

File No.: 6500-20 (Keats Island
Shoreline Protection Project)

DATE OF MEETING: August 29, 2023
TO: Gambier Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Keats Shoreline Protection Project

RECOMMENDATION

1. That the Gambier Island Local Trust Committee request staff to schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB).

REPORT SUMMARY

The purpose of this report is to summarize the comments heard at the recent community information meeting. In addition, staff are recommending that a community information meeting (CIM) and Public Hearing be scheduled for the Proposed Bylaw Nos. 153 and 154 (date to be determined).

BACKGROUND

The purpose of the Keats Island Shoreline Protection Project is to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions. Work was initiated with Phase 1 of the Keats Shoreline Protection Project in 2018. The project is currently in Phase 3.

Proposed Bylaw No. 153, that would amend the Keats Island Official Community Plan Bylaw No. 77 (OCP), and Proposed Bylaw No. 154, that would amend the Keats Island Land Use Bylaw No. 78 (LUB), were given first reading at the July 22, 2021 LTC meeting. First reading of Proposed Bylaw No. 154 was rescinded at the October 14, 2021 LTC meeting, amended by the LTC, and then given first reading at that same meeting. Proposed Bylaw Nos. 153 and 154 were given second reading at the September 1, 2022 LTC meeting.

Four Community Information Meetings (CIMs) were held September 29, 2021 (online), October 14, 2021 (in person), September 15, 2022 (online) and on July 21, 2023 (in-person).

At their regular business meeting held January 31, 2023, the LTC passed the following resolutions:

GM-LTC-2023-005

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee rescinds the scheduling of a Public Hearing on Bylaw Nos 153 and 154 and requests staff to schedule a Community Information Meeting to take place after the Local Trust Committee meeting scheduled to take place on Keats Island on June 20, 2023 in person.

CARRIED

GM-LTC-2023-011

It was **MOVED** and **SECONDED**

that the Gambier Island Local Trust Committee requests that staff prepare an annotation of the proposed amendments to Bylaws 153 and 154 that discloses the scientific findings of projected climate change effect that each of the proposed amendments is intended to mitigate, and other rationale for the amendment.

CARRIED

At their regular business meeting on June 20, 2023, the LTC reviewed a Staff Memo which included the requested annotated proposed bylaws Nos. 153 and 154 as well as, a letter from Madrone Environmental Services discussing the Biological Benefits of Marine Foreshore Areas. The LTC agreed to send out the Staff Memo and related attachments to their various networks as relevant background information as well as to post to Islands Trust website, ahead of the Community Information Meeting on July 21, 2023.

A [public mail-out](#) titled “Frequently Asked Questions about the Keats Island Shoreline Protection Project” was sent to property owners on Keats Island on March 10, 2022. It was also sent out to all those who have signed up to receive Gambier Island Local Trust Committee email updates on March 11, 2022.

Reports and associated information for the Keats Island Shoreline Protection project are available on the Islands Trust website, under [Gambier Projects](#) or the [Keats Shoreline Protection page](#).

ANALYSIS

Consultation

Community Information Meeting

An in-person Community Information Meeting (CIM) was held on July 21, 2023 at the Gibsons Public Market. It was advertised through the Islands Trust Gambier Island email subscriber list, online through social media and on the website. The event was attended by approximately 18 community members, the three LTC Trustees and Islands Trust staff. Islands Trust staff provided an overview of project objectives and the proposed bylaws.

Discussion during the CIM addressed the topics of:

- Considerations for additional DPA exemptions for sewerage systems, eco-friendly dock materials and greenshores approaches;
- Concerns around the impracticality of the proposed dock regulations for the small lots on Keats Island;
 - In particular, dock sizes, distances between docks and the measurement of setbacks for docks;
- Clarification on legal non-conforming status and seasonal use of docks and dwellings;
- Interest in learning more about examples of shoreline DPAs and the success in other communities;
- Interest in educational opportunities to learn about shoreline protection measures;
- Questions about the First Nations consultation process and how their concerns have been addressed;
- Concerns around the cost and extra permitting process for a Development Permit and Development Variance Permit;
- Leaving the setback at 7.5m for the two large undeveloped lots on Keats; and
- Clarification around the term “water access only” properties.

CIM and Public Hearing:

Under section 464 of the *Local Government Act* (LGA), a local government must hold a public hearing to adopt an official community plan bylaw and zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” Under section 465 (1) of the LGA, a public hearing must be held after first reading and before third reading of a proposed bylaw.

At the public hearing, all persons who believe that their interest in property is affected by the proposed bylaw are afforded a reasonable opportunity to be heard. This involves an opportunity to make a speech or presentation to the elected officials or to present a written submission. Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing. A public hearing is typically preceded by a community information meeting, which is intended to introduce the proposed bylaws and respond to any questions community members may have prior to voicing their opinion at the public hearing.

The LTC may consider a broad range of input including information and views from the public, staff reports, professional reports, agency feedback, First Nations comments and other information.

Staff are recommending a public hearing be scheduled at this time. The public hearing can be scheduled as a standalone meeting, outside of a regular LTC meeting, or at the end of a regularly scheduled LTC meeting. The LTC may consider potential dates and request staff to schedule the meetings accordingly. Staff will circulate notification of the public hearing in advance of the meeting date.

Post Public Hearing Protocol

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

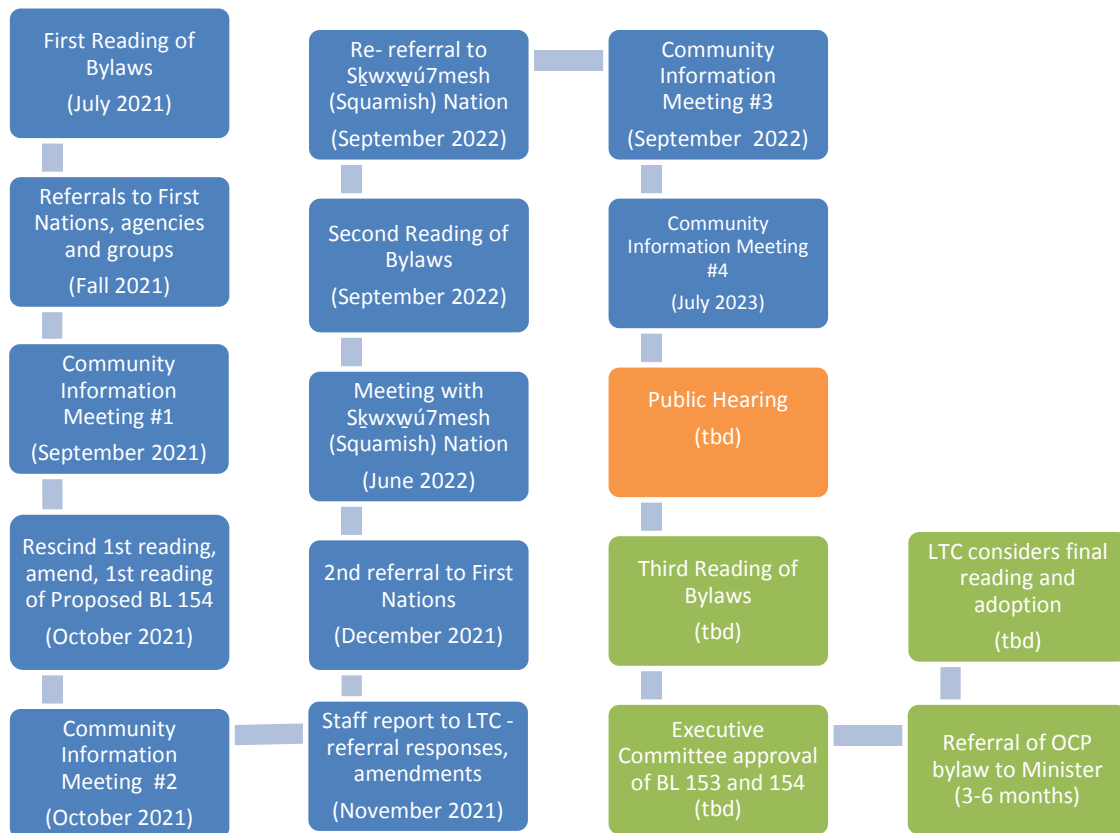
- Consideration of Second Reading
- Consideration of Third Reading.
- Forwarding of the bylaw to Executive Committee for approval.
- Forwarding of OCP amendments to the Minister for approval.
- Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC.

If the Executive Committee approves the bylaws, the OCP bylaw will be forwarded to the Minister. Following Ministry approval the LTC can adopt the bylaws.

Timeline

The following timeline outlines the bylaw amendment process milestones to date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment such as this is processed. The blue steps identify completed milestones, the orange identifies the current stage, and the green identifies potential next steps or milestones in the process.



Rationale for Recommendation

Prior to third reading, the LTC is required to hold a public hearing (between first and before third reading), therefore staff are recommending that the LTC request staff to schedule a public hearing (date to be determined). The proposed bylaws are a result of several years of review and discussion. The community has had several to opportunities to comment on this project and the proposed bylaws throughout the process, including four CIMs. The LTC has incorporated public feedback. First Nations and Agencies have been consulted.

Refer to the formal recommendation, included on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Further Amend Proposed Bylaw No. 153 and 154, give Second Reading, as amended

The LTC may further amend the proposed bylaws beyond what is detailed in this report and give second reading, as amended. Recommended wording for the resolutions are as follows:

That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be amended as follows:

- a. [insert amendments]

That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', be read a second time as amended.

That the Gambier Island Local Trust Committee Bylaw No. 154, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” be amended as follows:

- a. [insert amendments]

That the Gambier Island Local Trust Committee Bylaw No. 154, cited as ‘Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021’, be read a second time as amended.

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC’s work plan timeline in the Project Charter, budget considerations if the project is not completed in this fiscal and staff resources. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request the following information [list].

3. Receive for information

The LTC may receive the report for information

NEXT STEPS

Should the LTC concur with the staff recommendation, staff will schedule a public hearing for Proposed Bylaw Nos. 153 and 154. Once a date is decided, public notification of the public hearing will be coordinated.

Submitted By:	Marlis McCargar, Islands Trust	August 14, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	August 17, 2023

ATTACHMENTS

1. Draft CIM Minutes – July 21, 2023