nation. Staff are recommending that the First Nations listed above are given the opportunity to comment on the draft bylaw.

Timeline

The graphic below illustrates the typical timeline for a zoning amendment. Given the expedited timeline, the LTC can consider alternatives to this timeline.



No consultation is required beyond statutory Public Notice as required by the *Local Government Act*. Notice has been posted in the Coast Reporter (December 29, 2023 and January 5, 2024 editions), on the [Islands Trust website](#) and physically at the Northern Office (see Attachment 3 - Statutory Notice) from December 15, 2023 to January 8, 2024 in accordance with *Local Government Act* requirements in order for the community to have the opportunity to comment before consideration of First Reading by the LTC.

No formal correspondence had been received at the time of preparing this report, but may be received before or during the LTC meeting on January 9, 2024. All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the LTC. Correspondence may be sent to northinfo@islandstrust.bc.ca

Alternative Timeline

If the LTC would like to meet the Connected Coast Partnership’s March 2024 completion deadline and have final adoption of the bylaw possible in that timeframe then an expedited approval process is required. Referrals, community consultation and First Nation engagement would be difficult in the short timeframe. First, Second and Third Reading would need to take place during the January 9, 2024 meeting and the bylaw could be forwarded to Executive Committee (EC) immediately following. Final adoption of the bylaw could take place via a Resolution Without Meeting (RWM) once EC approval is obtained.

There is the risk that without the ITPS checklist, planning analysis, referrals, First Nations engagement, etc. the bylaw may not make it through EC approval process. If the LTC would like to proceed with this alternative, the resolutions are listed below in the “Alternatives” section.

Rationale for Recommendation

Based on the lack of analysis of policies and regulations, issues and opportunities and consultation, staff are recommending that the LTC follow the standard process for bylaw amendments. Refer to the formal recommendations, included on Page 1 of the report.

ALTERNATIVES

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

1. Give first, second, third reading and forward to Executive Committee

The LTC may give proposed bylaw No. 158 first, second and third reading. The LTC may chose this option to expedite the process and ensure that the timeline for the Connected Coast project is met. Staff advise that the implications of this alternative in the “alternative timeline” section above. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee Bylaw No. 158 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023”, be read a first time.

That the Gambier Island Local Trust Committee Bylaw No. 158 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023”, be read a second time.

That the Gambier Island Local Trust Committee Bylaw No. 158 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023”, be read a third time.

That the Gambier Island Local Trust Committee Bylaw No. 158 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Subject to concurrence with the staff recommendations, staff will refer out Bylaw No. 158. Staff will also prepare to return with planning analysis and considerations of Bylaw No. 158 for the LTC’s consideration of first, second, and third reading, and potential forwarding of the Bylaw to the Executive Committee at the LTC’s next regular business meeting on March 26, 2024.

Submitted By:	Marlis McCargar, Island Planner	December 19, 2023
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	December 20, 2023

ATTACHMENTS

1. Draft Bylaw No. 158 – for First Reading
2. Draft Bylaw No. 158 – tracked changes
3. Notification

DRAFT

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 158

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

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

1. Citation

This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023”.

2. Gambier Island Local Trust Committee Bylaw No. 158, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023,” is amended as per Schedule “1” attached to and forming part of this bylaw.

PUBLIC HEARING WAIVED THIS 12TH DAY OF DECEMBER , 2023

READ A FIRST TIME THIS _____ DAY OF _____ , 20__

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ , 20__

ADOPTED THIS _____ DAY OF _____ , 20__

CHAIR

SECRETARY

GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 158

Schedule "1"

1. **Schedule "A"** of Keats Island Land Use Bylaw, 2002 is amended as follows:

PART 4 – ZONE REGULATIONS, Section **4.16 MARINE GENERAL (MG) ZONE**, Subsection **4.16.1** is amended by deleting "and structures", by deleting "and" after interpretation in the first bullet, by inserting "and" after "navigational uses" in the second bullet and by inserting a third bullet "the establishment and use of telecommunication utilities".

Keats Island Land Use Bylaw No. 78, 2002

Proposed Changes

PART 4 – ZONE REGULATIONS

4.16 MARINE GENERAL (MG) ZONE

Permitted Uses

.1 The following uses of land ~~and structures~~ are permitted:

- research and educational activities related to the marine environment, including nature interpretation; ~~and~~
- navigational uses; ~~and~~
- the establishment and use of telecommunication utilities

Structures

.2 No permanent building or structure of any kind, other than a navigational aid, may be erected, constructed or placed.



Gambier Island Local Trust Committee
NOTICE OF FIRST READING
Draft Bylaw No. 158

NOTICE is hereby given pursuant to s.467 of the *Local Government Act*, that the Gambier Island Local Trust Committee will consider first reading of draft Bylaw No. 158, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2023” at its Special Meeting scheduled at 10:00 a.m., Tuesday, January 9, 2024, via Zoom, Electronic meeting.

What is Draft Bylaw No. 158 about?

Draft Bylaw No. 158 will, if adopted, amend the current Keats Island Land Use Bylaw No. 78 to permit the establishment and use of telecommunication utilities in the Marine General (MG) zone.

The Local Trust Committee is not holding a Public Hearing for this Bylaw under the authority granted in Sections 467 of the *Local Government Act* that states that a local government may decide not to hold a Public Hearing on a draft Bylaw if an Official Community Plan (OCP) is in effect for the subject area, and the draft bylaw is consistent with the OCP. Draft Bylaw No. 158 is consistent with the OCP for Keats Island.

How Do I Get More Information?

A copy of the draft Bylaw may be viewed at the Islands Trust Office, 700 North Road, Gabriola Island, BC, or on the Islands Trust website <https://islandstrust.bc.ca/notice-of-first-reading-for-draft-bylaw-no-158/> commencing Friday, December 15, 2023 and ending Monday, January 8, 2024 during regular business hours (8:30 am – 4:00 pm).

Enquiries or Written Comments may be directed to Marlis McCargar, Island Planner by email mmccargar@islandstrust.bc.ca, or phone at 250-247-2210. For toll-free access, request a transfer to the above telephone number via Service BC: in Vancouver at 604-660-2421 and elsewhere in BC at 1-800-663-7867. Written submissions must be received at the Islands Trust Northern Office via email to northinfo@islandstrust.bc.ca or 700 North Road, Gabriola, BC V0R 1X3, no later than **4:00 p.m. Monday, January 8, 2024**.

Nadine Mourao, Deputy Secretary