



Gambier Island Local Trust Committee

Minutes of Special Meeting

Date: July 31, 2024
Location: Gibsons Public Market
473 Gower Point Road
Gibsons, BC

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

Staff Present Nadine Mourao, Legislative Clerk / Deputy Secretary
Marlis McCargar, Island Planner
Lisa Millard, Recorder

Others Present: There were approximately 28 members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:03 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 153 and 154 - Keats Shoreline Protection Project

The following additions to the agenda were presented for consideration:

- 4.2 Business Case for Official Community Plan Project

By general consent the agenda was approved as amended.

2.1 Planner Presentation

Planner provided a presentation and highlighted the following:

- Goal is to help members of the public determine if their interests are affected by the proposed bylaws;
- Provided a summary of the work to date including Community Information Meetings, amendments to the proposed bylaws, and referrals to agencies, non-agencies, and First Nations;
- Outlined factors in the Local Trust Committee's decision-making process;
- Summarized proposed Bylaw Nos. 153 and 154;
- Pointed to edits to the dock sharing regulation and deletion of Section 9.3.4(b); and
- Outlined next steps.

2.2 Proposed Bylaw Nos. 153 and 154

Planner summarized proposed Bylaw No. 153 and noted the following:

- Proposed Bylaw to amend the Official Community Plan;
- Establishes a Shoreline Development Permit Area 3 (DP-3) for purpose of protecting the natural environment and protecting development from hazardous conditions;
- Setback area extends upland 15 metres from natural boundary of the sea and 100 metres seaward from natural boundary of the sea; and
- Plumper Cover Provincial Park and areas zoned Marine Conservation are excluded.

Planner summarized proposed Bylaw No. 154 and noted the following:

- Proposed Bylaw to amend the Land Use Bylaw;
- Regulates permitted structures within the setback area to a maximum size of 5 square metres plus one set of stairs or walkway for purpose of accessing the foreshore or permitted marine structure;
- Increases setback between private floats and docks from side lot lines and from adjacent private floats and docks;
- Reduces maximum float area of private and shared docks; and
- New Shoreline Development Permit Area 3 (DP-3) restricts what a landowner is permitted to do on land within the Development Permit Area (DPA), outlines exemptions from DPA requirements, and provides guidelines for receiving a permit.

Planner stated that the Local Trust Committee cannot consider any new information or public submissions after the Public Hearing closes and members of the public were invited to ask any technical questions directly related to the proposed bylaws prior to the start of the Public Hearing.

The following questions and answers were noted:

- Question: Why are the bylaw changes being made, what is the issue the bylaw is trying to solve, and where have any concerns come from?
 - Planner answered the project was initiated in 2017 due to concerns about a proliferation of docks on Keats Island and a desire to protect the foreshore. A working group was formed at that time to help guide the project.
 - Chair noted concerns originated from members of the public on Keats Island and throughout the Islands Trust Area. Dock structures impact natural marine habitat and shoreline erosion, and shoreline infrastructure potentially contributes to degradation of marine environment.
- Question: Requested clarification of setback measurements.
 - Planner replied Development Permit Area setback from the sea will remain at 15 metres inland and the proposed bylaw will not change the building setback from 7.5 metres.
 - Exemptions in the proposed bylaw would be reviewed on a case-by-case basis to determine if a permit is necessary.
- Question: Is the measurement done along the surface of the land or horizontally from the tideline?

- Chair stated, if a cliff is vertical, the 15 metre measurement starts from high water mark and goes up, which might result in several metres of airspace being included in the setback.
- Trustee noted building within the setback area is not disallowed, but a development permit would be required to do so.
- Question: What are the costs associated with a survey and an environmental assessment and how does the Local Trust Committee decide if a permit will be issued?
 - Planner noted that costs include the development permit application fee, costs of environmental and other assessments are established by the qualified professionals that perform the work, and decision of whether to issue a permit a non-discretionary decision made by the LTC based on the DPA guidelines.
- Question: If someone wants to build a bedroom extension onto their cabin in the area within the 7.5 to 15 metre setback and that area is made up of fill held up by rock walls, are they required to hire an environmental professional to determine if any species are at risk, do a survey, and pay the development permit application fee?
 - Planner noted that they would require a development permit to do an addition. Staff would review the guidelines to determine whether a development permit is necessary and, in the absence of a Development Approval Information Bylaw, would ask the Local Trust Committee if a survey is required or not.
 - Chair noted that hand drawn sketches, rather than surveys, are often received and, while the Local Trust Committee can request a survey, they cannot demand one. Often, it is in the applicant's best interests to provide a survey unless it is obvious that the natural environment will not be impacted.
- Question: Does the dock-sharing language apply to existing docks or only new ones?
 - Planner stated the regulations would not be retroactively applied unless changes are made to an existing structure.
- Question: Does one require permission to install a mooring buoy?
 - Planner replied the installation of a mooring buoy an exempted activity.
- Question: Will current owners of undeveloped lots be required to build further back on their lots than where owners of adjacent lots have built or will there be a variance allowing setbacks similar to other neighbouring properties?
 - Planner replied building setbacks would be subject to the bylaw and the property owner could apply for a variance.
- Question: Foreshore lease renews every ten years, will the existing dock be affected by the foreshore lease renewal?
 - Planner replied if no changes are made to the existing dock a development permit is not required.
- Several members of the public spoke to the meeting date and time and indicated that many residents cannot attend on a Wednesday morning. Residents live on the

mainland or Keats Island and not Gibsons, and residents were promised a summer meeting on Keats Island at a time when most would be able to attend.

- Planner and Trustees replied that meeting date and time was scheduled based on availability of Trustees and staff and efforts were made to schedule the meeting on Keats Island, but no venues were available due to the busy summer season.
- Question: Throughout this process, the Local Trust Committee has applied examples of Green Shores principles in the Crown foreshore and most of these principles were developed for lakes rather than high tides. Why do the bylaws say one thing while the Local Trust Committee provides solutions below the vegetation line?
 - Planner and Trustees noted there isn't anything specifically related to Green Shores in the proposed bylaw.
 - Chair clarified that Green Shores started in Puget Sound and was about the removal of shoreline armouring in favour of softer marine shoreline protection techniques.
- Question: Why isn't there a way to participate in the hearing online?
 - Chair noted written and in-person submissions are the established mechanism for a public hearing.
- Question: What did Trustee Bernardo mean when he said there was a lot of pressure to get this done and is there pressure to implement the bylaw right after the meeting?
 - Trustee Bernardo replied that the Local Trust Committee has worked through the elements of the bylaw, he has often delayed the process to introduce amendments, has consistently heard it is time to have a public hearing, and he will be seeking time to consider public comments before moving to next steps.
- Question: Based on the Canada Constitution, the jurisdiction of the water, which includes buoys, docks, ramps and piers, is Federal. What legislation gives Islands Trust jurisdiction 100 feet into the foreshore area?
 - Trustee noted when the Crown Colony of BC came into Canada as a province it had jurisdiction over the sea bottom from the mainland to Vancouver Island and the Land Act and other Local Government Acts give Islands Trust jurisdiction over land use planning.
- Question: How will the bylaws be enforced if they are passed?
 - Chair replied enforcement is not proactive. If a complaint is received, an investigation is conducted to determine if there is a contravention, and, if there is, then bylaw compliance and enforcement processes are undertaken.
- Question: Does one need a permit to do a repair on a small portion of a house that is within the 15metre setback area?
 - Planner noted repairs and maintenance are exempt.
- Why are mooring buoys preferred when mooring chains drag on the ocean floor causing damage, yet a dock is stationary and creates marine habitat?

- Chair replied a mooring buoy chain should use a midwater float to keep the chain above the sea bottom and docks have been shown to cause erosion.
- Question: What studies indicate that docks encourage erosion?
 - Planner indicated that all of the project information and reference materials are located on the website.
- Question: Why are all dock owners being put into the same category when there are many different sized docks and boats?
 - Planner indicated a dock owner can apply for a variance.
- Question: This process feels like it is being rushed. How can the process be paused so it can be done properly when more people can attend?
 - Trustees noted that the process has been ongoing for seven years, there have been multiple Community Information Meetings and that they did try to schedule the Public Hearing on Keats Island but no dates were available.
- Question: If an existing structure is destroyed due to a natural disaster, can a property owner rebuild on the previous footprint or would they need a development permit?
 - Chair noted that, if the foundation is remaining, there is potential to rebuild but an assessment would be required.
- Question: Is the Local Trust Committee open to amending or changing the proposed bylaws.
 - Chair replied 'yes.'
- Question: Are there published peer reviewed scientific research studies that state setbacks need to be 15 metres from the water?
 - Chair replied staff relies on reports from qualified professionals.

3. PUBLIC HEARING - BYLAW NOS. 153 and 154

Bylaw No. 153 (Official Community Plan) and Bylaw No. 154 (Land Use Bylaw)

3.1 Recess for Public Hearing

The meeting was recessed at 11:30 a.m.

3.2 Recall to Order

The meeting was recalled to order at 12:32 p.m.

4. LOCAL COMMITTEE PROJECTS

4.1 Proposed Bylaw Nos. 153 and 154 - Post Public Hearing Staff Report

Planner noted minor amendments to the proposed bylaws included edits for clarity, changes to the dock sharing regulation, and deletion of Section 9.3.4(b).

Trustees indicated that time is required to review the amendments and consider the submissions.

GM-2024-033

It was MOVED and SECONDED

that further consideration of Bylaws No. 153 and No. 154 be deferred to the October 1, 2024 Local Trust Committee meeting.

CARRIED

4.2 Business Case for Official Community Plan Project

GM-2024-034

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee requests staff to draft a business case for the 2025/26 fiscal year, focusing on the conclusive phase of the Official Community Plan/Land Use Bylaw project—specifically, a comprehensive legal review and legislative process—for subsequent consideration by the Local Trust Committee.

CARRIED

5. ADJOURNMENT

By general consent the meeting was adjourned at 12:40 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder