



**Thetis Island
Local Trust Committee
Public Hearing Record**

**REGARDING PROPOSED BYLAW NO. 103 (RUXTON ISLAND PRIVATE MOORAGE STRUCTURES PROJECT)
CITED AS – “THETIS ASSOCIATED ISLANDS LAND USE BYLAW, 2014, AMENDMENT BYLAW NO. 1, 2018”**

Date: May 31, 2019
Time: 2:00 pm
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 Compliance and Enforcement Manager
Katherine Vogt, Recorder

Others Present: There were approximately fourteen (14) members of the public

1. CALL TO ORDER

Chair Patrick declared the Public Hearing for Proposed Bylaw No. 103 open at 2:00pm. She welcomed everyone in attendance and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She introduced herself, staff, trustees, and recorder.

Chair Patrick read the Public Hearing Opening Statement and read from the Public Hearing Procedures Script, noting that members of the public were not obligated to provide their names and addresses before speaking.

2. PROPOSED BYLAW NO. 103 (Ruxton Island Private Moorage Structures Project) cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”.

Planner Eggen summarized that the proposed bylaw was to amend the current ‘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 read the Notice of Public Hearing; spoke on key points of the bylaw; summarized all agency referrals and responses; noted how the statutory requirements for notification had been met; and indicated the location of the complete public hearing binder for members of the public to peruse. It contained eight public submissions received up to May 30, 2019.

Chair Patrick asked that members of the public limit their comments to 3 minutes until everyone had had a chance to speak, after which people could speak again if they chose to; and, that any written submissions be forwarded before the end of the meeting.

3. PUBLIC COMMENTS

Members of the public made the following comments:

- Russ Irish, Ruxton property owner, Lot 11, expressed concern that the proposed bylaw did not presently allow for safe access to a moorage structure and that applications for rezoning might be blocked by the new bylaw.
 - Chair Patrick asked Planner Eggen for clarification on rezoning possibilities.
 - Planner Eggen noted that the new bylaw would not prevent a property owner from applying for rezoning.
 - Manager Drew noted that a rezoned property would have its own set of regulations.
- Bud Cohen, Ruxton property owner, Lot 25 at Whalebone Channel, expressed concern that the geographical differences of all the various Ruxton bays seemed to be ignored by the new bylaws and that most of the time, public access was not impeded by boats.
- Bill of Ruxton Island, Lot 3, suggested that the current Bylaw was unworkable due to geographical differences and that the various anchorages and maritime setups should be left up to the Ruxton Island community to come up with a consensus around appropriate access to landing sites. Also, temporary swim docks should be allowed.
- Wendy, Ruxton property owner, Sand Dollar Bay, agreed with the last two speakers as to the complexities of each bay around Ruxton, noting that Sand Dollar Bay was very narrow and that if the floating dock adjacent to her property which serviced six cabins and six boats for three months of the year was unpermitted, then it would create too many boats haphazardly anchored in a very narrow area. Also, the 30-foot setback proposal would be unworkable. Also, floats that sink into the muck are not as environmentally impactful as many other activities; rather, they create safe havens for plants and other marine life.
- Dennis Rutherford, Ruxton property owner, Lot 57 Herring bay, and also a representative for the Ruxton Island Property Owners Association, commented on the 35 meter buffer for mooring buoys seeming to be a new addition to the bylaw that was not part of the original Advisory Planning Commission (APC) process and should be considered out of scope for the new proposed bylaw. Also, the bylaw seemed more ideologically driven than practical, given that there were no maps to accompany it. Also, pushing mooring buoys further out into rougher waters could be a significant safety issue. This mooring buoy issue should be rethought and struck out of the present proposed bylaw. Other aspects of the proposed bylaw were supportable.
- Ruxton property owner, Lot 69, commented that 35 metre setbacks in the very narrow bays could eliminate three quarters of the mooring buoys, such that access would be made impossible, and safety would be a significant factor. Thus, he was not in support of the proposed bylaw due to this issue. Also, he pointed out that Ruxton Island was different from the other islands in that there were no roads, only easements or pathways; so, there were

no cars or trucks to haul supplies; and, there were no government docks, so everyone had to have their own boats for access and supplies.

- Ruxton property owner, Lot 12, Otter Bay, expressed that there was no way that any of the mooring buoys in Otter Bay would be legal under the new bylaw. Also, he did not recollect this mooring buoy issue being brought up in the past or ever being considered a problem.
- Ab Barrie, Ruxton property owner, Lot 15, Southwest Cliff, noted that he had attended all of the Islands Trust meetings and had very casually brought up the issue of maintaining a clear channel from the landing beaches to open water, because in Otter Bay there was only one level landing beach. However, the mooring buoy issue has developed into an unworkable plan given the 35 metres from low tide and the difficulty in locating roadway pins, so it should be removed from the new bylaw. Overcrowding can be dealt with internally. Also, using the length of a boat to determine the size of a ramp does not make sense. Also, water permeable and ramp is not defined.
- David Scott, North End of Ruxton Island, asked about bylaw enforcement.
 - Manager Drew responded that it would be by complaint.
- Wendy of Sand Dollar Bay who had previously spoken asked about grandfathering of structures.
 - Chair Patrick invited staff to explain grandfathering.
 - Planner Eggen explained that the proposed bylaw, if adopted, would be in effect from that time forward. Anything built before, if it was allowed under the bylaw at the time, would be considered 'legal non-conforming,' a term which was the formal equivalent to the informal term 'grandfathered'. While swim floats are currently permitted under Bylaw No.94, they will be disallowed in the marine zone in the new bylaw, so existing swim floats would be considered legal non-conforming structures if the new bylaw passed.
- Vicky Scott, Ruxton property owner, Lots 40 and 41, expressed confusion around the swim float issue given that it had been previously mentioned that docks were under Provincial jurisdiction. Also, would existing docks that didn't have crown tenure permits have to be dismantled under the new bylaw?
 - Planner Eggen responded that any structure or use in the foreshore area is subject to Provincial Regulations as well as local Land Use Bylaws. It was up to the Provincial Government to enforce regulations around structures built on crown lands.
 - Chair Patrick clarified that you could not go to the Crown to get an existing dock Crown Tenure permitted without first getting rezoning approval from the Islands Trust, under the new bylaw.
 - Manager Drew responded that the Crown does not issue tenure for swim floats, so they are considered in trespass.
 - Chair Patrick clarified that the Crown does issue permissions for docks.

Chair Patrick called three times for any further oral or written submissions. Five written submissions were received from the following attendees: Victory Scott, Ab Barrie, Bud Koch, Dennis Rutherford, and Wendy Stevenson. She thanked all attendees for their input.

4. ADJOURNMENT

Chair Patrick adjourned the Public Hearing at 2:35 pm and announced that the Thetis Island Local Trust Committee special meeting would reconvene to consider options regarding the Bylaws.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Katherine Vogt, Recorder