



Gabriola Island Local Trust Committee Public Hearing Record

APPLICATION GB-RZ-2016-1 PROPOSED BYLAWS 289 AND 290 Williamson and Associations, Pilot Bay Holdings, and Potlatch Properties

Date of Meeting: Thursday, March 29, 2017
Location: The Haven, Phoenix Auditorium
240 Davis Road, Gabriola Island, BC

Members Present: Laura Busheikin, Chair
Melanie Mamoser, Local Trustee
Heather O'Sullivan, Local Trustee

Staff Present: David Marlor, Director, Local Planning Services
Sonja Zupanec, Island Planner
Becky McErlean, Legislative Clerk
Lisa Millard, Recorder

Media and Others: There was one (1) member of the local media and approximately one hundred fifty (150) members of the public in attendance.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 7:04 pm.

Chair Busheikin read a formal statement explaining the Public Hearing. She stated that all persons who believe their interest is affected by the bylaws would be given the opportunity to express their concerns or present written submissions and that further submissions cannot be received by the Local Trust Committee after the close of the Public Hearing.

2. PROPOSED BYLAWS NO. 289 AND 290

Planner Zupanec reviewed the Public Hearing Notice.

She explained the purpose of the proposed bylaws as follows:

- Bylaw No. 289 was to amend the current Official Community Plan (OCP) to redesignate the subject donor lands from Forestry to Parks and a portion of the receiver lands from Forestry to Resource Residential 2.
- Bylaw No. 290 was to rezone subject donor lands from Forestry to Forestry Wilderness Recreation 1 and subject receiver lands from Forestry and Resource to Resource Residential 2.

4. PUBLIC COMMENTS

The following comments were made by members of the public and have been recorded in the order in which they were made:

Nancy Hetherington Peirce:

- She supports the proposal as the new parkland will be a significant benefit for the community and the environment.
- Concerns raised by the public have been thoroughly addressed by the LTC, Islands Trust Staff and the Applicant.
- She requested that Trustees proceed to third reading.

Jacinthe Eastick:

- She is against the bylaws.
- Part 1 is missing in the Terms of Instrument in the covenant.
- The transfer is not in accordance with the provisions of the OCP.
- On-line legal advisors state that local government should control the process and the covenant, however, the covenant refers to the applicant ensuring things are done properly.
- The LTC should assign the covenant and have it registered with the Land Titles Office to ensure protection should development delays occur.

Kerry Marcus, speaking on behalf of Gabriola Land and Trails Trust (GaLTT):

- She supports the application.
- The application is compliant with the OCP.
- Benefits include raising the amount of protected lands to 12% of total land, additional parks and trails, protection of the Douglas fir zone adjacent to the 707 Community Park and Coats Marsh, watershed protection, greenspace, connection to Cox Community Park and forestry land preservation.
- The trails allow for neighborhood connectivity.

Chuck Connor:

- He supports the transfer and recommended that the LTC adopt the bylaws.
- The connector road is vital for emergency access.
- There is no net increase in building sites.
- The additional parkland is a legacy that will benefit future generations.

Alix Hodson:

- She is against the bylaws.
- The Public Hearing is taking place without a covenant in place.
- There is no guarantee that the configuration of lots will be in compliance with the plan, that cisterns will be required, that setbacks will be in place, that agricultural buffer zones will be created, that there will be prevention of sewage contamination, that development on receiver lands will be prevented, that the RDN will accept the parklands or the lands that have the liability of maintaining a low swath of trees for emergency flight landings.
- The decision needs to be postponed until the covenants are in place.

Andrew Deggan:

- He objects to Bylaw 289 because it does not follow the OCP and changes are being sought for the benefit of a single development.
- This sets a dangerous precedent and raises concerns regarding bias to one particular project.
- The proposal is not density neutral and it is important to follow the processes outlined in the OCP.

Liz Ciocea:

- She is against the proposal.
- Forestry lands should be left for the purpose of future sustainable logging.
- There are hundreds of existing lots to be developed.
- First Nations have been given their lands and might want to develop them.
- There is no provision for a wildlife corridor.
- There is no mention of attainable housing.
- If the Church / Spruce connector is necessary then the land should be attained, paid for and a road put in.
- The OCP should be reviewed before looking at this proposal.

Giselle Rudischer read a statement written by Gail Lund:

- The connector road is valuable and the proposal is favourable to the community.
- She disagrees with the process and Islands Trust Staff are making the decisions rather than the Trustees.
- If the density transfer cannot be done as per OCP policies then this section should be removed from the OCP and future parkland should be paid for in cash rather than densities.

Giselle Rudischer:

- Regardless of legal opinion the density transfer does not comply with the OCP.
- Legal opinions only stand until they are challenged.
- Bylaw No. 290 sets limited lot sizes and there has been an increase of density by two lots.
- There is nothing guaranteeing that the subdivision will be built as per Schedule B plans.
- The bylaws as presented are based on a falsehood and not transparent.

Derek Brindle:

- He supports the application.
- Benefits include 385 acres of legacy lands and a road that will be utilized for public safety and health care purposes.
- Based on reading the hydrological reports he does not understand the concerns about water.
- He believes the process has been done legitimately.

Tom Cameron:

- He is a current board member of GaLTT, is active in Sustainable Gabriola and has worked on trails and parks planning as a profession.
- He supports the application.

- There are land transportation objectives within the OCP which are supportive of this application including reducing auto use and greenhouse gas emissions and increasing bike routes and walking trails.

Sandy Simrose:

- She supports the application.
- The public has been fortunate to have access to trails on private land.
- The parkland is beneficial.
- Ambulance response time will be much faster with access from Church Street.

John Peirce, speaking on behalf of the Chamber of Commerce:

- Over ninety percent of Chamber members responding support the proposal.
- The concentration of existing densities moving from donor to receiver lands will protect from fragmentation of rural areas.
- The emergency services connector will provide direct access to and from Phase 4 as well as an emergency escape route.
- There will be a fifty percent increase in size to the 707 Park, the watershed at Hogan Lake and springs that feed Coats Marsh will be protected.
- It is unfortunate that the proposal did not include provisions for more affordable housing but this is due to the OCP and not the proponents responsibility.

Graham MacDonald:

- He supports the application.
- Benefits include increased parkland and trails, safety provided by the connector road and the environmental advantage of clustering densities close to the village.
- The developer has been accommodating to community concerns.

Carol Elliott:

- She lives on Spruce Road and there is currently only one way out of Phase 4.
- She had to evacuate Fort MacMurray due to wildfires and the connector road will be beneficial.

Jim Ramsey:

- Benefits of the proposal include the additional 300 acres of parkland and the connector road.
- Some community members have issues with the details or process of the density transfer but there is general community support for the project to proceed.

Steve Earle:

- The proposal does not address attainable housing.
- The proponent should consider creating affordable housing.
- The LTC should find ways to create densities for affordable housing close to the village.

Susan Yates:

- The proposal benefits Gabriola by changing political boundaries based on property lines in favour of those based on geological and ecological principles.

- The density transfer puts dwellings in one area and protects another providing long term environmental and social benefits.
- The yearlong discussions between the applicant and the LTC have furthered the benefits to the community including the protection of riparian areas and the stipulation for rain water catchment.

Marilyn Heraty:

- She would have preferred that the covenant be enacted at the same time as the rezoning so that water containment and accesses are guaranteed.
- She has concerns about water availability.
- She is not opposed to the proposal but cannot support it without the covenant in place.

Darcy Boulton:

- He is neutral about the proposal.
- The applicant has built beautiful properties on Gabriola.
- He questioned if future property owners will help develop the community fabric.
- There is concern about losing a large piece of land to private ownership and believes it should remain in the public domain.
- There are concerns about adverse effects on surrounding and existing wells and wondered if there is recourse if it does.

Rob Lumgair:

- He is opposed to the bylaws as the process has not conformed to the OCP in either wording or intent.
- The covenant should be in place prior to approval.
- He is concerned about the effect on local water as well rates have decreased in the area and the hydrogeological survey used old information and did not test current wells.

Mike Phillips:

- Based on the water study he does not believe that water will be affected.
- Benefits include additional parks, marsh land and an emergency road access.
- The concern about the density calculation result of 23 or 25 lots is inconsequential as there are over 3000 privately owned lots on Gabriola.

Konrad Mauch:

- He supports the proposal.
- The process has covered the issues brought up by the community.
- He urges the LTC to proceed.

Heather Menzies:

- Benefits include the connector road, parkland and trails.
- She is concerned about affordable housing and the mosaic of the community.
- Gabriola is no longer diverse in age or economic standing and young people and families cannot afford to live here.
- Islands Trust should take on the larger context of the issues.

- The OCP should be reexamined and a decision should be deferred while public consultations about the OCP and a housing strategy are addressed.

Marie Brannstrom:

- She recently received a copy of an updated conceptual plan of the subdivision and strata road which reasonably addresses her previous concerns about the strata road placement in relation to her lot and home.
- There are no guarantees that the conceptual plan will be the final plan as she has previously been told that Mallett Creek and the pond were to become parkland held by the RDN but that has changed to strata ownership.
- The plan might change if the Ministry of Transportation and Infrastructure (MoTI) finds there isn't potable water.
- The LTC should ensure finalized plans before the bylaws are ratified.

Kathy Logan:

- She is concerned about the effects on existing wells in the surrounding subdivisions
- Pump tests were not completed and the LTC is proceeding on the opinion provided in the hydrogeological report only.

Jacinthe Eastick:

- The draft covenant does not provide the public with all the information that should be provided prior to the public hearing process.
- Part 1 of the Terms of Instrument is missing and there are missing schedules and forms.
- The configuration of the lots that was promised at the outset is also missing.
- The public should not have to go into the Islands Trust office to see the missing reports.
- The LTC should postpone the Public Hearing for three weeks to receive an answer from the RDN regarding their intention of receiving the parklands.

David Swanson:

- He supports the density transfer concept but does not support the way this transfer was done.
- If the same procedures were applied to this proposal as those that were applied to the Legends subdivision there would be thirty additional acres of parkland and five fewer densities.
- He does not trust Islands Trust staff or the LTC to negotiate on his behalf and he would like the OCP formula to be followed.

Mark Smith:

- He supports the proposal as it benefits the community.
- Some members of the community distrust the intent of the developer, however, the developer has said what they will do and have not varied from that.

Brenda Fowler:

- She supports the proposal because it provides a community hub and it has positive attributes to bring to the future community make up.

- She noted that neighborhoods help build social fabric and allow the community to create social values.

Francois Bosman, speaking on behalf of the Doctors at the Health Clinic:

- They are in favour of the proposal due to the emergency access it will create and the addition of parkland to the community.

Jacinthe Eastick:

- She does not agree with the two-minute time limit allowed to speakers.
- She does not like the proposal because the public cannot walk on the streets because it is a strata subdivision and therefore private.
- She is concerned about amenity zoning because it is not being done as per the OCP and exceptions should not be allowed.

Deborah Ferens:

- She does not agree with eliminating a step in the lands re-designation process.
- There might be unintended consequences of re-designating forestry lands for resource residential purposes.
- She would like the LTC to consider creating an ecological preservation zone, to provide a timeline and details for public process on the restrictive covenant, to address what happens to water licenses when the strata corporation owns the property, and what the consequences might be for Mallett Creek and the pond if the strata corporation removes the dam and naturalizes the area.
- She would like the dedication of parkland to occur sooner than the time of first subdivision to ensure community benefit.

Thomas Clemmer:

- There has not been enough information provided to the public to make a decision.
- The developer can change the plans if the proposal has already been approved.
- The proposal should not proceed until the covenant is completed.
- The proposal does not address affordable housing.
- The subdivision appears to be a gated, seasonal community.
- He does not believe that gated communities have a place on Gabriola

David Andrews:

- The covenant needs to ensure that people cannot frack their wells as a resident fracked their well years ago and other wells in the area went dry.

Sophie Arthaud:

- The question about the type of community we want needs to be addressed and discussion about how this proposal will change the community needs to occur.
- The process should be delayed while we determine the type of community we want.

Nick Doe:

- The details of the covenant are important to the community.
- The ecological value of the donor lands on the east side of Coats Marsh are essential for the health of the ecosystem.

- There are currently provisions for one dwelling on the remainder piece of land and if the proposal is accepted the density with that dwelling provision remains.

Eric Boulton:

- There are pros and cons to any development.
- The additional outlet from Berry Point is beneficial.
- There is opportunity to create roads at the developers cost versus taxpayers cost.
- No one can guarantee who will purchase the lots or what type of housing those individuals will construct.
- The proposal should proceed.

Gordon Bell:

- The covenant, as well as the issue of well testing, should proceed prior to approval of the bylaws.
- The issues that are coming up can be resolved.

Giselle Rudischer:

- The community has indicated they want to see the details of the covenant before being asked if they support or oppose the proposal.

Liz Ciocea:

- Parks are not wildlife corridors and these corridors are critical to ecological processes.
- The proposal does not address wildlife protection.
- It is not clear if the connector road is for emergency use only or for public use.

Thomas Clemmer:

- If there is concern about fire and emergency services having access and a road is required, then taxpayers might need to pay for it rather than using this process to get a road.

Jill Yuzwa:

- She has heard interesting points about a longer-term vision of the community as well as the fact that the OCP is dated.
- The OCP predates the internet.
- If the OCP does not reflect the voice of current community members an application of this gravity should not be considered.
- The LTC should defer its decision.

Jamie Lawrence:

- He opposes the proposal because it adds many new water users during a time of global warming and threat of drought.
- All the water on Gabriola comes from rain which depends on climate and the climate is changing.
- Pump tests might show the amount of water on a particular day but they don't tell us anything about future capacity.
- The community needs to take a longer-term view of water potential.

Dixon Kenny:

- The LTC has heard from many organizations and community members that support the proposal and the benefits include parklands, trails and the emergency road.
- The water concerns have been investigated and he does not see downsides to the proposal.
- The LTC should proceed.

Linnet Kartar:

- One of the responsibilities of Islands Trust is to zone lands but is the social fabric and needs of Gabriola being considered?
- Affordable housing and housing availability is a concern and if the application included something to address these issues she would be more supportive of it.

Chair Busheikin asked the public for any other comments or submissions. The Chair asked again for any further comments or submissions. The Chair asked a third and final time for submissions. Hearing none, Chair Busheikin closed the meeting.

17. ADJOURNEMENT

By general consent, the meeting adjourned at 8:52pm

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

Lisa Millard, Recorder