



Gambier Island Local Trust Committee Minutes of Special Meeting

Date: September 15, 2022
Location: Electronic Meeting

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

Staff Present: Marlis McCargar, Island Planner
 Wil Cunningham, Office Administrator
 Diane Corbett, Recorder

Others Present: Members of the Public - 28

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 6:33 pm. She acknowledged that the meeting was being held in locations across the traditional territory of the Coast Salish First Nations, particularly the Squamish Nation.

Chair Fast reported that this Special Meeting would include a staff presentation and the opportunity for people to ask questions about proposed Bylaw Nos. 153 and 154. This electronic meeting would be recorded and live streamed. Chair Fast described technical details for participation by phone. Members of the public were guided to contact northinfo@islandstrust.bc.ca if they were experiencing technical difficulty accessing the meeting, or to submit feedback or suggestions.

Trustees and staff were introduced. The Chair announced that after the community information meeting regarding the Keats Island Shoreline Protection Project, there would be a closed meeting.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Keats Island Shoreline Protection Project - Proposed Bylaw Nos. 153 (OCP) and 154 (LUB)

To discuss proposed Bylaw Nos. 153 and 154 that would establish a Shoreline Development Permit Area and update marine structure regulations on Keats Island.

Chair Fast explained this community information meeting was an opportunity for people to listen and get information, to be able to give informed input on the proposed bylaws.

The staff presentation on the bylaws would be followed by a question and answer period.

3.2 Staff Presentation

Island Planner McCargar, gave a PowerPoint presentation on Proposed Bylaw Nos. 153 and 154 and Shoreline Protection Project that included: project background; proposed changes to Amendment Bylaw Nos. 153 (Keats Island Official Community Plan – OCP) and 154 (Keats Island Land Use Bylaw – LUB); Development Permit application process; scenarios (examples); the legislative process to amend the bylaws – next steps the LTC could consider. Points of the presentation included:

- Project background:
 - This was set as a top priority project of the LTC; the OCP and LUB are almost twenty years old and need to be reviewed and to be updated.
 - During rezoning of Keats Camp it became apparent that on a number of properties there were non-conforming issues; there also were other issues regarding the foreshore, and an increase in the number of applications for docks on properties that were not water access only.
 - The project began in July 2017 when “Docks and other foreshore development” was added to the LTC top priority projects list. 2018 saw the first phase of community consultation, with development of a community survey, and community meetings, to identify shoreline values and introduce policy, regulatory and voluntary options.
 - A project charter was endorsed in January 2019; from January 2019 to June 2020 a Working Group was established to provide recommendations to the LTC. A discussion paper with options for shoreline protection was presented to the LTC in May 2020; in October 2020 staff presented recommendations to the LTC for next steps of the project, and recommendations and comments of the Working Group were presented.
 - A project charter was endorsed in November 2020 by the LTC that included establishing a Shoreline Development Permit Area (DPA) and amending marine structure regulations. In April 2021, the LTC reviewed draft bylaws and sent early referrals of the draft to Squamish and Tsleil-Waututh Nations. First Reading by the LTC in July 2021 was followed by referrals to First Nations, agencies and community groups.
 - Community information meetings were held in September and October 2021. First reading was rescinded and Bylaw 154 was amended and given First Reading as amended. From November 2021 to present there were re-referrals to First Nations, and consultation with Squamish Nation. The LTC gave second reading, as amended in September 2022, followed by a CIM.
- Current level of protection for the Keats shoreline:
 - Retaining walls not permitted in setback from natural boundary of the sea (NBS);
 - Setback of 7.5 metres for buildings and structures from NBS, except platforms with a maximum 10 m² floor area, permitted boathouse, pump/utility house, stairs or walkways required to access the foreshore or a permitted marine structure;
 - Docks/wharves not permitted in Marine Conservation (MC) zone.

- Proposed Bylaw No. 153 (OCP) establishes a new Shoreline Development Permit Area (DP-3), and includes Location, Justification, and Objectives of DP-3 for the purposes of protecting the natural environment, its ecosystem and diversity, and protecting development from hazardous conditions. It applies upland 15 metres from the NBS, the foreshore, and seaward 100 metres from the NBS.
- Proposed Bylaw 154 (LUB): regulates structures permitted within the setback from the NBS; increases setbacks between existing docks to 10m and lot lines to 5m, consistent with Provincial best practices; reduces maximum float area of private docks and shared docks; reduces ramp width; and reduces maximum area of wharf float, ramps and piers in PI2 zone. Setback is being left at 7.5m, one of the smallest in the Local Trust Area; there have been concerns from local First Nations, as the shoreline is often where archaeological sites are found. Current best practice is typically a 15m to 30m setback, recommended for new development to protect the area.
- Bylaw 154 includes Applicability, Exemptions and Guidelines. Applies to: the construction of, addition to or alteration of a building or structure; land alteration, including vegetation removal and disturbance of soils; subdivision of land. Activities that do not require a Development Permit are described in the bylaw. The purpose of guidelines is to assist the applicant in creating a proposal that meets the objectives of the DPA, and to assist the LTC in considering and approving proposals, and provide the basis for setting the conditions in the Development Permit.
- Development Permit application process for applicable development activities within the DPA:
 - Submit application and fee with required documentation and supplemental information; current fee is \$1000;
 - Processing of application: at least three months, depending on complexity;
 - No public notification process for DPs;
 - LTC consideration of application and LTC decision;
 - Issuance of permit based on demonstration of compliance with applicable DP guidelines;
 - Permit may be subject to conditions and is valid for two years from issuance date.
- Examples of circumstances that require and not require a DPA were provided. (Copy of presentation will be posted to the website.)
- Next steps for the LTC: schedule public hearing; third reading; Executive Committee approval; Ministry approval; final LTC approval and adoption.

Chair Fast thanked the Island Planner for the presentation and inquired if there were any questions from trustees.

3.3 Question & Answer Session

Trustee Rogers clarified the size of floats. In the amendments made on September 1, the LTC amended float sizes. The changes were made before giving second reading. The sizes were increased from the draft currently on the website.

The Island Planner noted she would post the amended version to the website shortly.

Chair Fast invited questions to the planner or trustees from citizens regarding Keats Island Shoreline Protection Project.

- The process for creating and improving bylaws is important and critical for maintaining trust in the government. It includes giving islanders reasonable access to public meetings and public hearings. Cancellation of the meeting on Keats this summer was a big loss; there are some important issues under discussion. Request that we delay further voting on these bylaws until after next summer when there can be a public hearing, when everyone is on Keats. What is my next step? When is the vote on these matters scheduled? Hope you have another meeting on Keats next year before you do anything else.
 - Timeline will depend on the incoming trustees.
 - Trustee Rogers clarified that the scheduled meeting on Keats was not a public hearing, but a community information meeting. It was cancelled because of a Covid outbreak at the camp the night before the meeting. This CIM is a makeup meeting for the one that was cancelled. Second reading as amended was given September 1; the next step would be to go to public hearing. The LTC found that meetings in North Vancouver got the best attendance.
- I have a dock, ramp and float that are getting old and need fixing up. When does the DPA click in? If just replacing a piling: does that require a permit? Clarify when a permit becomes required.
 - Island Planner McCargar clarified that if just replacing a few boards, a permit is not required. If replacing an entire structure, that would trigger a Development Permit.
- Regarding DP-3: upland 15 metres from the natural boundary of the sea (NBS) and seaward 100 metres from NBS. What are we talking about here? We have a lot of diverse waterfront properties. A lot are upland, not beachfront. A lot of them are parkland. Which setback is it? A lot of people are up high, so the water is far away from our properties. Is it from that point horizontal, or is it up high to our properties?
 - The planner explained the DPA area would be 15 m from the natural boundary of the sea upland, and 100 m towards seaward from the NBS. Currently in the LUB, Islands Trust has authority 100 m seaward from NBS and can set guidelines, but the Province is the one that gives leases for docks. Structures would not be allowed in that area—we are talking about the beach area and the sea. The natural boundary of the sea is typically the visible high water mark of the ocean. It won't always be the property line; in that case, you could get a land surveyor who would mark where the NBS is, and that would accompany the application in a DPA.
 - Trustee Rogers explained that one of the reasons the LTC put in the exception for a mooring buoy was that it might be caught by the DPA that goes out into the ocean. The building setback is different than the DPA; the setback remains at 7.5 m.
 - Chair Fast noted the natural boundary of the sea could change if rocks fall into water, or if sand starts piling up, or if a big storm takes away a chunk of land.
- Can you build 7.5 m from the natural boundary of the sea horizontally?
 - The Island Planner confirmed that was correct.
- Am concerned with the process, doing anything with respect to your dock within the foreshore area seems to require an application process. The application process is lengthy, onerous, and expensive. Would like to request in the next version of the bylaws to have more focus on working together with residents. It is a disincentive to go through that process to change your dock to something that is more

environmental and more compliant. These regulations seem to have been staff driven. Would like to see them work with residents, so people can work together to have something to address these issues. Regarding climate change, residents have concerns about the foreshore of their property. Instead of having to go through the development process and spend thousands of dollars and take several years, would like to see something coming from trustees to say these are best practices from somewhere else, but for this unique island this is how people can maintain their foreshore, how they can maintain their docks, without going through this expensive process. Is this something the trustees could consider going forward? A more regulatory process seems to prevent that kind of care.

- Chair Fast pointed out the best practices documents are posted at the website on this project.
- Trustee Stamford remarked that she could hear what the speaker was saying and understood this could be seen as a disincentive to take on those best practices. She suggested that, from what she understood about Keats Islanders, they would be doing this anyway, and thought people were trying to do the best they could with their properties. These types of bylaws are there for people that are not doing best practices. Without base regulations, there could be a proliferation of extraordinarily-sized docks, or decks, and structures within the setback that LTC would not be able to stop without these regulations behind them. Islands Trust is limited on how it can word the regulations, which are there for people who do not follow best practices or guidelines. There are limited things Islands Trust can do to protect your neighbours or your land from other people or neighbours who are not interested in doing best practices.
- How much would this kind of development permit cost?
 - The planner advised that the application fee is \$1000.
- Aside from the application fee, there are things like geological surveys, water surveys; this increases the cost dramatically. The survey cost is being put onto the homeowner. It is ingenuous to suggest the fee is the only cost involved...unless there were a lot of things set out, such as: to protect from erosion, this is what is allowed; to change your dock, you can do this.
 - Trustee Rogers noted, at this stage in this four and a half year process, it is time to reflect on what was done well and not well enough. The LTC has spent hundreds of hours listening to the community concerns. Local government regulates. Islands Trust does not have resources to go to every landowner to try to negotiate what they want to do. There is a need for general rules. This began with the concept of trying to protect the foreshore. We are privileged to live on Keats, and along with this comes responsibilities. This is an attempt to try to codify those responsibilities. He has been interested in hearing from people what the exceptions look like to a development permit, so that the LTC captures things that are reasonable. If we go and provide for “this is what is acceptable and this isn’t”, it won’t provide for the uniqueness of different properties. Different properties may need more protection. It is an attempt to capture the uniqueness of properties, and also capture the protection aspects that are there. There have been six community information meetings, a working group, and a series of proposals from the public for a long time. It seems the process has been open and fulsome and inclusive. It is the way that local governments work. People often say “we’re unique”; but these issues arise on every island, and the concepts and issues are similar across the Islands Trust Area. There is a

movement across the whole Islands Trust to try and improve foreshore protection because of the uniqueness of it and the Trust's commitment to First Nations reconciliation and because of climate change – those issues are front and centre of the work being done across the Trust right now. Keats is a bit ahead of that, but it is because our current protections are quite a bit less than they are in other areas.... This was the trustee's answer about whether he thought there could be a more cooperative approach. The LTC tries to be cooperative, but sometimes has to make decisions.

- If you have a cottage within the 15 m setback and it is totally destroyed, will the development process allow you to rebuild on the actual footprint?
 - The Island Planner noted you would need to rebuild according to the current Land Use Bylaw regulations. The 15 m is a DPA; if within that, you would need to get a DP.
- Why it is \$1000 for a development permit escapes me. On the east coast, it was about \$150, and didn't keep people from engaging in the DP. Think \$1000 is high. Maybe consider a staged permit, may be based on the value of the work done. Think it is a disincentive to engage in the process.
 - Chair Fast explained Islands Trust passed a fees bylaw recently. One of the principles was that development pays for development, as opposed to other citizens paying for the cost required to process the application.
 - Trustee Rogers noted the speaker had put their finger on one of the problems. If too expensive, people may not apply—but LTCs are often told politically by taxpayers: the people who apply should be bearing more of the burden about what the cost is.
- Representative from the south shore of Keats island. You have done great work to try and preserve and protect Keats. Think that most of the foreshore development on Keats Island has already taken place, except on DL 876, and 1829, the Rural Comprehensive areas. The bylaws try to reflect what was already happening on Keats, and your water access community without a car ferry. There are very few areas on Keats that don't already have docks; the only ones that don't are those ones, on the south shore. When the bylaws were formulated, they took into account the vulnerabilities of the foreshore, Marine Conservation areas, to protect the low level areas. The rest of the south shore properties are high level. Request that the LTC recognize that those low level areas that are vulnerable to erosion at Pebble Beach are already protected, but the other areas probably are not. Don't believe there will be much development in those areas. Most of the other areas are already developed.
- Question around language in proposed bylaws: "Institutions" regarding float size – would that be Keats Camp?
 - Trustee Rogers confirmed it would be Keats Camp and Camp Barnabas.
- Is there anything else you can alert me to that I should be aware of that I should be looking at from the Camp perspective?
 - Trustee Fast urged the questioner to contact the Island Planner through northinfo@islandstrust.bc.ca to ask about the pertinent regulations.
 - Trustee Rogers noted he had not received much feedback from Barnabas or Keats Camp, and that he would like feedback on whether the float size proposed is workable.

- The dock sizes have increased from the previous draft, but there seems to be more concern about how far docks are from the neighbouring docks and the property lines. Not clear on how that plays out. Can you give a better description of that? Encouraged promotion of shared docks near the property line.
 - The Island Planner explained the spacing between docks would be 10 m; that hasn't changed from what was proposed in the previous draft. This would be for new docks, not existing docks.
 - Trustee Rogers mentioned that is consistent with the *Navigable Waters Protection Act* section on minor works, that docks be 10 m apart; it has become the federal standard.
 - The Island Planner explained you would be allowed a larger maximum float size if sharing a dock.
- Could there be a list of what is allowed to protect the foreshore, and suggestions on that, such as erosion issues, etc.? Could we have that in the next draft? Speaker suggested bylaws say "this is what you cannot do" as compared to "this is what you can do."
 - Chair Fast remarked that Islands Trust has tools and good practice documents; was not sure if what the speaker requested could be put into a bylaw.
 - The Island Planner inquired if the speaker meant an education campaign, to which the speaker acknowledged an education campaign was a start.
 - Trustee Stamford noted that one thing done on Gambier was establishment of riparian area DPAs across island on wetland and stream protection. The LTC put out a plain language brochure that the trustee sends out regularly to remind people on Gambier how important that is. This might be a way the LTC could promote protection of the foreshore on Keats.

Chair Fast noted the time and thanked the public for the discussion, questions and suggestions. Chair Fast invited people to contact the Island Planner or trustees for further comments or questions.

Trustee Rogers extended thanks to everyone from Keats that showed up at the meeting for the very good questions and interesting suggestions, and thanks for all the interaction over the last four and a half years.

Chair Fast concluded this part of the community information meeting.

The Island Planner announced that this session had been recorded. She would post the presentation slides on the project page for the Keats Island Shoreline Protection Project.

4. CLOSED MEETING

4.1 Motion to Close the Meeting

GM-2022-051

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering Appointment of Board of Variance Members and that the recorder and staff attend the meeting.

CARRIED

The meeting moved to *In-Camera* at 8:11 pm.

4.2 Recall to Order

Chair Fast recalled the meeting to order at 8:23 pm.

4.3 Rise and Report

Chair Fast reported the LTC considered appointments to the Board of Variance for the Gambier Local Trust area and appointed Jack Woodward, Laurie Jackson and Kathryn Berge to the Board of Variance for the Gambier Island Local Trust Area for the next three years.

5. ADJOURNMENT

By general consent the meeting was adjourned at 8:24 pm.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder