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From: Dan Rogers <drogers@islandstrust.bc.ca>

Sent: Tuesday, October 12, 2021 10:58 AM

To: Susan Kegel [REDACTED]; Sue Ellen Fast <sfast@islandstrust.bc.ca>; Kate-Louise Stamford <kstamford@islandstrust.bc.ca>

Cc: Jaime Dubyna <jdubyna@islandstrust.bc.ca>

Subject: RE: Follow-up on Sep 29 Mtg on Proposed Bylaws 153 and 154 for Keats Island

Good morning Susan. I forwarded your email to staff planners to consider the best way to respond to some of your questions. Here is what I know:

- a) the planner is attempting to incorporate some further information/answers to yours and other questions into her presentation for Thursday evening. There may be some information not available for presentation yet so I have asked staff to think about the best way to get answers out. I have asked that a FAQ document or something similar be developed.
- b) minutes will be available - we don't put attendees on minutes generally as many people are not identified.
- c) there is a recording of the meeting on line. All of the slides will be there and I will ask staff to put the presentation on line if it is not already there.

Most of the rest of your comments are more technical in nature - for example my understanding is that for all development - replacement is considered the same as new development. I don't know of a circumstance where that is not the case (ie through out BC - the Local Government Act recognizes legal non conforming but that doesn't apply to new builds) but I am not a professional planner. As rules evolve, new builds and replacement is subject to new rules. For example cabins built before there were any local bylaws (SCRD or otherwise) might be well within the 7.5 metre current setback. There are examples of that around Keats. Teardown and replacement would require the 7.5 metre setback.

Thank you for writing. I assure you we are listening to you and to others who have spoken up and written.

Regards

Dan

Ps. Just to be clear there is no proposal for a 30 m setback.

Daniel J Rogers

Islands Trust Vice-Chair and Gambier Area Trustee

604-220-1500

Preserving and Protecting Over 450 Islands and the Surrounding Waters in the Salish Sea I am humbly thankful that I live and work in the territory of the BOKÉĆEN, Cowichan, Halalt, Homalco, K'ómok, Klahoose, Lake Cowichan, Lekwungen, Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, selíłwítulh, SEMYOME, Shíshálh, Snaw-naw-as, Snuneymuxw, Skw̓xwú7mesh, SẂÁUTẂ, Stz'uminus, SXIMEŁEŁ, T'Sou-ke, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, ẂJOŁEŁP, ẂSIKEM, and x^wməθk^wəyəm.

-----Original Message-----

From: Susan Kegel

Sent: Sunday, October 3, 2021 2:38 PM

To: Sue Ellen Fast; Dan Rogers; Kate-Louise Stamford

Subject: Follow-up on Sep 29 Mtg on Proposed Bylaws 153 and 154 for Keats Island

Hi All,

I want to follow-up on some points from the Sep 29 meeting re: proposed bylaws for Keats Island.

First, as I am sure you noticed I was quite upset by the end of the meeting and I apologize if I was rude. However, you stated at the beginning of the meeting that you were there to listen, so I was expecting to be listened to. I did not realize that the only feedback you were interested in was questions. We don't have questions about the document – the proposed new rules are clear. We have objections. Please do not underestimate the deep anger that people feel about these proposed changes, despite their calm veneer.

The one area where we do have questions is the “why”. The answers we got to those questions were extremely vague: “some other islands have larger set-backs”, “best practice is now 15-30m”, and “we know more than we did in the 70s”. I think you can see why we might be very skeptical about what any of this has to do with the specific situation on Keats. I believe we were told we would receive more details about the best practices and I am looking forward to learning about that.

Other information that I assume will be coming out shortly is:

- Meeting minutes with the list of attendees
- Slides shown, including the examples given where a variance might or might not be needed (I think that part of the presentation was given only verbally)
- Official answers to all written and verbal comments and questions received before and during the meeting

Please tell me when I can expect this information to be posted.

The notification mentioned in the meeting that was mailed to all property owners based on the tax rolls was postmarked Sep 20. A week's notice (or less in this case given the delivery time) is unacceptable. Fortunately, I had heard about the meeting from other sources.

I'd like to review for the record some things that I heard at the meeting. I also have some follow-up questions.

IT stated that they did not know how many properties would be affected by the new rules. Which means that IT does not know what the effects of the changes will be. Why were the ramifications of the proposed rule changes not taken into consideration?

I believe we now know how many properties are affected based on the feedback at the meeting, from representatives of almost all affected areas. The answer is almost all of the approximately 150 properties. Can you please confirm how many waterfront properties there are on Keats, since there was some confusion about this at the meeting?

IT also stated that they did not have funding to do the sort of scientific studies that would provide justification for the changes based on the specifics of the Keats topology. Hence the fall back on relying on generic best practices or what other islands are doing.

Instead of IT doing the requisite studies and planning, the burden is being shifted to each property owner to “prove” that they cannot move their structure out of the 30m zone in the case of a non-repairable event.

The content of proof (aka criteria that will be used to determine variance) and the format of proof are as yet unspecified. However, it seems likely that applying for a variance will be extremely costly, involving in all likelihood surveys, professional geomorphologists or others who can say “there’s a rock cliff behind my house”, and lawyers.

In light of all this, why did IT decide to make applying for a variance for replacing existing development the norm rather than the exception?

IT also stated that it is better for the environment to have two foundations, one abandoned, and two clear cuts than to allow rebuilding an existing cabin on an existing foundation. This seems very counter-intuitive. How do you justify it?

IT stated that one could “repair” one’s deck, but not “remove and replace”. How do you justify the distinction? How do you measure it?

The crux of the matter here is of course the decision by IT to treat “replacement” the same as “new development”. It was the overwhelming consensus of those attending the meeting on Sep 29, who seemed to represent the vast majority of the waterfront lots, that this was unacceptable. How do you justify this decision?

Thank you for your attention; looking forward to hearing your response,

Susan Kegel