



## Gambier Island Local Trust Committee Minutes of Special Meeting

- Date:** October 14, 2021
- Location:** John Braithwaite Community Centre  
145 West 1st Street  
North Vancouver, BC
- Members Present:** Sue Ellen Fast, Chair  
Dan Rogers, Local Trustee  
Kate-Louise Stamford, Local Trustee
- Staff Present:** Heather Kauer, Regional Planning Manager  
Jaime Dubyna, Island Planner  
Sonja Zupanec, Island Planner  
Diane Corbett, Recorder
- Also Present:** Members of the Public – approximately 50

### 1. CALL TO ORDER

Chair Fast called the meeting to order at 6:36 pm. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

Chair Fast announced that this was a Community Information Meeting, with a staff presentation and an opportunity to ask questions about Bylaw Nos. 153 and 154, and it was a “hybrid” meeting: in person, live streamed and recorded on Zoom.

Chair Fast introduced Trustees, Staff and Recorder. She described the process for participation as a speaker in the meeting.

Chair Fast announced that motions were made at the Local Trust Committee meeting held before this one; she invited Trustee Rogers to comment.

Trustee Rogers reported he had been Trustee for this LTC for about seven years, and had not seen the reaction the LTC was getting with the proposed bylaws. Over the past two months he had spoken to a number of people and read submissions; a lot of what was driving the anxiety and angst was the proposal to change the waterfront setback from 7.5 to 15 metres. A motion to reverse that was passed at the LTC meeting earlier in the day; except for two large undeveloped properties in the middle of the island, the setback was moved back to 7.5 metres.

Trustee Stamford expressed appreciation for the public responses. She noted the LTC came to put the proposed changes on the table because of best practices based on professional data, and from the Province around setbacks and sea level rise, and from First Nations around reconciliation.

### 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
- Current level of protection for the Keats shoreline
- Proposed changes in the amendment bylaws
- Development Permit application process and examples
- Legislative process for the proposed bylaws
- Next steps for Local Trust Committee (LTC) consideration

All information regarding the project, including this presentation, was posted on the Islands Trust website at <https://islandstrust.bc.ca/island-planning/gambier/projects/>.

Keats Island Shoreline Protection Project has been a Top Priority Project of the LTC since 2017. Since that time, community consultation has been conducted via a survey, community information meetings, and formation of a Working Group of Keats Islanders to work with staff on recommendations for the Local Trust Committee. First Reading and referral of the Proposed Bylaws occurred in July 2021. Following a Community Information Meeting on September 29, on October 14, the Local Trust Committee made an amendment to Proposed Bylaw No. 154 upon rescinding First Reading. The amended bylaw then received First Reading.

Proposed 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 from the natural boundary of the sea, the foreshore area, and seaward 100 metres from the natural boundary of the sea.

Proposed 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 permitted within the setback from the natural boundary of the sea;
- Increasing setbacks between existing docks and lot line projections;
- Reducing the maximum float area of private docks and shared docks;
- Reducing dock ramp widths;
- Reducing maximum area of wharf float, ramps and piers in PI2 zone.

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

The Island Planner outlined next steps in the process for the proposed bylaws. Another Community Information Meeting and a Public Hearing will be held prior to Third

Reading, after which the bylaws would proceed to Executive Committee for approval, Ministry approval, and final reading and adoption by the Local Trust Committee.

## 2.2 Public Questions and Answers Session

Chair Fast invited questions from Members of the Public.

Members of the public presented questions that included:

- What would be the permitted size of platforms, private docks and shared docks?
  - Platforms: proposed is 5 square metres or less;
  - Private docks: proposed 35 square metres for single dwelling use;
  - Shared dock: can be increased by 25 square metre per dwelling using it, up to 85 square metres.
- Issue for members of Keats Island Leaseholders Association: there are many old buildings; there is not physically enough space to do some things being proposed. Issue with new rules on docks: would require 10 m each side of a dock. If your frontage is 50 feet, that cottage could not have a dock. Since most of these lots are not serviced by a public road, there needs to be a way for people to have docks to have access and egress to their waterfront lot.
- Who initiates the initiative to change the setback from 7.5 to 15?
  - A Land Use Bylaw amendment can be a project of an LTC at any time. If they identify an issue, they can put it on their project list and have staff work on it. 7.5 metre setback is a relic from the 1974 bylaw. It is considered outdated by best practices of the Province (Ministry of Environment & Climate Change Strategy). The Province has addressed setbacks because of sea level rise. The Province has told local governments the setback should be at least 15 m. The 7.5 metre setback is not far from the natural boundary, and is squeezing construction into an area identified as a sensitive environment.
- Province of BC dock recommendation is 46 sq m. You come up with 35; why not go with their best practices?
  - The specific permission area (within which Keats lies) does not specify a size anymore. When we did a review of other Local Trust Areas, 35 sq m is the norm.
  - Trustees work on other islands and learn about and observe their setbacks. They are all working with similar ecosystems and different development patterns.
- What is the ratio of the sea increasing? What is the change from the last 25-50 years?
  - The science varies; we do not have an exact number. Sea level rise is gradual; one of the more immediate concerns are storm surges, which happen quickly and can cause erosion. We are adapting to climate change; sea level rise is a factor. Climate science is a matter of projection and modelling. Associated with sea level rise are extreme weather events, erosion, and damage to infrastructure and ecosystems. Consideration of sea level rise is something the Province is requesting.
- Is this being driven by a faction of people who are concerned about these dock structures? Is Keats Island a guinea pig? Has this occurred in other places?
  - Shoreline protection initiatives are occurring throughout the Trust Area. Every island has developed differently; for example, Denman has no private docks; our Local Area has more private docks than any islands in the Trust Area, driven

partly because of water access. It is not an isolated incident; Keats is not a guinea pig; it is happening in a number of different areas.

- It is not just the Islands Trust Area. SCRCD is looking at this along their waterfronts. There is pressure from the Province, climate science, and First Nations to pull back. It is up and down the coast. It is a matter of projection and modelling.
- There is also a risk of winter flooding impacting septic fields.
- Why are we not following the government's example? Why are the governments not the leaders in this and show us what has to be done, what is good enough?
  - West Vancouver is working on a sea level rise strategy. The kinds of green shorelines are the soft ones, more resistant to sea level rise.
  - It is a multifaceted approach; 15 m setback is not just about sea level rise. It is also about storm surges. Most of the First Nations archaeological sites are within the foreshore area. It is also about foreshore protection for the most sensitive areas in the marine environment. There are many different parts informing that 15 metres.
- Define what pruning is. In the provincial regulations, in terms of a firebreak around a structure, you can clear within 10 m. Are you talking about pruning anything outside that 10 metres?
  - There are exemptions in proposed Bylaw No. 154, including vegetation removal to prevent wildfire and other potential emergencies, emergency works required to prevent, control or reduce an immediate threat to human life and property.
- What is pruning two trees a year? What does that mean? Problem: Bringing an arborist on to Keats, and then a faller is inconvenient. It is ridiculous how much people will end up spending; people will want to do it themselves without going through a process.
  - Exemption is pruning in accordance with the standards and recommendations of the International Society of Arboriculture: trimming limbs; a certain crown ratio must remain. The guidelines are not set in stone.
- The setback is 7.5 metres, but the DPA is still 15 m. When you do a DP application, you need a surveyor and probably a coastal engineer, depending on the work. It costs a significant amount of money.
- Thanks for changing back to 7.5 in the Land Use Bylaw. Why did you not also change the DP-3 back to 7.5? You've given us one change, but left it open for change in the future potentially.
  - The OCP could also be changed sometime in the future. DPAs and setbacks serve different purposes. A Development Permit Area is different than a building setback. They are two different functions. They can be the same number but they do not have to be, because they are different tools.
- When you fill out the forms for a DPA, who does it get referred to? First Nations?
  - The application only comes to Islands Trust, and not referred to First Nations. It is an exercise in meeting the guidelines, and is internal. The LTC has to consider the application and determine if it meets the guidelines.
- Is there room, in our applications for variances and land management, for community engagement in the decisions, not just the Trust – for Trust approval and community approval?

- There is an opportunity for neighbours to weigh in. We also have professional staff and elected trustees, because that is how the province set up Islands Trust as a special purpose government, to preserve and protect something special to the Province.
- The onus would fall on landowners to take the initiative to have that kind of feedback in their application.
  - It depends on the application; for a variance, if it applies only to a neighbour, the neighbour's input is encouraged. If the variance applies to the foreshore, there are other considerations. With variances, people who support your application can influence the outcome. The LTC has discretion on variances, and can say yes or no. Permits are different: LTC makes rules for Development Permits that are set in advance. You can get support from neighbours if you want, but there is no notification process; it is a checklist. If you meet the criteria, you are entitled to the permit. All of these processes are all law in BC under the *Local Government Act* and Community Charter.
  - With Development Permits, if the application goes to the Local Trust Committee and they deem some guidelines have not been met, the applicant has to go back and work to meet the guidelines, and can come back to the LTC, and the permit issued. A Development Variance Permit is discretionary, and the applicant may be asked for more information if there are concerns.
- Concern about the 5 square metre landing and how that affects the stairs from the dock to the cabin. Say there's a 50-foot rise from the gangway to the cabin. A 5 sq m platform is not really practical. You need circulation space on the landing. With 5 sq m people cannot pass each other.
  - If there is part of a staircase on the landing, that is different than a stand-alone platform. May need clarification on the wording.
- What is the justification for only clearing two trees? They stay healthier if you prune them. If we did not prune them, they could blow down because of windstorms. It has been ongoing since the '40s – the trees are healthy, great root systems, no erosion.
  - Goal is to retain trees and to keep them healthy.
- Our dock was built many years ago, and built it to our needs. We share it with six families, three houses on two properties. The dock exceeds the limit permitted in the draft bylaw. Requested clarification.
  - You can use the dock as is. When it comes time to replace it, you would meet whatever the bylaw is required at that time. If something does not work for your property and situation, you can apply for a Development Variance Permit. Ultimately shared docks are encouraged. Again, the numbers are not written in stone.
- Have noticed the length of our docks is limiting boaters who come into our bay from coming in too close. Wouldn't it be great for our docks to be out further? Most docks just go beyond low tide mark. Eelgrass is underneath most docks where they are close to the shore.
- Where did the number of 35 sq m for docks come from? I think there should be room for adjustment depending on where the property is and the waters you are facing year around. Smaller floats are not safe in rougher waters, and not appropriate.

- Comes from other Trust Areas; examples are Salt Spring, Galiano and others. Also in recommendations for the BC Stewardship centre Green Shores program. It is a number that is commonly used.
- What is climate change? What is sea level rise? When is the actual study of topographic mapping being done? When is the erosion of our land going to get evaluated? Grew up in West Beach; have watched this bank fall apart. It is all eroded. I think some people are saying: in the means of safety, a 5 sq m landing does not help anybody in certain situations. A 35 sq m south facing dock: we get higher than 110 km winds; you do not want to put a 35-foot boat in that situation. I do not see the full circle of these issues that are coming up.
  - This is what Community Information Meetings are about, to hear about those impacts in specific situations.
- These variance permits, whether it relates to staircases, docks, setbacks. Is actual science in land use taken into account in terms of what are we are using it for? Who is paying for all for this? Where is all of this coming from? Will the actual situation per property be taken into account in variances?
  - Every time we get a variance application we take into account the unique circumstances in that case.
- Looks like sometimes you take direction from the Province, sometimes trustees from other areas. There seems to be conflicting stories, but little scientific back up. When it comes to making a decision, take into consideration how often this island is used; not so many people are living there on a full-time basis. If there is someone who does something that is not acceptable, then deal with that property owner; do not penalize all of us. It is unacceptable to put us through all this unnecessary stress. Who will compensate me if you ended up with that 15-metre setback? Use energy and resources to prevent other stuff.
- Is elevation considered in the setbacks?
  - No. Setback is measured horizontally. Building inspectors will be looking at elevation.
- Why not consider elevation?
  - A rock bluff is more protected from sea level rise, but also there are sensitive ecosystems in those areas. There is fine thin soil that cannot re-establish. It is not just about soft shoreline, but thinking about other things like sensitive ecosystems. Re. staircase and platforms: aim to reduce impact on sensitive shorelines.
  - Islands Trust has a difficult position; Islands Trust is land use planning, but has a mandate to preserve and protect these islands. It was determined in the '70s that these islands are special. We have to balance that at all times: honouring historical communities, but we are also there to preserve the ecology. That setback is where the most delicate parts of the islands are, and forage fish. The bylaws are for those who do not care about stewarding. Unless there is a bylaw, Islands Trust cannot do anything.
- What can we do to support you in this process and in your role? As we sit here it feels like us against them, but I know that you heard us because you changed the setback. How do we get to that point faster as a community?
  - We are still a local government, and operate at our own pace. Do not know how to do it quickly except communicate.

- Get in touch with a Trustee and talk about how it might be done more quickly.
- If you have good ideas, get in touch with Trustee Rogers.
- Go to the website for information: [islandstrust.bc.ca/island-planning/gambier/projects](http://islandstrust.bc.ca/island-planning/gambier/projects).
- Send in feedback to: [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca).
- Contact Trustees to be on their email lists.
- What is the difference between Flood Construction Level and DPA? Have they measured what FCL on Keats Island would be?
  - DPA is tool that the *Local Government Act* designates to local governments to establish a DPA. Flood Construction Level has to do with a building permit, is typically 1.5 or 1.8 m; it is a measurement. Keats bylaw does not speak to FCL.
- For legal non-conforming, in the event that structures are below 7.5 m: to prove we have a legal non-conforming structure now, the onus is on the owners to have evidence or letters from neighbours in place to prove that these were there?
  - Yes those are just examples of ways to prove they were there before the bylaw. Those typically only arise if there is a complaint or an application.
- At Eastbourne: on every title there is a covenant and building scheme on almost everyone's title; to build anything they had to get approval from Eastbourne Estates. When Islands Trust came in, Eastbourne Estates was no longer around since they had sold all 220 lots and disbanded.

Chair Fast thanked everyone for coming and sharing ideas, views, and questions so the Local Trust Committee can work through the process to make better regulations.

Next Local Trust Committee meeting is scheduled for this venue on November 18.

### 3. ADJOURNMENT

**By general consent** the meeting was adjourned at 8:30 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Diane Corbett, Recorder