



Gambier Island Local Trust Committee

Minutes of Special Meeting

Date: October 31, 2023

Location: Electronic Meeting

Members Present: Peter Luckham, Chair
Kate-Louise Stamford, Trustee
Joe Bernardo, Trustee

Staff Present: Renée Jamurat, RPP MCIP, Regional Planning Manager
Marlis McCargar, Island Planner
Wil Cottingham, Office Administrative Assistant
Diane Corbett, Recorder

Others Present: There was one (1) member of the media in attendance.

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 Luckham called the meeting to order at 9:01 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. Trustees and Staff were introduced.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented:

- Addendum: 3.1.1 Keats Shoreline Protection Project – Trustee Memo

By general consent the agenda was approved as amended.

3. BUSINESS ITEMS

3.1 Keats Shoreline Protection Project – Proposed Bylaw No. 154

Island Planner McCargar provided an overview of the staff report on the Keats Shoreline Protection Project – Proposed Bylaw Nos. 153/154.

3.1.1 Keats Shoreline Protection Project - Trustee Memo

There was discussion of the way to approach review of the Trustee Memo. It was agreed Trustee Bernardo would highlight, as focal points for discussion, the conclusions and recommendations for amendments noted in the memo.

Trustee Bernardo provided context and background regarding Keats Island, and emphasized that the bylaw has to be designed in a way consistent with the reality of the way Keats Island is right now.

Regional Planning Manager Jamurat requested that the Island Planner note in the red line version of the proposed bylaw as to which provisions were affected as the LTC made motions.

Trustee Bernardo explained and gave context to recommended conclusions and amendments in the Trustee Memo that were itemized under the following categories:

- Docks
 - Fairness problems
 - Distance requirement for docks
 - Sharing docks
 - Other dock issues
- Repair vs. Replace.

Discussions ensued on the above topics.

GM-2023-039

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to: 1) change the definition of maximum residential dock size in P12 to conform with the usage in the CR1, RR, RC, and M2(a) zones that specifies it to mean the size of the dock float; and 2) reduce the maximum residential dock size in P12 zone to the same 47 square metre limit that Bylaw 154 contemplates for the CR1, RR, RC, and M2(a) zones.

CARRIED

GM-2023-040

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to include provisions that will bring the regulations for residential docks in the P12 zone into conformity with the regulations Proposed Bylaw 154 proposes for residential docks in the CR1, RR, RC, and M2(a) zones.

CARRIED

GM-2023-041

It was MOVED and SECONDED

That Proposed Bylaw 154 be amended to reduce maximum coverage area for the institutional dock facilities in the M2(b) zone to the same 1500 square metre limit contemplated for the P12 zone.

CARRIED

It was noted that Islands Trust needed to inform Keats Islanders that it is outside the Trust's mandate to change permitted distances between docks, which falls under the jurisdiction of the federal government.

There was discussion of developing a communications piece or pamphlet for Keats residents, especially dock owners, addressing points of concern.

GM-2023-042

It was MOVED and SECONDED

that Proposed Bylaw 154 be amended to enable the pro-rating of the maximum float size for shared docks by an additional 30 square metres per additional participant up to an absolute maximum of 154 square metres.

CARRIED

– BREAK 10:30 am - 10:42 am –

The Regional Planning Manager requested that the Islands Planner facilitate discussion and jump to the key conclusions in the memo that required more in-depth discussion, recognizing that some of the flagged bolded items from the memo were captured in the revised amendments on the "red line" version of the proposed bylaw, attached to the staff report.

Discussion moved to the definition of repair and maintenance in proposed Bylaw No. 154, section 9.3.

Trustee Bernardo considered that the definition was too general, creating uncertainty about what was actually exempted and what was not. He pointed out that many of the shoreline cabins on Keats were built some time ago, under what are now outdated building codes (or no building codes). These are permeable to humidity, and docks are exposed to extreme conditions. The repair and maintenance provisions that would occur within an existing footprint would commonly require replacement of building components. Things commonly needing replacement include wiring, plumbing systems, siding, leaky roofs, patio decking and structural members, decking on dock ramps and floats, and storm-damaged or aged structural members of docks.

The Trustee noted that the repair and maintenance exemption does not address the alteration factor, creating uncertainty about the scope of the exemption. Further concerns included: use of the word "minor" describing repairs or maintenance;

requiring owners to obtain a development permit for maintenance when it involves building components; replacement of pre-existing septic fields encroaching into the development permit area.

The Trustee proposed that Section 9.3.2(b) be re-written as: “Repair and maintenance of lawful buildings, structures or utilities, including the replacement of building components in connection with such repair and maintenance, provided always that any such work is conducted entirely within the footprint of the existing building, structure or utility and does not alter undisturbed land or native vegetation;”.

Points from ensuing discussion included:

- I understand where residents are coming from in their concerns that so much of their property or building structures tend to be within this area. Concern that there is vague language within “undisturbed land or native vegetation”. Do not think that goes far enough. DPA is to protect the foreshore and beyond. There are examples of where this kind of restriction has not worked. If owners are unclear about this, call the Trust office. This is where peoples’ impact is the greatest on the foreshore, and this is the reason for this bylaw. Want to make sure that there are protections in place.
- This language is okay; it may not be completely clear. Onus is on the property owners – if not clear about something, you should talk to Staff to find out what needs to be done.
- “Undisturbed land or native vegetation” is clear enough to me; it is repeated in numerous places in the bylaw. “Within the footprint” and “does not alter undisturbed land or native vegetation” need to be read together.
- If, based on the report of a civil engineer, the installation of a septic system would involve disruption of other land, which would require a development permit.
- We have to acknowledge it is more than undisturbed land or native vegetation that is the issue. It is any disturbing any kind of land; it has impacts below the property line.
- Would like to hear from Staff if they have some other language that they think is clearer in terms of environmental protection.
- Soft shoreline protection, unless it is done very carefully and with knowledge, is not something you can do without a DPA. You need expertise to do so.

The Regional Planning Manager suggested that Staff bring back proposed wording that incorporates points from this discussion.

The Regional Planning Manager responded in the affirmative to an inquiry by Trustee Bernardo as to whether he should send to Staff concerns he had on some items in the red line version of Bylaw No. 154.

ADOPTED

There was discussion of continued LTC consideration of proposed amendments to Draft Bylaw No. 154 and the timeline for the proposed bylaw review process.

GM-2023-043

It was MOVED and SECONDED

that the next meeting of the Local Trust Committee that is scheduled for November 21 to be in-person be changed to a meeting that is held electronically.

CARRIED

Trustees Luckham and Stamford expressed thanks to Trustee Bernardo and Staff for the work put into this review and discussion.

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:20 a.m.

Peter Luckham, Chair

Certified Correct:

Diane Corbett, Recorder