



Thetis Island Local Trust Committee Minutes of Special Meeting

Date: May 31, 2019
Location: Beban Park Social Centre
 2300 Bowen Road
 Rooms 7 and 8
 Nanaimo, BC

Members Present: Laura Patrick, Chair
 Doug Fenton, Local Trustee
 Peter Luckham, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Miles Drew, Bylaw Enforcement Manager
 Katherine Vogt, Recorder

Others Present: Approximately fourteen (14) members of the public

1. CALL TO ORDER and APPROVAL OF AGENDA

Chair Patrick called the special meeting to order at 1:04 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced herself, local trustees and staff.

By general consent the agenda was approved as presented.

2. COMMUNITY INFORMATION MEETING: RUXTON ISLAND MOORAGE STRUCTURES REVIEW PROJECT

2.1 Presentation on the Project and Proposed Bylaw Amendment No. 103

Planner Eggen summarized the “Ruxton Island Private Moorage Structures Review” staff report, noting that the impetus for proposed Bylaw No. 103 was to amend the current bylaw: ‘Thetis Associated Islands Land Use Bylaw No.94, 2014 (Land Use Bylaw),’ so as to prevent the unintentional allowing of marine and foreshore structures with negative visual and environmental impacts; and to provide clarity that private docks and dock-like structures are prohibited.

Planner Eggen described how platforms, boat ramps, equipment, boathouses, stairs, walkways, swim floats and mooring buoys were currently defined and how they would be regulated following adoption of Bylaw No. 103.

2.2 Public Questions and Answer Session

Chair Patrick directed that this portion of the meeting be limited to questions and answers and that comments by members of the public be saved for the Public Hearing portion of the meeting.

Members of the public asked the following questions and were answered by staff:

- Was it possible for a property owner to seek rezoning of an adjacent foreshore to construct a private dock under the new bylaw?
 - Planner Eggen responded yes.
- Do property owners have historical riparian foreshore rights to develop access that supersede Islands Trust Bylaws?
 - Manager Drew responded that common law only stands in the absence of bylaws.
- Was it allowable for large barges or boats connected to large metal ramps to be utilized in place of proper rafts and ramps?
 - Manager Drew responded that if used as a boat it would be allowable, as a float it would not be.
 - Planner Eggen noted that such combinations of structures were allowable under existing bylaws. Under the new bylaw, such structures could be maintained in place as legal non-conforming structures that could not be replaced or moved. Under the new bylaw, such combinations of structures would not be permitted.
- Was the new bylaw pertinent to stairs on private or public property?
 - Planner Eggen responded that it referred to stairs on private property within the 10 metre setback to the sea.
- What if stairs at public access points are too high or wide than what is permitted in the new bylaw?
 - Planner Eggen responded that road rights of way were the property and jurisdiction of the Ministry of Transportation.
- Is there a distinction between permanent and temporary structures in the new bylaw?
 - Planner Eggen responded that there was no distinction between permanent and temporary or seasonal structures in the new bylaw and that swim floats would not be allowed.
- If swim floats were removed from the bylaw would they come under Provincial jurisdiction?
 - Planner Eggen explained the Province won't authorize swim floats so any would technically be in trespass.
- Is there a map available that would visually indicate how site lines and mooring buoys would be permitted?
 - Planner Eggen responded no, acknowledging that it could be difficult to locate public access survey pins and hard to properly situate mooring buoys.
- How can mooring buoys be enforced, given the difficulty of siting them properly?
 - Manager Drew responded that there were no plans by Bylaw Compliance and Enforcement to check on mooring buoys unless a problem developed with impeding of public access. The bylaw was more specifically addressing the possible future problem of public access points being blocked by boats.

- Where is the mooring buoy concern coming from, considering that it didn't seem to be a significant part of earlier discussions?
 - Planner Eggen noted that it was expressed at a Local Trust Committee meeting.

Chair Patrick thanked staff for their information and recessed the meeting at 1:59 pm.

3. PUBLIC HEARING - BYLAW NO. 103

Chair Patrick declared the Public Hearing for Proposed Bylaw No. 103 open at 2:00pm.

Chair Patrick thanked everyone for their input and declared the Public Hearing closed and the Thetis Island Local Trust Committee Special meeting resumed at 2:35 pm

4. BYLAW NO. 103 - for consideration of Third Reading

Chair Patrick called a 12-minute recess at 2:38 pm to allow trustee review of the most recent attendee written submissions. The meeting was recalled to order at 2:50 pm.

Trustees thanked staff for their extensive work and spoke on the following:

- Provincial regulations overriding local attempts to manage swim floats.
- Forward-thinking anchorage systems allowing sustainable boating activities in ecologically sensitive environments.
- Mooring buoy issues being too complex for existing and proposed bylaws.
- Photographs of structures being helpful for determining compliance.

TH-2019-032

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

that Thetis Island Local Trust Committee Bylaw No. 103, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", be amended by deleting subsection 5 of part 5 Zone Section 5.11 Marine Ruxton W3 Siting and Size in its entirety.

CARRIED

TH-2019-033

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

that Thetis Island Local Trust Committee Bylaw No. 103 cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", be read a third time as amended.

CARRIED

TH-2019-034

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

that Thetis Island Local Trust Committee Bylaw No. 103 cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

5. ADJOURNMENT

By general consent the meeting was adjourned at 2:59pm.

Laura Patrick, Chair

Certified Correct:

Katherine Vogt, Recorder