



**GAMBIER ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

A BUSINESS MEETING OF **THE GAMBIER ISLAND LOCAL TRUST COMMITTEE**
held at 10:30 AM on Thursday, December 13, 2012
at West Vancouver Seniors Centre,
695-21st Street, West Vancouver, BC

LATE ITEMS, ADDITIONS

**AMENDMENTS/ADDITIONS
TO ITEMS:**

- 10. LOCAL TRUST COMMITTEE PROJECTS**
- 10.1 GM-LUB-2011.2 (Associated Islands Land Use Bylaw Review Project)
 - 10.1.3 Additional Correspondence Package up to and including December 12, 2012 -
attached

GM-LUB-2011.2
(Associated Islands Land Use Bylaw Review Project)

Additional Correspondence Package to December 12, 2012

Thursday, November 29, 2012
Property Owners of East Trail Island

To the Gambier Local Trust Committee: planner: Sonja Zupanec,
Cc: David Graham (chair), Jan, Hagedorn, Kate-Louise Stamford,
Cc: Garry Nohr (SCRD representative)

Regarding Fall 2012 Draft Land Use Bylaw for East Trail Island.

We have serious concerns about the inequality and unfairness of E. Trail Island compared to the other Islands in the GIT. We were repeatedly told during the OCP that inequalities would be addressed. When Planner Brody Porter, along with Trustee Jan Hagedorn, and Trustee Louise Bell visited East Trail Island, he noted that it was the most sustainable of all the small Islands. He told us our concerns would be addressed and he saw no reason why flexibility could not be applied. Therefore we list our most serious concerns with the Draft 2012 Land Use Bylaw.

1. Dwellings, accessory building and height
2. Water zoning which affects safe access / moorage
3. Fines up to \$2000.

As in the preamble of the OCP, it is evident that E Trail Island is the most sustainable of all the small associated Islands, practicing solar power, rainwater collection and property owners practice environmentally sustainable lifestyles. Best practices for planning cite these types of communities should be rewarded, not punished.

The OCP incorporates advocacy policies: **3.16.1 As islands in the plan area are mostly self sufficient with respect to power, water and septic disposal, the LTC shall recognize the challenges associated with providing services on the Islands.**

Dwellings, accessory buildings

- a) There is an eclectic mix of cabins on East Trail Island; but none overbuilt, simply by the nature and cost of unserviced island building. The draft bylaw currently calls for 1 dwelling per lot with 2 accessory buildings no more than 12' in height. This is unfair and inequitable as East Trail Island lots average 2 acres. Historical precedents on the established community indicate 2 dwellings, one larger than the other, and multiple accessory buildings with heights of 17'.

These are not small lots as in Thormanby SRR, and coverage at 20% is grossly unacceptable, we can do better.

Therefore: we are proposing a simple flexible solution density similar to Pasley Island and Bowyer Island. We notice that Anvil Island has also received consideration for such a proposal.

Please note, our community solution will save 16 acres to permanent conservation from Bylaw 96. That is four times the land mass of the center lot on East Trail Island.

Our solution will conserve and protect 9 acres more than the Fall 2012 Draft LUB.

We request a maximum 15% coverage or maximum 3,200 sq ft for flexible build out:

- 1 dwelling, plus
- 1 guest cabin or caretaker cabin of 17', plus
- 2 accessory, exempt woodshed & utility,
- Exclusive of decks and stairs.

Bylaw 96 - 33%	Potential av coverage = $91,476 \times .33 \times 26 = 784,862 \text{ sq ft}$
Draft 2012 LUB: 20% cov	Potential coverage = $91,476 \times .20 = 475,675 \text{ sq ft}$
Proposed: max 15% coverage, max 3200 sq ft buildings	Max, 3,200 sq ft per lot (not including stairs & decks)=83,200 A permanent conservation averaging 701,662 sq ft or 16 acres from Bylaw 96



TOR HAGEDAHL LOT 1



VALERIE HAGEDAHL LOT 1

1 Acre = 43,560 sq ft	2 Acres = 87,120 sq ft
Max. 3,200 sq ft per lot	
3200 x 26 lots = 83,200	

Water zoning:

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Therefore we are requesting the entire bay Lot 23 to lot 20, or all the way from Lot 23 to Lot 16 have a special flexible multipurpose designation for communal dock, barge access, marine service and breakwater, to be decided with the community and marine consultants. This should be indicated in the bylaws and not at the expense of E. Trail Islanders to request a variance at a further cost to the property owners.

Fines:

From time to time, we may be all guilty of some small oversight. However, given the remoteness of East Trail Island, the weather conditions, no services, and only access to a garbage barge once a year. We, East Trail Island property owners request violations be addressed:

- 1) first with a reminder,
- 2) and the property owner should have until the next scheduled garbage barge to rectify a situation before any fine is levied.

We have now offered concrete solutions to what should have been a simple Rural Bylaw with flexibility for the future within a sustainable envelope.

References:**OCP 3.10 TRANSPORTATION POLICIES**

3.10.1 in its bylaw provisions and decision-making, the LTC should recognize the challenges associated with accessing, living on and constructing on the Islands in the plan area.

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3.10.3 Zoning may provide for facilities for float plane and emergency helicopter access in appropriate locations.

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Advocacy Policies

The LTC should support efforts by residents, local governments and agencies to ensure that reasonable access including safe passage and moorage is provided to the plan area from adjacent regional districts and municipalities.

Signed:


Tom Hugdahl Lot 1


Valerie Hugdahl Lot 1

Sonja Zupanec

From: duane bates <ds.bates@hotmail.com>
Sent: December-03-12 7:50 PM
To: Sonja Zupanec

To, Gambier Island Local Trust Committee, re; the draft proposal to amend the land use by Daybreak Point Bible Camp. We ask, if possible, to prohibit the setting of structures within 30 meters or more of our property line. We are in conflict with the camp at this time, due to amplified noise coming from the camp. The SCRD is involved. We are trying our best to resolve the outstanding issues with the camp. However situation has been going on for approximately five years.

With Thanks, Randy Bates and Robert Gemmell

Sonja Zupanec

From: Montgomery Wood Architect <mwa@idmail.com>
Sent: December-03-12 11:28 PM
To: Sonja Zupanec
Subject: re proposed Land Use BY-law and MW's shared interest of recreational property on Sand Island
Attachments: Sand Isle RegstrdSurvey1994.pdf; SandIsle topo2011.pdf; Sand.Isle 2ndGapAccretion2009.PDF; Sand.IslePlan & sk#ag4CabinPlan 3Dec12.pdf

Sonja Zupanec, M.C.I.P.
Island Planner for the Gambier Island Local Trust Committee
Local Planning Services
szupanec@islandstrust.bc.ca

re proposed Land Use BY-law and MW's shared interest of recreational property on Sand Island
L."A" P.LMP24738 D.L. 2019, NWD Gp 1 land district , part of DL2019 known as Sand Island PID 023-466-316

Hi Sonja,

Thanks for talking the time today to review some of the issues that interact with Sand Island in Buccaneer Bay.

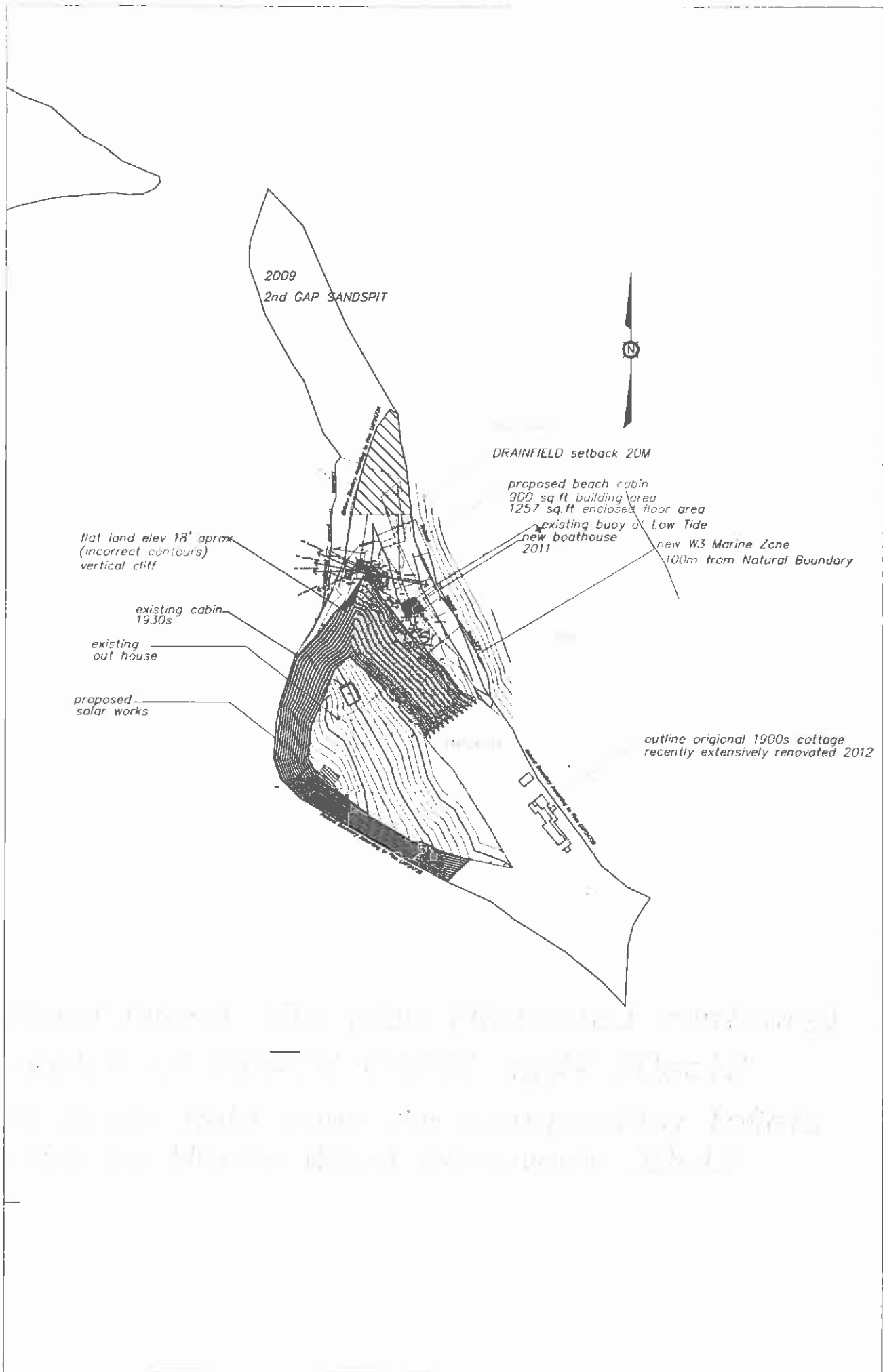
In a short time we talked about several thing in the new LUB and Sand Island, including:

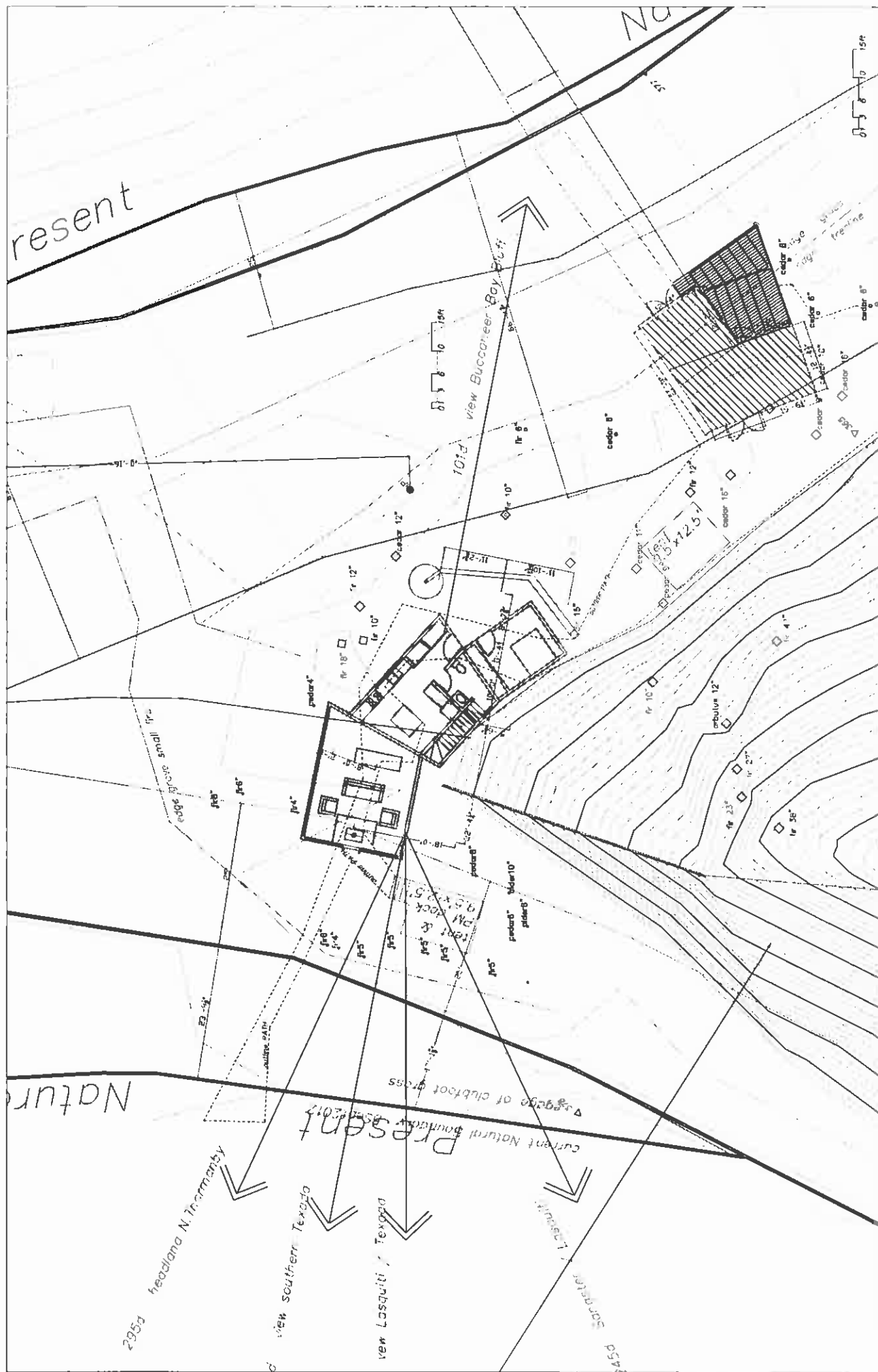
- P.9~Sleeping Cabins (MW favours small simple rudimentary ones, like a screened porch with a roof, maintaining the camping experience);
- P.14(3.3) & P.15(4) Submerged power, tel/com and waterlines~ MW to collect rainwater and the joint Owners of Sand Island will likely abandon a water licence in North Thormanby;
- P.(18) Dwelling Rentals min 30 days;
- P.20 Bare Land Strata - permitted or not actively discouraged;
- P.22(3) Marine Zone - W3 and accreted land (current 2nd Gap lands currently considered W3, not BC Park land) vs Sand Island setbacks from registered property line, not from current but unregistered natural boundary of newly accreted land; This setback could eventually be measured from the Natural Boundary when a new BCLS survey is accepted and registered;
- P.25 RR1 Density: MW requests recognition that Sand Island has two existing dwellings, and that MW wishes to relocate his interest from the 2nd Existing Cabin (1930s) by the cliff-top of NW side of Sand Island to a North beach front site (see attachment #1 -registered survey showing Sand Island at 1.86 ha, smaller that the currently permitted area for 2 dwellings); and attachment #2- recent topographic survey showing 2nd Existing Cabin by northwest cliff-top, and attachment #4.2-showing a recent study for a proposed new Beach Cabin sited on the north end of Sand Island (some work required for conformity to setbacks as discussed.) Nearby is the new Boathouse recently approved & built Dec2011. MW family intends to apply for permits for new Beach Cabin next year, 2013;
- Question? 5.2 RR1 Siting & Size(4) inconsistent with 3.3(4)building & structures 30m setback from natural boundary?

- P.45 Marine Zone M3 & Mooring Buoys: MW requests to maintain a mooring buoy within the Buccaneer Bay M3 zone for water access to property. The anchor for this buoy is located approximately 57m. east from the natural boundary in front of MW's new boathouse by the extreme low tide contour. See attachment #4.1 showing approximate location of mooring buoy and 100m M3 zone boundary.
- P.45 Marine Zone M3 at and nearby 2nd Gap: general comments about some misuse of the M3 lands above the natural boundaries by camper; and some misuse of the lands below the natural boundary by a commercial operator.
A 3rd attachment showing accreted land build up in 2009, illustrating the comparatively dramatic changes since 1995, and have continued as noted on portions of the 2011 topo survey.

I appreciate your comments to these observations and requests regarding the new LUB and the northerly portion of Sand Island.

Cheers
Monty
Montgomery Wood Architect
Vancouver,
(604) 602 0408
www.MontgomeryWoodArchitect.com





Wednesday December 5, 2012
Property Owners of East Trail Island

To the Gambier Local Trust Committee: planner: Sonja Zupanec; szupanec@islandstrust.bc.ca
Cc: David Graham (chair), Jan Hagedorn, Kate-Louise Stamford; jhagedorn@islandstrust.bc.ca
Cc: Garry Nohr (SCRD representative) ; glnohr@dccnet.com

Regarding **Fall 2012 Draft Land Use Bylaw** for East Trail Island.

As a new owner of lots 4 and 18 on East Trail Island I wanted to voice my deep concerns with these draft bylaw changes and am entirely united with the rest of the East Trail Island owners on the following.

We have serious concerns about the inequality and unfairness of E. Trail Island compared to the other Islands in the GIT. We were repeatedly told during the OCP that inequalities would be addressed. When Planner Brody Porter, along with Trustee Jan Hagedorn, and Trustee Louise Bell visited East Trail Island, he noted that it was the most sustainable of all the small islands. He told us our concerns would be addressed and he saw no reason why flexibility could not be applied.

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Signed:

Adrian Franke

Digitally signed by Adrian Franke
 DN: cn=Adrian Franke, o, ou=Univ. of Hawaii Cancer Center,
 email=adrian@cc.hawaii.edu, c=US
 Date: 2012.12.05 09:50:11 -10'00'

Adrian Franke (owner of lots 4+18, East Trail Island)

Sonja Zupanec

From: Bruce & Laura Rea <balrea@gmail.com>
Sent: December-05-12 9:19 PM
To: Jan Hagedorn; Sonja Zupanec; glnohr@dccnet.com
Subject: new bylaws for E. Trail Island

In regards to the new by laws for Trail Island.

I have concerns in three major areas.

1. The official community plan. Already enacted by the Gambier Local Trust Committee, this has removed our ability to have two residences per residential lot. **We purchased our lots under bylaw #96** which allowed two dwellings per lot. **I formally request grandfathering this right into perpetuity.**

2. Draft administrative by-law. Specifically, fines for by-law infractions at \$2000 per day per infraction. Summary statements from Miles Drew states "more sensible for dealing with minor offences than the court system" and "another tool for by-law officers to resolve disputes in a cost-effective and timely manner." I disagree that \$2000 per day is cost-effective, certainly not for ourselves. And timeliness we are always restricted by accessibility to the island to attempt to deal with any such issues due to distance and weather. This is much **too punitive.**

3. Land-use Bylaw.

a) ZONING:

East Trail Island is the only **island** zoned (SRR) Small Lot Rural Residential, aside from the high density (read: **small lots**) "Oaks Point" **development** on North Thormanby. All of the other Gambier associated islands have minimal zoning of (RR1) Rural residential 1.

The three consequences of this zoning change results in us **not** able to have 3 accessory buildings, **not** able to build to a maximum height of 11 metres, and **not** able to build an accessory building to a maximum height of 17 feet. **East Trail Island has nothing in common with the density of the Oaks Point development.** Evidence of this can be found in the applicable "floor area ratio" (FAR) allowance "being increased to 20 percent." That means, on a **small lot**, that the maximum surface area of a building can be 20% of the lot surface area. This is ridiculous in the context of Trail Island. **We do not have "small lots".** This just highlights that we are completely unfairly lumped in with the Oaks Point high density development on Thormanby. As for height restrictions, the SRR changed to 9 metres (from 11) is supported by the comment "seems excessive for small lot areas." The above really **directs us to demand zoning on East Trail Island to be changed to RR1** consistent with all other islands in the Gambier Associated islands Trust area. Accessory building height limitations at 12 feet (instead of 17) from grade is unworkable. Simply add up height of foundation, wall, and appropriate roof pitch and this is not practical nor feasible.

As a point of interest, what exactly is "Buccaneer Bay Holdings" (RR2)... will have a density of 63 units, including a 10 vehicle garage and 5 boat houses?

b)WATER ZONING: (of note--**the original by-law #96 had no water zoning**). Marine foreshore "M1" states mooring buoys are "accessory to residential use of an **UPLAND**lot." East Trail Island is extremely exposed and has one side with protected areas for moorage. This would be the only area for mooring buoys. Yet this would contravene this water zoning for all but the owner of the upland lot on the protected side of the island. This is unworkable. **We cannot have the buoy restrictions of M1**

As another point of interest, what about the Mariner's right of access with tugs and log booms?

Marine Foreshore M2 is the current zoning in front of the public road access in the cove. **"The cove" (in front of the public road R.O.W. and lots 22, 23) remains the only protected moorage site for the island.**

Sincerely,
Bruce Rea
Lot 7
East Trail Island

Sonja Zupanec

From: jearch@axion.net
Sent: December-05-12 10:11 PM
To: Sonja Zupanec
Cc: Jan Hagedorn; David Graham; Kate-Louise Stamford; glnohr@dccnet.com
Subject: New ByLaws for East Trail Island

Dear Sonya,

As a member of the small community of East Trail Island I have been witness to the ebb and flow of process with the Small Islands OCP that has been the topic of much debate.

In light of the proceedings my wife and I feel the need to support our neighbours in addressing the concerns of maintaining the "spirit" of the existing rights of property use as they relate to our particular island and more importantly preserving the clarity of right to access; namely water access in the form of a proposed community dock. I know that a marine zone has been proposed for this type of thing but there is a legitimate fear of how it has been presented. In this case all I ask for is clarity in recognition of our particular concerns and ensuring that an economical solution is viable. We also ask for clarity in the means of applying fines within the structure proposed By Laws. If there were any violations to the proposed bylaw do you have a specific range in fines? If so what is the breakdown... how would this be enforced and by whom?

I recognize that this is coming down to the last minute but these concerns have been raised since the beginning of public hearings and we felt the need to make this final point in support of our local community.

Respectfully,

Jonathan and Diane Ehling , Lot 10, East Trail Island.

Sonja Zupanec

From: LynnLeboe <binoptix@gmail.com>
Sent: December-05-12 10:04 AM
To: Sonja Zupanec
Cc: Jan Hagedorn; David Graham; Kate-Louise Stamford; glnohr@dccnet.com
Subject: SCRD Islands: concerns and solutions - East Trail Island Land Use Bylaw

Importance: High

Thursday, Dec 5, 2012

From: Property Owners of East Trail Island

To the Gambier Local Trust Committee: planner: Sonja Zupanec,

Cc: David Graham (chair), Jan,Hagedorn, Kate-Louise Stamford,

Cc: Garry Nohr (SCRD representative)

Regarding Fall 2012 Draft Land Use Bylaw for East Trail Island:

Dear Planner & Trustees,

After much community discussion and collaboration this letter has been approved by all of the available property owners of East Trail Island. We have serious concerns about the inequality and unfairness of E. Trail Island compared to the other Islands in the GIT. We were repeatedly told during the OCP that inequalities would be addressed. When Planner Brody Porter, along with Trustee Jan Hagedorn, and Trustee Louise Bell visited East Trail Island, he noted that it was the most sustainable of all the small islands. He told us our concerns would be addressed and he saw no reason why flexibility could not be applied. Therefore we list our most serious concerns with the Draft 2012 Land Use Bylaw.

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We have copied Mr. Garry Nohr on this correspondence as we are requesting the SCRD does not sign off on this bylaw as it stands.

Sincerely,

Property Owners Lot #17, East Trail Island

Lynn Leboe, Steve Grice,

David Grice, Jon Grice, Dan Grice

778-240-5188

Sonja Zupanec

From: Karl Gustavson <karl@kgarchitect.ca>
Sent: December-07-12 9:36 AM
To: Sonja Zupanec
Cc: 'Jay Munsie'
Subject: thormanby
Attachments: proposed zoning 12dec05.docx

Sonja

I am following up for Jay Munsie as he is away. I know that you have had discussions with some of the property owners of the old BC Tel lots 1 -9. The attached proposed zoning amendments for these lots have been reviewed and approved by all of the lots 1 – 9 property owners. I have e-mail confirmations from all if you need them.

It is my understanding that you are willing to consider these amendments. For us it is critical for you to understand the site specific concerns of the bank and high water to these lots. These are the same concerns that I addressed at the very beginning when you conducted the island tours. With these amendments it will help in the long term as mother nature continues to take its course.

I appreciate all of the effort you have put into this. If you have any questions on wording or intent please let me know. In addition, I would like to better understand what is now happening on the 13th as I see a special meeting has been scheduled for West Vancouver. Does this now mean that first reading has been postponed pending additional public input. I would also like to know what other correspondence you have received from Thormanby property owners regarding the current draft document.

Regards,

Karl W. Gustavson MAIBC, MRAIC, LEEDtm
Office: 604.926.1649
Cell: 604.644.4548
karl@kgarchitect.ca
www.kgarchitect.ca

Site-Specific Regulations

(11) The following table 5.1 denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location for reference, with zone boundaries defined on Schedule B, where the specific regulations cited in column three apply:

Table 5.1

Site-Specific Zone	Location Description	Site Specific Regulations	Comments
	Lots 1 through 9 inclusive of District Lot 1017, Plan 5972 (BC Tel cottages Row) North Thormanby Island	1. Despite 5.1(4) the maximum number of accessory buildings permitted in the SRR(b) zone is two (2) per lot exclusive of utility, woodsheds and water towers	<i>This is consistent with Trail Island</i>
	Lots 8 and 9 inclusive of District Lot 1017, Plan 5972 (BC Tel cottages Row) North Thormanby Island	2. Despite 5.1(6) the minimum setback for any buildings or structure in the SSR(b) zone is: (a) For Lot 8, <@> (to be determined by survey) metres, (b) For Lot 9, <@> (to be determined by survey) metres, from any lot line abutting a road allowance. Decks under 1.2 meters in height are not included in calculating the setback from any lot line abutting a road allowance.	<i>To be determined by survey prior to final bylaw adoption based upon the siting of the existing cabins so that it is consistent with historic setbacks to the road allowance.</i> <i>This is a direct result of the smaller size of these two lots, the bank location and previous slides limiting the buildable area.</i>
	Lots 1 through 9 inclusive of District Lot 1017, Plan 5972 (BC Tel cottages Row) North Thormanby Island	3. Despite 5.1(6) (b) the minimum setback for any buildings or structure in the SSR(b) zone is 1 metre from any rear Lot line.	<i>The front of many of the properties is subject to tidal flooding (pictures previously submitted as evidence of this).</i> <i>Except for the northerly most lots, the properties abut or actually are partially on the Bank of the adjacent 10 Acre parcel limiting any potential impact to this lot.</i>

Sonja Zupanec

From: John Simson <jssimson@belmontmanagement.com>
Sent: December-07-12 2:53 PM
To: Sonja Zupanec
Cc: Al Hailey; Greg (Work) Emry
Subject: RE: LUC update

Hi Sonja.

You are right. I thought I had drawn "good" plans which I can't find. I have looked at my rough drawing done on site with Bunny and the area is roughly 5,332 sq. ft. so when we spoke I used 5,400 sq. ft. to account for a bit of give and take, ie 68 sq. ft. This square footage houses 28 vehicles. ATV's are considered vehicles in our calculation.

Please accept this e-mail as our request to include the above numbers and sizes in Permitted Uses (1) c in order to make us conforming as of today. As you are aware there are more than one building so reference to number of buildings should be eliminated.

As I carry all my important papers around in recycling cloth bags it's easy to lose them. I feel confident with these figures.

I have read your revamped RR2 draft which looks fine other than we feel that in clause 3 under Siting and Size at the end you should insert after (6.1feet) "measured from the inside walls". You had included it in the Fall Draft and this is consistent with how we have always measured our space and is consistent with communication we have received from your office on earlier occasions.

Hope this helps but if you want more info please yell.

Have a good week-end.

Cheers,
Js

From: Sonja Zupanec [<mailto:szupanec@islandstrust.bc.ca>]
Sent: December-07-12 1:26 PM
To: John Simson
Subject: RE: LUC update

Hi John,

I don't have any drawings but I do have a note that you have 5,400 square feet presently. If you can submit something to that effect (request for X square feet for X # of jeep sheds) then I can take it from there.

Thanks John!

Sonja

From: John Simson [<mailto:jssimson@belmontmanagement.com>]
Sent: December-07-12 1:23 PM
To: Sonja Zupanec; alhailey@dccnet.com
Cc: Greg (Work) Emry
Subject: RE: LUC update

Thanks Sonja.

Did I send you an e-mail earlier with a drawing of jeep sheds? I thought I may have when we spoke about sixes and numbers but my filing system is very poor!! If you don't have it I'll search. We may have just discussed the areas on the phone.

Thanks for your time yesterday and your efforts to try and sort it all out. We're happy to try and make it easier for everyone to interpret 50 years from now.

Bunny is gone today and I'm around all next week.

Cheers,
js

From: Sonja Zupanec [<mailto:szupanec@islandstrust.bc.ca>]
Sent: December-07-12 1:15 PM
To: John Simson (jssimson@belmontmanagement.com); alhailey@dccnet.com
Subject: LUC update

Hi John and Al,

Thanks for the call yesterday. I wanted to give you a heads up that I will be recommending that the LTC consider the attached minor revisions to the RR2 zone based on our internal analysis of your Land Use Contract. We're now confident that the LUB regulations can be incorporated as drafted (see attached) because of this clause in your LUC:

(d) Nothing in this Contract shall be read or construed so as to prevent the owner from using the Land in conformity with any applicable zoning by-law for the time being in force on South Thormanby Island.

In other words the LUC has been drafted to give the owners the benefit of any greater rights written into the zoning but to entitle them to take advantage of the LUC when/if the zoning affords lesser rights.

If you want to take this opportunity to verify the jeep shed issue than please forward the maximum floor area information to me as soon as possible – to coincide with exactly what you have on the ground now. Staff can recommend to the LTC that be inserted into the zone.

I'll be recommending we take out Schedule A-1 to show the siting of the cabins, so that we refer to the LUC for those details.

Sorry for the confusion around how we'll mesh the new LUB with the LUC provisions. We're ironing out the bugs!

Sonja Zupanec

From: Allan <ab.meyer@shaw.ca>
Sent: December-07-12 10:49 PM
To: Kate-Louise Stamford; Jan Hagedorn; David Graham; Sonja Zupanec; glnohr@dccnet.com
Cc: Paul and Merete Meyer
Subject: Draft SCRD Associated Island Land Use Bylaws ...Concerns and Proposed changes for Dec 13, 2012 meeting of Gambier Local trust Committee
Attachments: Trail Island Property Holder LUB Concerns 04Dec2012.pdf; Regarding Land Use Bylaw for East Trail Island.docx

December 7, 2012

Attn: Gambier Trust Committee, Planner, Gary Nohr

We the owners of lots 24 & 25 East Trail Island enclose the following 2 attachments: the first being a file attachment of our specific concerns and requests regarding this LUB draft document, the second being a copy of a letter from a number of East Trail Islanders as a group to show our general support for the spirit of proposals outlined there as well. In fact we have not found a single East Trail Island property owner who is supportive of the proposed land Use ByLaws.

It is my understanding that the "meeting agenda" has already been produced. I would request that this letter and most importantly the 2 attachment letters be both submitted electronically to all committee members and copies be submitted to the Dec 13th meeting for inclusion as a "late" item. Finally I would request that these be reviewed and considered in discussion at the Dec 13th meeting.

Thank you

Allan Meyer

Copy of November 29, 2012 letter from a number of East Trail Islanders:

Gambier Island Local Trust Committee

Attn: Sonya Zupanec, planner, David Graham (chair), Jan Hagedorn, Kate-Louise Stamford,
Gary Nohr (SCRD representative)

December 4, 2012

Re: Lot 24 & 25 East Trail Island Property Owner Comments Regarding the Fall 2012 Draft Land Use Bylaw (LUB)

The owners of lots 24 and 25 have significant concerns regarding the Fall 2012 draft land use by-law proposal, as outlined below. While we generally support a common letter from fellow islanders we want to be on record for the following commentary:

We have concerns in 4 major areas:

1. Fines: Fines for by-law infractions at \$2000 per day per infraction is excessively punitive. Kindly recognize that the average time spent on East Trail Island may be as little as a few days per year by any given landowner, and with further accessibility restrictions to the island due to distance and weather, this clause is much too punitive... this has the capacity to exceed the values of the property within 2-3 months for a single infraction!!!

REQUEST: THIS CLAUSE FOR BY-LAW INFRACTIONS TO BE REMOVED OR DRASTICALLY REDUCED

2. SRR versus RR1 Zoning: Land Use Bylaw Zoning Change – “SRR” Zoning regulations unfairly subject East Trail Island’s average property sizes of 2.1 acres to the same regulations found on high density/small lot developments.

East Trail Island is the only island zoned (SRR) Small Lot Rural Residential, aside from the high density "Oaks Point" development on North Thormanby. All of the other Gambier associated islands have minimal zoning of (RR1) Rural residential. Indeed, even the “Surrey Islets” near Thormanby are zoned RR1...despite their lot size averaging about an acre! Why this blatant inequity and unfairness towards taxpayers of E Trail Isl.?

The consequences of this zoning change are that we are:

- **not** able to have 3 accessory buildings
- **not** able to build to a maximum height of 11 meters, and
- **not** able to build an accessory building to a maximum height of 17 feet.

East Trail Island has nothing in common with the density of the Oaks Point development.

The suggestion has surfaced from the trust committee/planner that these issues could be dealt with on a case to case basis through application for “Variance”. We think this would be unnecessarily complex, costly, unfair, nonsensical and divisive to the small community we are.

REQUEST: WE CHALLENGE THAT THIS “SRR” ZONING DESIGNATION IS COMPLETELY WITHOUT MERIT AND INSIST THAT WE AT THE VERY LEAST HAVE ZONING PARITY WITH ALL THE OTHER ASSOCIATED ISLANDS IN THE GAMBIER DISTRICT ... THAT OF RR1 –notwithstanding concern number 4 below.

3. Water Zoning Issues: Draft LUB introduces Water Zoning, which inadequately provides for safe access and moorage to unprotected East Trail Island (original by-law #96 had no water zoning).

East Trail Island is extremely exposed and has generally had one side with protected areas for moorage although with certain weather patterns a number of different sides of the island may be used to find respite for safe moorage. The restrictive M1 zoning impacts this needed flexibility severely.

This issue is absolutely critical. Not only will most of the 26 lots lose access to safe moorage, they essentially lose effective access to their properties as a result. This raises grave concerns for safety of the property owners and public. Accessibility also has a direct impact on utilization, enjoyment, and values of our cherished East Trail Island waterfront properties

Marine Foreshore M2 is the current zoning in front of the public road access. This area is in the cove, but is only 40 feet wide, with a reef in direct line, rendering this M2 zone inadequate. **"The cove" (in front of the public road right of way and lots 22, 23) remains the most protected moorage site for the island.**

So as a community we sit with an impending catastrophe as far as access to our properties on East Trail Island goes. We haven't even examined safe and secure access for those with physical disabilities and how this zoning can impact that.

This untenable situation has surfaced with the apparent desire to ideologically zone the foreshore surrounding the island.

REQUEST: WE REQUEST A MINIMUM OF M-2 ZONING SURROUNDING ALL OF THE ISLAND. It requires flexibility. There may even be need for M-5 zoning. If effective/functional zoning cannot be enacted, then NO marine zoning would be preferable.

4. Number of Dwellings: The LUB proposal officially downzones East Trail Island properties, removing our ability to have two residences per lot. East Trail Island's 26 lot subdivision was approved by the Ministry of Transportation prior to the creation of Islands Trust. We purchased our lots under bylaw #96 which allowed two dwellings per lot. The OCP enacted in 2011 refers to historical use.

REQUEST: WE FORMALLY REQUEST GRANDFATHERING THIS RIGHT INTO PERPETUITY

SUMMARY & FINAL REQUEST:

We are extremely troubled by the unilateral extinguishment of property rights and the failure to permit or provide safe and secure access to East Trail Island, with the consequential loss of investment and safe public enjoyment of the properties that were purchased with the intention of multi-generational use.

IF OUR CONCERNS CANNOT BE ADEQUATELY ADDRESSED, WE FORMALLY REQUEST THAT GARY NOHR REPRESENTATIVE, SUNSHINE COAST REGIONAL DISTRICT, REFUSE TO ENDORSE THE BYLAW.

Respectfully,

Allan Meyer, Paul Meyer

Sonja Zupanec

From: Wendy Harrington <wendyharrington@telus.net>
Sent: December-09-12 12:31 PM
To: Sonja Zupanec
Subject: Tiki Measurement Confirmation

Hi Sonja,

Rob and I were at Tiki Island yesterday in order to confirm the distance between each dwelling. It appears the original owners made sure the three dwellings were equal distance from each other – almost to the inch (or centimeter). So as closely as we could measure, there is 123 feet from Kleinman to Ritco's dwelling, and 123 feet from Ritco to Harrington's dwelling. We believe this would allow sufficient room for the 20 metre setback provision you are recommending between each dwelling.

Regards, Wendy

2530 Queens Avenue
West Vancouver, B.C.
Canada V7V 2Y8
wendyharrington@telus.net

Sonja Zupanec

From: Eunice Robinson <eunice@dccnet.com>
Sent: December-09-12 10:34 PM
To: Kate-Louise Stamford; David Graham; Jan Hagedorn; Sonja Zupanec
Cc: Lynn Leboe - Binoptix; Heather; Paul Meyer; Allan Meyer; valerie & thor Hugdahl; Dortha Lang; peter hall; Dianne & jonathan Ehling; Bruce & Laura Rae; Chip Lang; Christoph; garymorrison@gmail.com; Leif Pedersen; Adrian Franke; andes_concrete@hotmail.com
Subject: Upcoming Land Use Bylaw - East Trail Island

Hello Trustees & Planner,

There has been considerable communication amongst the East Trail Island owners these past couple of weeks, and I know you have received many communications too.

At this time, we cannot identify anyone who wishes the bylaw to proceed as is. Everyone agrees to the RR1 and to the 3200 sq ft coverage in exchange for the guest cabin or 2nd dwelling. Everyone is in agreement for flexible zoning around the entire island.

So to summarize, please do not approve the proposed Land Use Bylaw.

Regards,
Eunice Robinson

From: Mark Hugdahl [<mailto:Mark.Hugdahl@alsglobal.com>]
Sent: December-12-12 8:52 PM
To: JKStamford@islandstrust.bc.ca
Cc: Glnohr@dccnet.com; Sonja Zupanec; Jan Hagedorn; David Graham
Subject: Summary of E Trail Landowner Positions re Draft GIT Land Use Bylaw

Dear Kate-Louise,

As you know, several landowners from East Trail Island have submitted letters outlining concerns of East Trail Island property holders with the draft GIT Land Use Bylaw. I believe that you had asked Lynn Leboe for a summary of the positions of all the East Trail property holders regarding various elements of the draft bylaw, and in particular regarding opposition to the loss of the right to a 2nd dwelling on our properties, and regarding support for a proposal to instead permit zoning of a guest cabin (as 1 of up to 3 accessory buildings) in lieu of the full second dwelling.

I have today compiled a concise, 1 page summary of the general positions of East Trail property holders in regards to the draft bylaw (please see attached). I was unable to contact 2 property owners, for whom we have no contact information. All other property owners have been contacted and are included in the summary.

I know this is a last minute submission, but I sincerely hope that this information can be used to facilitate discussions at tomorrow's meeting. I have also provided this table to all the East Trail property holders for their reference.

Best Regards,
Mark Hugdahl (Lot 1)

Summary of East Trail Island Landowner Positions re Draft GIT Land Use Bylaw (12 Dec 2012)

East Trail Property Owners	Lot Number	Opposed to Draft Bylaw	Supports RR1 (instead of SSR) for East Trail	Supports Marine Zoning All Around E Trail to permit Community Dock(s) & Mooring Buoys, Emergency access	Opposed to \$2000 per day bylaw infraction fines (as written 13Dec2012 bylaw version)	Opposed to Loss of Historical Right to 2nd Dwelling	Supports 2nd Dwelling Compromise (3200sf max, 3 accessory buildings including 1 guest cabin - see below)	Sent letter to GIT?	Comments
Hugdahl, Tor & Valerie	1	✓	✓	✓	✓	✓	✓	✓	
White?	2	?	?	?	?	?	?	no	Unable to contact, no response from realtor
White?	3	?	?	?	?	?	?	no	Unable to contact, no response from realtor
Franke, Adrian, & Halm, Brunhilda	4	✓	✓	✓	✓	✓	✓	?	
Karpon?	5	?	?	?	?	?	?	no	Unable to contact, no contact information
Scott, Heather	6	✓	✓	✓	✓	✓	✓	✓	
Rea, Bruce & Laura	7	✓	✓	✓	✓	✓	✓	✓	
Schmitz, Christop & Elizabeth	8	✓	✓	✓	✓	✓	✓	email	
Toohey, Rob	9	✓	✓	✓	✓	✓	?	email	
Ehling, Jon & Dianne	10	✓	✓	?	✓	✓	?	✓	Supports consensus of neighbours, needs more info re marine zoning
Morrison, Gary	11	✓	✓	✓	✓	✓	✓	no	
Lang, Karl & Dortha	12	✓	✓	✓	✓	✓	✓	pending	Unclear on how zoning changes would impact current breakwater & dock
Lang, Karl & Dortha	13	✓	✓	✓	✓	✓	✓	pending	Unclear on how zoning changes would impact current breakwater & dock
Lang, Karl & Dortha	14	✓	✓	✓	✓	✓	✓	pending	Unclear on how zoning changes would impact current breakwater & dock
Robinson, Barry, & Todd, Eunice	15	✓	✓	✓	✓	✓	✓	✓	
Robinson, Barry, & Todd, Eunice	16	✓	✓	✓	✓	✓	✓	✓	
Leboe, Lynn, & Grice, Steve, Jon, David, & Dan	17	✓	✓	✓	✓	✓	✓	✓	Requires 2nd dwelling exception for Lot 17, building in progress
Franke, Adrian, & Halm, Brunhilda	18	✓	✓	✓	✓	✓	✓	?	
Lang, Karl & Dortha	19	✓	✓	✓	✓	✓	✓	pending	Unclear on how zoning changes would impact current breakwater & dock
Hall, Peter	20	✓	✓	✓	✓	✓	✓	no	
Ahumada, Nelson	21	✓	✓	✓	✓	✓	no	no	Strongly opposed to loss of right to 2nd dwelling
Pedersen, Leif A	22	✓	✓	?	✓	✓	?	no	Supports collective efforts of E Trail landowners
Lang, Karl & Dortha	23	✓	✓	✓	✓	✓	✓	pending	Unclear on how zoning changes would impact current breakwater & dock
Meyer, Allan & Paul	24	✓	✓	✓	✓	✓	no	✓	Strongly opposed to loss of right to 2nd dwelling
Meyer, Allan & Paul	25	✓	✓	✓	✓	✓	no	✓	Strongly opposed to loss of right to 2nd dwelling
Lang, Karl & Dortha	26	✓	✓	✓	✓	✓	✓	pending	Unclear on how zoning changes would impact current breakwater & dock

This is a representation of East Trail landowner positions re draft GIT LUB, compiled to the best of my knowledge as of Dec 12, 2012 (Mark Hugdahl, Lot #1).

2nd Dwelling Compromise Proposal: 1 dwelling (max 11m height), max 3200 sf buildout exclusive decks & stairs, 3 accessory buildings (max 17' height) exclusive utility & woodsheds, 1 of which may be a guest cabin.