

**MINUTES OF THE GAMBIER ISLAND LOCAL TRUST COMMITTEE MEETING
HELD ON THURSDAY, JANUARY 31, 2013 AT 10:30 AM
THE MANIL ROOM, GIBSONS PUBLIC LIBRARY
470 SOUTH FLETCHER, GIBSONS, BC**

PRESENT:

David Graham	Chair (via Skype)
Jan Hagedorn	Local Trustee
Kate-Louise Stamford	Local Trustee
Sonja Zupanec	Island Planner (via Skype)
Diane Corbett	Recorder

There were three (3) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:35 am. Chair Graham explained that, due to fog, he and Planner Zupanec were unable to leave Nanaimo to attend the meeting and therefore would be in attendance via Skype from the Islands Trust Northern office.

2. APPROVAL OF AGENDA

The Agenda was adopted as amended by consensus, with the following changes and additions:

- Move item 11.1 GM-RZ-2012.1 after 8.0 Town Hall to accommodate members of the public
- 9.1.1 Email Invitation from Mayor of Lions Bay regarding Howe Sound Community Forum
- 9.2 Letter from Future of Howe Sound Society regarding Future of Howe Sound Forum
- 9.3 Letter from Transport Canada regarding Divestiture of New Brighton Dock, Gambier Island
- 10.1.1 Letter from Mark Hugdahl on behalf of East Trail property owners
- 14.2. Request for discussion by the LTC regarding amendment to the Development Procedures Bylaw
- 14.3 Sunshine Coast Regional District Parks
- 16.2 Request for change of September meeting date and possible relocation.

3. MINUTES

3.1 *Gambier Island Local Trust Committee Meeting Minutes dated December 13, 2012*

ADOPTED

The minutes of the Gambier Island Local Trust Committee meeting dated December 13, 2012 were adopted by consensus with the following amendments: :

- Page 9, item 3.1, first sentence: add “October 25, 2012” after the word “dated”
- Page 5, last paragraph, first sentence: insert “(65.6 feet)” after “20 meters”
- Page 5, last paragraph, second sentence: insert “(36.9 to 37.5 metres)” after “123 feet”

Trustee Stamford discussed an email she received prior to the meeting from Lynne Leboe of East Trail Island, who wished to point out, “as it has an implication to historical use” that “East Trail Island was: A4, not A1. A4 permitted ‘commercial outdoor recreation’ as a permitted use.”

3.2 *Gambier Island Local Trust Committee Special Meeting Minutes dated December 13, 2012*

The minutes of the Gambier Island Local Trust Committee meeting dated December 13, 2013 were adopted by consensus.

3.3 *Section 26 Resolutions Without Meeting*

None.

3.4 *Gambier Island Advisory Planning Commission Minutes*

None.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action List dated January 22, 2013*

Planner Zupanec provided an update on the Follow-Up Action List dated January 22, 2013 and responded to questions.

Chair Graham noted that the status of action number one, the letter from Chair Graham to Transport Canada, should be indicated as “done”.

4.2 *Greenhores Development Workshop*

Planner Zupanec provided a verbal update on the Greenhores Development Workshop scheduled for March 20, 2013. It was noted that an intent of the meeting was to pilot the webinar software and test its functionality and effectiveness in reducing costs.

Staff conversed with trustees regarding the availability of paper copies of information and maps at the event. Staff clarified the workshop would focus on development on the foreshore, and would be an opportunity to present the

ADOPTED

recent shoreline mapping work of the Gambier area. Trustees asked that staff forward a request to the presenters that there be an orientation towards foreshore protection and what that would look like.

Staff advised that advertising for the workshop and webinar was being prepared in-house, and that the public would have an opportunity to pre-register and access information prior to the meeting.

The trustees discussed utilization of the Advisory Planning Commission members to provide feedback on the webinar, and to promote the webinar in their communities.

GM-001-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request the Gambier Island Advisory Planning Commission members: attend the Greenshores webinar workshop on March 20, 2013 for the purpose of providing feedback on the structure of the workshop and commenting on the future use of this technology for information meetings in the Gambier Local Trust Area; and to comment individually to trustees prior to April 5, 2013.

CARRIED

5. CHAIR'S REPORT

Chair Graham had no report.

6. TRUSTEES' REPORT

Trustee Stamford commented that it had been a relatively quiet month. She noted there were some ongoing concerns on Gambier Island regarding proper funding for fire protection. There was no new information on the New Brighton dock divestiture. Trustee Stamford had spoken with Sunshine Coast Regional District Emergency Program Coordinator Bill Elsner regarding emergency service on Gambier Island; the trustee noted she would like this to be looked at in the summer with a public meeting with Mr. Elsner in Brigade Bay/Sea Ranch area. There were some ongoing issues regarding the *Riparian Areas Regulation* regarding which the trustee would consult with Islands Trust planning staff.

Trustee Hagedorn had met with Islands Trust's Grants Administrator in Victoria. The trustee had received a lot of complaints, and referred some people to the Bylaw Officer. She also had some advocacy calls and questions. Trustee Hagedorn indicated she had been working with Sunshine Coast Regional Director Area F Director Lee Turnbull on dog control in Electoral Area F (West Howe Sound).

7. DELEGATIONS

There were no delegations.

8. **TOWN HALL SESSION**

Pete Wieler represented two parties from East Trail Island for whom he was building, Karl Lang and Adrian Franke.

Planner Zupanec discussed with Mr. Wieler the nature of Mr. Lang's active building permit application, under Bylaw No. 96, and noted she had spoken with Mr. Lang about his options and had no new information to offer at this time. Staff pointed out that Mr. Lang had requested a utility building larger than what was allowed and that it would not be possible to request a variance on the use because the current Sunshine Coast Regional District Zoning Bylaw does not permit accessory buildings to be constructed before a principal residence. Staff responded to questions from Mr. Wieler.

The potential timeline for draft Bylaw No. 120 was described; it was possible a public hearing could be held in the coming spring season, with possible adoption by this summer, although there was no set date. Upon adoption of the draft bylaw, there would be allowance for an increased size of utility building.

Mr. Wieler thanked staff for the information and commented that the discussion had been very helpful. It was noted that staff could be contacted if there were any further questions.

11. **APPLICATIONS AND PERMITS**

11.1 *GM-RZ-2012.1 (Reel 17 Investments Ltd.)*

Planner Zupanec reviewed the recommendations of the Staff Report dated January 4, 2013 and responded to questions and comments from trustees regarding the recommendations. Trustees thanked staff for the report and requested a response to the report from the applicant.

Jim Green and **Duncan Clark** were present on behalf of the application, that originally was presented to the Local Trust Committee in October 2012. Mr. Green stated that a report had been submitted in response to questions noted in the staff report.

Mr. Green explained that the purpose of the application was to request rezoning of the upland lot. Points raised by Mr. Green in response to recommendations in the staff report and questions and discussion with staff and trustees included:

- It is unusual to be looking to punitively restrain other pieces of real estate not subject to the application. A covenant to restrict the opportunity to apply for a private dock is not generally brought forward to adjacent parcels. Mr. Green objected that the proposed recommendation was reaching beyond the property under application.
- The applicant expected that the waterfront lots from both phases of development would be using the community dock and was undecided about the two upland lots.
- Mr. Green commented that a community dock would limit people putting

ADOPTED

in their own facility, especially in Cotton Bay because of the way the tide goes out, with a long mud flat.

- The zoning adjacent to lot 477 north, W4 Ecological Reserves, allowed no build-out and thus not docks; the applicant saw no need to add a restrictive covenant to this lot.
- Mr. Green suggested the discussion was potentially about lots produced out of 477 south. The applicant did not own lot 4, which he had sold, and did not think the owner could now be asked to register a restrictive covenant on the title, and that this was an unreasonable request.

Trustee Hagedorn remarked that the Official Community Plan encouraged community docks where possible to reduce the proliferation of private docks and maintain the natural environment. Trustee Hagedorn commented that there had been concerns amongst a number of constituents regarding the proliferation of docks.

Planner Zupanec urged trustees to consider if there should be a restriction on the number of private docks on Gambier Island, and what the purpose of the dock function was. She noted this was an opportunity to do some comprehensive planning for Cotton Bay. Staff remarked that one lot being privately owned does not mean the owner should be excluded from conversation about use of the community dock in Cotton Bay. Staff clarified that knowing which upland lots would benefit from the community dock would enable the opportunity to clean up and maximize the zoning, to ensure clarity for Cotton Bay and look at the build-out of private docks.

Trustee Stamford noted that it was her understanding in discussion with the applicant that this would be a community dock that would service the other waterfront properties. Trustee Stamford pointed out that trustees were being asked to look at the vision for the whole bay. Without any restrictions, there could potentially be seven docks in Cotton Bay. Trustee Stamford emphasized that she did not see that as part of the vision for Cotton Bay.

Mr. Green suggested it would be appropriate to put a restrictive covenant on the lot 14 property, where the community dock was constructed. Mr. Green stated he was opposed to the restrictive covenant with the exception of lot 14 on the property application. He re-stated that it was inappropriate to be reaching beyond this application to adjacent parcels that are not part of the application.

Staff pointed out that the Marine General (W1) zone in Bylaw No. 86 provided a template regarding how to address community docks on Gambier and that restrictive covenants are already a mechanism in place in the land use bylaw for regulating docks where the upland parcel has subdivision potential.

Regarding recommendation number three in the staff report, trustees remarked that it was appropriate for the public to be part of this process regarding structures on the waterfront as it was becoming more of an issue.

ADOPTED

GM-002-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to draft a bylaw for GM-RZ-2012.1 with the purpose to rezone: a) the upland portion of Lot 1 to 'Local Service' to permit community dock access; and b) the water portion to 'Marine General' to permit one neighbourhood dock.

CARRIED

GM-003-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to enter into a cost recovery agreement with the applicant to draft a restrictive covenant for the benefiting parcels to limit the total number of private docks in Cotton Bay and return a copy of the draft covenant to the Local Trust Committee for review prior to a public hearing.

CARRIED

Trustee Stamford stated she had heard and understood the applicant's concerns; she also had seen the spirit of the Gambier Island Official Community Plan to preserve areas and that this would benefit that Official Community Plan generally.

Trustee Hagedorn commented on the importance of the discussion being opened and that this was of value based on what had been seen with the proliferation of docks.

GM-004-2013 It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request that, prior to the Local Trust Committee's final consideration of any amending bylaws related to the subject property, the applicant apply for a Development Variance Permit requesting authorizations for the siting of the rock retaining wall and the width of the walkway pier as constructed on the subject property.

CARRIED

Chair Graham recessed the meeting at 12:11 pm.

Chair Graham re-convened the meeting at 12:21 pm.

9. **CORRESPONDENCE**

Correspondence specific to an active development application and/or project will be received by the Gambier Island Local Trust Committee when that application and/or project is on the agenda for consideration.

9.1 *Letter dated November 22, 2013 from Sunshine Coast Regional District regarding Howe Sound Community Forum*

9.1.1 *Email dated January 28, 2013 from Mayor of Lions Bay Brenda Broughton regarding Howe Sound Community Forum Meeting*

Received.

Trustees voiced support for the forum and for an overarching vision for Howe Sound. Trustee Stamford noted she planned to attend the forum scheduled for February 26, 2013 in Lions Bay.

GM-005-2013

It was **MOVED** and **SECONDED** that the Local Trust Committee agree with the Principles of Cooperation and that Chair Graham should be authorized to sign.

CARRIED

9.2 *Letter dated December 18, 2012 regarding the Future of Howe Sound Forum*
Received. One or both local trustees planned to attend.

9.3 *Letter dated January 28, 2013 from Transport Canada regarding Divestiture of New Brighton Dock, Gambier Island*

Received.

Discussion ensued on the lack of response from Transport Canada in keeping the public informed about the impact of this divestiture.

GM-006-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request Chair Graham to draft a letter to the federal Minister of Transportation outlining the Local Trust Committee's recent history with the divestiture staff and lack of response regarding the New Brighton dock.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

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

10.1.1 *Letter from Mark Hugdahl on behalf of East Trail Bay Property Owners, dated January 30, 2013*

Planner Zupanec reviewed the Staff Report dated January 8, 2013. The draft bylaw had been forwarded to the Sunshine Coast Regional District, with no response received to date. Any further changes would need to be made prior to First Reading.

Discussion ensued on whether to refer the draft to the Advisory Planning Commission. Staff clarified that this could be done. A referral would need to be targeted for specific input. It was noted that landowners within the Gambier Local Trust Area communities had received numerous opportunities to provide input, a broad range of people had provided feedback on the details, and the draft had been vetted by legal council. Trustees agreed not to refer the draft to the

ADOPTED

Advisory Planning Commission.

Trustees supported scheduling a public hearing in West Vancouver the night before the April Local Trust Committee meeting.

Trustees and staff proceeded to discuss some changes to the draft bylaw.

The Local Trust Committee endorsed a change to section 3.3.3, limiting a boathouse to 200 square feet in the foreshore area.

GM-007-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to edit the draft Bylaw No. 120, Section 5.13 Marine Foreshore 2 (M2), section M2(c) to state: "Despite subsection 5.13 (2), a combined maximum dock area of 6500 square feet (603.9 square metres) is permitted below the natural boundary of the sea."

CARRIED

The letter from East Trail Island property owners regarding setbacks in the RR1 zone was received and considered. Topics of the arising discussion included build-out, accessory buildings, rural aesthetic, safety, privacy, and site topography.

GM-008-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to add a new regulation 5.2 (6) to read: "Despite 5.2 (5), for all lots on East Trail Island the minimum setback for any building or structure is 3.0 metres (9.8 feet) for any interior or exterior side lot line and 7.5 metres (24.6 feet) from the front or rear lot line"; and renumber subsequent regulations in subsection 5.2 accordingly.

CARRIED

10.2 *Riparian Areas Regulation Communications*

10.2.1 *Draft Brochure*

10.2.2 *Consultants Report*

Planner Zupanec received feedback from trustees on modifications to the draft information brochure for the Gambier Island Trust Area on the Riparian Areas Regulation. Trustees also provided feedback on a summary of communications options for distributing this material and for engaging the community in related discussions. There was support for use of posters, a link to the brochure on the Islands Trust website, and printed copies in community hubs and at Local Trust Committee meetings, and non-support for a mail-out.

Staff indicated that changes could be made to the draft brochure, which would be brought back to the Local Trust Committee for endorsement.

ADOPTED

12. BYLAWS

- 12.1 *Draft Bylaw No. 120 cited as the “Gambier Associated Islands Land Use Bylaw, 2013”*

Draft Bylaw No.120 was updated by the Island Planner in the Gabriola office during the meeting, incorporating the changes noted under item 10.1.

GM-009-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee give First Reading to Draft Bylaw No. 120, cited as the “Gambier Associated Islands Land Use Bylaw, 2013”.

CARRIED

GM-010-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to proceed with agency referrals and scheduling/notification of a public hearing for Proposed Bylaw No. 120 in April 2013;

And request staff to advise the Sunshine Coast Regional District Board in writing that First Reading has been given to Proposed Bylaw No. 120, and the Local Trust Committee is requesting the Sunshine Coast Regional District Board withhold the issuance of building permits which contravene the intent of the proposed land use bylaw, as per the Letter of Understanding between the Sunshine Coast Regional District and the Gambier Island Local Trust Committee.

CARRIED

- 12.2 *Bylaw Enforcement Notification Bylaw cited as Gambier Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2011*

Trustees had no concerns regarding the Bylaw Enforcement Notification Bylaw. Chair Graham recalled no concerns being raised at the Community Information Meeting in December. Trustee Stamford had received no correspondence from constituents regarding the bylaw.

Trustees noted support for the bylaw and expressed thanks to Bylaw Enforcement Coordinator Drew and to the public that attended the December 13, 2012 meeting.

GM-011-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee give Third Reading to Proposed Bylaw No. 116 as amended, cited as “Gambier Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2011”; and refer the Proposed Bylaw No. 116, 2011 to the Executive Committee for approval.

CARRIED

13. REPORTS

13.1 Work Program Reports

Received. Planner Zupanec outlined current activities of staff in regard to the Top Priorities list.

13.2 Applications Log

Planner Zupanec reviewed the Applications Log Report dated January 22, 2013.

13.3 Trustee and Local Expenses

Received.

14. NEW BUSINESS

14.1 Local Trust Committee Covenants

Trustee Stamford inquired with staff about amenity trails and linear parks dedicated with subdivision, noting that it was common on Gambier Island that these were often not created prior to properties being developed, and that putting in the amenities was more difficult once the properties had been sold. The trustee inquired if it could be stated that an amenity has to be in place upon the sale.

Staff explained that rights-of-way are registered on title and would be apparent to the purchaser who has reviewed the documentation. The Local Trust Committee is the holder of the statutory right-of-way. It is up to the holder to coordinate or create access, which then has to be maintained. The Local Trust Committee could, for the purposes of the right-of-way, direct a group to maintain and develop the trail. There is a limitation on conditions that could be placed on a subdivision's preliminary layout approval by Islands Trust. Staff noted that Islands Trust did not have policy documents to guide the construction of trails.

Trustee Stamford commented that money had been set aside to create a trail in the area of West Bay Road and Grove Road, where land had been dedicated through subdivision, and that she could get further information on this. The trustee further discussed with staff the Austin Trails statutory right-of-way, which would be a possible overland route with development of Cotton Bay area.

Trustee Stamford mentioned that the Gambier Community Association had stated a willingness to take on the identification of trails across Gambier Island and that she had indicated she would support them through the Islands Trust.

14.2 Amendment to the Development Procedures Bylaw

ADOPTED

Planner Zupanec outlined a staff request to the Local Trust Committee to consider an amendment to the Development Procedures Bylaw to enable strata councils to submit applications.

In the process of submitting a rezoning application, Sea Ranch developers had requested a land dedication through a statutory right-of-way rather than as parkland. Strata members had passed a resolution that authorized the strata council to proceed with the application.

GM-012-2013

It was **MOVED** and **SECONDED** that the Gambier Island Local Trust Committee request staff to prepare an amendment to the development procedures bylaw for the Gambier Island Trust Area specific to accepting applications from strata councils; and to proceed with an amendment to the Development Procedures Bylaw for the Local Trust Committee to review at the next meeting.

CARRIED

14.3 *Sunshine Coast Regional District Parks*

Trustee Hagedorn discussed with Trustee Stamford a recent phone call she had with Sunshine Coast Regional District Parks staff member Susan Mason, who was trying to arrange a meeting.

15. **ISLANDS TRUST WEBSITE**

The Local Trust Committee requested that staff post the following to the website:

- Notification of a public hearing for Proposed Bylaw No. 120 in April 2013
- Updated Proposed Bylaw No. 120
- *Riparian Regulation* information

16. NEXT MEETING

16.1 Next Local Trust Committee Regular Business Meeting

The next Gambier Island Local Trust Committee meeting is scheduled for Thursday, March 21, 2013 at Gibsons Library, 470 South Fletcher Road, Gibsons, BC.

16.2 Local Trust Committee Meeting Date Change and Relocation

It was noted that the April business meeting would be held in West Vancouver rather than Gambier Island.

In light of a scheduling conflict for Chair Graham, the date of the September meeting was changed to September 26, 2013.

17. ADJOURNMENT

The Gambier Island Local Trust Committee meeting was adjourned by consensus at 3:07 pm.

Recorder

Chair