



Gambier Island Local Trust Committee Minutes of Special Meeting

Date of Meeting: September 29, 2021
Location: Electronic Meeting

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

Staff Present: Jaime Dubyna, Island Planner
 Sonja Zupanec, Island Planner
 Diane Corbett, Recorder

Also Present: Members of the Public – 30

1. CALL TO ORDER

Chair Fast called the meeting to order at 6:33 p.m. She acknowledged that the meeting was being held in the traditional territory of the Squamish Nation, and noted it was the evening before the first Truth and Reconciliation Day across Canada.

Chair Fast announced that this was a special electronic meeting in order to hold a Community Information Meeting (CIM) to present information regarding Proposed Bylaw Nos. 153 and 154, and to provide an opportunity for members of the public to ask questions about the bylaws. A second CIM will be held in person on October 14, 2021 in North Vancouver.

Trustees Stamford and Rogers gave introductory remarks.

Chair Fast described procedures for this electronic meeting and introduced staff in attendance. She invited Island Planner Dubyna to present Proposed Bylaw Nos. 153 and 154.

2. COMMUNITY INFORMATION SESSION – KEATS ISLAND SHORELINE PROTECTION PROJECT – PROPOSED BYLAW NOS. 153 AND 154

To amend the Keats Island Official Community Plan (OCP) and Land Use Bylaw (LUB) to establish a new Shoreline Development Permit Area (DP-3), amend siting regulations in relation to the setback from the natural boundary of the sea, and amend marine structure regulations.

2.1. Planner Presentation

Island Planner Dubyna presented an overview of Proposed Bylaw Nos. 153 and 154 that included:

- Background information;
- Proposed changes in the amendment bylaws;
- Development Permit (DP) application process and examples;

- Legislative process for the proposed bylaws; and
- Next steps for Local Trust Committee (LTC) consideration.

Background points included:

- Keats Island Shoreline Protection Project has been a Top Priority Project of the LTC since 2017.
- Community survey and information meetings were conducted in 2018 to identify community shoreline values and introduce policy, regulatory and voluntary options.
- Working Group of Keats Islanders was established to work with staff to provide recommendations to the LTC in 2019-2020. May 2020 discussion paper presented four options for shoreline protection:
 - Development Permit Area (DPA);
 - Flood Protection Bylaw;
 - Creation of Marine zones; and
 - Heritage Conservation Areas.
- June 2020 Fifth option: no change to bylaws.
- October 2020 Working Group recommendations to the LTC and Staff recommendations for next steps for the LTC were presented.
- November 2020 LTC endorsed establishing a Shoreline DPA and amending marine structure regulations.
- Proposed bylaws received first reading in July 2021 and referrals were sent out to First Nations, agencies and community groups.

Draft Bylaw No. 153 would amend the Keats Island Official Community Plan (OCP) Bylaw No. 77 to establish a new Development Permit Area 3: Shoreline (DP-3), for the purpose of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. It includes the location, justification and objectives of DP-3. The DPA would cover upland 15 metres (m) from the natural boundary of the sea, the foreshore area and seaward 100m from the natural boundary of the sea.

Draft Bylaw No. 154 would amend the Keats Island Land Use Bylaw No. 78 (LUB) for marine structure regulations, including:

- Reducing the area, number and types of structures in the setback from the natural boundary of the sea;
- Increasing the setback from the natural boundary of the sea from 7.5m to 15m;
- Increasing setbacks between neighbouring private floats and docks and between lot lines;
- Reducing the maximum area of dock floats in the marine-based area; and
- Reducing dock ramp width.

Draft Bylaw No. 154 also includes DP-3 applicability, exemptions and guidelines.

It was noted there has been increasing development along the Keats shoreline, a sensitive and dynamic area. The shoreline is often where archaeological sites are found.

The existing 7.5m setback from the natural boundary of the sea on Keats is one of the smallest in the Islands Trust Area. Retaining walls are not permitted in the setback area; permitted are platforms (max. 10m²), boathouse, pump/utility house, stairs/walkways. Docks/wharves are not permitted in the Marine Conservation (MC) zone.

The Island Planner outlined activities that do not require a DP, and noted that a DP is required for applicable development activities within the DP Area. A fee and documentation are required; processing applications takes three or more months. Issuance of permit is based on demonstration of compliance with DP guidelines and may be subject to conditions. DP-3 contains guidelines for:

- Construction and replacement of docks and ramps;
- Shoreline modifications;
- Vegetation management, restoration and enhancement; and
- Subdivision.

The Island Planner reviewed steps of the regulatory process and next steps for the LTC.

2.2. Public – Questions and Answers Session

Chair Fast thanked the planner for the presentation, described to public participants how to raise their hand electronically, and invited questions on Proposed Bylaw Nos. 153 and 154.

- The Chair of Keats Island Leaseholders Association (representing the 110 cottages in DL 696 from Salmon Rock past the government wharf into Plumper Cove), noted his group was one of the referral groups and that he was in the process of responding to the referral. He also had sent an email to trustees summarizing the group's position on the proposed bylaws. The majority of the cottages in this area are old and built before 2000, and the properties are not wide. With the proposed 15m setback, the lines would go through everyone's cabin. The group did not see what was proposed as being workable or reasonable in this area of the island and asked what could be done about that. The group wanted to understand where the ability to regulate some of this comes from, especially on issues over the water.
 - Island Planner Zupanec clarified options for smaller lots. The intent of the draft regulations is not to sterilize these properties or prevent use and enjoyment of properties that are enshrined within the current zoning, but it does inform redevelopment. If this is adopted, there would likely be a variance requirement for any of those lots where there is not an option to relocate the redevelopment or the new development outside the buffer area. Any building permit application would also need a variance request.
- He further stated that most of the group would be opposed to this and that it appears to be unworkable, difficult to apply and unreasonable. He wondered what authority Islands Trust has to make changes like this.
 - Island Planner Dubyna explained that the *Local Government Act* allows local governments to designate DP Areas; in this case for the protection of the natural environment. The Land Use Bylaw covers 100m seaward of Keats

Island shoreline, where local governments can regulate use, density and structures.

- Trustee Rogers noted Islands Trust cannot regulate the water column but can regulate anything attached to the seabed; the Province has regulatory authority over the sea floor, and has given Islands Trust the authority to regulate in marine areas regarding structures that attach to the sea floor.
- Chair Fast explained that Islands Trust was not the same as a Regional District, and was set up to preserve and protect the Trust Area and its amenities and environment.
- A member of the public asked how many ocean front lots are around Keats, and how many have homes that are currently at the 7.5m setback and would be affected should the proposal go forward.
 - Island Planner Dubyna noted that there were 90 parcels on the waterfront as of 2020. No data was at hand regarding the existing number of legally non-conforming structures sited in the setback.
- She further inquired about the reasoning for the change in the setback from the natural boundary of the sea from 7.5m to 15m part way through this project.
 - Island Planner Dubyna explained this topic had been discussed over the past three years, and that there had been reluctance to increase the setback because of the historical development pattern on Keats Island. A development variance application had brought this issue to light. It highlighted that this is an outdated setback. Having structures close to the natural boundary of the sea results in people wanting to protect their development from erosion.
 - Island Planner Zupanec remarked that the LTC, at any point in a project charter or project development, could reevaluate the scope or direction of a project. Despite that the Local Trustees were repeatedly advised by staff that this project was still deficient by not addressing the setbacks, it took an application coming forward to illustrate the potential situation of having multiple (90) shoreline modification applications coming forward at some point to protect infrastructure, that likely is not ever going to be relocated, as redevelopment occurs over the next 40-50 years. Trustees had requested staff to come back to the LTC with this particular setback inclusion. Notification to property owners has been through the process of mailing out notifications to encourage people to participate in the CIMs. The project may change again. Peoples' input to the LTC may inform more changes to the draft bylaws before they are adopted.
- She then asked if there was any opportunity for islanders to vote on elements of the proposal.
 - Island Planner Zupanec explained that there is no referendum; people have the right to connect with elected officials, who have sole discretion regarding changes to the proposed bylaws, and who take into account advice and public input. Residents and tenants are encouraged to provide input to the elected officials to ensure their voice is heard. To submit input to the LTC, send an email to: northinfo@islandstrust.bc.ca.
- A member of the public advised he owns six lots. One has a large dock and is in compliance. He asked how to ensure he maintains his current dock.

- Island Planner Dubyna commented that he was free to use the dock as is. The proposed bylaws, if adopted, would come into effect when it is time to replace it.
- He further advised that he is a geoscientist, and commented that he had not found any staff reports that look at professional reports of the geology and geomorphology of the island. Much of the island is rock. He asked how science was used to inform decisions, and what professional reports were used; geology is important because erosion affects the shoreline.
 - The Island Planners referenced the shoreline mapping conducted by Islands Trust in 2013, where there was a specific classification of shorelines on Keats, the basis of LTC discussions around variability and shorelines. They also referred to guidelines from Islands Trust Conservancy, and to Provincial guidelines pertaining to setbacks on shorelines. It was noted there is an opportunity for elected officials to explore more science and data, if budgeted.
 - Chair Fast noted the setback on Bowen Island is at 30m.
- A member of the public stated she was opposed to all of the proposed regulations and thought all of the waterfront owners would be opposed. She thought it would be found that a lot of structures were in the 15m setback. She questioned whether community input was taken into consideration, and whether the 90 waterfront lot owners would have the ability to make themselves heard. She further stated that there should be more scientific justification for the regulations.
 - There was ensuing discussion on the distribution of information to the public regarding the bylaw process. The public was urged to contact northinfo@islandstrust.bc.ca for information.
- A representative of the Convention of Baptist Churches of BC, landowner of DL 696 and newly created Lot 2, had questions about the impact of the proposed setbacks. He highlighted the extensive work done in developing Bylaw Nos. 143 and 144; there was an existing community that was non-conforming and the bylaws were custom tailored to the development. Waterfront properties make up more than 50% of the 110 lots, and the proposed bylaws would affect 100% of the existing structures there. He wondered if there is a way to apply the bylaw to certain lot sizes, and if it could apply to regions of Keats where it does not affect 100% of the lots.
 - Island Planner Dubyna suggested that could be considered by the LTC but that it would take more analysis.
- A member of the public was concerned with changing the setback from 7.5m and stated that when the properties were developed, all were designed like a hockey stick. If he had to rebuild the property in the future, he would be building a cabin behind the neighbours, rendering the property useless. Probably trees would have to be cut down to meet the setback if a new cabin were to be built. He suggested that a set of blanket rules was being applied in a place where it does not fit. There should be consideration given to individual properties to understand why a cabin is built where it is.
- A member of the public agreed that a 15m setback presents problems that were already presented, and wondered why the 7.5m setback is outdated.
 - Island Planner Dubyna noted bylaws from the 1970s do not take into consideration the importance of protection of an area.

- He further noted that the amount of inconvenience this creates for anybody trying to deal with their private property is something that should be taken into consideration.
 - Island Planner Zupanec explained that in the profession of coastal land use planning, best management practices for coastal areas is 15-30m setbacks for buildings and structures adjacent to the natural boundary of the sea, and for principal dwellings and residences is 15-30m setbacks as a standard. Accessory buildings not inhabited could be less than that. There has been increased understanding of the critical habitat loss due to settlement patterns that were approved in the last 50 to 100 years, and of the importance of the foreshore zone. Work with First Nations in reconciliation and Rights of Title have helped in understanding the critical foreshore zone that provides functions and features that were overlooked in the 1970s. Through the DPA, there is an opportunity on a case-by-case basis to look at what is the best layout for redevelopment of that particular site. Each application is based on its own merits.
- A member of the public inquired if it is appropriate to take a bit more time to review this before it moves forward. The 15m is significant, and seems to be the main focus of the comments. Need more time to absorb this information and try to understand the impact on properties.
 - Chair Fast noted there is another CIM, after which the proposed bylaws go through steps with the LTC.
 - Trustee Rogers summarized the process so far: bylaw referrals are out. At a CIM, Trustees have to absorb feedback and there is an opportunity for more input after that. The LTC is three years into this project. Started with a survey, and information meetings, and got input. There was a year long Working Group, where they talked about principles to incorporate into the work. Staff have been working on this for six to eight months. The Trustee anticipated it taking about a year to finish this process.
- A member of the public acknowledged the confusion around small lots on DL 696. Is there any consideration for shared docks? Has there been discussion about how people can share docks? Make incentives for shared docks to protect the foreshore and have less impact on the ocean.
- A member of the public noted there is no mention of any other islands in Howe Sound. What makes Keats special?
 - Staff reported the project is focusing on Keats and the proposed bylaws are for the Keats OCP and LUB. Other Trust islands have different OCPs and LUBs. Planning is island by island.
 - Island Planner Zupanec noted that through the mapping work, Keats was identified as one of the more sensitive islands in Howe Sound in terms of ecosystem values; Keats ranked higher than other islands. The prevalence on Keats of shoreline modifications (seawalls and retaining walls) ranked highest; there are side effects of those structures that can present problems. That is why this was prioritized for this LTC. Elected officials are key as to why these projects have momentum; that is why public input is valuable.
- A member of the public stated that if you have a structure already built that you are not planning to replace, essentially this does not affect anything for you. What is the plan going forward once sea level rises to address impacts on the shoreline?

- Island Planner Dubyna explained that legal structures would not be affected; there are some existing structures that are not lawful. Applications would be considered case by case. Regarding sea level rise in the future, she hoped that this would be addressed again and again. The planner noted the conservative side is to go even further back with the setback, but this would render some of these lots undevelopable.
- Chair Fast reported the Province is taking sea level rise seriously and is suggesting a 15-30m setback.
- A member of the public discussed the maintenance of his cedar hedge on the bank above the waterline; its purpose is prevention of erosion. He inquired if this was not legal under the proposed bylaw, because it involves more than ordinary pruning and more than two trees.
 - Island Planner Dubyna reported there are exemptions for gardening and property maintenance, as long as the work does not alter the general contours of the land.
- He then explained he has a boathouse that was built about fifty years ago, and is about a metre back from sea. He could not prove when it was built. He wondered if needed replacement of the roof would be considered legal nonconforming.
 - Island Planner Dubyna responded that she has a list of ways to prove the age of a structure. Currently boathouses are permitted in the setback, and were removed in the proposed bylaw. Repairing the roof of a boathouse would not require a DP; replacing the boathouse completely would require a DP.
- A member of the public stated that there are other parts of the island that are not developed which provide a much more blank slate to protect all of the values. If the bylaws come into place, will the staff spend more emphasis in areas where they have the opportunity to set in motion the objectives Islands Trust brings forward, or will they be focusing on old boathouses or old walls?
 - Island Planner Dubyna explained the purpose of the bylaws is not to penalize existing buildings and structures, but to focus on new construction including replacing existing structures.
 - Trustee Rogers noted he would ask staff to post a best practices manual that would include information about why 15–30m is considered best practice. He recognized that people were concerned about what they can and cannot do to their building without triggering the need for a permit, and suggested that a list be posted.
- A member of the public inquired about what would be considered a replacement for stairs that go to the beach or for decks over water; he wondered if there were statistics on how often variances are approved.
 - Island Planner Dubyna indicated she did not have statistics on variance approvals. Each application is considered on its own merits. There is a public notification aspect to take into consideration, impacts on neighbours. Stairs are permitted to access the foreshore and marine structures; if they are being reconfigured and taking up new space, an application would be required.
 - Chair Fast stated the public was welcome to contact planners with questions specific to a situation.
- A member of the public encouraged the LTC to focus on areas that have not yet been developed, rather than potentially penalizing people who are maintaining and stewarding their existing properties.

3. ADJOURNMENT

Chair Fast thanked everybody for highlighting issues and questions, and helping to advance the process. She encouraged the public to send any feedback about tonight's meeting and any further input to northinfo@islandstrust.bc.ca. Another CIM will be held on October 14, 2021 at 6:30pm at John Braithwaite Community Centre in North Vancouver.

By general consent the meeting was adjourned at 8:45 p.m.

Sue Ellen Fast, Chair

Certified Correct:

Diane Corbett, Recorder