



A NOTICE OF A BUSINESS MEETING OF **THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:15 AM on Thursday, October 10, 2013 at the Women's Institute,
476 South Road, Gabriola Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		10:15 am
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Special Meeting Minutes of June 26, 2013 – <i>for adoption</i>	1-7	
3.2	Local Trust Committee Public Hearing Record of July 18, 2013 and September 5, 2013 – <i>for information</i>	8-10	
3.3	Local Trust Committee Public Hearing Record of September 4, 2013 – <i>for information</i>	11-19	
3.4	Local Trust Committee Meeting Minutes of September 5, 2013 – <i>for adoption</i>	20-29	
3.5	Section 26 Resolutions Without Meeting – <i>none</i>		
3.6	Gabriola Island Advisory Planning Commission Meeting Minutes - <i>none</i>		
3.7	Mudge Island Advisory Planning Commission Meeting Minutes - <i>none</i>		
3.8	Gabriola Island Agricultural Advisory Commission Meeting Minutes - <i>none</i>		
4.	BUSINESS ARISING FROM MINUTES		
4.1	Follow-up Action List dated October 1, 2013 - <i>attached</i>	30-34	
4.2	Gabriola Eagle Nest Mapping Proposal		
4.2.1	Staff Report dated September 30, 2013 - <i>attached</i>	35-39	
4.3	Mudge Island Advisory Planning Commission Appointments – <i>for discussion</i>		
5.	CORRESPONDENCE		
	<i>"Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application or project is on the Agenda for Consideration"</i>		
5.1	Email response dated September 5, 2013 to Gabriola Local Trust Committee from Ministry of Forests, Land and Natural Resource Operations regarding the Gabriola Rod, Gun and Conservation Club Potential Water Contamination - <i>attached</i>	40	
6.	REPORTS		
6.1	Work Program Reports		11:20 am
6.1.1	Top Priorities Report & Projects List dated October 1, 2013 - <i>attached</i>	41-44	
6.2	Applications Log		
6.2.1	Report dated October 1, 2013 – <i>attached</i>	45-48	
6.3	Trustee and Local Expenses		
6.3.1	Expenses posted to September 30, 2013 - <i>attached</i>	49	

- | | | | |
|------------|---|-------|----------|
| 7. | NEW BUSINESS | | |
| 7.1 | 2014 Meeting Schedule – Change May 15 to May 14, 2014 | | |
| 7.2 | Gabriola Telephone Directory Renewal – <i>attached for discussion</i> | 50 | |
| 8. | TRUSTEES' REPORT | | 11:50 am |
| 9. | CHAIR'S REPORT | | |
| 10. | REGIONAL DIRECTOR'S REPORT | | |
| 11. | DELEGATIONS | | |
| 11.1 | City of Nanaimo – Presentation regarding the Nanaimo South Downtown Waterfront Initiative | | |
| 12. | TOWN HALL SESSION | | |
| 13. | APPLICATIONS AND PERMITS - <i>none</i> | | |
| | BREAK | | 12:15 pm |
| 14. | LOCAL TRUST COMMITTEE PROJECTS | | 12:35 pm |
| 14.1 | Official Community Plan/Land Use Bylaw Review | | |
| | 14.1.1 Parks Rezoning | 51-81 | |
| | Staff Report dated September 19, 2013 – <i>attached</i> | | |
| | 14.1.2 Riparian Areas Regulation Implementation | 82-83 | |
| | Staff Report dated September 30, 2013 - <i>attached</i> | | |
| 15. | BYLAWS | | |
| 16. | ISLANDS TRUST WEBSITE | | |
| | Gabriola Pages – <i>for discussion</i> | | |
| 17. | NEXT MEETING: | | |
| | Thursday, November 28, 2013 at 10:15 a.m. at the Women's Institute, 476 South Road, Gabriola Island, BC | | |
| 18. | TOWN HALL SESSION – <i>time permitting</i> | | |
| 19. | ADJOURNMENT | | 1:30 pm |

*Approximate time is provided for the convenience of the public only and is subject to change without notice

**Minutes of the Special Business Meeting of the
Gabriola Island Local Trust Committee
Held on Wednesday, June 26, 2013 at 6:30 PM
At the Haven, Phoenix Room
240 Davis Road, Gabriola Island, BC**

Members Present: David Graham, Chair
Sheila Malcolmson, Local Trustee
Gisele Rudischer, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Aleksandra Brzozowski, Island Planner and Recorder
Jessie Sherk, Recorder

Media and Others Present: Maggie Henigman, Ecosystems Biologist, Province of British Columbia
Trystan Willmott, Qualified Environmental Professional
Two local media representatives and approximately 50 members of the public were in attendance

1. OPEN HOUSE:

2. CALL TO ORDER:

Chair Graham called the meeting to order at 6:30 p.m. He introduced himself, the staff and trustees in attendance and thanked everyone for coming.

3. APPROVAL OF AGENDA:

4. OPENING REMARKS:

Trustee Malcolmson said that there is more and more evidence showing that what happens on land effects what happens with fish. Ten years ago the province gave the responsibility to regulate and protect fish habitat to local governments. There are 100 local governments that have already regulated this and we are the last to comply. It is important work but it is also costly. They are committed to personalizing this bylaw to meet the island's needs. Trustee Malcolmson also mentioned how pleased she is that there was someone from the province here to speak about this. Gabriola has six development permit areas already and to be clear, she reminded the public that the steep slope project has been abandoned and that this meeting was only about riparian areas. The proposed bylaw will be going to public hearing next month. She explained that this meeting is to provide information so everyone understands what's going into the bylaw and also to give the opportunity for the public to have his or her say. She encouraged everyone to get their questions out and utilize the experts that were in attendance. She also thanked everyone for coming to the meeting.

5. PRESENTATIONS:

**5.1 Ministry of Forests, Lands and Natural Resource Operations,
Maggie Henigman, Ecosystems Biologist**

Ms. Henigman introduced herself and said she was very happy to be there to explain this legislation and the Riparian Area Regulation (RAR). She said that protecting fish habitat is a priority and that trees and vegetative streamside habitat is essential for healthy fish populations.

She explained some of the history of RAR and described that wetlands are highly productive areas that are critically important to the fish downstream and that homeowners may not realize how important these low wetlands are.

Ms. Henigman presented the key design principles of the RAR and explained that protecting the features, functions and conditions vital in the natural maintenance of stream health and productivity.

She then discussed what happens if your riparian area is already modified, and explained the process of getting a Qualified Environmental Professional (QEP) assessment.

Chair Graham invited questions from the audience.

A member of the audience asked why there is a split between people subjected to the riparian regulation and those not. Ms. Henigman advised that at the time the RAR was devised, it was determined by the Department of Fisheries and Oceans and others, that the Southern area of the Province is where all the development pressure was. There was a decision made to write the legislation for those regions specifically with the intent to expand to the rest of the Province.

5.2 Gabriola Island Local Trustee, Sheila Malcolmson

See 4. Opening Remarks, above.

**5.3 Madrone Environmental Services Ltd.,
Trystan Willmott, Qualified Environmental Professional**

Mr. Willmott explained the stream mapping project undertaken by Madrone Environmental Services on Gabriola. He presented a map showing the scope of the project noting that he was not contracted to map isolated wetlands, but to identify streams and creeks with the potential for fish habitat.

He explained the stream mapping methodology, including background research and walking the streams using a backpack GPS with external antenna, which is accurate between 1 and 5 meters.

Mr. Willmott then explained what was considered a stream under the RAR and what he was looking for including:

- Any watercourse, natural or man-made that contained water on a natural or seasonal basis;
- Visual clues where there was evidence that water has gone through, including ditches, channel beds, seasonally wetted areas, floodplains and wetlands; and
- Watercourses that may contain food and nutrients sufficient to support fish.

He then discussed when a watercourse is not considered a stream under the RAR:

- If the watercourse does not support fish or connect to a fish habitat;
- Isolated wetlands that do not support fish or are not connected to a stream system;
- Roadside ditches that are not connected to a fish bearing stream; and
- When a stream has an obvious gradient barrier at tidewater, with no potential habitat for anadromous fish and no perennial habitat above the barrier for resident fish.

He noted that “non-fish” watercourses still provide important habitat for other aquatic organisms and also provide:

- Food;
- Water;
- Migration corridors for birds and wildlife;
- Water storage and cleansing; and
- Aesthetic values for people.

Mr. Willmott explained the fieldwork and noted that the mapping was done from late November, 2011 to early January, 2012 at a time of high seasonal stream flows. The fieldwork focused on stream mapping but general fish habitat attributes were also collected, such as channel morphology, extent of riparian vegetation, cover/security attributes and spawning gravel. He went through each area of Gabriola Island and in summary, noted that there was 17km of streams identified throughout the target watersheds that are applicable to the RAR.

Options and implications to landowners were then discussed. It was noted that as per the Provincial RAR, any new development within 30 meters of a stream from the top of the bank, triggers the completion of an assessment by a QEP.

Chair Graham invited questions from the audience.

A member of the public asked what happens if it is a man-made ditch?

Mr. Willmott answered by saying that the Streamside Protection and Enhancement Area (SPEA) varies regarding ditches. If the watercourse in question has natural springs or headwaters it may be a modified stream. If there is no obvious headwater then it is probably a ditch. A QEP would need to be engaged and would be able to indicate whether or not the area in question is a

ditch or a stream. If it was a fish-bearing ditch it could potentially have a five meter setback.

A member of the public asked where the water in the Dogwood ditch/stream went.

Mr. Willmott stated that it drains down into the main influence to Hoggan Lake.

**5.4 Islands Trust,
Courtney Simpson, Regional Planning Manager**

Regional Planning Manager Simpson gave a presentation that described the history of this project of the Local Trust Committee including the stream mapping, bylaw development, and community consultation so far. She also described the proposed development permit area and implications for landowners.

6. QUESTION AND ANSWER SESSION

A member of the public who is third generation on Gabriola Island and lives at Hoggan Lake had concerns, as he feels that there are no fish in the lake. His entire property is under the RAR, which, he feels, has made it useless. He also feels the permits are too expensive.

Mr. Willmott reaffirmed how important stewardship is. He also noted that in this situation where this landowner owns a farm, his farming activities are exempt from the RAR.

A member of the public wondered if there are any means for him to challenge the mapping. He also stated that he was not notified that a QEP was going to be coming through his property.

Planner Simpson stated that they do want to hear about any inaccuracies in the mapping and that anyone with specific concerns about the mapping should contact the Islands Trust office.

A member of the public stated that they feel this regulation will decrease property values, as most people will not want to go through the necessary permits.

Ms. Henigman stated that according to studies, properties with green spaces and riparian areas are usually valued at 10- 20% more.

A member of the public questioned how trenches and ditches, all done by excavators, could now be considered a riparian area. He wondered if this work was consistent with other islands.

Mr. Willmott explained that a large population in BC has to go through this process and it is consistent across the board. A QEP usually has a fish biology background but can also be a professional forester. There is a training process they must go through that is specific to riparian areas and they have to show that they are working within their area of expertise.

A member of the public wanted more information about the farming exemption. What about if you want to develop more gardening space?

Planner Simpson explained the difference between gardening and farming. Agricultural activity and existing garden areas are exempt but establishment of new garden areas are not exempt.

A member of the public brought up the Ministry of Highways ditch cleaning, stating that it has a huge environmental impact, and asking why this is not covered by the regulation.

Ms. Henigman stated that it was recognized that this is an area that needs improvement. The Ministry of Transportation and Infrastructure has permission right now to clear the ditches but it is something that needs further investigation.

A member of the public wondered if he would need to hire a QEP to modify his ditch when the culvert needs replacing.

Ms. Henigman discussed that if the ditch is considered a stream, work in a stream does not fall under the RAR, but falls under the *Water Act*. The RAR only applies to the banks of a stream and does not apply to something in the stream. It also does not cover road access.

A member of the public wondered how the Islands Trust is set up to handle the mass influx of development permits that will be coming in, how long a permit takes to be approved and the cost.

Planner Simpson stated that the permit fee is currently \$450. At present, the timeline is four to six weeks from receiving the application to having it on a Local Trust Committee meeting agenda. An influx of applications is not anticipated.

Mr. Willmott advised that the cost of a RAR assessment by a QEP is likely \$1500 - \$2000.

A member of the public wondered what would happen if they had a small lot bisected by a riparian stream and a very old septic field that needed replacing/relocating.

Ms. Henigman advised that currently there **is** a variance protocol that you can go through. If the septic is already inside what would be the SPEA, no one is going to stop you from replacing it.

A member of the public asked if there is any thought to compensating property owners whose properties have been devalued by the RAR.

Ms. Henigman advised there are no resources. The hope is that people in communities will adopt reasonable ways of protecting the riparian areas.

A member of the public asked what the difference is between a creek and a brook.

Mr. Willmott stated that any difference has no bearing on the RAR.

A member of the public felt that this process is flawed on three levels; science, law and civil liberties. He wanted to see the evidence that locating a garage or deck in a riparian area would affect fish. He also stated that the RAR methods state that optimum flow tests are done in July and August and wondered why Mr. Willmott did his study in the winter?

Ms. Henigman stated that the RAR website is a great resource where you will find information that provides the science and legal background that has been looked at by a number of different parties.

Mr. Willmott noted that he was not trying to prove the non-fish presence and that it was not in the scope of this project. Even if you had salmon using the stream one out of three years, it would still be considered a habitat.

A member of the public wanted to know what the reliability of the QEP studies are considering they know that the City of Nanaimo has had issues and have even considered hiring their own in-house biologist.

Ms. Henigman stated that the City of Nanaimo's problems are internal and have nothing to do with the QEP.

The meeting was recessed at 8:32 p.m. while Ms. Henigman, Mr. Willmott and the Recorder, Jessie Sherk left the meeting. .

Session resumed at approximately 8:35 p.m. with Islands Trust Planner, Aleksandra Brzozowski taking minutes.

A member of the public stated he has an issue with the Ministry of Transportation and Infrastructure enlarging culverts, expanding the pooling of water and the riparian area over time on Daniel Way. Is the mapping written in stone? He was questioning the accuracy of the mapping based on the fact that Madrone could not come to their neighbour's property, and the effect of how their property was mapped.

Planner Simpson stated that they will take in any mapping questions about inaccuracies at the office.

A member of the public was concerned about the time allotted for questions by going over time on the presentations.

A member of the public requested that at the next meeting, presenters not leave before the meeting is over to catch a ferry.

A member of the public stated that they support the concept of protecting fish habitat, but the issue is cost. It is unfair to download the costs to the few people who live on RAR properties when it benefits the entire community/ecosystem. They also felt that there are people on Gabriola who could be QEPs with some training.

A member of the public stated he would like to know how much the Madrone mapping cost. He also stated that there will be expropriation without compensation. He quoted from BC Assessment: "The appraiser must evaluate whether the RAR will affect or

impact the property in question” [sic]. He went on to quote the *Fisheries Act*, “that they can arrest anyone” [sic], so why are we pursuing this violation of civil liberties?

A member of the public asked why all the effort to protect these few fish? He brought up the issue of removal of invasive species. He wanted to know if he would need to ask an arborist to come down and remove from a grandfathered picnic area. He said that they didn’t receive a letter about Madrone coming to the property. He also said they did not get a letter reply to the questions they asked after the last CIM.

A member of the public stated that he would like to get a letter stating what he can and cannot do on his property at Hoggan Lake.

7. CLOSING REMARKS

The public was thanked for coming to the meeting and assured that staff and trustees would stay behind and answer any questions that there was not time to answer during the meeting.

8. ADJOURNMENT

The meeting was adjourned at 9:00 pm

Recorder

Chair

Recorder

**Public Hearing Record
Received for Information
By Local Trust Committee**



**Gabriola Island
Local Trust Committee
Public Hearing Record Regarding:**

**PROPOSED BYLAW NO. 267 CITED AS “MUDGE ISLAND OFFICIAL COMMUNITY PLAN
BYLAW 227, 2007, AMENDMENT NO. 1, 2012”
AND**

**PROPOSED BYLAW NO. 268 CITED AS “DECOURCY ISLAND OFFICIAL COMMUNITY
PLAN BYLAW 16, 1981, AMENDMENT NO. 1, 2012”**

Date of Meeting: Thursday, July 18, 2013, at 1:30pm
Location: The Women’s Institute
476 South Road, Gabriola Island, BC

Members Present: David Graham, Chair
Gisele Rudischer, Local Trustee
Sheila Malcolmson, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Lisa Webster-Gibson, Planning Clerk
Jessie Sherk, Recorder

Media and Others Present: 2 local media representatives and approximately
one (1) member of the public

1. CALL TO ORDER

Chair Graham called the meeting to order at 1:31 pm.

2. OPENING REMARKS

Chair Graham read aloud an opening statement regarding the process for the public hearing on the proposed bylaws.

Planning Clerk Webster-Gibson explained the purpose of the two proposed bylaw and stated that the record of referrals and responses received relating to Proposed Bylaw Nos. 267 and 268 were available in the binder provided for public viewing.

Planning Manager Simpson summarized the referral responses.

**Public Hearing Record
Received for Information
By Local Trust Committee**

3. PUBLIC COMMENTS

Chair Graham opened the Public Hearing to submissions from the floor. There were no members of the public in attendance to speak.

4. NEXT MEETING

Trustee Malcolmson stated that she wrote to the community groups only 10 days ago and that giving it another month would mean a better chance at having more members of the public attend the hearing.

It was announced that the Gabriola Island Local Trust Committee would recess the public hearing for proposed bylaws 267 and 268 and reconvene on September 5, 2013 at 10:15am at the Women's Institute, Gabriola Island.

5. RECESS

Chair Graham recessed the Public Hearing at 1:42pm.

6. RECONVENE

By general consent the Committee reconvened the Public Hearing on September 5, 2013 at 10:20am at the Women's Institute, 476 South Road, Gabriola Island, BC with the following members, staff, media and others present:

Members Present: David Graham, Chair
Gisele Rudischer, Local Trustee
Sheila Malcolmson, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Peter Phillips, Bylaw Enforcement Officer
Jessie Sherk, Recorder

Media and Others Present: 2 local media representatives and approximately
(4) members of the public

Chair Graham called the meeting to order at 10:20am. He noted that they would be picking up from where they recessed the Public Hearing from July 18, 2013 and going straight to public submissions.

7. PUBLIC COMMENTS

Chair Graham opened the Public Hearing to submissions from the floor.

**Public Hearing Record
Received for Information
By Local Trust Committee**

Tom Kendall – Decourcy Island

Tom stated that he feels the bylaw is flawed although he is not against the idea of reports and rezoning. He wants to know what the nature of the reports would be and who would be preparing them. He feels the proposed bylaws are too broad. He could support a version of the bylaw but not the one being proposed.

Ian Parkinson - Decourcy Island

Ian noted that he is the new president of the Decourcy Island Community Association and voiced the following concerns:

- He thinks that most people agree with the bylaw but do not understand where it is coming from;
- Why no communication with the people on the island;
- How this is a benefit to the islanders; and
- There is concern that it is too open ended and it is going to be the beginning of an endless series of hoops people will have to jump through to make changes.

Chair Graham called a second opportunity for the public to make comments.

Tom Kendall then thanked Trustee Malcolmson for coming to Decourcy Island a couple weeks ago to help the community understand what is going on.

Chair Graham then called a final opportunity given. There were no additional speakers.

8. ADJOURNMENT

Chair Graham declared the meeting to be adjourned at 10:35am.

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

Jessie Sherk, Recorder

**Public Hearing Record
Received for Information
By Local Trust Committee**



**Gabriola Island
Local Trust Committee
Public Hearing Record Regarding:**

**PROPOSED BYLAW NO. 265 CITED AS “GABRIOLA ISLAND OFFICIAL COMMUNITY
PLAN (Gabriola Island) BYLAW 166, 1997, AMENDMENT NO. 1, 2012”
AND**

**PROPOSED BYLAW NO. 266 CITED AS “GABRIOLA ISLAND LAND USE BYLAW 177,
1999, AMENDMENT NO. 1, 2012”**

Date of Meeting: Wednesday, September 4, 2013, at 6:30pm
Location: Gabriola Island Agricultural Hall
465 South Road, Gabriola Island, BC

Members Present: David Graham, Chair
Gisele Rudischer, Local Trustee
Sheila Malcolmson, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Lisa Webster Gibson, Planning Clerk
Jason Youmans, Planner 1
Jessie Sherk, Recorder

Media and Others Present: Three (3) Local Media Representatives and
approximately (100) members of the public

1. CALL TO ORDER

Chair Graham called the meeting to order at 6:30 and introduced himself, the staff and trustees in attendance. He explained the purpose of this public hearing.

2. OPENING REMARKS

Planning Manager Simpson read aloud some questions and answers that have been asked by the public recently, also stating that there is a paper copy of this list available to all in attendance. She also explained what the next steps would be after this hearing. This project is on the agenda of the Local Trust Committee meeting tomorrow morning. It is not on the agenda for further readings. The trustees will consider what they heard tonight and they can make changes to the bylaw based on what they hear from the community. After tonight they cannot hear any new information.

**Public Hearing Record
Received for Information
By Local Trust Committee**

Trustee Malcolmson introduced herself and thanked everyone for coming. She noted that Gabriola is the 107th local government to implement the Riparian Areas Regulation (RAR) since the Provincial Government gave the instruction to do so in 2004. The good news is that there are lots of examples ahead of us, and ways that they have been able to add exemptions and local flavor to it. Unfortunately the Province didn't give the local government a lot of leeway. She stated that she is, along with her fellow trustee, committed to ensuring that this regulation fit the community the best it can. She also noted that she looks forward to hearing the public's ideas.

Trustee Rudischer introduced herself and stated this is not the end of the process and they are here to listen to what everyone has to say. She also thanked everyone for coming.

Chair Graham read an opening statement explaining the purpose of the Public Hearing and what bylaws are being considered. He let all in attendance know that they will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw(s).

Planning Clerk Webster-Gibson explained the proposed bylaws and read the public hearing notice. She stated that since August 19, 2013 there have been copies of this bylaw available for the public at the Islands Trust office. She reiterated that no new submissions can be heard by the Local Trust Committee after this hearing.

Panning Manager Simpson read out the agency referrals and responses.

3. PUBLIC COMMENTS AND QUESTIONS

Chair Graham opened the Public Hearing to submissions from the floor.

Liz Ciocea (880 Clarendon Road) – Liz stated that she is also a member of Gabriola Rescue of Wildlife Society and that over the years living on Gabriola she has seen some bad practices. She would like to see the development permit area go through, however, does not want to see Gabriolans so upset. Her concern is for wildlife, insects and frogs, but does feel that it should also work for all of us.

Laurie MacBride (2735 North Road) – Laurie stated that she has been involved with environmental public awareness and supports stream environment protection and the protection of fish habitat, however, does not embrace the proposed bylaws. She stated that the bylaw promotes “unfairness and social inequity”. She listed a number of concerns including the costs. She stated that the expenses of fish protection should be spent from the community as a whole noting that there are many people on the island who will not be able to afford the added fees. She feels that this bylaw is unfair and she also stated that she did not agree with some of the designated watercourses that, to her knowledge, are not even natural watercourses and have no history of fish.

She also stated that the selection of the affected areas is inappropriate as some of these designations are not even natural watercourses. Some waterways that have been designated do not even have history of fish. She stated that the designation process is

**Public Hearing Record
Received for Information
By Local Trust Committee**

arbitrary. Loss of property value is also a concern. Seniors on pension rely on their property value to finance their old age. Seems like this is contrary to the trust goal. Another concern is public safety, increased fire risk. Another concern, implications of food security. More people should grow food but this bylaw is a disincentive for people, as they will not put in a new garden with the costs for permits. In conclusion, fish habitat should be protected but we believe the measures have to support other key values and find this seriously flawed. These concerns need to be fully addressed.

Eva Gibson (3010 North Road) – Eva spoke about if designated streams or creeks get altered somehow naturally. Her understanding is that the riparian rights move with the water. They are not stationary. She also spoke about culverts. She feels that the system used to designate whom riparian bylaws cover is not fair. She wonders why Gabriola's stream protection has to be so different from Nanaimo's. She feels that if this was a court case and the Riparian Areas Regulation went through, it would be reversible on appeal. She thinks this map is too old, as North Road and South Road don't even connect on the map. There is no reason to do this. They are being discriminated.

Owen Clearkin (1430 Peterson Road) – Owen stated that he was attending this Public Hearing to question the trust representatives on their justification for designating Dicks Brook as a possible fish habitat. He has been informed by fisheries biologists that:

1. The fact that there is no water for 6 months it's not possible for fish to survive; and
2. The large amount of excess nitrogen from manure spreading creates high levels of algae bloom which also kills the fish and affects the water.

He feels the designation is wrong, no value. He also stated that he has no problem with the Riparian Areas Regulation where it is known that fish exist. He feels that there is no evidence to designate a mostly dry ditch and that this is expropriation of land rights. He said he would appreciate it if the Local Trust Committee would take another look at this and other watercourses that have no fish.

Eric Moeller (940 Horseshoe Road) – Eric stated that he has filed an intervention. He began by talking about the object of the trust and that he felt they weren't following their mandate to preserve and protect the trust area for the benefits of the residents. He feels that this project does not support fire protection. There are homes on the island that cannot comply with fire safety rules and riparian rules. He also wanted to know how and why a ditch is exempt from Riparian Areas Regulation until it enters your property. He wants the panel to see how the setbacks interfere with the 100-mile diet. Riparian Areas Regulation is also contradicting some of the social goals in the Official Community Plan such as encouraging local food systems. He opposes the Riparian Areas Regulation and the cost for taxpayers. He feels the Riparian Areas Regulation creates a problem where none existed in the past. He wondered if Islands Trust can stop the regulation or reduce the affected area and that the trust considers a tax exemption. He wanted to go on record asking every property owner to appeal his or her property taxes to the Regional District of Nanaimo.

Deb Ferens (387 Lyngail Place) – Deb is a member of Stream Keepers and on the Advisory Planning Commission, but is speaking on her own behalf and as a property owner. She does support the regulation. She does want to commend the local trustees

**Public Hearing Record
Received for Information
By Local Trust Committee**

for putting the development permit area into the land use bylaw because it does give the community a bit more options later on for changing bylaws. She also would like to ask the trustees to look closely at the regulation as there may be opportunities to add some advocacy statements.

Guy Mireau (1040 Coates Drive) – Guy said bylaws are meant to help resolve problems but this one is not a response to any problems. Problems here are from utility companies and new infrastructure. This bylaw is obscene. Arbitrarily destroy the environment and we as individual private property owners will have to pay for the privilege to look after the environment that we live in. This bylaw is one more wedge in dividing the community. He feels that Islands Trust should persuade the province, not the community. Most of the province is exempt. Controlling vegetation for fire protection should not fall under this regulation. There should be no barriers to the prevention of the destruction of fire. Fire prevention should be a major focus.

Bart Jessop (776 Roxanne BLVD) – Bart is a member of the Property Rights Action Group and has submitted a 60-page brief on this matter. He would like, for various reasons, to request this hearing and all proceedings to consider these bylaws to cease and desist immediately. His brief provided 38 categories of evidence against this bylaw. He then went through each of the points covered in his submission.

Tom Kirchmayer (1055 McClay Way) – Tom has a highways ditch that fell into riparian regulation. His ditch is dry from May to October. He strongly disagrees with the regulation and bylaws. His entire property will fall under the guidelines and devalue his property. He feels that the Qualified Environmental Professional's only interest is his fee and Islands Trust only cares about application fees. Not against fish habitat, but a dry ditch should not be included.

Bob Andrew (445 Taylor Bay Road) – Bob supports bylaws. They aren't the best, given the intent but they are the best that could be drawn up in response to the provincial requirements. Riparian Areas Regulation is necessary for stream health and watershed health; it's not just about fish. There is a responsibility to the natural environment and most people try even without the bylaws. There are people that don't care. He has seen ugly examples of this. More than the methods of protection outlined in the bylaws are needed. There needs to be better encouragement and tax reduction incentives. He believes the Local Trust Committee should lobby for these sorts of refunds and incentives. He feels they should add a line in the Official Community Plan to encourage the restoration of riparian areas.

Susan Yates (445 Taylor Bay Road) – Susan is in support of proposed Riparian Areas Regulation. She stated that she did submit this in writing. She doesn't like more regulations either but understands why we need them as we should be doing everything we can to protect streams. Our presence on the earth does not come with a right to destroy the habitats and build monuments to our brief existence on this planet. Instead of defending rights we should think of our responsibilities and consider yourself blessed that you live somewhere that still has something to preserve. Find a better way to monitor and enforce the regulation. There needs to be incentives for landowner to protect riparian areas on private property. Similar to NAPTEP for tax breaks. If it came out of tax dollars it would be far better than paying the costs. She also noted that after

**Public Hearing Record
Received for Information
By Local Trust Committee**

listening to the people tonight she gathers that some mapping may not be accurate enough to make this bylaw a really truly good one, so asked the trustees to take a look at the mapping.

Randy Young (1278 The Strand) – Randy objected to the map. In the past we have had a situation where a consultant has been hired and a report has been issued that really didn't match what we have on Gabriola. Islands Trust has got together a local advisory committee to come up with local knowledge that is far better than a consultant that comes in, in other situations. All of us for a sustainable future would love to see that we could have fish and a sustainable environment. Urges the trust committee to put together a local advisory committee to figure out what waterways should actually be on the map.

Wendy James (651 Wildwood Crescent) – Wendy asked the Islands Trust to take a stand against the province. It's not true that there will be ramifications if they don't pass this legislation. She noted that one of the threats to a riparian area is invasive species, but this bylaw says we can't remove it. She stated to stop finger pointing and have some accountability.

Dayna Currie (785 North Road) – Dayna stated that with owning the alpaca farm she is responsible for every bit of feces from the llamas but it seems that the highway department can do whatever they want. She stated that her next-door neighbor has rotting vehicles but it's not Islands Trust's problem? There are vehicles oozing waste into the creek bed. We all have to be aware of what is coming off of our land no matter what time of the year. Personally she thinks planting gardens helps dilute toxins and she is pro-fish. If she has to be accountable why doesn't her neighbor?

Robert Seaton (1170 Suzanne Avenue) – Robert gave some responses to some of the things said here. His issue is not the principle of protecting but rather the science needs to be correct and the protection is effective. He stated that food security is a key issue. He stated that it's not true to say that the public has to comply with these regulations but other industries don't have to do it, as he knows that the forestry regulations regarding riparian areas are lengthy.

Lindsey Godfrey – Lindsey stated that fish is important and science is important. We have intimate knowledge of our land and she suggests that we should devise a paper on how to address riparian areas in our community rather than someone in the city

Luke Vandeross (Pat Burns Avenue) – Luke stated that he is all in favor of the environment but he feels there is a jurisdictional problem here. He stated that the regulation is here to protect the environment not fish. He says Islands Trust has no jurisdiction to deal with these bylaws. He thinks that the Trust's authority is limited to enhancing and protecting the environment. He suggests that we take a close look at this and decide if this matter should be deferred to Regional District of Nanaimo.

Alex Dewar (561 Wildwood) – Alex's main concern is the costs associated with this regulation. He feels that protecting the environment falls on everyone.

**Public Hearing Record
Received for Information
By Local Trust Committee**

Earl Jacobson (1035 Descanso Valley Drive) – Earl stated that he has not personally seen the problem that this regulation is trying to fix. He has not seen the environment being damaged on his land or adjacent land. What we're seeing is continual escalation of cost of protecting the land. He wonders if this is causing a significant problem in a different area.

Edward Jones (660 Jackpine Street) - Edward doesn't have a stream but sympathizes with those who do. The Riparian Areas Regulation should be implemented in principal but the costs are the issue. Is there any mechanism that these costs could be removed? Maybe a biologist on staff to decide? He was a BC Conversation Officer and to him it seems that the *Water Act* might be disregarded in some respects here. No work should take place on or about a stream in the *Water Act*. He agrees with Randy, maybe we should look over the designation of some of the waterways. This is not only protecting fish it is supporting water supply, and all of the wetland habitats.

Vern Packum (539 Wildwood Crescent) – Vern wondered when a beaver makes a dam and he can't remove it what will happen when it floods over south road?

Cameron Murray – Cameron supports the principal of the Riparian Areas Regulation. He feels that the idea of protecting the rights of downstream neighbors and mapping creeks and watersheds is important and well within the Islands Trust mandate. The accuracy of the maps is a concern.

Carol Hobson (Lot 37 Wildwood Crescent) – Carol has a property that is now riparian due to a man-made ditch that is dry most of the year. She also noted that it bothered her that fish from Nanaimo were brought to the community information meeting when it should have been fish from Gabriola.

John Jamison (Hill Road) – John stated that he has the only lot on Hill Road that floods and he tolerates it. Everyone's properties around him dump on his property. If these regulations come in he can no longer use his property even though he has cleared a spot for his shop and his home. It's strictly runoff from highways, but if he did anything other than allow the water onto his property he will get a fine from the Ministry of Transportation and Infrastructure. Now he can't build a shop or a house. He wonders what he is supposed to do.

Nadia Hair (1925 Martin Road) – Nadia stated that a few years ago she wanted to protect the frogs and made ponds and creeks on her property. Now she is being penalized for this.

Fred Walton (Hill Road) – Fred asked what the high water mark is. Trust staff couldn't answer that on the spot.

Doug Hodges (595 Wildwood Crescent) – Doug stated that the vast majority doesn't want anything to do with the proposed bylaw and wants the trust committee to do something about it.

Brigit Buy (816 Horseshoe Road) – Brigit wondered if she has a biologist say something on her property is not a fish habitat, would it still be a riparian area?

**Public Hearing Record
Received for Information
By Local Trust Committee**

Jeff Molloy (401 Berry Point Road) - Jeff feels that since the effects this will have on property owners is extreme, the mapping has to be accurate. He feels that the province pushing this stuff on Gabriolans is wrong. More work needs to be done and mapping needs to be dead accurate.

John King (765 Roxanne Blvd) - John owns 6.8 acres and if this Riparian Areas Regulation goes through he will lose 2.5 acres of his property. His property will become non-conforming. He questioned the legality of this. He also noted that according to the description in the Official Community Plan, there are hardly any streams on Gabriola.

Noella Sale (650 Wildwood Crescent) - Noella read from something she found on the internet, which explained the reasoning behind going from the streamside protection to Riparian Areas Regulation. She stated that it was designed to provide certainty and flexibility to development. She also said they are shifting the cost and resources from the government to us. She proposed that we find another way to have this work for Gabriola.

Eva Gibson - Eva had questions regarding the Islands Trust pamphlet and was directed to ask staff during regular business hours.

Liz Ciocea - Liz stated that she has seen bad practices on the island. As far as the beaver... why do we always think we have to remove, kill, and destroy? We need to work together to keep this place beautiful. As a GROWLS member she's seen bad practices.

Lynn Vanderworden (539 Wildwood Crescent) - Lynne made some comments about the wildlife and environment. She said that no one is kinder to the environment than she is and that she does the best she can, but has still received a lot of flak.

Bart Jessop - Bart picked up where he left off going through each of the categories of concern in his submission to the trust committee.

Joe Madson (671 Wildwood) – Joe wanted to go on record saying he is opposed to the proposed bylaw. He noted that his mother has lived here many years and is a great steward. This bylaw will make her property unsellable. He wanted to be on record saying he is opposed to the proposed regulation.

John King (765 Roxanne BLVD) - He stated that the geotechnical report is full of errors. He does not believe that Islands Trust personnel were diligent providing landowners with information packages. He stated that he did not give permission to the qualified environmental professional to enter his property, therefore he was trespassing. He also noted that Castell Brook does not enter the ocean and should not be considered a spawning stream. He listed all the other poorly defined waterways in the geotechnical report.

Lynn Vanderworden (539 Wildwood Crescent) - Lynne feels that the proposed bylaws are ill conceived and are going way overboard. There needs to be a more sensible and harmonious way.

**Public Hearing Record
Received for Information
By Local Trust Committee**

Wendy Jamison - Wendy feels that property owners were not properly informed of the full impact.

Mark Coates (909 South Road) - Mark says his property is unusable now. There are no salmon in his streams, yet he is subjected to all this and his property has no value. They do not clear-cut but now he can't cut any trees down.

Julie Lee (665 wildwood) - Julie stated that she received no notification and she has a seasonal watercourse. 95% of her property will be unusable.

Wendy Jamison - Wendy would like the Islands Trust to post the actual notifications that have been supposedly put out to all the property owners affected with the dates they were sent out.

Eric Moeller (940 Horseshoe Road) - Eric spoke about the Madrone report wondering why a ditch is exempt from the Riparian Areas Regulation until it enters a property. He also noted that fish would have to come up 200 feet from sea level and jump up a 5 ft. dam in order to affect any properties above his yard. He feels that the mapping is not accurate and asks that Islands Trust staff go back and do something about the Madrone map.

Paul Metcalf (420 North Road) - Paul stated that after listening to everything tonight he feels that the database is flawed and that there is a disturbing similarity between this and the steep slopes. Urge at least to correct the database, which means a summer survey of the watercourse.

Vern Packum (Wildwood Crescent) - Vern stated that if he doesn't keep his creek clean it would flood. He also noted that people would be doing everything they can now before the regulation is in place.

Lori McBride - Lori feels that Madrone's surveying methods were sloppy. Some people say that no one came to their property and others say that they trespassed. She also noted that over the summer she had a huge willow tree fall down over her lower pond. If she hadn't been able to have someone cut it up and cart it out, her pond would no longer be a duck and frog habitat. If Riparian Areas Regulation were in effect, she wouldn't have been able to do that.

Cheryl Bailey (1040 Coats Drive) - Cheryl spoke about the section of the bylaw that talked about removal of trees. She feels that it is not realistic that if a tree was threatening her life, that she would have to hire an arborist as well as get approval from the DFO to remove it.

Bart Jessop – Bart stated that it's people that support rights that are the most responsible. He feels that its government that is not responsible as the Islands Trust made the decision that the 707 be logged. The bylaw is about removing property owner's rights. He also stated that a lot hinges on the Madrone report and to his knowledge this report was carried about before the contract was approved and signed,

**Public Hearing Record
Received for Information
By Local Trust Committee**

which is grounds for legal challenge. Madrone access permission was not granted. He feels there are strong grounds to reject these proposed bylaws.

Tom Kirchmayer - Tom stated that they have discovered flaws in this research and wondered if Islands Trust is prepared to take on another court battle. He hopes this can be resolved in a typical Gabriolan way, so that everyone comes out happy including the fish, without taking away peoples' rights or properties.

Guy Morrow (1044 Coats Drive) - Guy stated that he has spent weeks examining things and trying to figure out how this bylaw will affect Gabriolans. The bylaw, as proposed, has caused a great deal of stress. Some people are fearful to get involved in the process because of the stress they feel on this issue. He feels that it seems to be more about protecting fish than the people that live here. Don't we care about the people on this island? He stated that there are two realtors on this island that say it's highly likely that properties designated as riparian area will likely decrease in value. Is Islands Trust prepared to take responsibility if a mental health crisis is to happen? He is trying to prevent wildfires on his property. Islands Trust needs to find other ways to encourage the protection of the environment. He feels that there has to be a better solution.

Doug Hodges (595 Wildwood Crescent) – Doug proposed that the Islands Trust scrap the whole thing because that is what the people want.

Chair Graham called three times for further submissions on proposed bylaw No. 265 cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2012" and Proposed Bylaw No. 266 cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012". There were no further submissions.

Chair Graham closed the Public Hearing at 9:00pm.

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

Jessie Sherk, Recorder



Gabriola Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Thursday, September 5, 2013 at 10:15am
Women's Institute
South Road, Gabriola Island, BC

Members Present: David Graham, Chair
 Gisele Rudischer, Local Trustee
 Sheila Malcolmson, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
 Jessie Sherk, Recorder
 Peter Phillips, Bylaw Enforcement Officer

Media and Others Present: There were two (2) members of the local media and four (4) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:17am. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. Staff and trustees were introduced.

2. APPROVAL OF AGENDA

The agenda was approved by consensus with the following amendment:

- Move 17. 1 and 17.2 BYLAWS to after the close of the Public Hearing on the agenda.
- Remove 21. PRESENTATION of 2013 Community Stewardship Award to Chris and Judith Plant from the agenda
- Under New Business add 9.4 Gabriola Eagle Nest Report Proposal

RECESS FOR PUBLIC HEARING - 10:20am

For Proposed Bylaw No. 267 (Mudge Island) & Proposed Bylaw No. 268 (Decourcy Island)

RECONVENE – 10:35am

17. BYLAWS

17.1 Proposed Bylaw No. 267 cited as “Mudge Island Official Community Plan Bylaw 227, 2007, Amendment No. 1, 2012” – *for consideration of second and third readings and submission to Executive Committee and to the Minister of Community Sport and Cultural Development for approval*

Trustees discussed that they had not received opposition to this administrative bylaw from Mudge residents and they were confident they are aware of the bylaw.

GB 083/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee give second reading to Proposed Bylaw No. 267 cited as “Mudge Island Official Community Plan Bylaw No. 227, 2007, Amendment No. 1, 2012”

CARRIED

GB 084/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee give third reading to Proposed Bylaw No. 267 cited as “Mudge Island Official Community Plan Bylaw No. 227, 2007, Amendment No. 1, 2012”

CARRIED

GB 085/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee submit Proposed Bylaw No. 267 cited as “Mudge Island Official Community Plan Bylaw No. 227, 2007, Amendment No. 1, 2012” to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

17.2 Proposed Bylaw 268 cited as “Decourcy Island Official Community Plan Bylaw 16, 1981, Amendment No. 1, 2012” – *for consideration of second and third readings and submission to Executive Committee and to the Minister of Community Sport and Cultural Development for approval*

Staff and trustees discussed the bylaw noting that letters from the public indicate that there hasn't been enough done by the Local Trust Committee as to the purpose of the bylaw.

Trustees thanked the representatives that came from Decourcy Island to speak today and apologized for any anxiety that this proposed bylaw has caused.

GB 086/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee proceed no further with Proposed Bylaw No. 268 cited as "Decourcy Island Official Community Plan Bylaw 16. 1981, Amendment No. 1, 2012"

CARRIED

3. CLOSED MEETING

GB 087/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee close the next part of the September 5, 2013 meeting to discuss matters pursuant to Section 90 (1) (f) (Bylaw Enforcement) of the Community Charter and staff be invited to attend this meeting.

CARRIED

BREAK 11:10 – 11:15am

4. RECALL TO ORDER

Chair Graham reconvened the regular meeting at 11:15am.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes of July 18, 2013

The Local Trust Committee Meeting minutes were adopted by consensus with the following amendments

- Page 4, Trustee's Report, second paragraph attributed to Trustee Malcolmson, in the 3rd last sentence delete the words "for their involvement" and end the sentence after "...thanked those groups."
- Page 10, 14.1.1 after "Veronica" insert "Hartman, chair of the Agriculture Advisory Commission" and delete the words "from the"
- Page 13, In sentence beginning with "Speaking to the motion," delete the word "businesses" and replace with "development"

5.2 Section 26 Resolutions Without Meeting – None.

5.3 Gabriola Island Advisory Planning Commission Meeting Minutes – None.

5.4 Mudge Island Advisory Planning Commission Meeting Minutes – None.

5.5 Gabriola Island Agricultural Advisory Commission Meeting Minutes – None.

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated August 27, 2013

Planning Manager Simpson reviewed the Follow-up Action list. She updated the Trustees on some of the items. She sought clarification regarding the June 27, 2013 item to convey to the Ministry of Environment a message about local erosion of support for the Riparian Areas Regulation when the Ministry of Transportation and Infrastructure is allowed to dredge ditches. It was decided that Planning Manager Simpson would write a letter for the Chair's signature.

Regarding the item to reduce the fee for a development permit application for Development Permit Area (DPA) #3, the Local Trust Committee directed that this is added to the scope of the Official Community Plan targeted review rather than left as a follow up step after that project is complete.

Trustee Rudischer asked that staff correct the wording regarding the Local Trust Committee's budget submission for the 2014/15 fiscal year regarding further mapping for the Riparian Areas Regulation (RAR) DPA on Gabriola to be consistent with the wording of the resolution from July.

6.2 Promoting NAPTEP on Gabriola

Discussion ensued regarding how to promote Natural Area Protection Tax Exemption Program. Its association with RAR and conservation oriented property tax reductions were noted. The trustees discussed how they could raise the visibility and profile on this.

GB 088/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that Islands Trust Conservancy staff consider a Gabriola presentation on the Natural Area Protection Tax Exemption Program.

CARRIED

7. CORRESPONDENCE

7.1 Email dated August 21, 2013 from Mike Donnelly of the Regional District of Nanaimo Regarding Water Budget Report

Trustees and staff discussed the possibility for someone from the Regional District of Nanaimo to come to Gabriola to make a presentation on their water budget study. Planning Manager Simpson noted that there is a meeting scheduled on October 29, 2013 at 7:00pm and that the public is welcome to attend.

GB 089/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee invite Regional District of Nanaimo staff to any of our Local Trust Committee Meetings to present their water budget report for Area B.

CARRIED

7.2 Email dated August 26, 2013 from Judith Graham regarding Rogers cell tower

The email was reviewed by staff and trustees. Planning Manager Simpson stated that Rogers has asked to meet with them to give advice on how to consult with the community before they submit any application. At the moment, a date and time are being discussed for a meeting with the Local Trust Committee. She also stated that she would be sending them information on the 2007 Rogers cell tower proposal.

Discussion ensued with trustees. The author of the email, Judith Graham, was in the audience and stated that it would be nice if the residents didn't have to rally over and over again about this. She requested a full analysis before they get into this and before they are allowed to come to the island.

8. REPORTS

8.1 Work Program Reports

8.1.1 Top Priorities Report and Projects List Dated August 27, 2013

It was noted that a few things should be added to the Project List on page 28 including:

- Under item 2, Development Approval Information Bylaw for Decourcy Island
- New item, Forage Fish Mapping Workshop

8.2 Applications Log

8.2.1 Report date August 27, 2013

Reviewed. Trustee Malcolmson encouraged staff to take action and close files if they are no longer current.

8.3 Trustee and Local Expenses

8.3.1 Expenses posted to July 31, 2013

Reviewed for information.

8.3.2 Expenses posted to Aug 31, 2013

Reviewed for information.

9. NEW BUSINESS

9.1 2014-15 Budget Submissions

9.1.1 Memorandum dated August 1, 2013

Trustees discussed the possibility of increasing some of the budgets.

GB 090/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amends its budget request to request \$10,000 for Official Community Plan review, and to modify the wording in the Riparian Area Regulation description to reflect the June resolution of the Trust Committee, and forward to the Financial Planning Committee as revised.

CARRIED

9.2 Proposed Business Meeting Schedule for 2014

Staff and trustees discussed the proposed business meeting schedule for 2014.

GB 091/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend the proposed meeting schedule to replace October 9 and November 20 with October 2 and October 30 and adopt the meeting schedule as amended.

CARRIED

9.3 Bike Path Referral from MoTI for Discussion

Trustee Malcolmson gave some background stating that last term the Trust Committee amended the Official Community Plan (OCP) to incorporate a policy and map for bike paths. This flows from an agreement that the Islands Trust has with the Ministry of Transportation and Infrastructure (MoTI) from 1996 that says when they are doing road resurfacing, they will consider putting bike paths in if we have something adopted in the OCP.

Trustees and staff then discussed the two options given by the MoTI.

GB 092/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee has considered the two options prepared by the Ministry of Transportation and Infrastructure for the road section

on Taylor Bay Road immediately south of the intersection with McConvey Road and for reasons of pedestrian and cycling safety, recommends a hybrid approach with a 1.2 m wide Option -1-style shoulder lane on the west side and a 1.2 – 1.5 m wide Option-2-style pedestrian/cycling lane on the east side. While the total width is similar to option 1, there would be two curbs on the east side; instead of one.

CARRIED

The Trust Committee expressed their thanks to the MoTI for considering bike lanes and also to the Gabriola Island Transportation Advisory Committee members

9.4 Gabriola Eagle Nest Report Proposal

Planning Manager Simpson advised that this program is a standard region wide approach and it is useful for staff to have current eagle nest mapping available. Discussion with trustees ensued.

GB 093/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff advise on how the Local Trust Committee can facilitate the Gabriola eagle nest mapping proposal.

CARRIED

10. TRUSTEES' REPORT

Trustee Malcolmson thanked the community groups responsible for all of the summer activities on Gabriola including the salmon barbeque, theatre festival, and the United Church anniversary, as well as the work of the bike paths group. She also recognized Katherine Malloy is leaving People for a Healthy Community and thanked her for her work. Trustee Malcolmson spoke of the Trust Council meeting next week on Lasqueti Island and noted that the full agenda package is available online. Also noted was the Union of British Columbia Municipalities convention that is taking place next week.

11. CHAIR'S REPORT – None.

12. REGIONAL DIRECTOR'S REPORT – None.

13. DELEGATIONS – None.

14. TOWN HALL SESSION – None.

Break at 12:05 – 12:25pm

15. APPLICATION AND PERMITS – None.

16. LOCAL TRUST COMMITTEE PROJECTS

16.1 Official Community Plan/Land Use Bylaw Review

16.1.1 Parks Rezoning
Staff Report dated August 19, 2013

Planning Manager Simpson reviewed the report. She noted that Trustee Rudischer pointed out some errors in the report and she will address them. Staff and trustees discussed all the errors in the draft bylaw. There was also discussion about what is actually in the scope of this project.

GB 094/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request amendments to the draft bylaws and direct staff to present the amended draft bylaws to the Local Trust Committee at a subsequent meeting, at which time the Local Trust Committee may consider proceeding with early referrals to the Regional District of Nanaimo, BC Parks and The Nature Trust of BC.

CARRIED

16.1.2 Riparian Areas Regulation Implementation
Questions & Answers Document

Staff and Trustees discussed the next steps with the proposed bylaws.

Planning Manager Simpson said there were many submissions and speakers last night at the Public Hearing and staff needs some time to fully consider everything. At the least she will provide a memorandum at the next meeting regarding how we should proceed and at that time the Trust Committee can add further direction.

Trustee Rudischer recognized that there is a lot of apprehension and opposition, as well as misinformation. Valid concerns have been raised and she is personally alarmed that a large percentage of Qualified Environmental Professional (QEP) reports paid for by the public were found to be inadequate. She felt that it was unreasonable that everyone within the DPA should need a QEP report. She stated that past experience tells her that not everyone is a good steward of the environment so she is not sure if this should be completely scratched, but they need to find a way to do this in a manner that doesn't cause financial burdens. She feels they should go back to the drawing board.

Trustee Malcolmson stated that a lot of the concerns that were heard last night were spawned from the province and although it may seem that Islands Trust invented this regulation, they did not. She also noted that although people believe that the mapping is incorrect, any QEP would generate a map like that if they follow the definition of the RAR. She stated that the mapping is properly done in the wet months. Also noted was that the proposed bylaws do allow fire control, farming, food production and use of the land. Out of the 105 other areas that have already implemented this regulation, we have not heard those concerns. She then discussed some of the good ideas that were presented at last night's hearing.

Staff and Trustees discussed customizing the bylaw to fit the community, adding exemptions, putting in a tax requisition, simple assessments, and dealing with the public's confusion regarding setbacks, streamside protection and enhancement areas. The trustees discussed the possibility of putting together a Gabriola Riparian Areas Regulation and letting the Province decide yes or no. Some exemptions discussed included:

- Pruning fruit and nut trees
- Invasive species removal
- Planting for soil habitat restoration
- Fence construction
- Trails with conditions (within the streamside protection and enhancement area)
- Vegetation and tree cutting with no soil disturbance and soil disturbance less than 5 meters (outside the streamside protection and enhancement area)

GB 95/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that staff outline a process for the Local Trust Committee doing simple Riparian Areas Regulation assessment as a way to have landowners avoid hiring their own Qualified Environmental Professional.

CARRIED

GB 96/13

It was MOVED and SECONDED,

That the Gabriola Island Local Trust committee request staff advise on the bylaw changes proposed by Trustee Rudischer and Malcolmson, and any other issues arising from the public input.

CARRIED

Speaking to the motion, Trustee Malcolmson stated that she really appreciated all the input and was still absorbing the information. This

direction to staff doesn't lock anything in. She also encouraged the public to come into the trust office to speak to staff if their property is affected.

16.2 Development Approval Information Bylaw
Memorandum dated August 27, 2013

Trustees discussed the memorandum and the possibility of having a biologist on staff.

18. ISLANDS TRUST WEBSITE

Gabriola Pages

Trustees thanked staff for all of the updates on the web pages.

19. NEXT MEETING

Thursday, October 10, 2013 at 10:15am at the Women's Institute, 476 South Road, Gabriola Island, BC

20. TOWN HALL SESSION – None.

21. PRESENTATION of 2013 Community Stewardship Award to Chris and Judith Plant.

Deferred.

22. ADJOURNMENT

By general consent the meeting adjourned at 1:20pm.

David Graham, Chair

CERTIFIED CORRECT:

Jesse Sherk, Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Gabriola Island Jan-27-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff directed to do the following with respect to Snuneymuxw First Nation: 1) Staff to work with Snuneymuxw First Nation staff to finalize joint letter seeking funding for archaeological mapping and bring letter to an LTC meeting before sending. 2) GBLTC to host and invite Snuneymuxw First Nation Councilor Geraldine Manson to make a storytelling presentation on Gabriola.	Courtney Simpson	May-19-2011	On Going

Apr-19-2012

No.	Activity	Responsibility	Target Date	Status
1	Trustee Malcolmson to write to the Chief of the Snuneymuxw First Nation to discuss funding ideas in the memorandum from staff dated April 3, 2012.	Courtney Simpson	May-11-2012	On Going

Oct-04-2012

No.	Activity	Responsibility	Target Date	Status
1	Trustee Malcolmson to draft a letter from the LTC to the Regional District of Nanaimo based on the October 3, 2012 draft letter and attach a list of relevant OCP policies	Courtney Simpson	Nov-01-2012	On Going

Nov-01-2012

No.	Activity	Responsibility	Target Date	Status
1	Bylaw enforcement staff requested to provide a report on methods for proactive enforcement on advertised unlawful dwellings, as that is the point they are most likely to be unoccupied.	Miles Drew	Oct-10-2013	On Going

1	Bylaw enforcement staff requested to provide a report on proactive enforcement of unlawful foreshore structures.	Miles Drew	Oct-10-2013	On Going
---	--	------------	-------------	----------

Feb-21-2013

No.	Activity	Responsibility	Target Date	Status
1	The LTC releases up to \$600 from its Local Expense account 65220 620 for trustee newsletter printing and postbox mailing April 18/13 update: newsletter deferred	Nancy Roggers	Mar-29-2013	On Going

1	The trustees invite Silva Bay comment, via a newsletter, on the proposed National Marine Conservation Area Reserve proposed boundary, and return the January 24, 2013 memo to the GBLTC April business meeting agenda. Trustee Malcolmson to do.	Becky McErlean	Oct-10-2013	On Going
---	--	----------------	-------------	----------

May-16-2013

No.	Activity	Responsibility	Target Date	Status
1	Revise OCP/LUB Review project budget as presented in May 8, 2013 memo, to remove expenditure for hiring a consultant to prepare a report on Food Security and Farmland Protection, and add budget for a second public hearing and CIM in the current fiscal year.	Courtney Simpson	Oct-10-2013	On Going

Jun-27-2013

No.	Activity	Responsibility	Target Date	Status
1	Advertise for new members for the Gabriola and Mudge APC's including contacting current Mudge members to ask if they are interested in serving another term. Mention the expected meeting frequency to prospective Mudge APC members.	Lisa Webster-Gibson	Sep-05-2013	Done

1	Request update from the Ministry of Environment on whether it has been able to secure an agreement that MoTI and its contractors won't damage potential fish habitat, and that the LTC convey that when provincial agency dredge the same ditches landowners are being asked to protect, paying significant professional fees to comply with RAR, it erodes support for RAR implementation.	Jason Youmans	Oct-10-2013	Done
---	---	---------------	-------------	------

Update: There is no such agreement between MoE and MoTI but there are best management practices. We have conveyed this sentiment to MoE verbally. Next step is

letter for Chair's signature.

Jul-18-2013

No.	Activity	Responsibility	Target Date	Status
1	Add the topic of "notification to property owners that Development Permits may be required to the next RDN protocol meeting agenda, in relation to the landowners' comments for GB-DP-2013.1 (Gaviola Island).	Courtney Simpson	Sep-05-2013	On Going
1	Prepare project charter and communications plan for Agriculture Policies project and include consideration of: • changing accessory use in AG zone to allow a cottage OR a suite; • adding policy in the OCP that farmland on Gabriola should be inventoried; • more information on AAC's recommendation to "regulate" agritourism • more information on public markets • allowing produce stands inside front lot line setbacks • a stronger position on GMO's than in the staff report at July 18, 2013 meeting • And list of other items as recorded in the minutes, from staff recommendation.	Courtney Simpson	Sep-05-2013	On Going
1	Make enquiries with the Ministry of Agriculture and Regional District of Nanaimo about funding an inventory of agricultural land for Gabriola Island.	Courtney Simpson	Sep-05-2013	On Going
1	Request more information on staff recommendation for implementing climate change policies to allow produce stands in the front setback, particularly the suggestion that the LTC consider allowing food processing.	Courtney Simpson	Sep-05-2013	On Going

1	To implement climate change policies, make the following amendments to DP 7 The Village (refer to Staff Report at July 18 meeting): • require that parking is at the rear of businesses and that businesses open to the street to create a greater sense of intimacy and walkability in the village core • require permeable parking	Courtney Simpson	Sep-05-2013	On Going
1	To implement climate change policies, make the following amendments to the LUB: • Amend parking requirements in LUB section B5 as described in climate change policy implementation staff report on July 18 meeting agenda. • Amend definition of floor area to measure to the interior surface of exterior walls instead of exterior surface.	Courtney Simpson	Sep-05-2013	On Going
1	Submit resolution to Trust Council to amend development application forms to include climate change considerations such as energy efficiency, renewable energy, and carbon sequestration. <i>Update: for December Trust Council if bylaws 265 and 266 have been given third reading.</i>	Courtney Simpson	Sep-05-2013	On Going
1	Add to housekeeping bylaw amendments list the inclusion of "ground-level detached deck" in the definition of "structure" and bring this list to next LTC meeting agenda.	Courtney Simpson	Oct-10-2013	On Going

Sep-05-2013

No.	Activity	Responsibility	Target Date	Status
1	LTC amends its budget request to request \$10,000 for OCP review and to amend the reason for the RAR budget request to reflect the June resolution, and forward to the FPC as revised.	Courtney Simpson	Sep-30-2013	Done
1	Adopt the 2014 meeting schedule with the following amendments: Remove the November 20th and October 9th meetings and add October 2 and October 30.	Becky McErlean	Oct-10-2013	Done
1	GBLTC request staff advice on how the LTC can facilitate the Gabriola Eagle Nest Mapping Proposal.	Jason Youmans	Oct-10-2013	Done

1	Staff to amend the draft bylaws 271 and 272 and direct staff to present the amended draft bylaws to the LTC at a subsequent meeting at which time the LTC may consider early referrals to the RDN and BC Parks.	Courtney Simpson	Oct-10-2013	Done
1	Request that staff outline a process for the LTC doing simple RAR assessments as a way to have landowners avoid hiring their own QEP.	Courtney Simpson	Oct-10-2013	On Going
1	LTC request staff advice on the bylaw (265 and 266) changes proposed by trustees and any other issues arising from public input.	Courtney Simpson	Oct-10-2013	On Going
1	Request that Islands Trust Conservancy staff consider a Gabriola presentation on the NAPTEP.	Courtney Simpson	Oct-10-2013	Done
1	Invite RDN staff to any of our LTC meetings to present their water budget report for Area B.	Courtney Simpson	Oct-10-2013	Done
1	Add to Projects List: • Forage Fish Mapping Workshop; and • DAI Bylaw as part of DeCourcy OCP.	Courtney Simpson	Oct-10-2013	Done



STAFF REPORT

Date: September 30, 2013

File No.:

To: Gabriola Island Local Trust Committee
For October 10, 2013 meeting

From: Jason Youmans
Planner 1

CC: Courtney Simpson
Regional Planning Manager, Northern Office

Re: Project Proposal – Gabriola Island Bald Eagle Nest Mapping

SUMMARY:

The Gabriola Rescue of Wildlife Society (GROWLS) has requested Gabriola Island LTC's participation in a project to develop a comprehensive summary report and data inventory of bald eagle nest locations on Gabriola Island. GROWLS has requested \$1,000 from the Islands Trust to help cover the cost of engaging a consultant to carry out the project. The purpose of this report is to provide a summary of the current status of eagle nest mapping on Gabriola Island, outline current protections to eagle nests offered under local government bylaws and provincial law, and discuss how the Gabriola Island LTC can facilitate this project, with consideration to how Islands Trust can use the resulting information.

This report recommends that Gabriola Island LTC release \$1,000 from its local expense account to contribute to this project as requested by GROWLS, but may wish to defer this decision until the November LTC meeting as more will be known about other budget requests at that time.

PROJECT DETAILS:

Wildlife Tree Service (WiTS) coordinator Ian Moul, with the assistance of four volunteer bald eagle nest monitors from GROWLS, will provide a complete data inventory of local nests and territory, including maps, photographs, UTM and GPS coordinates. This data would be made available for a web-based habitat inventory directory capable of periodic updates.

PROJECT TIMELINE

The project proposal suggests it will take eight months to complete. Eagle nests are most easily viewed when there is less foliage on the trees, so the data-gathering phase could begin at any time. However, bald eagle nesting season is considered to last from early January to the end of August, and the project's proponents hope to commence the study in February, 2014.

The only urgency associated with this timeline—apart from more timely knowledge of nest sites—is that Ian Moul is able to offer his services now, whereas his participation at a later date can't be guaranteed.

PROJECT SCOPE

The project as proposed encompasses only bald eagle nest mapping. Ian Moul, however, says that the electronic database to be created could be expanded in the future to include mapping for other raptors or locally-valued birds, if GROWLS or other Island contributors wished to broaden its scope.

PROJECT PROPONANTS

Ian Moul (RPBio) is the Vancouver Island coordinator of Wildlife Tree Stewardship (WiTS). WiTS is a program of the Federation of British Columbia Naturalists. Moul has done extensive mapping on several of the Gulf Islands and is often contracted by local governments to undertake species mapping and database work of this type.

Gabriola Rescue of Wildlife Society (GROWLS) is a local non-profit with a mandate to rescue ill, injured or otherwise disabled wildlife and preserve natural wildlife habitat on Gabriola Island. A number of GROWLS volunteers already work in conjunction with Moul and WiTS to monitor known eagle nesting sites on the Island.

CONSISTENCY WITH ISLANDS TRUST POLICY STATEMENT

This project could support the formulation of policy that helps achieve Islands Trust Policy Statement directive 3.1.3 which says,

“Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.”

CURRENT ISLANDS TRUST EAGLE NEST MAPPING/DATA

The Islands Trust mapping system currently contains a data layer that indicates the location of raptor nests on the Island. This layer lacks the metadata to determine when it was created, but its data signature indicates it is a product of the provincial Conservation Data Centre. Its information is assumed to be significantly outdated and in need of update.

CURRENT EAGLE NEST PROTECTION ON GABRIOLA ISLAND

Local Government Policy and Regulation

Gabriola Island's *Official Community Plan Bylaw No. 166* notes the following policies with respect to raptor nests:

Environmentally Sensitive Area policy:

g) Trees bearing the nests of great blue heron, bald eagle, osprey and other raptors shall not be cut in accordance with provincial legislation. The zoning bylaw shall set standards and regulate the provision of screening for preserving and protecting trees bearing such nests. Such condition shall be applicable with respect to the rezoning of any site containing such a feature.

Environmentally Sensitive Area advocacy policy:

k) Once Ministry of Environment's inventory of eagle trees and other raptor sites on Gabriola is completed, its implications should be considered in relation to future development.

n) Where nest sites for great blue heron, bald eagle, osprey and other raptors are located on private property, the property owners shall be encouraged to ensure that the site is protected, including through the use of a voluntary conservation covenant.

Gabriola Island's *Land Use Bylaw No. 177* notes the following regulation with respect to raptor nests:

B.2.1.3 Setbacks and Screening from Nesting Trees

a. A protective screen of natural vegetation must be retained within a 7.5 metres (24.6 feet) radius of the trunk of a tree bearing nests of herons, eagles, ospreys, vultures, falcons, hawks and owls.

Provincial Policy and Regulation

Section 34 of the *Wildlife Act* states that:

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

(a) a bird or its egg,

(b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or

(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

Fines for committing an offence are under section 84 of the same act:

(3) Subject to subsection (4), a person who commits an offence referred to in subsection (1) (b) is liable,

*(a) on a first conviction, to a fine of not more than \$50 000 or to a term of imprisonment not exceeding 6 months, or both, and
(b) on each subsequent conviction for the same offence or another offence referred to in subsection (1) (b), to a fine of not more than \$100 000 and not less than \$1 000 or to a term of imprisonment not exceeding one year, or both.*

(4) Despite subsection (3) (a), if the person referred to in that subsection has previously been convicted of an offence referred to in subsection (1) (a), the person is liable to the punishment set out in subsection (3) (b).

DISCUSSION

The presence in Gabriola Island's OCP and LUB of policies and regulations that speak to the protection of raptor nesting trees demonstrates that this issue is important to Gabriola citizens. While it isn't difficult for property owners to ascertain the presence of a bald eagle nest on their lot, an updated database could help Islands Trust staff better understand where nest sites are located and proactively work with land owners when development proposals come forward for properties that contain known nesting trees. A publicly-available database and map, either on the WiTS or GROWLS website, could also assist the general public to understand where nests are located. A database with the potential for regular updates would help the Islands Trust ensure that policy remains consistent with the situation on the ground. The potential that information gathered during this study will be shared with the Regional District of Nanaimo could yield positive benefits if RDN building staff ensure that no buildings are being constructed within known nesting areas. Other jurisdictions, meanwhile, have established development permit areas for raptor nest protection based on this kind of mapping, an option that is available to Gabriola LTC in the future.

This project is anticipated to require little staff time or involvement. The proponents may wish to use Islands Trust's existing mapping to help inform their ground-truthing efforts. Particularly, our sensitive ecosystem mapping indicating the location of mature forests on the Island may prove valuable at the project outset. Islands Trust mapping coordinator Mark van Bakel says he recognizes the need for up-to-date eagle nesting data, and only requests his early involvement before data collection begins to ensure that the information being collected is of a quality that meets Islands Trust's standards and requirements. Islands Trust would likely wish to enter into a service contract with the project proponents to ensure clarity around the project's timeline, scope and deliverables. Ian Moul and the Trust's mapping coordinator have liaised on similar projects in the past for other Gulf Islands and the mapping coordinator is confident in the quality of the proposed product.

Finally, the participation of GROWLS volunteers and the work that organization has undertaken to date will enable this project to be delivered at a significantly reduced cost to that normally charged by a consultant working independently.

BUDGET

Gabriola Island LTC may wish to use its Local Expense Special Projects budget to fund this project. Of the \$3,500 in this budget only \$150 has been spent to date. Staff makes the recommendation below with the suggestion that the LTC may wish to wait until a cost estimate for further Riparian Areas Regulation assessment, part of the LTC's top priority project, is known.

RECOMMENDATIONS:

1. **THAT** the Gabriola Island Local Trust Committee release \$1,000 from its Local Expense Special Projects Budget for eagle nest mapping undertaken by GROWLS and WITS.

Prepared and Submitted by:



Jason Youmans

Planner 1

September 30, 2013

Date

Concurred in by:

Courtney Simpson

September 30, 2013

RPP, MCIP
Regional Planning Manager

Date

Attachments:

From: Wallace, Bonita FLNR:EX [<mailto:Bonita.Wallace@gov.bc.ca>]
Sent: September-05-13 2:41 PM
To: David Graham; 'giselerudischer@gmail.com'; Sheila Malcolmson; Courtney Simpson
Subject: Potential Water Contamination at the Gabriola Rod, Gun and Conservation Club File: 0333052

Hi David:

I am responding to your letter of July 25, 2013.

As you are aware, in September 2011, as a result of concerns around potential for contamination of drinking water, the Gabriola Rod, Gun and Conservation Club (GRGCC) was required to carry out testing on their well water. The tests, which were carried out by Levelton Consultants Ltd., did not indicate any concerns with regard to lead entering the ground water. The Ministry of Environment , Environmental Protection Division confirmed that they were satisfied that the GRGCC adequately addressed the issue of potential zinc contamination in ground water as well.

The elimination of shotgun sports from the GRGCC site has minimized the potential for further lead being deposited on the site and the GRGCC carries out periodic clean-ups of rifle and pistol bullets and shell casings to address and minimize the potential for contamination from on-going site activities .

Bonita Wallace

Land Technical Officer

Ministry of Forests, Land and Natural Resource Operations
 Crown Land Authorizations
 West Coast Region

2080 Labieux Rd
 Nanaimo BC V9T 6J9

Phone: (250) 751-7248
 Fax: (250) 751-7224



Top Priorities

Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Gabriola Planning Area OCP Review:	This a targeted OCP/LUB review and each topic is listed and described below in order of priority	Jan-19-2012	Courtney Simpson	Sep-01-2014	On Going
1	<i>1) Riparian Areas Regulation</i>	Implement the provincial Riparian Areas Regulation (RAR) and reduce fee for DP 3 application to \$200. Bylaws 265 and 266 drafted that also include moving all DP guidelines from the OCP to the LUB. Public Hearing held Sept 4, 2013. Sept 5, 2013 resolutions to outline process for simple RAR assessment for affected area, and for staff advise on proposed changes to bylaw from trustees and public.	Jun-28-2011	Courtney Simpson	Sep-14-2014	On Going
1	<i>2) Rezoning new RDN Parks and ITF nature reserves</i>	Draft bylaws complete, to LTC for early referral to park agencies prior to first reading.	Nov-29-2012	Courtney Simpson	Sep-01-2014	On Going
1	<i>3) Review and amend OCP & LUB to increase local food security and farmland protection</i>	Referred to APC in 2012. Initial staff report at July 18, 2013 LTC meeting. Next steps: Project charter and communications plan	Jan-19-2012	Courtney Simpson	Sep-01-2014	On Going

1	4) <i>Implement OCP climate change policies into LUB</i>	Initial memo at January 17, 2013 meeting. Initial staff report from CitySpaces Consulting at May 16, 2013 meeting. Follow up report from Islands Trust staff at July 18, 2013 meeting. Next steps: draft bylaw amendments and further information	Jan-07-2013	Courtney Simpson	Sep-01-2014	On Going
1	5) <i>Consider density transfer affordable housing policies for cottage densities</i>	Not started				On Going
1	6) <i>Review DP-7 form and character guidelines for Village Core, and review OCP/LUB to make Village more pedestrian friendly, and to consider passive solar, renewable energy and energy efficient design.</i>	Overlaps with implementing climate change policies into the LUB and partially addressed in those staff reports.	Jan-17-2013	Courtney Simpson	Sep-01-2014	On Going
1	7) <i>Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)</i>	Not started				On Going
1	8) <i>Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals</i>	Not started				On Going
1	9) <i>Review OCP and LUB to include protective measures for biodiversity</i>	Not started				On Going
1	10) <i>Review OCP and LUB to improve protection of coastal areas</i>	Not started				On Going
1	11) <i>Review OCP and LUB to protect water quality and quantity</i>	Not started				On Going

2	Development Approval Information bylaw	Staff preparing draft bylaw. After public hearing for bylaws 265 and 266, it will be presented to the LTC for endorsement, then forwarded to Trust Council by way of Executive Committee for adoption. January 17, 2013 resolution to submit to EC.	Jun-28-2012	Courtney Simpson	Jun-30-2013	On Going
3	Snuneymuxw First Nation Protocol Agreement Implementation	2013/14 budget for implementation for meeting expenses. May 16, 2013 resolution to delay spending this budget until after top priority 1 (OCP/LUB review) topics have gone to public hearing.		David Marlor Courtney Simpson	Mar-31-2014	On Going



Projects

Gabriola Island

No.	Description	Activity	Received/Initiated	Status
2	Mudge and DeCourcy Island greenhouse gas emission inventories		Jan-27-2011	On Going
2	DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: • park areas without park zoning • DAI Bylaw		Apr-21-2011	On Going
2	Hazardous areas and steep slopes development permit area • also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		Feb-21-2013	On Going
2	Forage Fish Mapping Workshop	March, 2013 resolution	Sep-05-2013	On Going



Applications w/ Status - Gabriola Island Status: Open

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2007.1	Donald and Brad Powell Planner: Courtney Simpson	Feb-16-2007	725 Church Street To rezone a portion of approximately 2 acres from institutional to seniors.

Planning Status

Status Date: May-08-2013

No new information from applicant

Status Date: Aug-10-2012

Cost Recovery Agreement signed by applicant

Status Date: May-11-2012

Finance Officer working with applicant re Cost Recovery Agreement

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2009.1	Williamson & Associates Planner: Courtney Simpson	Nov-09-2009	Proposed Density Transfer - transfer of lands off South Road (south of 707 park) to lands off Daniel Way in the Locke Bay Development Permit Area to create 10 new lots.

Planning Status

Status Date: Apr-23-2013

Nothing new - still waiting to hear from applicant

Status Date: Jan-06-2012

Early referral responses sent to applicant, waiting to hear back from applicant on how he wishes to proceed

Status Date: Oct-19-2011

Supplemental information staff report including early referral responses to the LTC for their October 27, 2011

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	Oct-06-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 51803I) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)

Planner: Marnie Eggen

Planning Status

Status Date: Aug-12-2011

Staff reviewed revised plan; parkland ded., no further sub. cov. and frontage relief conditions removed.

Status Date: Jul-20-2011

Applicant submitted new site plan. Plan omits park land dedication. Staff in contact with applicant and RDN regarding this.

Status Date: Aug-12-2010

Waiting for information from applicant

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.4	J.E. Anderson & Associates	Nov-28-2008	Boundary adjustment.

Planner: Marnie Eggen

Planning Status

Status Date: Aug-12-2010

please refer to GB-SUB-2001.1 for update

Status Date: Aug-14-2009

see GB-SUB-2001.1

Status Date: Aug-06-2009

File relates to 2001.1 (Centre Stage) and is a boundary adjustment. Requires a DVP. Staff are in discussions with new owner of subject property

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2010.2	Gary and Jane McCollum and Krul	Aug-13-2010	1520 McCollum Road Create 7 parcels

Planner: Courtney Simpson

Planning Status

Status Date: Apr-23-2013

File reopened - Correspondence from MOTI says subdivision file is ongoing and that Preliminary Layout Approval has not yet been given

Status Date: Mar-08-2013

Correspondence with MOTI staff - PLA has expired. File to be closed

Status Date: May-03-2012

Correspondence with MOTI staff - applicant intends to submit a revised application. No revised plans have been received yet by MOTI.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors Planner: Marnie Eggen	Dec-23-2010	To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644)

Planning Status

Status Date: Oct-25-2011

PLA received

Status Date: Aug-22-2011

Referral review completed and sent to MOTI.

Status Date: May-11-2011

Related to GB-RZ-2009.1, but can proceed seperately. Planner currently reviewing file.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2012.2	Don Powell Planner: Linda Prowse	Oct-24-2012	725 Church Street - subdivision to create one new lot and a remainder lot

Planning Status

Status Date: Nov-15-2012

Referral report sent to MoTI

Status Date: Oct-26-2012

Planner reviewing file

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.2	Centre Stage Holdings Ltd.	Aug-09-2013	Subdivision to 6 lots

Planner: Linda Prowse

Planning Status

Status Date: Sep-27-2013

Subdivision Referral Review Report sent to MOTI, applicant and LTC

Status Date: Aug-23-2013

Planner reviewing file

From: Anna Olson

Sent: September-26-13 2:22 PM

To: Courtney Simpson; David Graham; Gisele Rudischer; Sheila Malcolmson; Becky McErlean

Subject: Gabriola Expense Report- SEPT/13

Islands Trust				
LTC EXP SUMMARY REPORT F2014				
Invoices posted to September 30, 2013				
620 Gabriola	Invoices posted to September 30, 2013	Budget	Spent	Balance
65000 620	LTC "Trustee Expenses"	1,600.00	129.12	1,470.88
65200 620	LTC Local Exp LTC Meeting Expenses	5,000.00	966.99	4,033.01
65210 620	LTC Local Exp APC Meeting Expenses	1,000.00	262.44	737.56
65220 620	LTC Local Exp Communications	500.00	-	500.00
65230 620	LTC Local Exp Special Projects	3,500.00	150.44	3,349.56
65240 620	LTC Local Exp Miscellaneous	1,000.00	-	1,000.00
TOTAL LTC Local Expense		11,000.00	1,379.87	9,620.13
73001 620 2001	Gabriola OCP/LUB	12,000.00	3,251.69	8,748.31
TOTAL Project Expense		12,000.00	3,251.69	8,748.31

Anna Olson
Finance Clerk

Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving island communities, culture and environment

Please consider the environment before printing this email.

GABRIOLA DIRECTORY

SINCE 1991

685 Crestwood Road, Gabriola Island, B.C. V0R 1X4
 Cell: 250-716-6859 Home Phone: 247-8799
 www.gabriadirectory.com • email: gabriadirectory@shaw.ca

RECEIVED

SEP 17 2013

ISLANDS TRUST
 NORTHERN OFFICE

September 10, 2013

Islands Trust, Northern Planning Office- Becky McErlean
 700 North Road
 Gabriola Island, BC
 V0R 1X3

RENEWAL NOTICE

NEW: 5% discount if paid by midnight October 15, 2013

Deadline for advertising in the 2014 Gabriola Directory: **OCTOBER 31, 2013**

Ad Size and Category: full page (discounted 1/2 price), inside full page • , • , • ,

Ad: \$360.00 + (Spot Colour if any) + (any extra categories)

Subtotal: \$360.00 + 5% GST: \$18.00 =

TOTAL: \$378.00

Add 10% late fee to payments made after midnight October 31, 2013. Thank-you.

PAYMENT OPTIONS:

1. *Drop off a cheque* with the bottom section of this letter at Colleen's Store in the Village Plaza or...
2. *Mail a cheque* with the bottom section of this letter to the above address. (Be sure to include your business name on the envelope and on the cheque).
3. *Email your payment* via your bank to gabriadirectory@shaw.ca.

Direct all inquiries to gabriadirectory@shaw.ca or any of the numbers at the top of the page. Please go to the website and click on "Application Forms - Business" for more about advertising rates.

Please submit any artwork or logos as jpeg, tif or pdf files at resolution 300 dpi (not 72 dpi) as an attachment to email sent to gabriadirectory@shaw.ca. If required we will provide 15 minutes of graphic design free of charge, which would include basic layout or minor changes. More complex design available for \$35.00 per hour. If your camera ready ad is produced by you, the directory is not responsible for the quality or content of the ad artwork and in such cases is only responsible for providing advertisement space in the directory.

SAVE PAPER: Keep upper section as your RECEIPT.

FOR OUR RECORDS: (Please include this section with payment)

☐ Continue my ad as is, or

☐ Continue my ad with the following changes:

Change _____

☐ CONTINUE MY AD - NEW SIZE

...see application form on line for prices.

☐ CONTINUE MY AD - ADD RED

...see application form on line for prices.

Your email address: _____

NOTE: We appreciate your business and do our best to produce a useful and error free directory. Proofing is important and time consuming so the earlier you get your new information to us the more likely it will be error free. Please provide an email address where your proof can be sent. Last minute submissions cannot be guaranteed to be in the book. Thanks for advertising your business in the Gabriola Directory!

For Office Use: Islands Trust, Northern Planning Office full page (discounted 1/2 price) • inside full page, • , • , • . Ad(s): \$360.00 + (Spot Colour) \$ + (any extra categories) Subtotal: \$360.00 + 12% HST: = \$378.00

H.S.T. # No.861458891



STAFF REPORT

Date: September 19, 2013

File No.: 6500-20 (Gabriola
Parks Rezoning)

To: Gabriola Local Trust Committee
For meeting of October 10, 2013

From: Courtney Simpson, Regional Planning Manager

Re: Gabriola Island Parks Rezoning – Draft Bylaws

OVERVIEW:

The purpose of this report is to present draft bylaws that are revised from when first presented at the September 5, 2013 meeting to include the following considerations related to Regional District of Nanaimo (RDN) and The Nature Trust of BC (TNT) parks that are included in their park management plans:

- size limit of signs;
- regulation of public gatherings; and
- regulation of permanent and temporary structures.

BACKGROUND:

The review and update of land use designations and zoning of Gabriola Island parks is a component of the Local Trust Committee's (LTC) top priority, the Gabriola Planning Area Official Community Plan (OCP) Review. The LTC endorsed a project charter and communications strategy for this project at their November 29, 2012 meeting.

In accordance with the workplan established by these documents, staff met with representatives of the RDN, TNT and BC Parks in February, 2013. The purpose of the meetings was to discuss the scope of the project and to review existing zoning categories. A number of issues and concerns were identified at these meetings and are summarized in the June 13, 2013 staff report on this project.

At their June 27, 2013 meeting, the LTC passed the following resolution:

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee direct staff to prepare draft Bylaws to amend the Gabriola Island Official Community Plan and the Gabriola Island Land Use Bylaw to update the land use designations and zoning categories of the following park areas to reflect their current uses and management plans adopted by the Regional District of Nanaimo, and to ensure zoning boundaries match park boundaries:

- Cox Community Park
- Coats Marsh Regional Park
- Descanso Bay Regional Park
- 707 Community Park
- Community Park – corner of Coast Road and South Road
- Community Parks at northern edge of Drumbeg Provincial Park

- *Petroglyph Way trails*
- *Accesses to Whalebone Community Parks*
- *Community Park – trail off Seymour Road*
- *Sandwell Provincial park – parking area and marine boundaries*
- *Gabriola Sands Provincial park – marine*
- *Drumbeg Provincial Park – marine boundaries*
- *Community Park – Paisley Place*

CARRIED

Draft bylaws were first presented at the September 5, 2013 meeting but did not yet include regulation of signs, special events and permanent and temporary structures in accordance with park management plans.

DISCUSSION & STAFF COMMENTS:

1) Revised Project Charter:

The attached project charter is revised for LTC endorsement with the following changes:

- Scope amended to clarify that text amendments to the zoning regulations for Descanso Bay and Coats Marsh Regional Parks to reflect their adopted management plans is within scope
- Project team amended to reflect staffing changes
- Workplan Overview amended to update target completion dates.

Based on review of meeting minutes, resolutions and past staff reports, it's believed that the scope now accurately captures the direction of trustees for this project, but is presented for review and can be amended prior to endorsement if necessary.

2) Signs:

The RDN / TNT requested that current park entrance signage, interpretive and directional signage (and that anticipated in the Coats Marsh Management Plan) is not restricted by the Gabriola Land Use Bylaw (LUB).

The RDN also indicated that they wish to ensure that the LUB permitted future signage needs for other parks that are used for more active recreation, such as Rollo McClay and Huxley Park. However, this falls under "review of park zoning categories in general" and is out of the scope of this project; As the RDN is currently undertaking a management planning process for Huxley Park, it is anticipated that any requests for zoning change that result from that process could be made at that time, but it is premature to anticipate what those changes might be.

Coast Marsh

The Coats Marsh Management Plan states that: "Park use and navigational signage will be limited to park maps and authorized use signs at entrance points and simple directional signs at trail junctures" (p. 19) and "small interpretive signs installed along the park's trail system, as opposed to large kiosks at park entrances, would make information readily available to park visitors (p.20).

Descanso Bay

The Descanso Bay Regional Park Management Plan does not describe the extent of existing and planned signage, but speaks to the maintenance of signs used to explain the rules and regulations of the park.

Current LUB Regulations

Section B.4.1 of the Gabriola Land Use Bylaw regulates signs. In the park zones (P1, P2, and P3), there is no maximum number of permitted signs, and the total sign area permitted is 4.0 sq. m (43.0 sq.ft) per lot. “Directional” signs “sited and maintained by government agencies” are included in a list of exempted signs, but it is not clear whether wayfinding signs within a park would be included in this exemption.

In the zoning regulations (D.4.1-3), signs are exempt from setbacks. Signs are considered structures in the LUB.

Options for Land Use Bylaw Amendment

The LUB should be amended to ensure that entrance, directional and interpretive signs included in park management plans and normal park operations are not in contravention of the LUB. Staff does not recommend the LUB regulate the size and number of signs within the park, but may want to consider regulating the size and number of entrance signs. The reason for regulating entrance signs instead of interior signs is to regulate the aesthetics and visual impact on the neighbourhood.



Figure 1: example entrance sign



Figure 2: example interior sign

The entrance signs for Coats Marsh and Descanso Bay both meet the maximum sign size requirement in the LUB of 4.0 m²:

- Coats Marsh = 0.5 m²
- Descanso Bay = 1.3 m²

3) Public Gatherings

The RDN requested that public gathering / assembly for special events, guided walks, etc. should be permitted in all parks, subject to the appropriate permitting process required by the RDN. *RDN Park Use Regulations Bylaw, No. 1399, 2004* applies to all RDN parks. With regards to special events the following excerpt applies:

5.16 Special Use and Commerce

- a) *Except for authorized personnel or where authorized by a park use permit, no person shall:*
- undertake or engage in a special use;*
 - carry on a commercial or industrial undertaking of any kind or nature or provide professional, personal or other services;*
 - post, paint or distribute any advertisement, sign, handbill, pamphlet, poster or placard of any kind; or*
 - operate, park or station any vehicle displaying advertising or equipped with a public address system.*

Park use permits are issued under Section 5.17 of the *RDN Park Use Regulations Bylaw, No. 1399, 2004* (Attachment 5). In accordance with this bylaw, a park use permit may not be issued unless the special event use conforms to the management plan adopted for the particular park.

BC Parks did not raise the same issue in staff consultation with them, however we are aware that special events do occur at Gabriola Sands Provincial Park (Twin Beaches), such as the Canada Day fireworks, and are also subject to a park use permit process.

Descanso Bay

According to the management plan for Descanso Bay Regional Park, special events must meet the following criteria:

- The event is an appropriate outdoor recreation activity;
- The event will have minimal environmental impact;
- The site selected will be sensitive to the natural environment and the experience of other park users;
- No permanent or temporary facilities or structures associated with the service or activity are erected or constructed without prior permission of the RDN;
- On site advertising of events shall be limited to one sandwich board, sign, or banner.

Coats Marsh

The Coats Marsh management plan states that “ the RDN Recreation and Parks department will work with organizations such as the Gabriola Land Conservancy and the Gabriola Land and Trails Trust to offer guided hikes and park lecture series to visitors within the park” (p. 21). The Park Management Plan does not anticipate that special events beyond guided hikes and lecture series would be permitted in this park.

Current LUB Regulations

The LUB is currently silent on special events in all park zones. However, the bylaw is understood to currently allow these special events in the P1 zone, where “provincial parks and regional parks” are a permitted principal use, if the special event is within the parameters of the legislation and bylaws related to the park, and the event is authorized by an established approval processes of the park agency. The definitions of the principal uses in the P1 zone are as follows:

- | | |
|--------------------------|---|
| <i>Park – provincial</i> | means an area of land (water) established as a <i>provincial park</i> under the “Park Act”; |
| <i>Park – regional</i> | means an area of land (water) established as a <i>regional park</i> under the “Park (Regional) Act. |

In the P2 zone permitted principal uses are “passive outdoor recreational activities, including walking, hiking and nature appreciation”. Special events that fit this definition would be permitted in the bylaw currently, but any special events that did not, would not currently be permitted.

In the P3 zone, permitted principal uses include a list of active uses, intended to capture sporting events and the like. A special event that is not a sporting event may not be allowed according to this bylaw.

The LUB contains a permitted use of “public assembly and recreation” in the Institutional 1 zone, and this use is defined as follows:

“means a hall, auditorium, church and indoor recreation facility but does not include any use or facility operated on a commercial basis for profit”.

The Gabriola Commons (GC) Comprehensive Development Zone permits “commons accessory public assembly”, and this use is defined as follows:

“means indoor and outdoor gatherings, meetings, and events and includes infrastructure necessary to support these activities such as washroom facilities, dining hall removed from this place space, and institutional kitchen facilities”.

Options for LUB amendment

The RDN has requested that the LUB be amended to allow special events subject to the RDN’s permitting process. The current bylaw does allow these events in the P1 zone, and in the P2 and P3 zones if they confirm with the permitted principal uses. Staff recommends there is no change to the bylaw with regards to special events at this time.

The LTC directed staff to “...*update the land use designations and zoning categories of the following park areas to reflect their current uses and management plans adopted by the Regional District of Nanaimo...*” The draft bylaws do update the zoning categories for the parks listed and clarify caretaker residences, campground, campground office uses.

Trustees have indicated a desire to address special events in the LUB to reflect the park management plans. For example, by allowing a broader range of special events in Descanso Bay, and only “guided hikes and park lecture series” in Coats Marsh, pursuant to their management plans.

Amending the bylaw to specifically address special events can not be done without considering all the parks on Gabriola Island, or there is a risk of unintended consequences; by specifically mentioning that special events are allowed in one park zone, this effectively disallows special events in other parks zones where this is not mentioned as a permitted use. For example the Canada Day fireworks at Gabriola Sands Provincial Park, or weddings at any park.

Because the RDN Park Use Regulations Bylaw requires that special events conform to the management plan of a park, it is through the management planning process that the nature and type of special events permitted in a park is determined, and it isn’t necessary to repeat this in the LUB.

If the LTC would like it to be very clear in the LUB that special events are permitted, pursuant to the RDN’s request, the LUB could insert “special park events” as a permitted use in all park zones, and define it to be “events authorized by a government agency with responsibility for management of the park and consistent with a management plan for the park where one is in place”. However, at this time this would have to be applied to all park zones.

If the LTC does wish for the LUB to be more specific in the type of special events permitted in different parks or types of parks, this is a more significant undertaking that would involve inventorying current special events that occur in each park and developing options on how to clarify that they are allowed in the LUB so that current and acceptable special event uses in parks do not become non-conforming by specifically allowing special events in Descanso Bay.

4) Permanent and Temporary Structures

A thorough review of regulations for structures in all parks such as height, type, size and lot coverage, is not within the scope of this project. However, review of regulations for structures in Descanso Bay and Coats Marsh in relation to their management plan is within the scope. In particular the RDN requested that for Coast Marsh, that amphitheater seating for lectures / presentations as anticipated in the management plan is permitted through zoning. The LTC has directed that regulations for permanent and temporary structures (for special events) are considered in the draft bylaws.

Current LUB Regulations

The regulations for the P1 zone permits “buildings and structures to accommodate...regional parks...”, and there are height, setback and lot coverage limitations for structures; benches for amphitheater seating fall within the definition of structures.

Options for LUB amendment

The current LUB regulations for structures will allow the RDN and TNT to meet the goals of their management plan with regards to amphitheater seating and no amendments to the LUB are recommended.

The LUB could be amended to restrict all structures to those only contemplated in management plans such as allowing only raised walkways, park shelters, viewing platform and benches for Coats Marsh. This is not a recommended approach as it could either result in lengthy, specific definitions or be prone to unintentional omissions and is considered unnecessary doubling up of regulation.

While RDN bylaws and park management plans will be amended from time to time, there is an agreed upon process for consultation on any parks planning initiative through the January 9, 2013 *Letter of Understanding between staff for the Gabriola Island Local Trust Committee and staff for the Regional District of Nanaimo Board*. For Coats Marsh, a lease agreement with TNT and the RDN further outlines conservation guidelines to which the RDN must adhere in terms of park management and operation

Staff does not recommend any changes to the LUB regarding permanent or temporary structures for Coats Marsh and Descanso Bay Parks. The LUB currently allows for buildings and structures to accommodate provincial parks and regional parks, and if the structures are consistent with the management plans for the parks and/or authorized by the park agency, there is no conflict with the LUB. By specifically allowing certain types of structures in one site-specific zone, it has the effect of disallowing it in other park zones, which may not be the intent.

Other amendments to draft bylaws

- “Ecological reserves” has been added to the list of permitted principle uses in the P1 zone pursuant to the request from the RDN. Considering that ecological reserves are already mentioned in the section on permitted structures of that zone, staff believes ecological reserves was intended to be included in the list of permitted uses in this zone originally.
- A typographical error and an error in a map reference, as identified at the September 5 meeting, have been corrected.

RECOMMENDATIONS:

THAT the Gabriola Island Local Trust Committee direct staff to refer Draft Bylaw No. 271 and Draft Bylaw No. 272 to the Regional District of Nanaimo Parks Department, BC Parks, The Nature Trust of BC and the Agricultural Land Commission.

Prepared and Submitted by:

Courtney Simpson
RPP, MCIP, Regional Planning Manager

October 1, 2013
Date

Attachments:

Attachment 1 – Project Charter, revised September 25, 2013

Attachment 2 – Communications Strategy, dated November 9, 2012

Attachment 3 – Draft Bylaw No. 271, to amend the Gabriola Island Official Community Plan

Attachment 4 – Draft Bylaw No. 272, to amend the Gabriola Island Land Use Bylaw

Attachment 5 – Section 5.17 Park Use Permits, Excerpt from Regional District of Nanaimo Park Use Regulations Bylaw, No. 1399, 2004

Gabriola Island Parks Rezoning - Project Charter

Purpose To review and update current land use designations and zoning categories of parks on Gabriola Island to ensure that the designations and zoning are appropriate to their particular use.

Objectives

- Adoption of updated land use designations and zoning for parks on Gabriola Island that currently do not have zoning and/or land use designations that reflect their use.
- Long-term recognition and protection of park areas for the use of the Gabriola community.

Background

This project is part of the Gabriola Official Community Plan review. Over the years there have been a number of parks created on Gabriola Island through subdivision, density transfer and park acquisition processes that have not been reflected in the land use designations and zoning in the Official Community Plan and Land Use Bylaw. A number of these parks were identified in a September 2011 Memorandum from staff and a number have since been identified and are outlined in the scope of the project.

Project Scope

In Scope
Text amendments for zoning regulations for Descanso Bay and Coats Marsh Regional Park to reflect their adopted management plans
Mapping amendments to rezone / redesignate the following:

- Cox Community Park
- Coats Marsh Regional Park
- Descanso Bay Regional Park
- Northern Part of Drumbeg Provincial Park
- 707 Community Park

- Community Park—corner of Coast Road and South Road
- Community Parks—Petroglyph Way
- Community Parks—Accesses to Whalebone Community Parks
- Sandwell Provincial Park—Parking Area
- Park dedications acquired through subdivision since 1996
- Other park dedications may be identified through initial consultation with RDN / Province

Out of Scope

- Review of land use designation and zoning categories of other parks not listed in this section
- Review of park zoning categories in general
- Consideration of density banking of park densities

Workplan Overview	
Deliverable/Milestone	Targeted Completion
Consultation with RDN, Province and Nature Trust of BC who own / operate subject parks	January 2013
Development of draft bylaw amendments	September 2013
Consultation on draft bylaw amendments with RDN, Province, Nature Trust of BC and ALC	November 2013
1st reading of draft bylaws—agency and First Nation referrals	January 2014
Public Hearing and further readings	March 2014
Submission of draft bylaws to Executive Committee/Minister of CSCD	March 2014
Consideration of adoption	April 2014

Budget		
Item	Cost	Notes
Legislative Process	\$2,000	This will be from the 2013/14 Fiscal Year budget
Total	\$2,000	

Links & Dependencies

- LTC meeting schedule as framework for deliverables.
- Victoria mapping department for draft mapping schedules.
- Park owner / operator availability and response turn-around.
- Referral agency response turn-around.
- Island planner workload.

Regional Planning Manager Approval:
Courtney Simpson
Date: November 19, 2012
Revision: September 25, 2013

Project Team	
Name/Project Role	
Courtney Simpson / Regional Planning Manager	
I.T. Victoria Mapping Department	
Gabriola LTC	
Lisa Webster-Gibson / Planning Clerk	

Governance	
Name/Project Role	Responsibility
GBLTC	Bylaw review / consideration /adoption
Executive Committee	Bylaw approvals
Minister of Community, Sport & Cultural Development	OCP Bylaw approval

Interest Groups	
Name	
RDN Parks Department	
Province of British Columbia	
Snuneymuxw First Nation; other First Nations	
Nature Trust of BC (Coats Marsh Community Park)	
Agricultural Land Commission (Cox Community Park and Northern Part of Drumbeg Provincial Park)	

GBLTC Endorsement Resolution #:
GB-126-2012
Date: November 29, 2012
Revision endorsed:
Resolution #:
Date:

Communications Strategy

1.0 Objectives & Scope

Project Name	Gabriola Island Parks Rezoning	
What is the decision being made in this project?	Amendments to the OCP and LUB to update land use designation and zoning categories for existing park areas to reflect their use as parks.	
Who will make the final decision?	Gabriola Island Local Trust Committee	
What is the scope of this project?	Review and update of existing land use designations and zoning of a select group of park areas that have been identified by staff and additional areas that may be identified through initial consultation with park managers.	
How will this project decision impact: - Other LTC decisions or projects - Individuals / Businesses - Specific communities - Environment	- Updating land use designations and zoning for parks will ensure that Gabriola's park areas are appropriately recognized in zoning regulations and the official community plan and will ensure uses allowed in these areas are appropriate to their status as parks.	
Are there historical factors or previous decisions that will affect how this project is implemented?	Density banking of park densities has been raised as an issue in past consultations with the Regional District of Nanaimo (RDN) with regard to rezoning parks. At the November 1, 2012 meeting, the LTC resolved to include any park areas acquired through subdivision since 1996 in the scope of this project. Staff will review Islands Trust data to identify all such areas; however, there may be additional park dedications that are missed by staff and should be identified in consultation with the RDN, the Province and other park management authorities.	
Why would you involve the public in this decision? What exactly do you want to achieve?	This project will not involve consultation with the public aside from the required public hearing.	
What information do decision makers need to assist them in this decision?	The LTC needs to know the uses currently permitted in the subject park areas through park management plans and other documents produced by park management authorities so that future zoning categories and land use designations are consistent with these documents.	
What factors will influence the decision about level and scope of consultation? How?	FACTOR	IMPACT
	Resources	Staff time both internally and externally (park agencies) may limit the possibilities with respect to engagement and may affect the timing of engagement.
	Purpose	The lands affected by this project are already operated as parks and recognized as such by the community. The purpose of the project is to ensure that these areas have the appropriate zoning and land use designations to reflect their current use, not to introduce additional uses. As such, extensive consultation with the community is not recommended.
Driving questions: - What information are you seeking? - How will this add value to the decision making process?	This project seeks to identify all applicable park areas that fall within the scope of this project and to identify appropriate zoning categories and land use designations for the applicable park areas. In order to do so, we need to work with the agencies responsible for parks on Gabriola Island, the RDN, the Province and various conservancies that co-operate some park areas.	

2.0 Methods & Delivery

<i>Project Name</i>	<i>Gabriola Island Parks Rezoning</i>			
Methods	Cost	Content Focus	Audience	Target Date
Initial Meetings with Staff	Meetings to be held at Islands Trust office, RDN office or Provincial office, if possible. No cost anticipated.	Identifying any additional park areas that should be included, identifying appropriate land use designations and zoning categories, and identifying any modifications / new zones that may be required.	Appropriate staff from RDN, Province and Nature Trust of BC	January 2013
Draft Bylaw Review	Provide copies of draft bylaw with introductory letter for review by email. No cost anticipated.	Introduce and explain the draft bylaw amendments and how they relate to outcomes from initial meetings.	Appropriate staff from RDN, Province, Nature Trust, ALC	February 2013
Legislative Process	Estimated cost: \$2,000	Introduce and explain the proposed bylaw amendments.	First Nations, RDN, Province, ALC, Nature Trust of BC, other referral agencies, and the public	March to May 2013

DRAFT

Gabriola Island Local Trust Committee

BYLAW NO. 271

A BYLAW TO AMEND THE GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, NO. 166

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Bylaw No 166, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2013"

READ A FIRST TIME THIS	DAY OF	, 2013
PUBLIC HEARING HELD THIS	DAY OF	, 2013
READ A SECOND TIME THIS	DAY OF	, 2013
READ A THIRD TIME THIS	DAY OF	, 2013
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2013
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT		
THIS	DAY OF	, 2013
ADOPTED THIS	DAY OF	, 2013

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 271

Schedule 1

The Gabriola Island Official Community Plan Bylaw No. 166 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997”, is amended by amending Schedule B – Land Use Designations as follows:

1. By changing the land use designation on the land legally described as The Northwest $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District, Except those Parts in Plans 29152, 30043 and 30051 (PID: 009-735-828) from Resource to Parks as shown on Plan No. 1 attached to and forming part of this bylaw.
2. By changing the land use designation on the land legally described as:
 - a. Lot B, Section 20, Gabriola Island, Nanaimo District Plan VIP73679 (PID: 025-417-681); and
 - b. Lot A, Section 20, Gabriola Island Nanaimo District Plan VIP73679 (PID: 025-417-673)

from Commercial (Tourist Recreational) to Parks as shown on Plan No. 2 attached to and forming part of this bylaw.

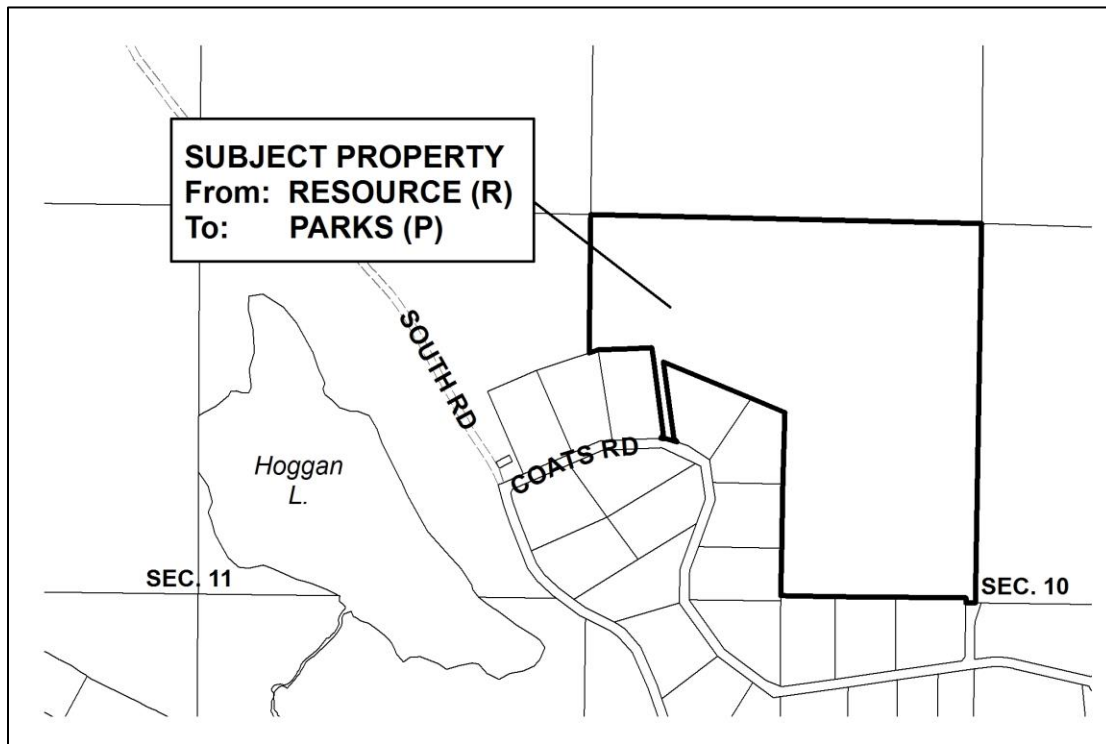
3. By changing the land use designation on the land legally described as:
 - a. The Northeast $\frac{1}{4}$ of Section 13, Gabriola Island, Nanaimo District (PID: 006-654-843);
 - b. The Northwest $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District (PID: 006-655-335);
 - c. The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-815);
 - d. The Southeast $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-599);
 - e. The North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 15, Gabriola Island, Nanaimo District (PID: 006-656-498); and
 - f. The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District (PID: 006-649-408)

from Forestry to Parks as shown on Plan No. 3 attached to and forming part of this bylaw.

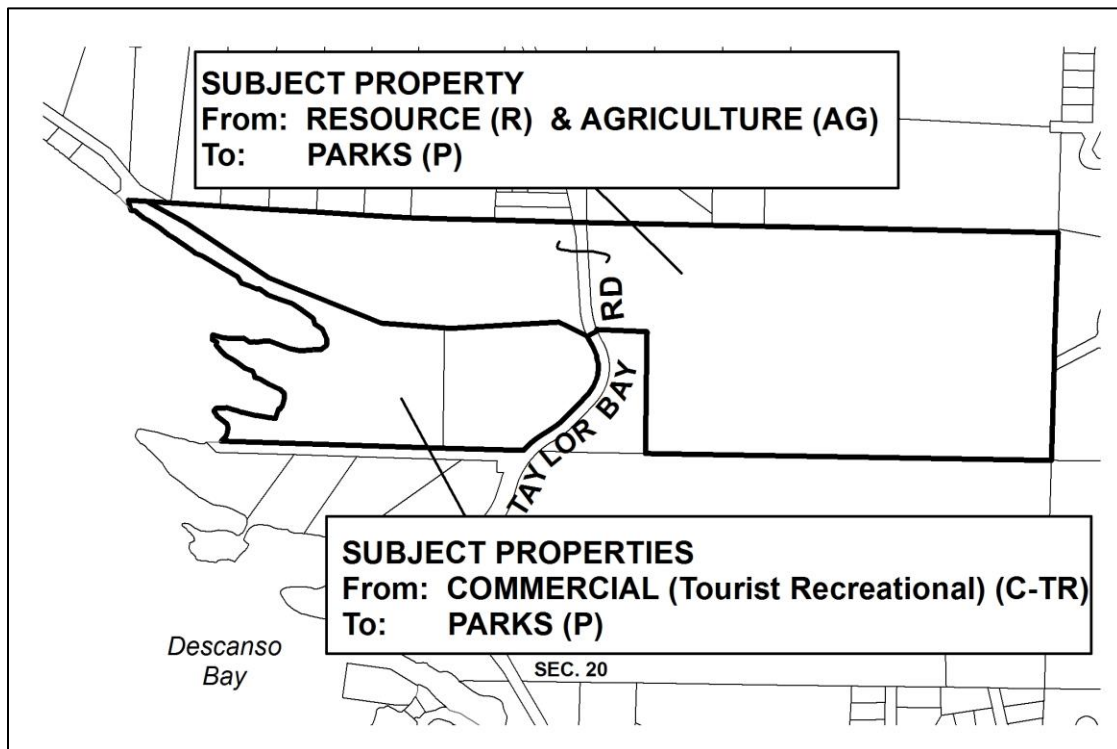
4. By changing the land use designation the land legally described as The North $\frac{1}{2}$ of the North $\frac{1}{2}$ of Section 20, Gabriola Island, Nanaimo District, Except Parts in plans 42874 and VIP73679 from Agriculture and Resource to Parks as shown in Plan No. 2 attached to and forming part of this bylaw.
5. By changing the land use designation of the land legally described as Lot 9, Section 18 & 23, Gabriola Island, Nanaimo District, Plan 45781 from Large Rural Residential to Parks as shown on Plan No. 4 attached to and forming part of this bylaw.

6. By changing the land use designation of the land designated as 'Park' on Plan VIP77409 from Agriculture and to Parks as shown on Plan No. 5 attached to and forming part of this bylaw.
7. By changing the land use designation of the land designated as 'Park' on Plan 41031 from Large Rural Residential to Parks as shown on Plan No. 5 attached to and forming part of this bylaw.
8. By changing the land use designation of the land designated as 'Park' on Plan VIP70945 from Large Rural Residential to Parks as shown on Plan No. 5 attached to and forming part of this bylaw.
9. By changing the land use designation of the land designated as 'Park' on Plan VIP66198 from Resource to Parks as shown on Plan No. 6 attached to and forming part of this bylaw.
10. By changing the land use designations of those portions of land designated as 'Park' on Plan 17658 from Small Rural Residential to Parks as shown on Plan No. 7 attached to and forming part of this bylaw.
11. By changing the land use designation of the land designated as 'Park' on Plan VIP82759 from Resource to Parks as shown on Plan No. 6 attached to and forming part of this bylaw.
12. By changing the land use designation of the land designated as 'Park' on Plan EPP11544 from Institutional to Parks shown on Plan No. 8 attached to and forming part of this bylaw.

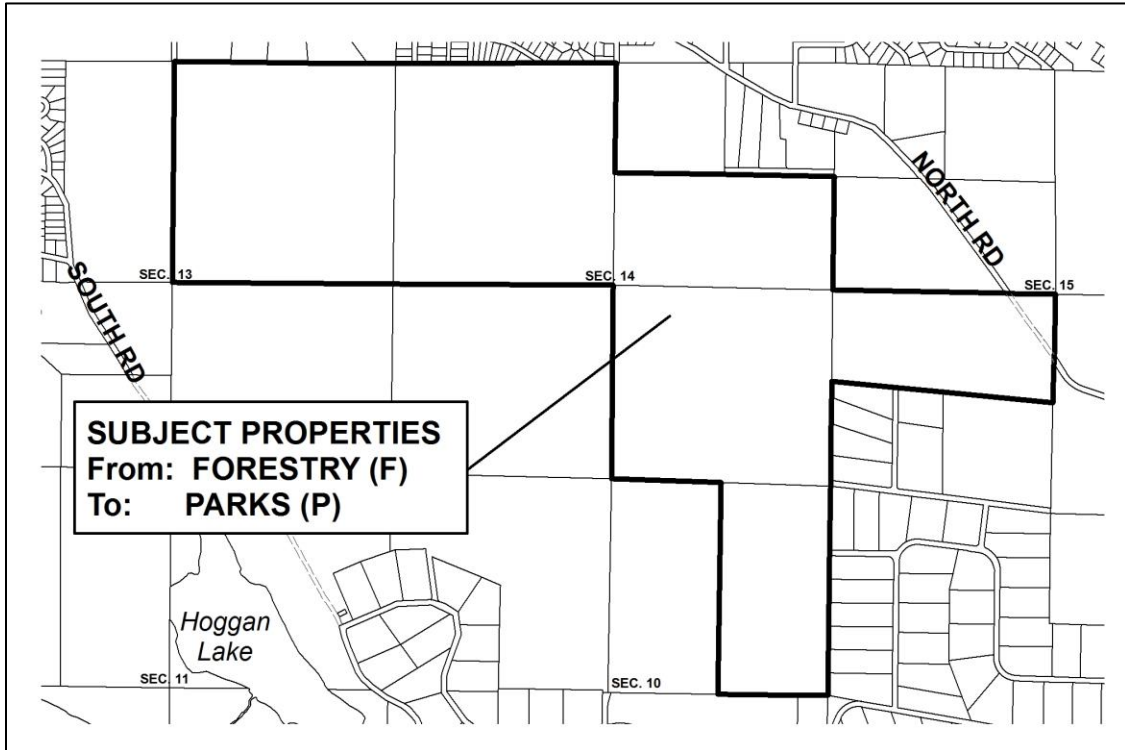
Plan No. 1



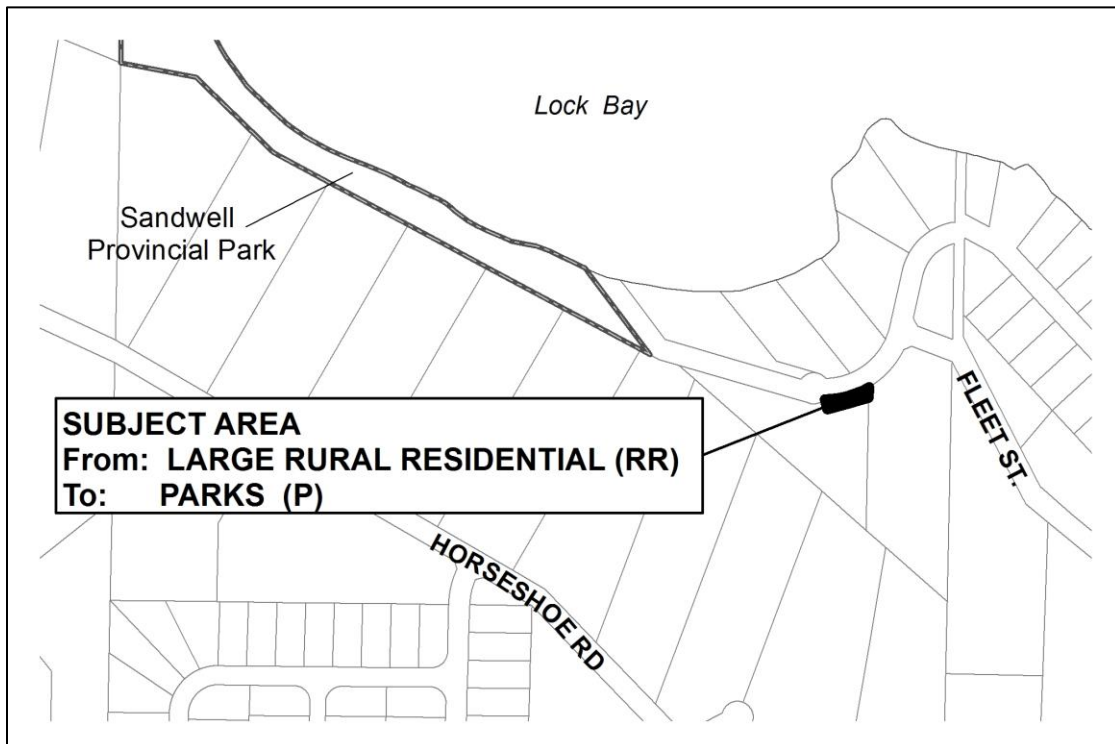
Plan No. 2



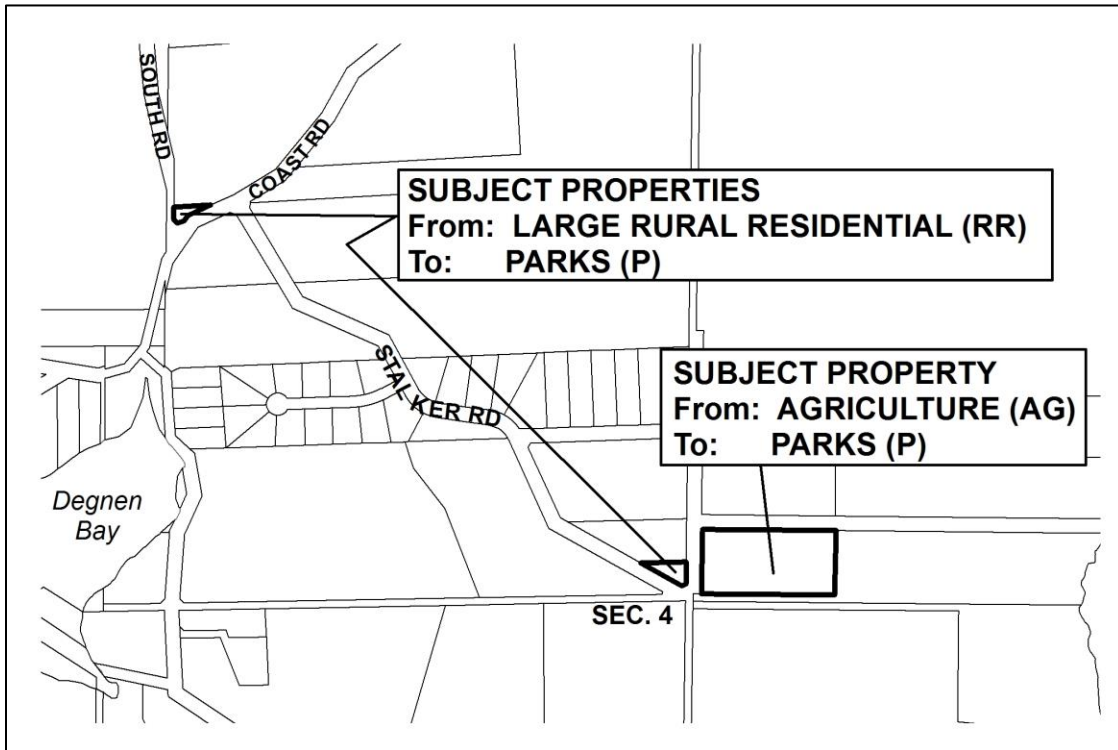
Plan No. 3



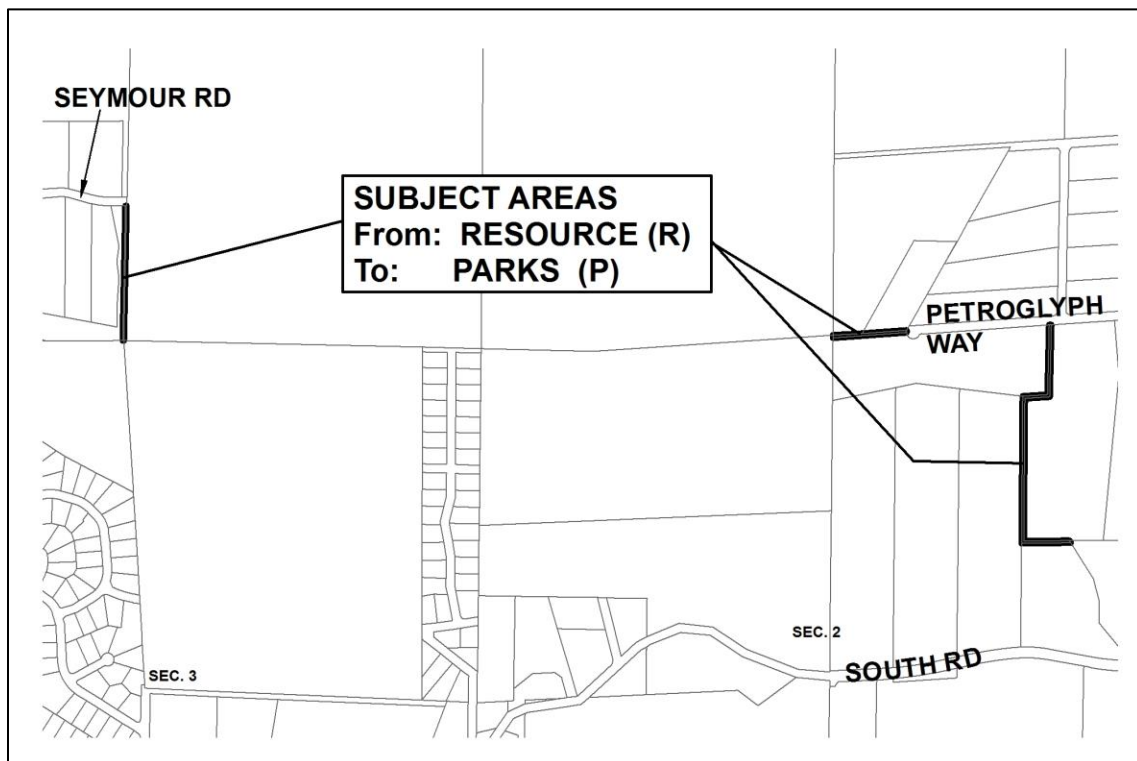
Plan No. 4



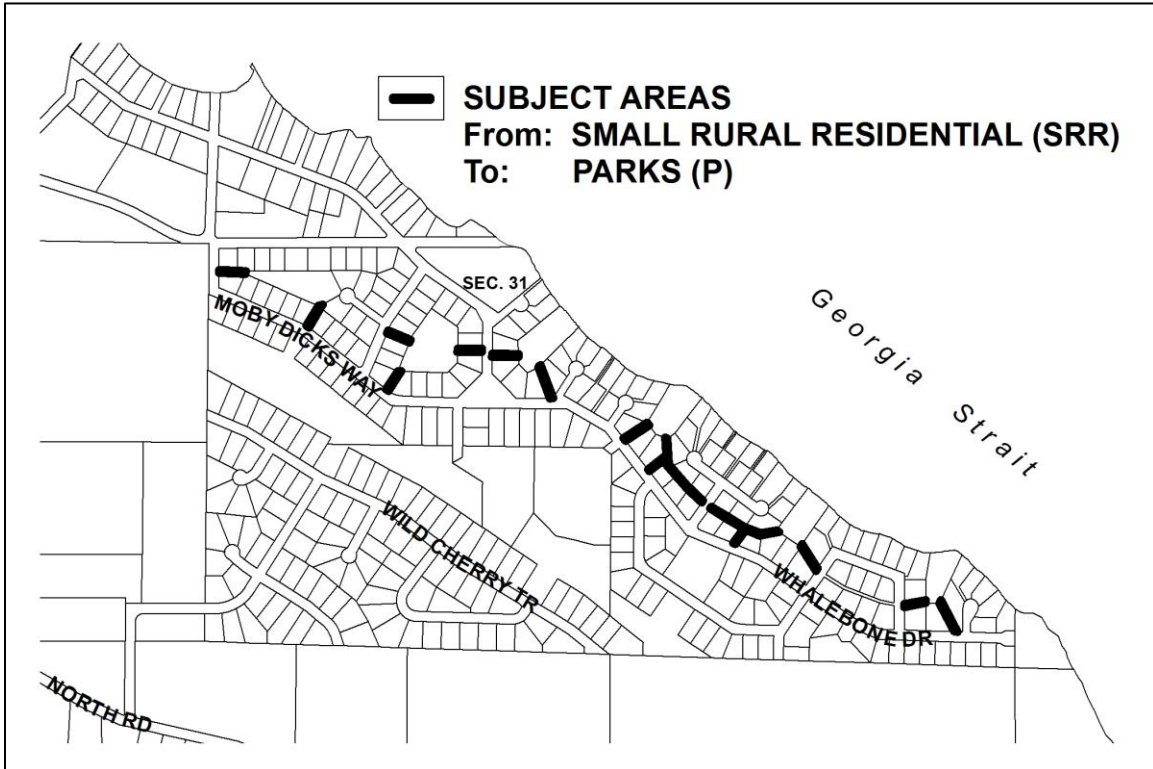
Plan No. 5



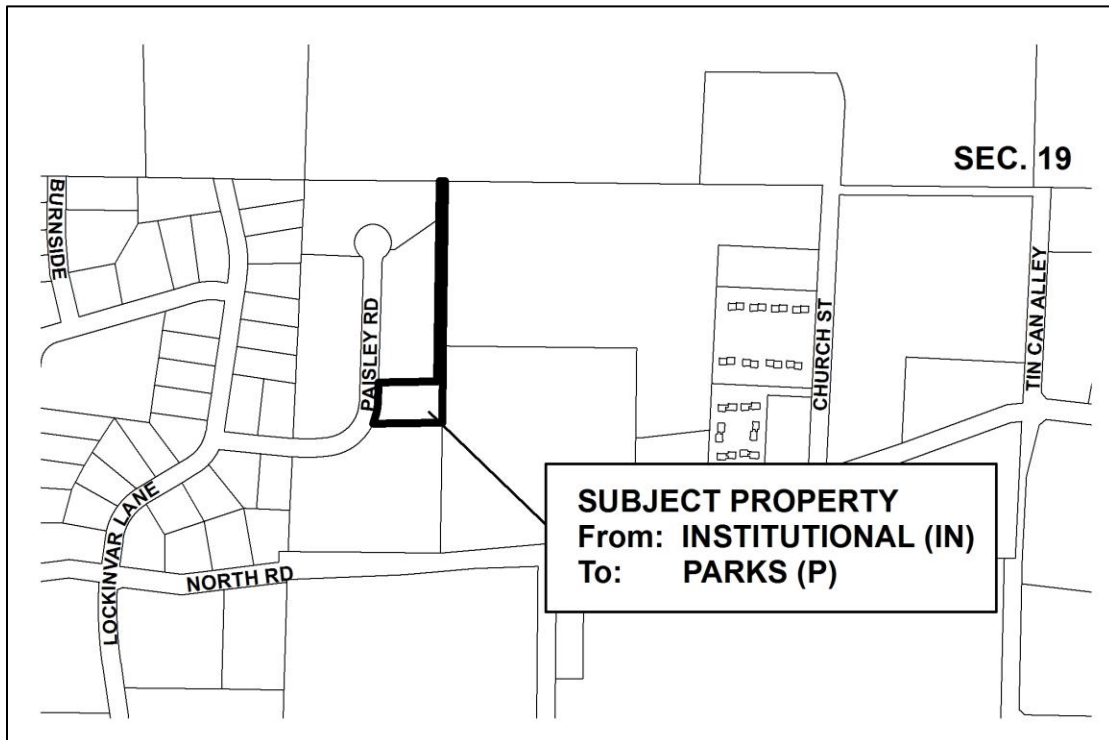
Plan No. 6



Plan No. 7



Plan No. 8



DRAFT

Gabriola Island Local Trust Committee

BYLAW NO. 272

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw No. 177, 1999” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2013”

READ A FIRST TIME THIS	DAY OF	, 2013
PUBLIC HEARING HELD THIS	DAY OF	, 2013
READ A SECOND TIME THIS	DAY OF	, 2013
READ A THIRD TIME THIS	DAY OF	, 2013
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2013
ADOPTED THIS	DAY OF	, 2013

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 272

Schedule 1

1. Schedule “A” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw No. 177, 1999”, is amended as follows:

a) To section B.4 Signs:

i. article B.4.2.1 is amended to read as follows:

“B.4.2.1 Signs exempted from the provisions of Subsection B.4.1 are:

- a. directional, traffic and marine navigational signs sited and maintained by government agencies; and
- b. interpretive and directional signs sited and maintained by government agencies in the P1, P2 and P3 zones.”

b) To section D.2.4 Resource (R):

i. sub-section D.2.4.1.a.iv is removed and the rest of the list is renumbered accordingly; and

ii. under sub-section D.2.4.2.a.ii, the second bullet point which reads: “AM/FM Towers on lands shown on Schedule C, Map 5” is removed.

c) To section D.4.1 Parks 1 – Provincial and *Regional Park* (P1):

i. under sub-section D.4.1.1.a “Permitted *Principal Uses*”, clause D.4.1.1.a.iii and iv are inserted as follows:

“iii *ecological reserves*

iv *campground*, on lands shown on Schedule C, Map 11”;

ii. new sub-section D.4.1.1.b is inserted as follows:

“ b. Permitted Accessory Uses

i *caretaker residence*, on lands shown on Schedule C, Maps 16 and 17

ii retail sales and rentals, excluding the sale of liquor, on lands shown on Schedule C, Map 11

iii *campground* office use, on lands shown on Schedule C, Map 11

iii. under sub-section D.4.1.2.a “Permitted *Buildings and Structures*”, new sub-sections ii and iii are inserted as follows:

“ii *Buildings and structures* to accommodate campground office uses, retail sales and rentals not exceeding 200 square metres (2,152.9 square feet) of combined *floor area*, on lands shown on Schedule C, Map 11

iii Maximum of one *caretaker residence*, on lands shown on Schedule C, Maps 11 and 12”;

iv. new clause D.4.1.3.b.ii, is inserted as follows:

“ii The minimum *setback* for *campsites* is 10.0 metres (32.8 feet) from any *lot line*.”;

v. New sub-section D.4.1.3.d is added as follows:

“d. Other Regulations

- i Despite Section B.6.4, a travel trailer or recreational vehicle may be used for a *caretaker residence* and may be used without a *principle dwelling unit* on the lot.
- ii The maximum number of *campsites* is 10 per 1.0 hectares (4 per acre).
- iii Despite section B.6.4.2, a tent, tent-trailer, camper vehicle, or recreation vehicle is only permitted on a *campsite* a maximum of 60 days in a calendar year.
- iv Despite section B.6.4.2, no *campsite* may be occupied by any person, consecutively or cumulatively within a year, for more than 60 days.”

d) To section F.1 Definitions, the following definitions are inserted in alphabetical order:

“*caretaker residence* means a *single family dwelling* limited in floor area to 65.0 square metres (699.7 square feet) that is *accessory* to a *principal regional park* use;

2. Schedule “B” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw No. 177, 1999”, is amended as follows:

a) To the legend the word “Park” is added after “PARKS 1 – Provincial and Regional”.

b) By changing the zoning on the land legally described as The Northwest ¼ of Section 10, Gabriola Island, Nanaimo District, Except those Parts in plans 29152, 30043 and 30051 (PID: 009-735-828) from Resource to Parks 1 – Provincial and Regional Park as shown on Plan No. 1 attached to and forming part of this bylaw.

c) By changing the zoning on the land legally described as:

- i. Lot B, Section 20, Gabriola Island, Nanaimo District Plan VIP73679 (PID: 025-417-681); and
- ii. Lot A, Section 20, Gabriola Island Nanaimo District Plan VIP73679 (PID: 025-417-673)

from Tourist Commercial 2 - Campgrounds to Parks 1 – Provincial and Regional Park as shown on Plan No. 2 attached to and forming part of this bylaw.

d) By changing the zoning on the land legally described as:

- i. The Northeast ¼ of Section 13, Gabriola Island, Nanaimo District (PID: 006-654-843);
- ii. The Northwest ¼ of Section 14, Gabriola Island, Nanaimo District (PID: 006-655-335);

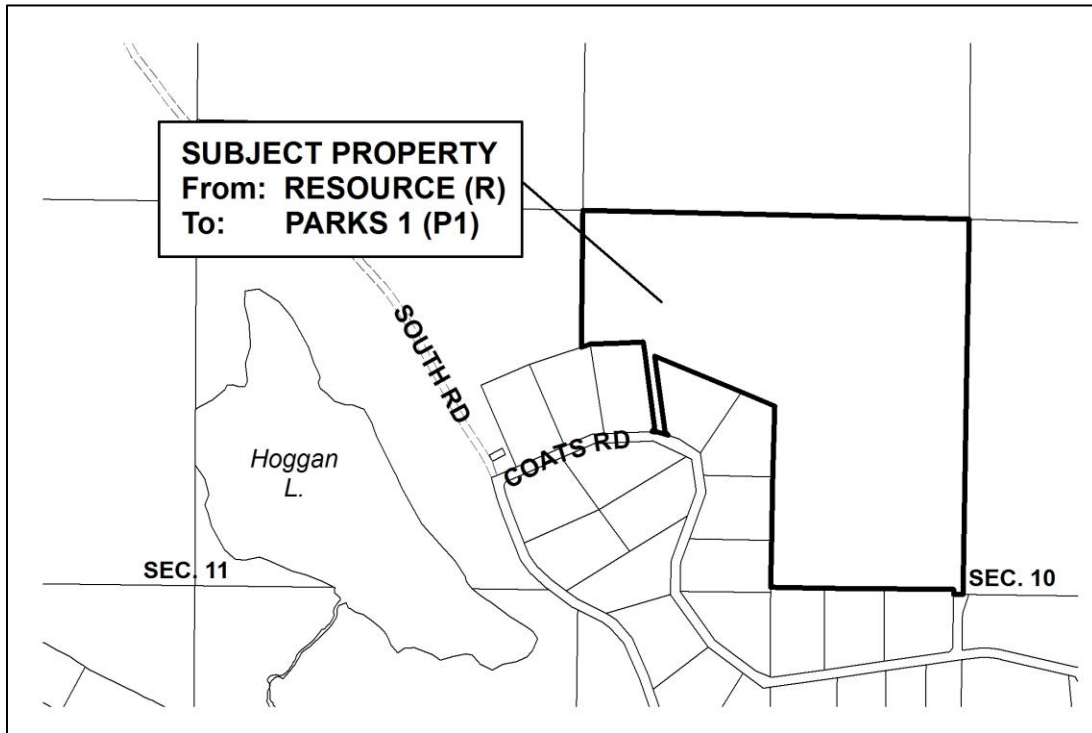
- iii. The South ½ of the Northeast ¼ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-815);
- iv. The Southeast ¼ of Section 14, Gabriola Island, Nanaimo District (PID: 006-649-599);
- v. The North ½ of the Southwest ¼ of Section 15, Gabriola Island, Nanaimo District (PID: 006-656-498); and
- vi. The East ½ of the Northeast ¼ of Section 10, Gabriola Island, Nanaimo District (PID: 006-649-408)

from Forestry Wilderness/Recreation 1 to Parks 2 – Passive Recreation Community Park as shown on Plan No. 3 attached to and forming part of this bylaw.

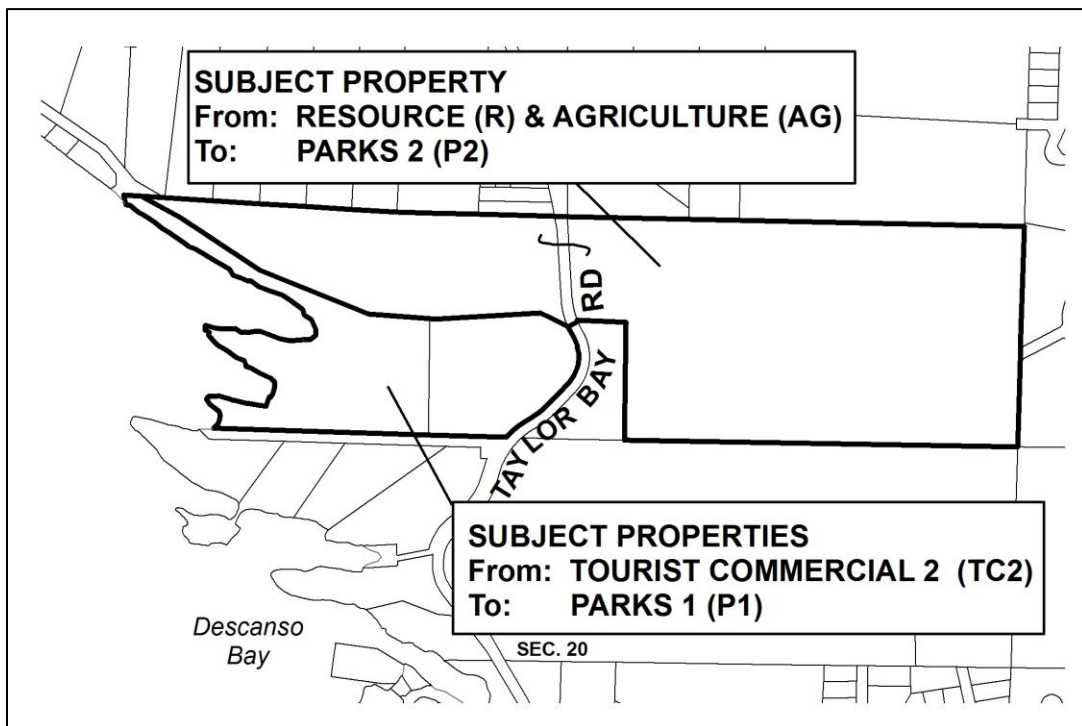
- e) By changing the zoning on the land legally described as The North ½ of the North ½ of Section 20, Gabriola Island, Nanaimo District, Except Parts in Plans 42874 and VIP73679 from Resource and Agriculture to Parks 2 – Passive Recreation Community Park as shown on Plan No. 2 attached to and forming part of this bylaw.
- f) By changing the zoning on the land designated as 'Park' on Plan 41031 from Large Rural Residential to Parks 2 – Passive Recreation Community Park as shown on Plan No. 4 attached to and forming part of this bylaw.
- g) By changing the zoning on the land designated as 'Park' on Plan VIP77409 from Agriculture to Parks 2 – Passive Recreation Community Park as shown on Plan No. 4 attached to and forming part of this bylaw.
- h) By changing the zoning on the land designated as 'Park' on Plan VIP70945 from Large Rural Residential to Parks 2 – Passive Recreation Community Park as shown on Plan No. 4 attached to and forming part of this bylaw.
- i) By changing the zoning on the land designated as 'Park' on Plan VIP66198 from Resource to Parks 2 – Passive Recreation Community Park as shown on Plan No. 5 attached to and forming part of this bylaw.
- j) By changing the zoning on the land designated as 'Park' on Plan 17658 from Small Rural Residential to Parks 2 – Passive Recreation Community Park as shown on Plan No. 6 attached to and forming part of this bylaw.
- k) By changing the zoning on the land designated as 'Park' on Plan VIP82759 from Resource Residential 1 to Parks 2 – Passive Recreation Community Park as shown on Plan No. 5 attached to and forming part of this bylaw.
- l) By changing the zoning on the land designated as 'Park' on Plan EPP11544 from Institutional 3 to Parks 2 – Passive Recreation Community Park as shown on Plan No. 7 attached to and forming part of this bylaw.
- m) By changing the zoning on that portion of land legally described as "lot 9, Section 18 & 23, Gabriola Island, Nanaimo District, Plan 45781" from Large Rural Residential to Parks 1 – Provincial and Regional Park as shown on Plan No. 8 attached to and forming part of this bylaw.

- n) By changing the zoning on that portion of water shown on Plan No. 8, attached to and forming part of this bylaw, from Water General to Water Protection 2.
 - o) By changing the zoning on that portion of water shown on Plan No. 8, attached to and forming part of this bylaw, from Water Protection 2 to Water General.
 - p) By changing the zoning on those portions of water shown on Plan No. 9, attached to and forming part of this bylaw, from Water Protection 1 to Water Protection 2.
 - q) By changing the zoning on that portion of water shown on Plan No. 9, attached to and forming part of this bylaw, from Water Protection 2 to Water Protection 1.
 - r) By changing the zoning on that portion of water shown on Plan No. 10, attached to and forming part of this bylaw, from Water General to Water Protection 2.
 - s) By changing the zoning on that portion of water shown on Plan No. 10, attached to and forming part of this bylaw, from Water Protection 2 to Water General.
3. Schedule "C" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw No. 177, 1999", is amended as follows:
- a) By deleting Map 5.
 - b) By adding Map 16 as shown on Plan No. 11, attached to and forming part of this bylaw.
 - c) By adding Map 17 as shown on Plan No. 12, attached to and forming part of this bylaw.

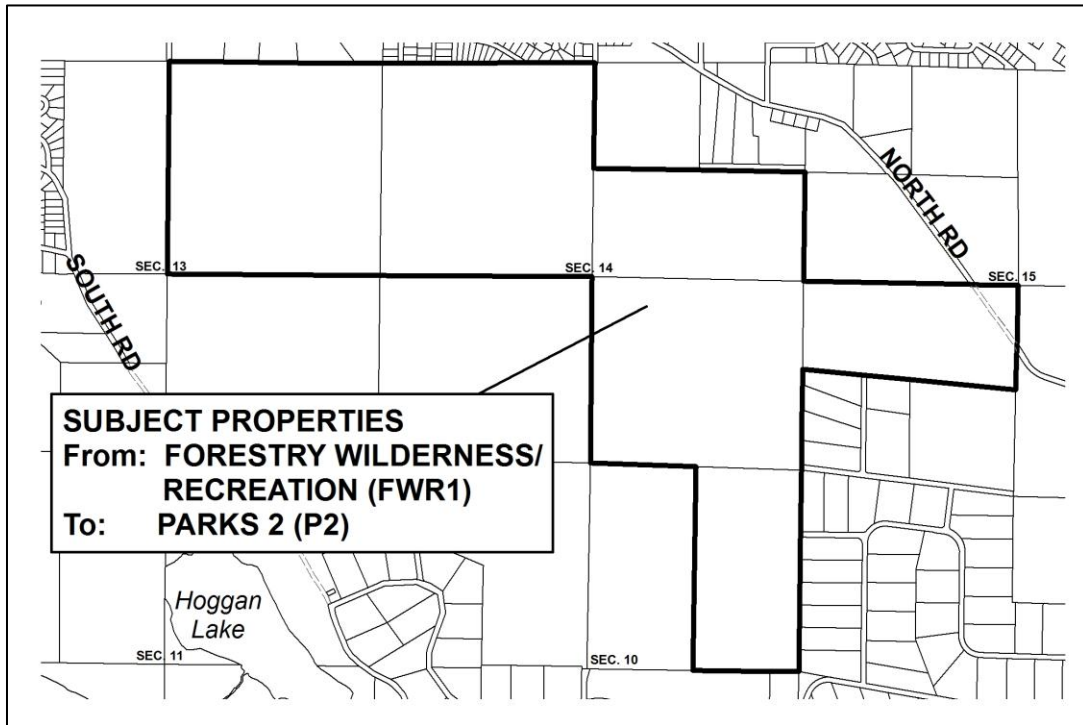
Plan No. 1



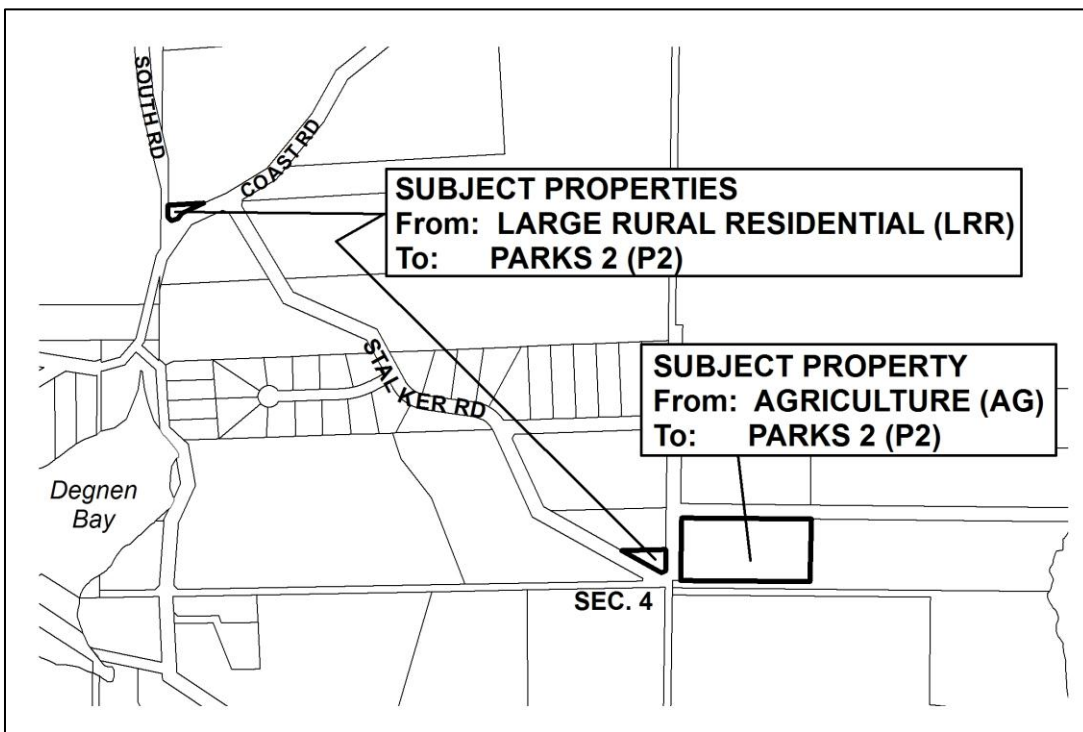
Plan No. 2



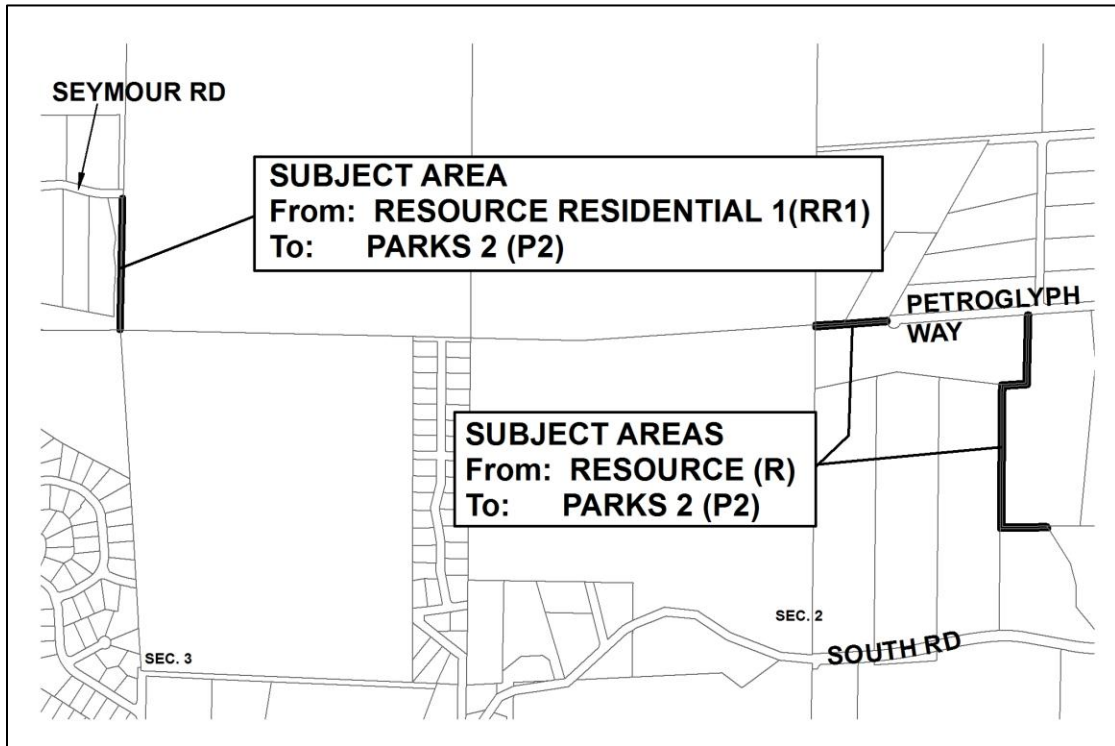
Plan No. 3



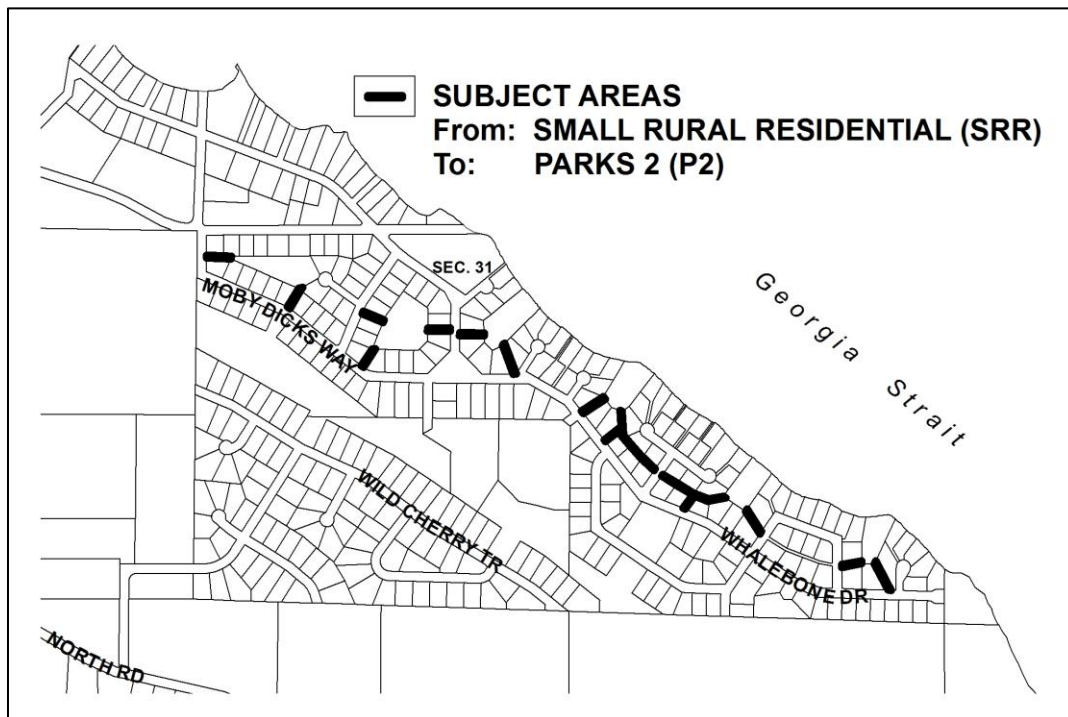
Plan No. 4



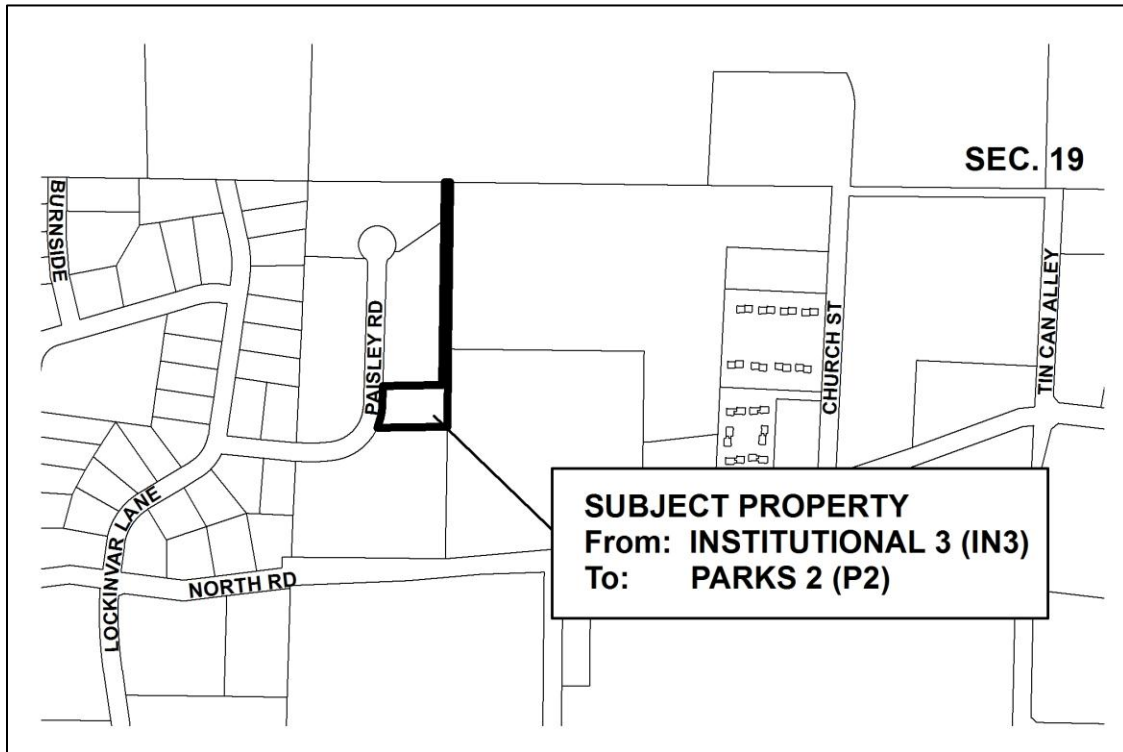
Plan No. 5



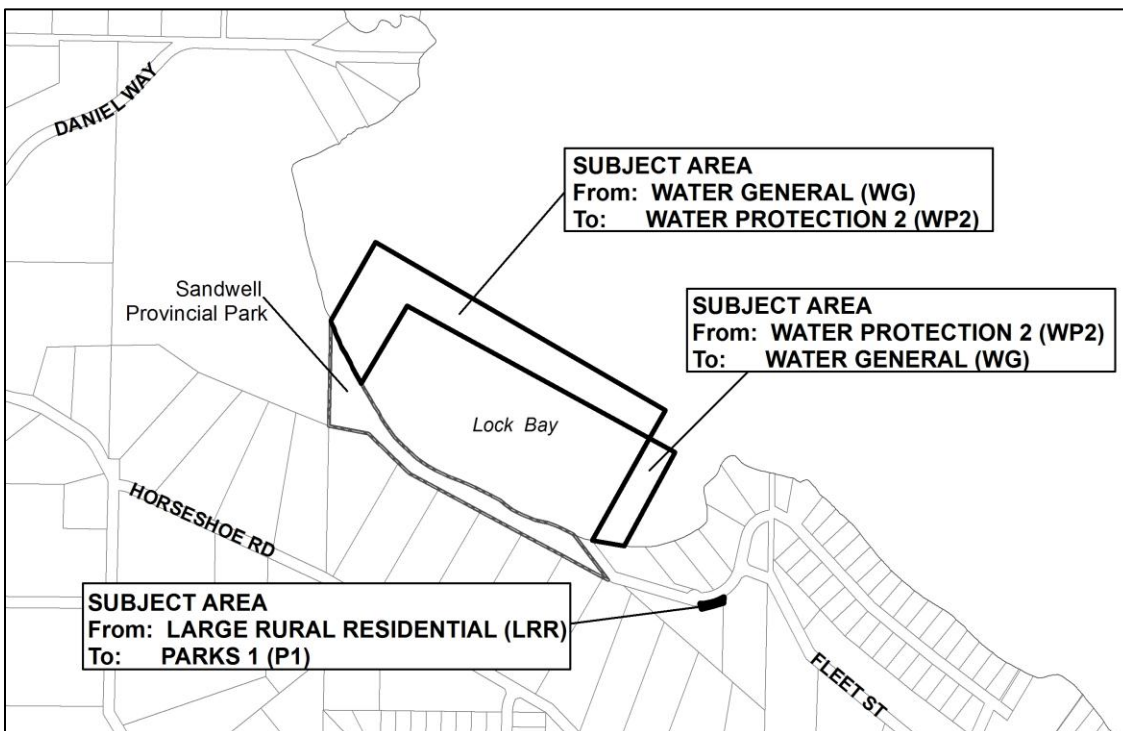
Plan No. 6



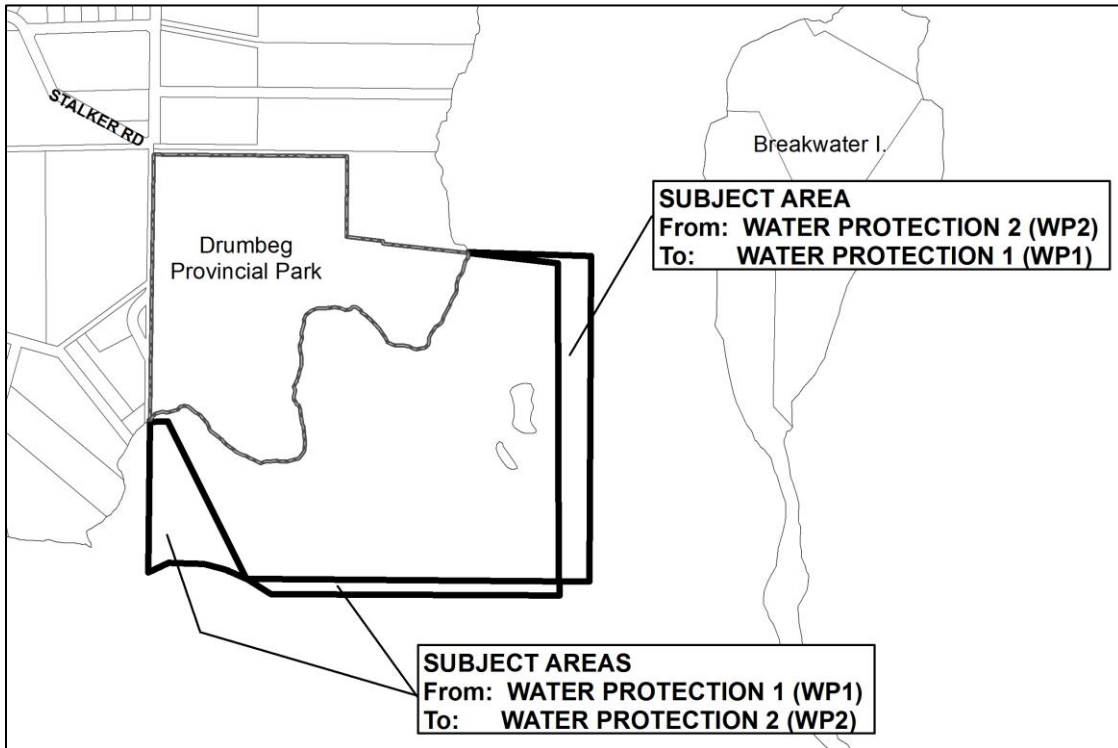
Plan No. 7



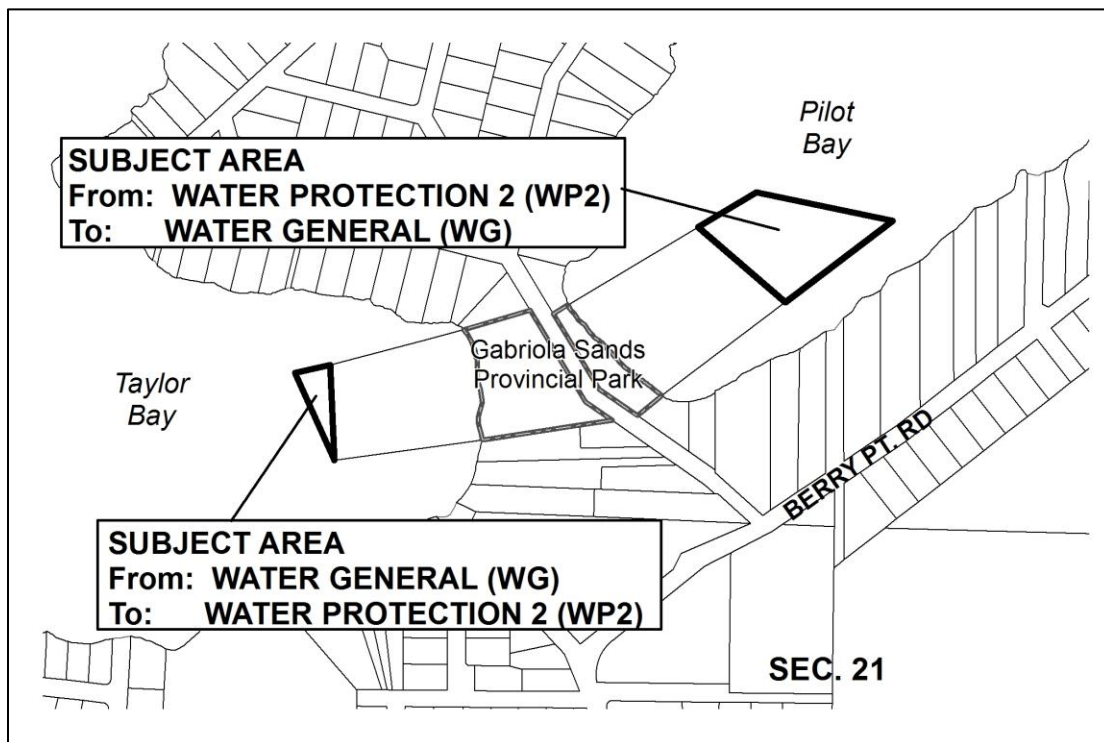
Plan No. 8



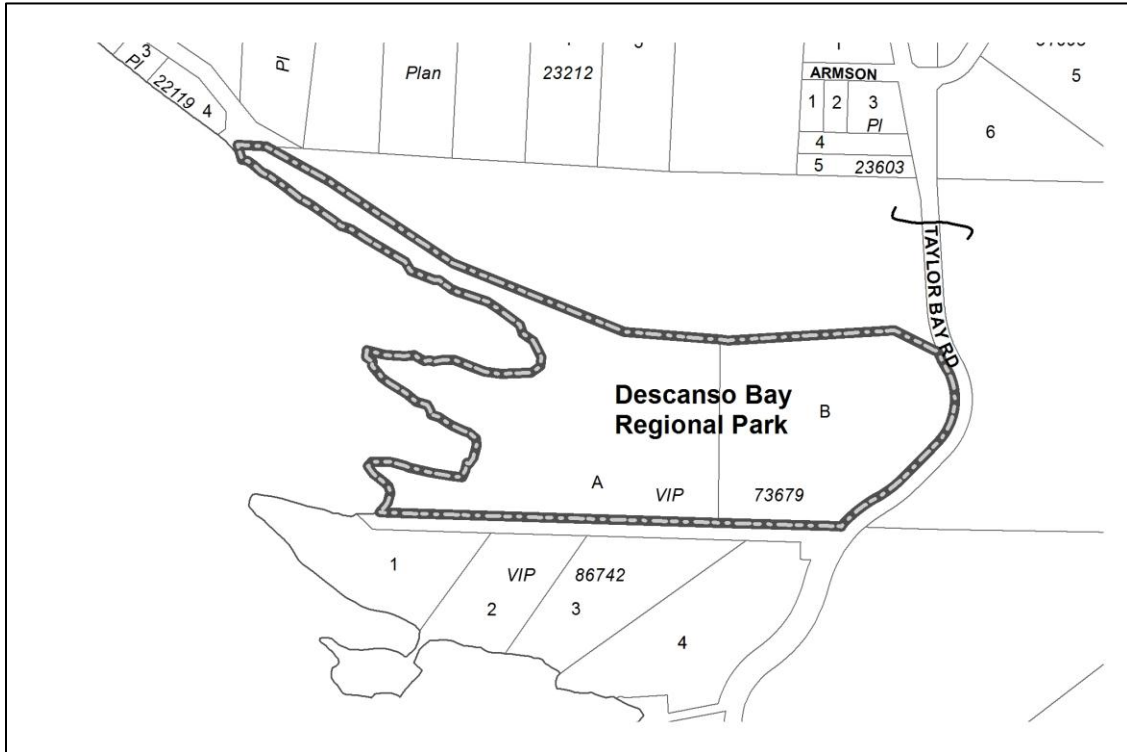
Plan No. 9



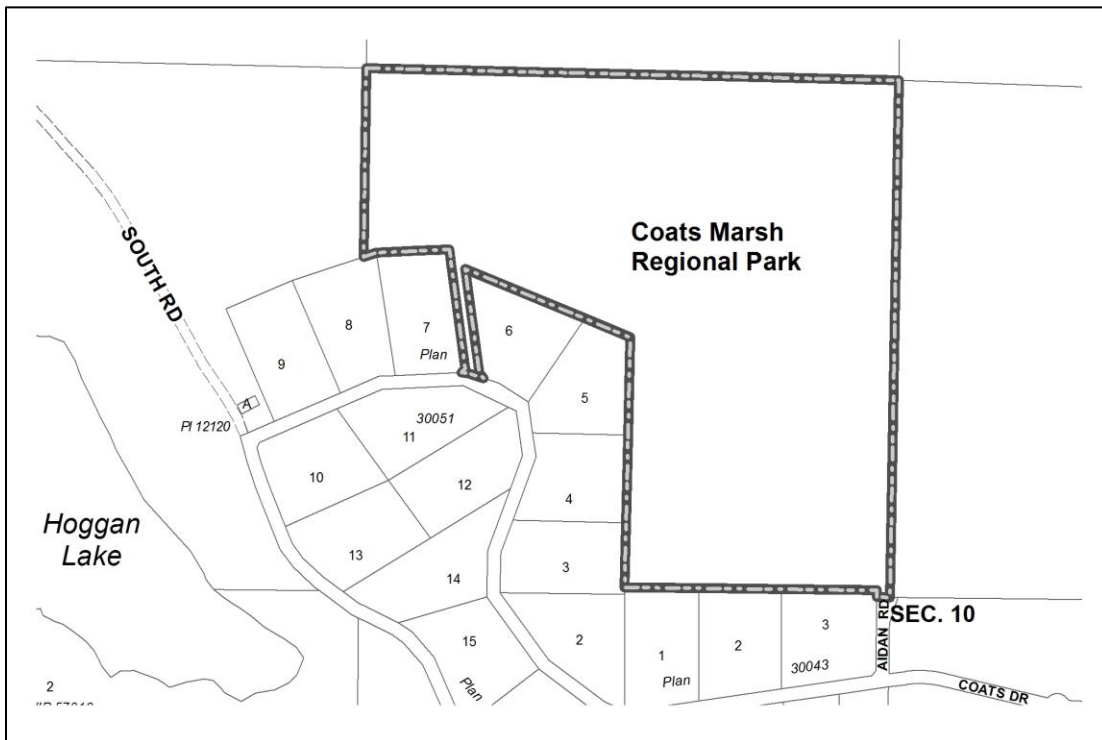
Plan No. 10



Plan No. 11



Plan No. 12



- Excerpt -
Regional District of Nanaimo Park Use Regulations Bylaw No. 1399, 2004

5.17 Park Use Permits

- a) Application for a park use permit shall be made to the District Manager who may:
 - i. grant, refuse, revoke, renew or refuse to renew a park use permit;
 - ii. establish park use permit fee amounts that differ from the general rates described in Schedule "C";
 - iii. impose terms and conditions on obtaining, holding or renewing a park use permit;
 - iv. determine the amount of a park use permit fee refund in the event of a cancellation; or
 - v. refer an application to the District Board for determination.
- b) An applicant for a park use permit may appeal the decision of the District Manager to the District Board by submitting a written request to the Board Chairman within 15 days of issuance of a decision by the District Manager.
- c) A park use permit application must be accompanied by the required permit fee, damage deposit and proof of comprehensive general liability insurance, as set out in Schedule "C".
- d) Conditions associated with a park use permit may include:
 - i. the confinement of a special use to a specific location within a park, to certain time periods or to participation by certain people;
 - ii. that the applicant supply, install and service additional garbage receptacles or portable toilets or pay the District for additional servicing required as a result of the permitted activity;
 - iii. that the applicant provide and pay for the provision of appropriate fire and police or security protection during the course of the special use;
 - iv. restrictions on the use of generators and other mechanical, electrical or electronic devices; the playing of live or recorded music; and the erection or placement of any temporary structures, seating, tables, flags, banners or other gear associated with the special use activity;
 - v. specific exemptions from provisions of this bylaw;
 - vi. any other terms and conditions specific to the nature of the special use requested given consideration of the impact of the special use on the park, park users and neighbours; and
 - vii. any other terms and conditions consistent with the intent of this bylaw.
- e) A park use permit may not be issued unless all the following criteria are met:
 - i. the special use conforms to any management plan produced for a park;

- ii. the location of the permitted activity will not cause a significant or permanent negative environmental impact on the park and is sensitive to the use of the park by others;
 - iii. the applicant assumes full responsibility for the special use and indemnifies the District to its satisfaction; and
 - iv. the applicant has satisfied the requirements of paragraphs (c) above and agreed to the conditions set out in his park use permit.
- f) Without limiting the authority of the District Manager, a park use permit may be refused if the applicant has previously contravened this bylaw.
- g) The holder of a park use permit must also comply with the regulations, prohibitions and requirements of all other government bodies and local authorities including this and other District bylaws, for example, Bylaw No. 1010 Special Events Regulatory Bylaw for events involving more than 500 people, unless specifically exempted in writing.
- h) In addition to any other penalties and enforcement actions, where the holder of a park use permit has not satisfied the terms and conditions of his permit:
 - i. a park use permit may be revoked;
 - ii. a park use permit fee or a damage deposit may be forfeited to the District;
 - iii. the District may exercise any rights under the applicant's insurance; and
 - iv. the applicant may be required to pay, at the rate specified in Schedule "C", the cost of preparations, repairs, clean-up or park restoration undertaken by the District consequent to special use, failure to do so entitling the District to do the work at the applicant's expense.



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone 250. 247-2063 FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date September 30, 2013 File Number 6500-20
(Gabriola RAR)

To Gabriola Island Local Trust Committee
For the meeting of October 10, 2013

From Courtney Simpson
Regional Planning Manager

Re **Proposed Bylaw No. 265 and 266 – Post Public Hearing Procedures**

The Local Trust Committee is considering a bylaw to designate circumstances for which development approval information may be required in the Gabriola Island Planning Area, move existing development permit area guidelines from Gabriola Island Official Community Plan No. 166 to Gabriola Island Land Use Bylaw No. 177, and implement the Provincial Riparian Areas Regulation by adding a new Development Permit Area 3 – Riparian Areas.

A public hearing was held on September 4, 2013. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

K:\LTC\Northern Gabriola\LTC Projects\2013\Riparian Areas Regulation\Staff Reports\Post Public Hearing Memo.doc

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

At their September 5, 2013 LTC meeting the LTC passed the following two resolutions:

It was MOVED and SECONDED,

That the Gabriola Island Local Trust Committee request that staff outline a process for the Local Trust Committee doing simple riparian area regulation assessment as a way to have landowners avoid hiring their own qualified environmental professional.

CARRIED

It was MOVED and SECONDED,

That the Gabriola Island Local Trust committee request staff advise on the bylaw changes proposed by Trustee Rudischer and Malcolmson, and any other issues arising from the public input.

CARRIED

Staff is currently preparing a further report to act on these resolutions.