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**Gambier Island  
Local Trust Committee  
Minutes of a Regular Meeting**

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**Date of Meeting:** November 29, 2013  
**Location:** Gleneagles Community Centre,  
6262 Marine Drive, West Vancouver, BC

**Members Present:** David Graham, Chair  
Jan Hagedorn, Local Trustee  
Kate-Louise Stamford, Local Trustee

**Staff Present:** Aleksandra Brzozowski, Island Planner  
Marnie Eggen, Planner 2  
Francesca Marzari, Islands Trust Legal Counsel (a.m.)  
David Marlor, Director, Local Planning Services (a.m.)  
Kelly Gesner, Contract Planner (p.m.)  
Sonja Zupanec, Island Planner (p.m. via teleconference)  
Diane Corbett, Recorder

**Others Present:** Garry Peters, Applicant, GM-DVP-2013.1 (a.m.)  
Margaret Crompton, Owner, GM-DVP-2013.1 (a.m.)  
Michael Stacey, Legal Counsel, GM-DVP-2013.1 (a.m.)  
Kevin Healy, Agent, GM-RZ-2004.1  
Ian Grant, Owner, GM-RZ-2004.1  
David Connop, Owner, GM-RZ-2004.1  
Glen Donaldson, Keats Island Leaseholders Assoc.  
37 members of the public – a.m.  
7 members of the public – p.m.

**1. CALL TO ORDER**

Chair Graham called the meeting to order at 10:40 a.m.

Chair Graham introduced trustees and staff in attendance and thanked the public for coming.

**2. APPROVAL OF AGENDA**

The Agenda was adopted as amended by consensus, with the following additions:

- 14.2 Proposed Port Mellon waste incineration plant
- 14.3 Discussion of hunting issues on southwest peninsula, Gambier Island
- 14.4 MLA meeting discussion

# ADOPTED

*For the convenience of the public, the business agenda commenced with items 11.1 and 11.2. The subsequent order of review of agenda items was as follows: 14.1, 14.2, 12.1, 16, 17, 10.1, 10.2, and 10.4. The following items were deferred to January, 2014: 3.1, 4.1, 5, 6, 10.3, 13.1, 13.2, 13.3, 14.3, 14.4 and 15.*

## 3. MINUTES

3.1 **Gambier Island Local Trust Committee Meeting Minutes dated October 24, 2013 – *Deferred***

3.2 **Section 26 Resolutions Without Meeting – *None***

3.3 **Gambier Island Advisory Planning Commission Minutes– *None***

## 4. BUSINESS ARISING FROM MINUTES

4.1 **Follow-up Action List dated November 20, 2013 – *Deferred***

5. **CHAIR'S REPORT – *Deferred***

6. **TRUSTEES' REPORT – *Deferred***

7. **DELEGATIONS – *None***

8. **TOWN HALL SESSION – *None***

9. **CORRESPONDENCE – *None***

## 10. LOCAL TRUST COMMITTEE PROJECTS

### 10.1 **Sustainability Guide Final Draft**

Island Planner Brzozowski discussed the memorandum, dated November 18, 2013, pertaining to an update on the status of the Sustainability Guide project.

#### **GM 078/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee forward the Sustainability Guide on to the Bowen Island trustees for their consideration.

**CARRIED**

### 10.2 **Foreshore Protection**

Island Planner Brzozowski discussed the staff report, dated November 18, 2013, regarding drafting of a Project Charter for Foreshore Protection.

Trustees were requested to provide Island Planner Brzozowski with desired outcomes regarding foreshore protection, for discussion at the January meeting.

**10.3 Official Community Plan Advocacy Policies Implementation – *Deferred***

**10.4 Electronic Meetings**

Island Planner Brzozowski noted that Legislative Services staff was working on the topic of electronic meetings for the Saltspring Island Local Trust Committee meeting in December, and that further information likely would be available for discussion on this topic at the Gambier Island Local Trust Committee business meeting in January, 2014.

**11. APPLICATIONS AND PERMITS**

**11.1 GM-DVP-2013.1 (Crompton - 362 Mary Road, Gambier Island)**

Two late items were presented for distribution:

- Staff Report dated November 21, 2013 regarding Development Variance Permit – Lot 1 of Lot 1, Block 2 of Block C, District Lot 847, Plan 499, Gambier Island; PID 007-295-928; and
- GM-DVP-2013.1 (Crompton) Compilation of Correspondence dated November 25 and 28, 2013.

Planner Eggen provided a summary of the staff report regarding a request for variances:

- to reduce the setback from the natural boundary of the sea from 15.0 metres to 2.56 metres (8.4 feet) to allow the location of a single family dwelling consisting of an existing cottage and connected cottage annex (including decks), existing freestanding wooden deck, existing wood shed and existing retaining wall; and
- to reduce the setback from the western interior side lot line from 3.0 metres to 0.0 metres (0.0 feet), and the eastern interior lot line from 3.0 metres to 0.64 metres (2.1 feet) to allow the location of a single family dwelling consisting of an existing cottage and a connected cottage annex (including decks), and an existing garage deck.

Planner Eggen summarized the number of public submissions on the application received since the Notice of Permit was issued: a total of 50 received, with 39 supportive and 11 unsupportive. Of the 39 supportive, six live on Gambier Island, 33 have visited the property; within a 100 metre radius of the property, two were supportive and six unsupportive.

## ADOPTED

Michael Stacey, Legal Counsel for the owner, presented a proposal for a redrafted form of the development variance permit. Mr. Stacey also indicated he had passed correspondence received on the application to Legal Counsel Marzari the previous day, and that, for the purposes of this application, the Cromptons had said they would accept the latest survey by Underhill and Underhill, notwithstanding the issues that are historic, and that measurements were based on the current natural boundary of the sea.

Mr. Stacey referenced supportive comments from the above noted correspondence. He questioned whether the “rural aesthetic” is a principle upon which this application should be considered, noting that a number of the properties in the area do not meet that criteria if this were to be applicable.

Mr. Stacey proposed a redrafted Development Variance Permit that included variances as follows:

- siting and setback regulations be reduced for the setback from the natural boundary of the sea from 15.0 meters to 2.6 meters (8.6 feet);
- siting and size be varied to reduce the setback from the western interior side from 3.0 meters to 2.0 meters (6.6 feet), and the eastern interior setback from 3.0 metres to 0.7 metres (2.3 feet); and
- the reductions would apply to the removal of the existing garage deck and removal of a portion of the decking on the single family dwelling that is less than 2.0 meters from the western lot line.

Chair Graham thanked Mr. Stacey for his presentation.

Legal Counsel Marzari noted, if the Local Trust Committee did wish to adopt something like what was just proposed, on a technical review she noticed that 2(b)(i) refers to the setback of the garage deck of 2.3 meters for the permission of a single family dwelling; the garage did not need a variance as it was not mentioned in Mr. Stacey’s draft permit, so it probably should be 2.8 meters distance as that was the closest the single family dwelling is to the lot line.

Mr. Stacey accepted the updated distance of 2.8 meters.

Chair Graham invited members of the public who had signed a speakers list to provide comment to the Local Trust Committee.

Ruth Hume remarked that in a small community there is a lot of chance for challenges in letters that can destroy relationships. She hoped that a mediation of some kind is put towards future relationships on the island.

Margaret Crompton commented that anything that can be done to emulate everyone’s love of Gambier and living on Gambier should be uppermost on peoples’ minds.

Garry Peters apologized for having to put everyone through this, and indicated that he should have gone with a variance request first. Mr. Peters remarked that a better way to resolve this would be to mediate with the neighbor and that

## ADOPTED

he would be willing to participate in that. Mr. Peters did not think that taking down the annex would do that.

Gord Steele, resident of Gambier Island, remarked that some of the complainants had themselves built their houses without a permit; some built right to the lot line and road allowance. Mr. Steele commented that there seemed to be a persecution going on with this particular property. The lots are very small in the neighbourhood. Properties have been built too close to the sea with the current regulations. Presently three houses were being built on Gambier without permits, one right up to the lot line. Mr. Steel recommended granting the variance.

Chair Graham noted that Islands Trust does not go out of the way to look for inconsistencies with the bylaw. Its bylaw enforcement process is complaint driven.

Brian Anthony, long-time Gambier resident, commented that he hoped this matter could be resolved through arbitration, and that the small community seemed to be able to resolve problems that arise. Mr. Anthony indicated he did not know why the owner did not apply for a variance before building a house. He remarked that Islands Trust needed to take a stand on what is right or wrong. Mr. Anthony wanted this to be resolved without financial hardships for everybody.

Bruce Wilkie commented that the annex enhances the view of the cottage from the water and is a superb design that fits with the landscape and remainder of the property. The owners had spent a lot of time and effort ensuring the building tied in with existing and surrounding properties, and had ensured that the property is nice elsewhere, enhancing the beauty on Gambier in total and the value of surrounding properties.

Don Crompton remarked that the rural aesthetic should be off the table. A lot of the complainants did not have conforming properties; there was a suggestion in the letters that, if Islands Trust did not tear the place down, it would lose its power. Mr. Crompton asserted that the variances come out of English common law, and he did not think that by allowing the variance it would reduce the authority or value of Islands Trust. Mr. Crompton perceived there was not a loss of sight lines. Mr. Crompton recommended what Legal Counsel Stacey had suggested, with an added responsibility on the owner to satisfy the neighbours.

Andy Cleminson, a part-time resident of Gambier for 24 years, indicated that he was very conscious of Islands Trust's purpose, that he considered a very important one. Mr. Cleminson commented on the significant contributions of the owner and family to Gambier Island, and he recommended looking past this and at the whole community to acknowledge that this was a mistake and to move beyond that. Mr. Cleminson recommended ensuring the creation of "an ambience in the islands that we love."

Chair Graham noted that a perspective of Islands Trust's mandate, preservation and protection of the local environment, is a unique perspective that trustees have to use as a lens for making decisions. None of the decisions

## ADOPTED

are based on who owns what. Trustees are islanders and understand the value and strength of living on islands. Chair Graham requested that those present be respectful of the work the trustees have to do.

Trustee Hagedorn emphasized that each individual variance application is separate, with unique circumstances.

Planner Eggen indicated that the variance proposed by staff was structured in a way that all the structures and buildings on the site could not encroach any further vertically or horizontally.

Mr. Peters expressed a willingness to remove the deck if it hurt the application. Mr. Peters explained that, in the year of the new construction on the property, there was a lot of construction going on and a lot of people were building without a permit. Plans had been put together to submit, and, because the expense of building on Gambier and because others were building without a permit, he decided to join them. Mr. Peters noted he built the structure in two months. It stayed empty and there was nothing happening for over two years. He hoped this would go away and, when it did not, he had to deal with it.

Trustee Hagedorn remarked that this is a really unique property, where she had visited twice. She had heard a lot of comments regarding the view scape. She had visited the neighbor. The trustee explained that it appeared to her that the annex does cut off some view scape.

Trustee Hagedorn inquired about how much construction had been done when the Sunshine Coast Regional District (SCRD) contacted the applicant in 2008, to which Mr. Peters responded that the building was completely built with windows, doors and roof, but not finished inside. It was left empty in 2008. When he did not hear anything further, he finished the inside.

Chair Graham referred to the recommendation of staff and the proposed recommendation of the applicant, and invited trustees to make a motion.

### **GM 079/13**

#### **It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee issue a Development Variance Permit for GM-DVP-2013.1 (Crompton) that authorizes the reduction of the minimum setback to the natural boundary of the sea from 15 metres to 2.8 metres (9.2 feet) to allow the location of the following:

- i. a single family dwelling consisting of only an existing cottage and its decks, up to within 2 metres (6.6 feet) from the western interior lot line;
- ii. an existing freestanding wooden deck;
- iii. an existing wood shed;
- iv. an existing retaining wall north west of the dwelling;

and to authorize the reduction of the setback from the western interior side lot line from 3 metres to 2 metres (6.6 feet) to allow the location of the following:

- i. a single family dwelling consisting of only an existing cottage, and decking;

## ADOPTED

located on Lot 1 of Lot 1, Block 2 of Block C, District Lot 847, Plan 4991, Gambier Island, PID 007-295-928 in accordance with Schedules 'A1' through 'A2' attached to and forming part of the permit, and amended to show:

- ii. the removal of the existing garage deck;
- iii. the removal of the portion of the single family dwelling that is less than 3 metres from the eastern interior lot line and that is less than 15 metres from the natural boundary of the sea;
- iv. the removal of the portion of the decking of the single family dwelling that is less than 2 metres (6.6 feet) from the western interior lot line.

Trustee Hagedorn commented on the difficulty and awkwardness of this decision. Trustee Hagedorn had referred to the Official Community Plan policies, the mandate of Islands Trust, and the land use bylaw policies, and visited the property twice to ensure doing due diligence. She noticed this is an extremely tiny lot, adjacent to very tiny lots. It is unique, attached to the natural boundary of the sea on two sides, highly visible, adjacent to a park and public dock with public access right beside it.

The trustee considered the questions: What are the reasons for allowing this DVP that is different from what the OCP and land use policy put in place, by the Gambier Island community? Is there a good reason why these bylaws should be changed to allow for this? Trustee Hagedorn looked for what is unique about the situation that would alter the policies and bylaws put in place because the community wanted them. The trustee looked at the mandate of Islands Trust, and at covenants, and sensitive ecosystems, whether there would be a better place for the house, and at whether it is reasonable that a new dwelling be built in the setback.

Trustee Hagedorn raised the following points:

- Policies that apply include: to protect public beach access to and from the marine shoreline, and to protect the foreshore. The 15-metre setback is to protect the foreshore because so many people want to build there. It is the highest density on the island.
- Another policy that applies is to minimize impacts on coastal ecosystems. There is a sensitive ecosystem right where the annex is placed. If the applicant were asking for permission to build there today, the answer would be 'no'.
- It is an awkward building site, although there is some room at the back; possibly something could be added to the existing footprint of the old cottage.
- Regarding the overall visual quality, when approaching Gambier Harbour by boat and seeing the property for the first time, the trustee thought there were two homes on the property and did not see it as visually tucked in but out in the setback.
- An objective in the Gambier Island OCP is that any new residential development in the Gambier Planning Area is undertaken in a manner that is respectful of the privacy of the adjoining property owners. There were two in support of the application, and six not in support. The trustee had heard there was no consideration or consultation before the structure was built.

## ADOPTED

Trustee Stamford agreed with what Mr. Cleminson said about the importance of this family in the community of Gambier Harbour and in the southwest peninsula as a whole. One of the strengths of The Hollies property is to bring different areas of Gambier Island together. Trustee Stamford noted she lives on Gambier in West Bay and that it is wonderful to be part of this large extended family and friends, and to see families from West Bay, who may not usually participate, out at events at The Hollies. Trustee Stamford reiterated her comment on the strength of the family at The Hollies to bring different areas of Gambier Island together.

The trustees' issues were not so much about the aesthetics. Trustee Stamford agreed with many of the comments about some egregious examples of architecture around the island. Trustee Stamford noted her concern was a question of process, and how this fit in primarily to the setback from the sea. Trustee Stamford remarked that there was every reason to give this property every consideration possible for variance. It is bounded by a public park. The boundary to the ocean is critical and a contentious issue everywhere.

Trustee Stamford asserted that this is a question of process, not just for this particular application but for everything that Islands Trust does: most often when there is a problem or a concern within the community, it is because the process was not followed. It was because of the lack of public process that people were so upset.

The trustee's concern with this particular property was the setback from the sea and the lack of public process for the community of Gambier Harbour.

Trustee Stamford commented on peoples' questions about concerns that the Local Trust Committee decision at this meeting would cause divisiveness in the community, noting that she agreed but that the divisiveness already happened and started happening in 2008, and that it was unfortunate it was this applicant's lack of process that precipitated some of that divisiveness.

Trustee Graham commented on the Islands Trust mandate of preserving and protecting unique amenities. He thought it was likely that the historic nature of this 1920s development could be considered a unique amenity. Chair Graham remarked that it was unfortunate that the permit process was not followed by the applicant originally.

The question on the motion was then called.

**CARRIED**

**By general consent** the meeting was recessed at 12:19 p.m. and reconvened at 12:34 p.m.

### **11.2 GM-RZ-2004.1 (Keats Camp – DL 696 – Keats Island)**

Trustee Hagedorn declared a conflict of interest with application GM-RZ-2004.1 and left the meeting at 12:35 p.m.

## ADOPTED

Contract Planner Gesner reviewed the staff report dated November 15, 2013 on the rezoning application for amendments to the Keats Island Land Use Bylaw and District Lot 696, Keats Island Land Use Contract. It was intended that the rezoning would enable subdivision, with a subsequent stratification of a portion of the subdivided lots.

Contract Planner Gesner noted that the plan used in Figure 6 on page 12 of the report was outdated.

It was explained that there appeared to be some confusion regarding the community information meeting, which was not well attended, as well as the subdivision and rezoning process; Contract Planner Gesner recommended discussion of ways to better communicate with the community at large.

The Chair recessed the meeting at 1:06 p.m. to relocate the meeting to another room, and resumed the meeting at 1:10 p.m.

Island Planner Zupanec, scheduled to take over this file in December, 2013, joined the meeting at 1:10 p.m. via teleconference.

Discussion continued on developing the communications needed that would include all stakeholders and would update and educate on the current situation and applicable regulatory processes.

Contract Planner Gesner described the purpose and process of development permit areas, and noted the importance of minimal impacts of development when they accumulate upon the shoreline. It was noted there are up to about 50 additional piers that could be built. Discussion ensued on development permit areas as compared to restrictive zoning.

Agent Kevin Healy of Creus Engineering Ltd. thanked Island Planner Brzowski and Contract Planner Gesner for moving this process along. Mr. Healy recommended against looking at inclusion of development permits for the foreshore at this time, as this would be something new in the Gambier Trust Area and on Keats that he thought would impede the current rezoning process and would overly complicate what should be a simple process.

Mr. Healy commented on the process of communications with leaseholders, noting that he had assumed there would have been more constituent awareness of land use processes, and describing other "hiccups" in the process of getting the word out about the scheduled November 26 community information meeting. In light of the poor attendance at that meeting in West Vancouver, Mr. Healy agreed that another community information meeting should be held. He offered to produce a communications plan to the Local Trust Committee moving forward.

Glen Donaldson, chair of the Keats Island Leaseholders Association, declared the association was in agreement with the communication plans. Mr. Donaldson noted his agreement with the comments of Mr. Healy regarding development permit areas, which would be new information to the public and which he

## ADOPTED

thought would best be dealt with separately as it was something that he felt would require study.

Kim Benson, Keats Island, as a former trustee involved in the Community Plan and the rezoning to 2008 and as a Keats Islander at large with a family neighbouring on the subject property, itemized her views on the current state of the application as follows:

- There is a need for the applicant to provide information on the application and communicate with and solicit feedback from the rest of the Keats Island community;
- In light of the size of the property (20% of the island) and it being an entrance point to the island, whatever is done there will affect the rest of the island especially in impacts on the water supply;
- There should be two information meetings, one in town and one on the island, with information provided in advance; and
- Neighbours within a radius immediately adjacent to the property should receive notification of the application.

Ms. Benson noted she was on the fence regarding a development permit area for the property shoreline. The area where the leasehold cottages are is water access; the need for docks there is a traditional one. The camp's marine zoning is constrained; little of the property has marine development. Most of the docks are nonconforming.

The owners of DL 696 replied that it is their understanding that there are water licenses for all the docks on the property.

Mr. Healy acknowledged the need to enhance the communications on the application. Potential communications venues were discussed.

Island Planner Brzozowski provided an overview on the current Gambier Trust Area process related to the study of options for shoreline protection.

### **GM 080/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request that the applicant provide a communications strategy for public information to inform Keats Islanders and the community at large of the rezoning process and other information pertaining to District Lot 696.

**CARRIED**

### **GM 081/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee direct staff to revise draft Bylaw Nos. 100 and 101, amending the Land Use Bylaw No. 78 and the Land Use Contract, Keats Island Bylaw No. 4, respectively.

**CARRIED**

**GM 082/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request that staff provide the committee members with further discussion regarding shoreline protection strategies on District Lot 696.

**CARRIED**

**By general consent** the meeting was recessed at 2:00 p.m. and reconvened at 2:10 p.m.

Trustee Hagedorn joined the meeting at 2:10 p.m.

**12. BYLAWS**

**12.1 Proposed Bylaw No. 123 cited as “Gambier Island Local Trust Committee Land Use Bylaw No. 86, Amendment No. 1, 2013”**

**GM 083/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee adopt bylaw No. 123 as presented.

**CARRIED**

**13. REPORTS**

**13.1 Work Program Reports – *Deferred***

**13.2 Applications Log – *Deferred***

**13.3 Trustee and Local Expenses – *Deferred***

**14. NEW BUSINESS**

**14.1 Environmental Assessment Office Process regarding Eagle Mountain Gas Pipeline Environmental Assessment (LNG at Woodfibre)**

Island Planner Brzozowski gave an overview of the memorandum dated November 18, 2013 with attached SCR D staff report of November 1, 2013 on the “Environmental Assessment Office Process regarding Eagle Mountain Gas Pipeline Environmental Assessment”.

**GM 084/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request staff to write a letter in response to the Sunshine Coast Regional District referral regarding Eagle Mountain/Woodfibre pipeline environmental assessment referencing the letter sent to the Sunshine Coast Regional District regarding issues affecting the Local Trust Area on the initial BURNCO Application Information Requirements.

**CARRIED**

**14.2 Proposed Port Mellon Waste Incineration Plant**

The consideration by Metro Vancouver of Port Mellon as a proposed waste incineration site was discussed.

**GM 085/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee request the Executive Committee to amend the current Trust Council topic of proposed waste incineration location at Duke Point to include the Port Mellon location, for consideration for advocacy.

**CARRIED**

**14.3 Hunting Issues, Southwest Corner of Gambier Island – *Deferred***

**14.4 MLA Meeting Discussion – *Deferred***

**15. ISLANDS TRUST WEBSITE – *Deferred***

**16. CLOSED MEETING**

**GM 086/13**

**It was MOVED and SECONDED,**

that the Gambier Island Local Trust Committee close the next part of the November 29, 2013 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) of the *Community Charter* and that Staff be invited to attend this meeting.

**CARRIED**

Committee closed the meeting at 2:28 pm.

**By general consent,** Committee reconvened in open meeting at 2:34 pm.

**17. RECALL TO ORDER**

Rise and Report from Closed Meeting – none.

**18. NEXT MEETING**

**18.1 Next Local Trust Committee Regular Business Meeting**

The next Local Trust Committee regular business meeting is scheduled for Thursday, January 30, 2014 at 10:30 am at Gleneagles Community Centre, 6262 Marine Drive, West Vancouver, BC.

**19. ADJOURNMENT**

The Gambier Island Local Trust Committee meeting was adjourned by consensus at 2:40 pm.

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David Graham, Chair

CERTIFIED CORRECT:

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Diane Corbett, Recorder