



BYLAW REFERRAL FORM

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Island: Gambier Island Local Trust Area – Keats Island **Bylaw Nos.:** 153 (OCP) & 154 (LUB) **Date:** July 27, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within approximately 60 days by **October 18, 2021**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Gambier Island Local Trust Committee

PURPOSE OF BYLAWS:

The purpose of the bylaws is to establish a new Development Permit Area (Shoreline) and to amend siting and size regulations in relation to the natural boundary of the sea and marine structures.

Proposed Bylaw No. 153 will, if adopted, amend the Keats Island Official Community Plan Bylaw No. 77, 2002 to establish Development Permit Area 3: Shoreline (DPA 3) for the purpose of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. The DPA 3 would be applicable to nearshore upland and marine areas, and includes objectives to:

- regulate new development to preserve, protect and restore foreshore and marine areas;
- balance development opportunities with the conservation and restoration of the shoreline and marine environment;
- minimize disruption of natural features and processes and retain natural vegetation;
- maintain safe public use and access to important recreation areas, while not compromising shoreline ecological integrity;
- adapt to anticipated effects of climate change;
- protect coastal properties and development from hazardous conditions.

Proposed Bylaw No. 154 will, if adopted, amend the Keats Island Land Use Bylaw No. 78, 2002 to:

- increase the setback from the natural boundary of the sea from 7.5 metres to 15 metres;
- limit the floor area, number and types of structures permitted within the setback from the natural boundary of the sea;
- increase setbacks between private floats and docks from side lot lines and from adjacent private floats and docks;
- reduce the permitted float area and dock ramp width.

Proposed Bylaw No. 154 would also include the DPA 3 guidelines, exemptions and applicability.

GENERAL LOCATION:

Keats Island

OTHER INFORMATION:

Please direct any communications regarding this referral to Jaime Dubyna, Island Planner, at (250) 247-2212 or by email to jdubyna@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form for each bylaw. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Jaime Dubyna

Jaime Dubyna

Name: _____

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

- Skwxwú7mesh Úxwumixw (Squamish Nation)
- Tsleil-Waututh Nation
- Musqueam First Nation
- Sechelt First Nation
- Halalt First Nation
- Penelakut Tribe
- Lake Cowichan First Nation
- Cowichan Tribes
- Stz'uminus First Nation
- Lyackson First Nation
- Snaw'Naw'As Nation and Te'Mexw Treaty Association

Provincial Agencies

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Adjacent Local Trust Committees and Municipalities

- Lasqueti Local Trust Committee
- Gabriola Local Trust Committee
- Galiano Local Trust Committee

Non-Agency Referrals

Islands Trust Conservancy, Keats Conservation Group, Eastbourne Community Association, Keats Landing Leaseholders, Keats Camp, Barnabas Ministries and Keats Island Shoreline Protection Working Group

Regional Agencies

- Sunshine Coast Regional District

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BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

The Keats Island Leaseholders Association (KILA), representing the 110 cottage lots around DL696 Keats Island, has sought the opinions and comments of our members including at a meeting in late September 2021. Rarely have we seen such strong opposition to a proposed bylaw. In general, our members opposed bylaws 153/154 as originally drafted (we have not had time to determine if our members' opinions have been impacted by amendments made to the proposed bylaws less than a week ago).

One important factor in assessing the bylaws is that our cottage lots – many of which have existed for almost 100 years – are generally similar in size to normal Vancouver city lots, not large rural lots. Thus, there is not enough space on or between our lots to accommodate increased setbacks. This includes a 15m setback from the sea (originally proposed but then modified a few days ago) and the proposed increased distance between docks.

For example, some of our lots are roughly 50ft wide, so requiring 10m (over 30ft) space on either side of a dock means that some lots might not be able to have a dock; this is a serious problem since some KILA lots are water access, thus an increased setback that prevents someone from having a dock could prevent that person from accessing their property, which seems unreasonable. (We have been told by Islands Trust personnel that a solution is for such a person to use their neighbour's dock, but that requires the neighbour to have a large enough dock to accommodate multiple boats and both parties to agree to share, neither of which is necessarily guaranteed or practical.)

When drafting Keats Island bylaws, we encourage Islands Trust to keep in mind important "facts on the ground" in our Keats communities, including existing lot sizes, structures and access requirements. Just because some other island might have a particular setback or size limit or other requirement does not necessarily mean it is appropriate for Keats or is reasonable, desirable or fair in the Keats application. We oppose bylaws 153/154.

Thank you for this opportunity to comment on the bylaws and for your consideration of our legitimate concerns.

Gambier Island Local Trust Area – Keats Island
(Island)

Bylaw No. 153 (OCP)
(Bylaw Number)

Glen Donaldson
(Signature)

Chair
(Title)

October 17, 2021
(Date)

Keats Island Leaseholders Association
(Agency)

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(Island)

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October 17, 2021
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