

9/26/2021

Hello Island Trust Directors and Planning Staff,

My family and I are very concerned about the proposed draft bylaws 153 and 154 and related restrictions. We are strongly opposed to this proposed bylaw as presented in bylaw 154. These bylaws will have a significant impact on Keats island residents.

Our family has been a property owner in Plumper Cove since 1942. Many of our neighbours have been property owners since 1938. During our over 80 years of time on Keats, I believe that our community has demonstrated good stewardship in protecting the ecology and other values of Plumper Cove. This has been achieved without the threat of bylaw infractions to motivate and guide our behaviour. I am concerned that the approach used by the Islands Trust (IT) seems to increasingly regulate activities and Island life unnecessarily. Many of the recent and current regulatory proposals do not seem to consider the realities of Keats Island geography nor practicalities of the way of Island life where much of the property maintenance and upkeep is done by property owners. As property owners, we maintain and care for our properties and we want to ensure the best possible outcome for all Islanders now and for future generations. We have tremendous respect for, and a large stake in, our natural environment. We take care to preserve the beauty and health of our environment for the current users and for our future generations. We, and our Plumper Cove neighbours, have always tried to take care of our property while also maintaining an environmental approach towards the land and water. Modest development /maintenance and environmental protection are not mutually exclusive.

You should be aware that most homes and properties in Plumper Cove have been occupied and “managed” for many decades. As such, most of the structures and development pre-date even the 25 year old

policy now being updated. We challenge Appendix 1, 9.3.2 exemptions which states 'repair, maintenance or alteration of pre-existing lawful buildings, structures or utilities' due to the wording of 'lawful'. There are numerous "structures" within the current 7.5m Development Permit Area (DPA) that are decades old and may not be "lawful". The word 'grandparented' would be more appropriate term since it would be difficult up to 75 years later to determine if these are 'lawful' structures. I recommend that all "structures" in the DPA at the time of its enactment be deemed "lawful" even while recognizing they are non-conforming.

Such structures as walls and decks periodically need attention to stop them falling into disrepair. As an example, these historical features include rock walls built to support the shoreline path maintained by property owners. These would likely be classified as "structures" and "shoreline protection works" and need a DPA permit for reconstruction. If such a structure fails in a winter storm, it needs to be restored as soon as possible to limit damage, including to ecological values, and maintain the path connecting neighbours. A proposal to extend the DPA will capture more historic, and potentially "unlawful" structures (perhaps including some of the original cabins) that will add to the challenges of maintaining our summer homes at a reasonable cost and amount of effort. These historic features need to be given some accommodation to allow them to retain their value to the cottage owners without undue burden on the property owners. Gradual transition toward compliance will occur over time, such as using native materials and planting stock when rebuilding a wall, as noted in the example I used.

We are not opposed to the original 7.5 metre setback but find the Draft Bylaw 154 that requires 'for all new buildings and structures to 15 metres upland of the present natural boundary of the sea' to be unreasonable. It is unclear what the scientific or technical basis for an increase is, except possibly, "More is better," and a visceral precautionary principle. Further, I find the rationale of updating the setback to

align with the Provincial Government's Flood Hazard Area Land Use Management Guidelines a moot point. These guidelines do not take into account the relief of the landscape and the lots typical of Plumper Cove.

I am opposed to the proposed new restrictions regarding alteration of "structures" and vegetation removal. The configuration of the land is such that the proposed setbacks would make maintaining and caring for our homes and properties problematic under the proposed regulations. These proposed measures will seriously constrain the owners of virtually every cabin in Plumper Cove to do reasonable maintenance work to protect our seasonal homes without the need for potentially expensive and time consuming regulatory approvals.

One section of the proposed bylaw (9.3.1) will restrict tree trimming within the DPA, limiting work to 2 trees/year. We strongly oppose such a constraint. Over the 75 years of our ownership, we, and our long time neighbours on Keats, have carefully maintained trees and other vegetation on our properties. Work is needed annually to maintain light and views, and reduce wildfire and wind throw risk that is affected by vigorously growing vegetation. Being situated on the north aspect of a slope in a coastal forest setting means that moisture and decay/rot are a chronic threat to our homes and infrastructure. Excessive vegetation close to homes stifles sunlight and wind penetration that could enhance drying and reduce the risk of rot. Trail and view maintenance require regular branch and tree top removal, but never to the detriment of the tree. I am well aware that these trees are essential to maintain slope stability and a myriad of other environmental values. Trees have been carefully topped and trimmed for decades and this work must continue to maintain the amenity values and safety of the properties.

It appears that an agenda is being advanced that cares little what the actual residents of Plumper Cove support.

The regulators should be mindful of perhaps unintended consequences of the proposed restrictions, and likely reductions, in float area proposed in the bylaw (4.4.6; 4.4.7). Float systems need to be long enough to reach a water depth at the lowest tide suitable for safe moorage. Removal of the length restriction of 30m included in a previous version of the bylaw reflects a recognition of this factor. Requiring new and longer piers, in lieu of existing floats, is likely to cause incremental environmental impact due to the need for driving 4 or more pilings into the seafloor. An extended pier likely requires a longer or steeper ramp to reach the float. There are safety and physical limitations to both the length and grade of the ramp.

Speaking for myself, but I think for all my Plumper Cove neighbours, there is support for efforts to maintain environmental values on Keats Island. I think these neighbours have demonstrated a willingness to accommodate and manage for these values on their properties. Further, I think you can expect to see steady improvement towards protection of these values as older existing structures in Plumper Cove need maintenance or refurbishment. I think the IT would be better served by focussing on those parts of Keats Island with a shorter or poorer track record of good environmental management, and those parts of Keats Island that are still is a relatively natural or pristine condition.

I appreciate the opportunity to provide input to the IT bylaw process. I look forward to seeing a revised bylaw that reflect the comments and recommendation from myself and others in Plumper Cove.

Sincerely,

Chris Ritchie