



Gabriola Island Local Trust Committee

Regular Meeting Revised Agenda

Date: June 14, 2018
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

	Pages
1. CALL TO ORDER 10:15 AM - 10:15 AM	
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS 10:15 AM - 10:25 AM	
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES 10:25 AM - 10:30 AM	
6.1 Local Trust Committee Minutes dated May 3, 2018 – for Adoption	3 - 8
6.2 Section 26 Resolutions-Without-Meeting - none	
6.3 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES 10:30 AM - 10:45 AM	
7.1 Follow-up Action List dated June 7, 2018	9 - 12
8. DELEGATIONS - None	
9. CORRESPONDENCE	
<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
9.1 Letter dated April 29, 2018 from Gabriola Agricultural Co-Op Association regarding request for amendment to Land Use Bylaw No. 186	13 - 14
9.2 Letter from Gabriola Arts Council regarding request for amendment to Land Use Bylaw No.186	15 - 15

10.	APPLICATIONS AND REFERRALS	10:45 AM - 11:00 AM	
10.1	GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings - Staff Report		16 - 30
11.	LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 11:15 AM	
11.1	<i>Housing Options Review Project Bylaws 292 & 293 - Staff Report</i>		31 - 42
11.2	Housing Options Review Project - Follow-up Staff Report		43 - 47
12.	REPORTS	11:15 AM - 11:45 AM	
12.1	Work Program Reports		
12.1.1	Top Priorities Report dated June 7, 2018		48 - 48
12.1.2	Projects List Report dated June 7, 2018		49 - 51
12.2	Applications Report dated June 7, 2018		52 - 59
12.3	Trustee and Local Expense Report - none		
12.4	Adopted Policies and Standing Resolutions		60 - 60
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Reports		
12.8	Electoral Area Director's Report		
12.9	Trust Fund Board Report dated May, 2018		61 - 62
13.	NEW BUSINESS	11:45 AM - 12:00 PM	
13.1	Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees - Staff Report		63 - 68
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for Thursday, July 12, 2018 at 10:15 am (Location to be announced)		
15.	TOWN HALL	12:00 PM - 12:10 PM	
16.	CLOSED MEETING - None		
17.	ADJOURNMENT	12:10 PM - 12:10 PM	



Gabriola Island Local Trust Committee Minutes of Regular Meeting

- Date:** May 3, 2018
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC
- Members Present:** Laura Busheikin, Chair
 Melanie Mamoser, Local Trustee
 Heather O'Sullivan, Local Trustee
- Staff Present:** Sonja Zupanec, Island Planner
 Jaime Dubyna, Planner 1 (by telephone)
 Fiona MacRaid, Senior Intergovernmental Policy Advisor (by telephone)
 Nadine Mourao, Recorder
- Others Present:** There were approximately seven (7) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Busheikin called the meeting to order at 10:16 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

A member of the public spoke on behalf of the members of the Gabriola Agricultural Association Co-op and noted the following:

- They have filed requests to amend definitions of Bylaw 186 Limited Public Market, subsection v6.2, which states limited public market means the open-air sale of goods and crafts during the maximum two days a week between the hours of 8:00 am and 4:00 pm and open-air sale limitation of section G definitions; and
- Provided an overview of their co-operative and they looked forward to advice, assistance and expertise to make these bylaw changes.

Trustees responded with the following:

- They would like the definition of limited public market added to the Project List in order to provide recommendations for a standing resolution.

GB-2018-028

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add consideration of definition of limited public market to the Projects List and request staff to bring back information on creating a standing resolution regarding enforcement before the next Gabriola Island Local Trust Committee meeting.

CARRIED

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated April 12, 2018 – for adoption

The following amendments to the minutes were presented for consideration:

- Page 4, item 11.2, 3rd bullet, change to read “was potentially considered to be a fair approach to address varying size of lots.”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated April 26, 2018

Received for information.

6.3 Advisory Planning Commission Minutes - none

Fiona MacRaid, Senior Intergovernmental Policy Advisor joined the meeting via telephone at 10:30 am.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated April 24, 2018

Planner Zupanec provided a status report on Bylaws 289/290 on the Follow-up Action List.

Fiona MacRaid, Senior Intergovernmental Policy Advisor spoke regarding furthering our relationship with Snuneymuxw First Nation and noted the following key points:

- Snuneymuxw First Nation have been very busy in the past few months, they have broken ground on a new school and a health and wellness centre, met with the Prime Minister and a couple of other Ministers, dealt with the Port Authority, as well as they have held an election;
- She encouraged the Gabriola Island Local Trust Committee (LTC) to be patient and continue in their efforts to reach out to Snuneymuxw First Nation, to reach out to Doug White and to keep this important action item in the forefront;
- Councillor Toby Joseph, Tsawout First Nation is joining her team and will be a great resource and advisor for the Islands Trust.
- BC Treaty Commission learned that many islanders are mystified when it comes to First Nation treaties;

- She cited a beneficial example when Comox First Nation shared In-Camera with the LTC the details of the treaty, land selection and priorities and then reached out to Comox in a series of three meetings, first a meet and greet, second to discuss issues with Island Trustees and the third with all the local government together to discuss how to proceed; and
- Will continue to provide updates to Trustees

Trustees noted the following:

- A Snuneymuxw First Nation Elder, Sandra Good is coming to do an indigenous voices event at the library;
- On May 21st, 2018 Tribal Journeys, an annual event that unites Coastal First Nations of the Pacific Northwest, led by Elder Gary Manson, Munu Canoe Family will paddle from Snuneymuxw Territory to Puyallup Territory in Washington State and are having a Munu Canoe Family Fundraiser and Cultural Demonstration at Gabriola Sands Provincial Park; and
- Trustees requested advice on, in absence of a formal meeting with Snuneymuxw First Nation, an opportunity to begin the conversation regarding Official Community Plan (OCP) changes prior to the end of their term.

Fiona MacRaild, Senior Intergovernmental Policy Advisor left the meeting at 10:44 am.

8. DELEGATIONS - none

9. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

10. APPLICATIONS AND REFERRALS – none

Planner Dubyna joined the meeting via telephone at 10:50 am.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Water Taxi Zoning Review Project – Memorandum

Planner Dubyna provided an amended draft community survey for this Top Priority item for consideration.

Trustees discussed the draft public survey and the following key points were noted:

- Concern was expressed regarding the anonymous nature of the survey approach and staff was requested to include name collection and a privacy statement disclaimer added to assure process validity;
- Changes to the draft survey were identified for staff to implement before distribution;
- Distribution to include online poll via survey monkey, paper form distribution in the Gabriola Sounder, and pick up at the library and Islands Trust Office; and
- The geographic extent of distribution to include Gabriola, Mudge and DeCourcy Islands.

Planner Dubyna left the meeting at 11:25 am.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated April 24, 2018

Received for information.

12.1.2 Projects List Report dated April 24, 2018

As per above Town Hall, item has been added. No further updates.

12.2 Applications Report dated April 24, 2018

No updates.

12.3 Trustee and Local Expense Report - none

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No changes requested.

12.6 Chair's Report

Chair Busheikin reported on the following:

- Attended an Executive Committee on Gabriola and noted the following:
 - Discussed resolutions on Salt Spring Island that on a temporary basis they be allocated additional staffing to deal with a backlog of applications and a very long Project List. This will come before the Financial Planning Committee;
 - Updated on the Provincial Housing Initiatives, giving local municipalities the power to create rental specific zoning that is to be voted on provincially;
 - Brief update on cannabis legislation, in which municipalities are concerned, as most have not had time to put in legislation regarding large scale cannabis production;
 - What orientation might look like next year for the new term, asked for feedback from Trustees;
 - A report on the effectiveness of Council Committees and a report will be provided, possibly at the June LTC meeting;
 - Session on Agriculture Land Commissions and *Islands Trust Act* Amendments; and
- On Denman and Hornby Islands, the K'ómoks First Nation put up totem poles with ceremonies and the Denman Island Reconciliation Group put on a workshop on indigenous law. Trustees may be interested in having a knowledge session at an LTC meeting.

12.7 Trustee Reports

Trustee O’Sullivan reported the following:

- Attended a Trust Programs Committee (TPC) meeting on Salt Spring which focused on ways service integration could be improved. On May 14th, 2018 in the Regional District of Nanaimo building, there will be a TPC meeting where the public is welcome to attend to discuss different levels of government and if they are working together to serve the islands; and
- The next Ferry Advisory Committee and BC Ferries Terminal Development meetings are on May 16th, 2018 in the Arts Council Building. All members of the public are invited to give feedback on what they would like to see included in the redevelopment of Gabriola Island’s ferry terminal.

Trustee Mamoser reported the following:

- Reviewed the Gabriola Housing Needs Assessment with Trustee O’Sullivan and it will be officially adopted at the May 24th, 2018 Local Planning Committee.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report dated April, 2018

Chair Busheikin noted that this report could soon be renamed Islands Trust Conservancy Report.

13. NEW BUSINESS

13.1 Gabriola Local Trust Committee Annual Report Submission - Request for Decision

Trustees requested that “the GB LTC considered Bylaw Nos. 289 and 290 to amend the Gabriola Island OCP and LUB” be removed as this was completed in the previous fiscal year.

GB-2018-029

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve the attached text as amended for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, June 14, 2018 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

Trustees confirmed the next regular meeting date and location.

15. TOWN HALL

- Derek from the Gabriola Sounder gave a suggestion for the paper mock up for the Water Taxi survey.
- A member of public questioned the Water Taxi survey questions and the mandate of Islands Trust regarding to serve and protect the environment and archeological issues.

- Trustees would like verbiage added to questions 4 and 5 regarding the zoning changes and the trust policy statement.
- A member of the public suggested a non-binding referendum at the next election this Fall regarding Water Taxi zoning as a result of the survey.

By general consent the meeting was recessed at 12:06 pm and reconvened at 12:22 pm.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2018-030

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and s.90(1)(i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated April 12, 2018 and receiving Legal Advice subject to Solicitor-Client Privilege, including communications necessary for that purpose, and that the recorder and staff attend the meeting.

CARRIED

Chair Busheikin closed the meeting to the public at 12:23 pm.

16.2 Recall to Order

By general consent the regular meeting was recalled to order at 12:52 pm.

16.3 Rise and Report

Chair Busheikin reported that the In-Camera meeting minutes dated April 12, 2018 were adopted.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:53 pm.

Laura Busheikin, Chair

Certified Correct:

Nadine Mourao, Recorder

Follow Up Action Report

Gabriola Island

07-May-2015

Activity	Responsibility	Target Date	Status
Staff to schedule a meeting with Snuneymuxw First Nation as per our protocol agreement. Letter of invitation to participate in C2C Forum sent September 22, 2016.	Fiona MacRaid	11-Jun-2015	On Going

08-Sep-2016

Activity	Responsibility	Target Date	Status
For RDN annual meeting agenda for 2017 - ADD: 1. Enforcement of RDN Noise Bylaw; 2. Mudge Island Public Dock; 3. Regulations for temporary dwellings being connected to a sewage disposal system 4. Village/North Road street improvements (ref. 2a+b) of Village Vision submission to the LTC dated Jan. 3, 2018) Staff are waiting for a response from the RDN regarding a possible meeting date in 2018.	David Marlor Ann Kjerulf		On Going

30-Mar-2017

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

GB-RZ-2016.1 - Bylaws 289 and 290 amended as per minutes of Mar 30 sp LTC mtg. Third reading and forward to Executive Committee. Update bylaws and post to web. - Done

Becky McErlean
Sonja Zupanec

11-May-2017

On Going

LTC resolutions confirming proof of covenant registration required prior to adoptions of bylaws. Investigate and report back on covenant recommendations being imbedded in text of covenant. Include requirement in covenant for an integrated storm water management plan at the time of subdivision.

08-Jun-2017

Activity	Responsibility	Target Date	Status
Request staff to work with GALLT to organize a gathering with the Snuneymuxw First Nation (Fiona MacRaid).	Fiona MacRaid Wil Cottingham	29-Jun-2017	On Going

13-Jul-2017

Activity	Responsibility	Target Date	Status
First Nations Relationship with Snuneymuxw Nation: LTC resolution to endorse the project charter and commit to hosting one or two public events on Gabriola and/or Mudge. Request staff draft an amendment to the introduction of the OCPs as per staff recommendation. Event #1: Mudge Island (August 8th) Dec. 2017/Delayed due to Snuneymuxw elections process	Ann Kjerulf Fiona MacRaid	31-Jul-2017	On Going

07-Sep-2017

Activity	Responsibility	Target Date	Status
GB-DVP-2017.1 - LTC resolution to defer consideration of the applications until First Nation and Arch Branch input are received. Enter into cost recovery agreement with the applicant for preparation of restrictive covenant. See minutes of Sept 8 for LTC requested changes to covenant restrictions.	Teresa Rittemann	29-Sep-2017	On Going



Follow Up Action Report

18-Jan-2018

Activity	Responsibility	Target Date	Status
That the Gabriola Island Local Trust Committee refer point 1 in the Village Vision Delegation's submission, "Amend the Letter of Agreement between the Ministry of Transportation and the Islands Trust to include specific standards for village area streetscapes as rural complete multi-modal streets", to the Executive Committee with the inclusion of a supporting letter to be received from Village Vision: .	Ann Kjerulf		Done
Staff to add points 2a and 2b of the Village Vision Delegation's submission to the agenda of the upcoming Regional District of Nanaimo and Islands Trust joint meeting: "Adopt a co-ordinated inter-agency (Islands Trust, RDN and MOTI) approach to: a) the development of a Master Plan for the development of accessible, safe, pedestrian friendly routes not only in the village core but also down North Road to the ferry; and b) the development of standards, processes and shared funding programs to allow rural community Regional Districts to more efficiently and successfully collaborate with MOTI on rural village complete street improvements".	Ann Kjerulf		On Going
Request 2c of the Village Vision Delegation's submission to the Trust Programs Committee for consideration: a) the development of standards that would allow for the safe rainwater harvesting for potable use in multi-family, commercial and institutional settings."	Ann Kjerulf		On Going

01-Mar-2018

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Housing Options Review Project FAQ: -staff to prepare an update to the document including amendments and pictorial configurations for clarity.	Sonja Zupanec	On Going
LTC request senior staff to follow up with staff at the Agricultural Land Commission regarding the referrals process for Bylaws 292 and 293.	Ann Kjerulf	On Going

03-May-2018

Activity	Responsibility	Target Date	Status
Add to the projects list a review of the definition of limited public market from the Gabriola LUB. Notify bylaw enforcement to cease enforcement until review is completed.	Sonja Zupanec		Done
Water Taxi zoning review project - update the draft survey as per LTC comments and suggestions. Forward to Trustees for comment. Post survey electronically; printed copies at Islands Trust, Library and in an edition of the Sounder as an insert.	Jaime Dubyna		On Going



Homegrown, Handmade on Gabriola & Mudge Islands
P.O. Box 152, Gabriola B.C., V0R 1X2 | www.agihall.com

April 29, 2018

Local Trust Committee
Islands Trust Northern Office
700 North Road
Gabriola B.C., V0R 1X3



Dear Committee members:

We are writing to request an amendment to the definition of *BL 186 Limited Public Market*, subsection B 6.2 which states:

Limited Public Market means the open air sale of goods and crafts during a maximum two days a week, between the hours of 8:00 am and 4:30 pm.

Specifically, **we are requesting an amendment to allow the Gabriola Agricultural Market an additional day to sell locally grown and made products.**

We are also requesting an amendment to remove the "open air sale" limitation of section G definitions.

The Gabriola Agricultural Co-operative was formed in 1932 to support local agriculture and crafters and provide a local market to sell their products. Those goals are at least as relevant today as they were in 1932 and our very popular local weekend farmers' market is not only key to supporting local agriculture and artisans, it is a significant draw for tourists. Our co-op, then, is a significant contributor to the goals of the Official Community Plan which seeks to:

... encourage local food systems and community food security and to recognize that small, locally owned and home-based businesses contribute significantly to the character and sustainability of island life.

Our member-owners are re-engaging with their co-op enthusiastically and, as we explore their ideas and plans, it has become clear that to make food security on our island a reality and farming a viable choice for young families more market access is needed. It is for that reason we are requesting an additional selling day.

Our request to remove the limit to "open air" vending limitation is similar. During the outdoor market season, we need the additional space and in the off-season our members need an indoor venue for a local market. Off-season market access will encourage year-round agricultural production and, therefore, greater local food security.

We would propose a different restriction on "Limited Public Markets" to accompany the relaxations we are requesting. What is sold in "limited public markets" could be restricted to items grown or made on Gabriola.

We hope you will agree with the need for these amendments to support our farmers, our local home-based businesses and economy and the goals of our OCP as move forward toward food security, a stronger local economy, and sustainable island living.

Sincerely

A handwritten signature in blue ink, appearing to read "Christine Bletcher". The signature is fluid and cursive, with a large initial "C" and "B".

Christine Bletcher, President
and the Board of Directors.
Gabriola Agricultural Co-op.



Heather O'Sullivan, Trustee
Melanie Mamoser, Trustee
Islands Trust, Gabriola Office
700 North Road
Gabriola Island, BC
V0R 1X3

Dear Melanie and Heather

I am writing in response to the recent *Gabriola Sounder* article regarding retail sales on Institutional (IN) property and the "limited public market" accessory use. The Gabriola Arts Council board supports the request made by the Gabriola Agricultural Co-op to overlook current regulations for all affected properties until a full review has taken place. While we recognize that the bylaws restricting retail sales in IN-zoned properties are meant to protect Gabriola's Island and rural culture, we suggest that this restriction is potentially more damaging than protective.

Gabriola's artists, artisans, and community members have been selling their work and other goods in IN-zoned spaces for decades, whether at the various seasonal craft shows at the Community Hall, the Golf Course, Elementary School, etc.; the craft and plant sales at the Women's Institute Hall (now the Gabriola Arts & Heritage Centre); or additional vendors at the Saturday market who set up indoors rather than on the parking lot.

We suggest a change to the definition of "limited public market" to include both open-air and inside spaces, and to eliminate the restrictive hours so that evening events (e.g. art shows or craft sales) are allowed. We would also request that the maximum number of days be stretched to at least four days so that, for example, artists who rent the Arts & Heritage Centre for a show can open on a Thursday evening and run until Sunday afternoon without breaking any bylaws.

These small but meaningful changes to the existing LUB would reflect longstanding community practice, and would positively support Gabriola artisans and artists in particular without having a negative effect on local culture or the environment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle Benjamin", with a long horizontal flourish extending to the right.

Michelle Benjamin
Executive Director



File No.: GB-RZ-2016.1
(Potlatch Properties and Pilot Bay Holdings)

DATE OF MEETING: June 14, 2018

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: LTC acceptance of final draft Section 219 covenant

Applicant: Williamson and Associates

Location: **Donor Lands:** The South East ¼ of Section 13, Gabriola Island, Nanaimo District Except The South West ¼ of the South West ¼ of The Said South East ¼; South West ¼ of Section 14, Gabriola Island, Nanaimo District ; West ½ of the North East ¼ of Section 10, Gabriola Island, Nanaimo District

Receiving Lands: The South ½ of the North West ¼ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396; Lot 7, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742; Lot 6, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742; and Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354

RECOMMENDATION

- 1. That the Gabriola Island Local Trust Committee accept the final draft covenant under section 219 of the *Land Title Act* from the registered owners of The South ½ of the North West ¼ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396 (PID: 006-635-121); Lot 7, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742 (PID: 027-939-804); Lot 6, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742 (PID: 027-939-791); and Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354 (PID: 003-010-431), and designate the Chairperson and one other member of the Local Trust Committee to sign the executable version of the covenant GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings).**

REPORT SUMMARY

The purpose of this report is to review the finalized terms of instrument – Part 2 including Schedule ‘A’, ‘B’ and ‘H’ – in the Section 219 covenant (Attachment 1) to be registered on the subject property as a condition of rezoning. A copy of the draft covenant was available prior to the public hearing on Bylaw Nos. 289 and 290. The covenant has since been updated to reflect the change in ownership of lands, include a covenant area map and to improve readability of several clauses.

BACKGROUND

The owners propose to develop the receiving lands with a 25-lot residential subdivision; dedicate 16.4 hectares of parkland; dedicate and construct a road connection between Spruce Road and Church Street; dedicate four statutory rights-of-way for public trail dedication; and one statutory right-of-way over future common property for stream monitoring and enhancement purposes. The LTC passed the following resolutions pertaining to the restrictive covenant as a condition of rezoning the donor and receiving lands:

March 30, 2017

GB-2017-057 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee confirm that it requires proof of registration of the covenant to be submitted to the Gabriola Island Local Trust Committee before final adoption of Bylaws No. 289 and 290.

CARRIED

Upon LTC acceptance of the covenant and signatures on the executable version, Islands Trust legal counsel will register the covenant on title of the subject properties. Planning staff will advise the LTC when the covenant has been registered in order for Bylaw Nos. 289 (OCP) and 290 (LUB) to be considered for final reading.

March 9, 2017

GB-2017-041 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff enter into discussion with Gabriola Land and Trails Trust and Applicant to evaluate options to allow ongoing monitoring and potential rehabilitation work on Mallett Creek as a condition in the covenant.

CARRIED

Schedule 'A', clause 4 of the covenant requires dedication of a 2.9 ha statutory right of way to the LTC, encompassing Mallett Creek for the purposes of stream monitoring and enhancement activities.

GB-2017-042 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff establish a 5000 imperial gallon minimum cistern size per principal dwelling in the covenant.

CARRIED

Schedule 'A', clause 11 requires each principal dwelling built on the lot to be constructed with a rainwater harvesting and collection system capable of storing a minimum of 22,000 litres of rainwater for domestic use.

January 12, 2017

GB-2017-008 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend Resolution GB-2016-114 to replace the word impose with the word consider in the preamble.

CARRIED

November 10, 2016

GB-2016-114

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant which would be registered on all land titles applicable to the receiving lands and impose the following restrictions:

- a) *Requiring that the subdivision layout of the receiving lands, including the number, location and configuration of lots, be in substantial compliance with the proposed plan of subdivision;*
- b) *Requiring the dedication of all proposed park lands at the time of the first subdivision;*
- c) *Limiting the number of lots that may be created on the receiving lands to a maximum of 25;*
- d) *Prohibiting the future subdivision or creation of new parcels or lots on the receiving lands following the registration of a 25 lot strata plan;*
- e) *Specifying the location of future trails (as recommended by Gabriola Land and Trails Trust and the Regional District of Nanaimo) where possible;*
- f) *Requiring rainwater collection systems for the purpose of providing potable water;*

- g) *Placing restrictions on the placement of onsite waste disposal systems to prevent contamination of groundwater, surface water, or existing wells;*
- h) *Placing any other restrictions on uses, buildings and structures in accordance with the recommendations of the hydrogeological assessment, archeological study, geotechnical study and Riparian Areas Regulation report to mitigate potential impact of the proposed development on groundwater quantity and quality, and surface water.*

CARRIED

Items a) through h) in resolution GB-2016-114 have been considered and addressed in the attached covenant.

ANALYSIS

Issues and Opportunities

The terms of the covenant include the following requirements in Schedule 'A':

- Park and road dedication commitments;
- Stormwater management plan requirements;
- Maximum subdivision/density; and
- Restrictions on development and use of the covenant lands in accordance with qualified professional report recommendations.

Schedule 'B' includes the updated subdivision, trail and road layout plan. Schedules C, D, E, F and G will include the professional reports in their entirety, as previously received by the LTC. The final executable version of the covenant prepared for signatures will include the standard Land Titles Office 'Form C' cover sheet and Schedules A-H.

Schedule 'H' show the geographic area to which the terms of the covenant apply.

Rationale for Recommendation

The terms of instrument in the covenant have been developed with legal counsel, the applicant and planning staff. The terms restrict development in the covenant area as proposed in the rezoning application and reflect the direction of LTC resolutions. Staff recommends the LTC accept the covenant as presented and assign signatories as per the recommendation included on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative include returning both bylaws to a second public hearing. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that the applicant submit (insert details).

NEXT STEPS

The final executable version of the covenant will be presented for signatures and registered on title. The LTC is advised that Bylaw No. 289 (OCP) and Bylaw No. 290 (LUB) can be considered for final reading upon:

- Registration of the covenant on the titles of the subject properties; and
- Receipt of a letter of undertaking from the applicant's solicitor for the transfer of the donor lands to the Regional District of Nanaimo upon adoption of Bylaw Nos 289 and 290.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	June 6, 2018
Concurrence:	Ann Kjerulf, RPP, MCIP, Regional Planning Manager	June 7, 2018

ATTACHMENTS

1. GB-RZ-2016.1 Final draft Section 219 covenant – Terms of Instrument Part 2, Schedule 'A', 'B' and 'H'

TERMS OF INSTRUMENT – PART 2
SECTION 219 COVENANT

This COVENANT dated for reference the 7th day of June, 2018, is

BETWEEN:

POTLATCH PROPERTIES LTD., INC.NO. BC0696634
1885 Martin Road
Box 348
Gabriola Island, BC V0R 1X0

(the "Owner")

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a local trust committee incorporated under the *Islands Trust Act* having its offices at 700 North Road, Gabriola Island, British Columbia V0R 1X3

("GILTC")

WHEREAS:

- A. The Owner is the registered owner in fee simple of that certain parcel of land and premises on Gabriola Island, in the Province of British Columbia, more particularly known and described as:

PID: 003-010-431

Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354

PID: 006-635-121

The South 1/2 of the North West 1/4 of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396

PID: 027-939-791

Lot 6 Section 20 Gabriola Island Nanaimo District Plan VIP86742

PID: 027-939-804

Lot 7 Section 20 Gabriola Island Nanaimo District Plan VIP86742

(the lands of the Owner are collectively referred to in this Agreement as the "Receiver Parcels");

- B. The Owner proposes to develop that part of the Receiver Parcels shown outlined in bold on Reference Plan of Covenant Area, Plan EPP83157, a copy of which is attached hereto as Schedule "H" (hereinafter called the "Lands") for purposes of constructing a 25-lot residential subdivision, along with substantial park dedication, in accordance with the provisions of the Gabriola Island Official Community Plan and have requested an amendment to the present zoning requirements of the Lands (the "Zoning Amendment") and as a condition of GILTC granting the Zoning Amendment, the Owner has agreed to enter into this Section 219 Covenant;
- C. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specific amenity on the land;
- D. The Owner wishes to grant and GILTC wishes to accept a covenant over the Lands restricting the use of the Lands and the buildings on the Lands in the manner herein provided so that the Zoning Amendment can proceed more expeditiously;

NOW THEREFORE in consideration of the premises and the covenants herein contained, the payment of \$1.00 by GILTC to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree, pursuant to Section 219 of the *Land Title Act* as follows:

1. GRANT OF SECTION 219 COVENANT

The Owner hereby covenants, promises and agrees, pursuant to Section 219 of the *Land Title Act*, that the Owner shall not subdivide the Lands, use the Lands, or build on the Lands, as the case may be, except as provided for in Schedule "A" which is attached hereto. At the discretion of GILTC, the Owner may comply with the requirements of Schedule "A" by entering into further agreements with GILTC to perform one or more of the obligations set out in Schedule "A" by a date specified in the agreement.

2. DISCHARGE

The parties agree that the Owner shall be entitled to a discharge of this Agreement from title to the Lands at the Owner's expense if the Zoning Amendment is not adopted by GILTC by June 30, 2018.

3. SEVERANCE

If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

4. RUNS WITH THE LANDS

The covenants set forth herein shall charge the Lands pursuant to Section 219 of the *Land Title Act* and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or part thereof, and shall attach to and run with the Lands and each and every part into which the Lands may be divided or subdivided, whether by subdivision plan, strata plan, or otherwise howsoever.

5. INDEMNITY

The Owner hereby releases, indemnifies and saves harmless GILTC, its elected officials, officers, employees, agents and others for whom GILTC is responsible at law from and against any and all manner of actions, cause of action, claims, costs, expenses (including actual legal fees), losses, damages, debts, demands and harm, by whomsoever brought, of whatsoever kind and howsoever arising out of or related to the Agreement or any breaches of this Agreement by the Owner, provided however that this indemnity shall not apply to any actions, cause of action, claims, costs, expenses (including actual legal fees), losses, damages, debts, demands and harm caused by the negligent actions or omissions of GILTC, its elected officials, officers, employees, agents and others for whom it is responsible in law.

6. BYLAW TO THE CONTRARY

This Agreement shall restrict the use of the Lands and buildings on the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of GILTC, which, except in the case of direct collision with the provisions contained in this Agreement, will continue to have application.

7. FURTHER ASSURANCES

The parties hereto shall execute and do all such further deeds, acts, things and assurances as may be reasonably required to carry out the intent of this Agreement. The Owner agrees to do everything reasonable necessary at the Owner's expense to ensure that this Agreement is registered against the title to the Lands with priority over all financial charges, options, rights of first refusal, leases, liens, and encumbrances registered or the registration of which is pending.

8. WAIVER

Waiver by GILTC of any default by the Owner shall not be deemed to be a waiver of any subsequent default.

9. POWERS RESERVED

Nothing contained or implied herein shall prejudice or affect the rights and powers of GILTC in the exercise of its functions pursuant to the *Local Government Act* or its rights and powers under all of its public and private statutes, bylaws, orders and regulations, including, without limitation, the *Community Charter*, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner.

10. INVESTIGATION BY GILTC

The Owner hereby irrevocably authorizes GILTC to make such inquiries as it considers necessary and reasonable in order to confirm that the Owner is complying with this Agreement and irrevocably authorize and direct the recipient of any request for information from GILTC to provide such information to GILTC.

11. NO PUBLIC LAW DUTY

Wherever in this Agreement GILTC is required or entitled to exercise any discretion in the granting of consent or approval or is entitled to make any determination, take any action or exercise any contractual right or remedy, GILTC may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

12. REFERENCES

Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees, and invitees of such party, whenever the context so requires or allows.

13. GILTC'S REPRESENTATIVE

Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by GILTC's Island Planner or his/her delegate (the "Island Planner"), unless expressly provided to be taken or made by another official of GILTC.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS **Canadian Western Bank** (the “Chargeholder”) is the holder of a Mortgage and Assignment of Rents (called the “Charges”) encumbering PID 027-939-791 Lot 6 Section 20 Gabriola Island Nanaimo District Plan VIP86742 and PID 027-939-804 Lot 7 Section 20 Gabriola Island Nanaimo District Plan VIP86742 (collectively, the “Lands”) described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under numbers **CA4713603** and **CA4713604** respectively.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT IS EVIDENCE THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PAID BY THE TRANSFEREE TO THE CHARGEHOLDER:

1. The Chargeholder hereby consents to the granting and registration of the Section 219 Covenant attached hereto (the “Covenant”) and the Chargeholder hereby agrees that the Covenant shall be binding upon its interest in and to the Lands.
2. The Chargeholder hereby grants to the transferee described in item 6 of the *Land Title Act* Form C attached hereto priority for the Covenant over the Chargeholder’s right, title and interest in and to the Lands, and the Chargeholder does hereby postpone the Charges and all of its right, title and interest thereunder to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charges.

IN WITNESS WHEREOF, the Chargeholder has executed and delivered this Consent and Priority Agreement by executing the *Land Title Act* Form D above which is attached hereto and forms part of this Agreement.

SCHEDULE "A"

Park and Road Dedication

1. At the time of first subdivision of the Lands, the Owner will dedicate or transfer to the Regional District of Nanaimo those portions of the Lands shown as "park" totalling approximately 16.4 ha, as shown on the sketch plan attached hereto as Schedule "B". The parties agree that this dedication or transfer of park satisfies the 5% park dedication requirement under section 510 of the *Local Government Act*.
2. At the time of first subdivision of the Lands, the Owner will dedicate those portions of the Lands shown as "road" being the connector between Spruce Road and Church Street, generally as shown on the sketch plan attached hereto as Schedule "B".
3. At the time of first subdivision of the Lands, the Owner will dedicate as public trail connections through the Lands adjoining Lockinvar, Burnside, and Taylor Bay Roads, the trails shown as Trail 1, Trail 2, Trail 3, and Trail 4 on the sketch plan attached hereto as Schedule "B", by one or more statutory rights of way to Regional District of Nanaimo ("RDN") on its standard form for public trail purposes, to the satisfaction of the Island Planner.
4. At the time of first subdivision of the Lands, the Owner will dedicate a statutory right of way to GILTC, on its standard terms over that area shown as "Common Property Area = 2.9 ha" on the sketch plan attached hereto as Schedule "B" for stream monitoring and enhancement purposes, to the satisfaction of the Island Planner.

Stormwater Management Plan

5. The Lands may not be subdivided until the Owner have provided to GILTC a report addressed to GILTC, sign sealed and certified by a registered engineer, with qualifications acceptable to GILTC (the "Engineer") containing an integrated stormwater management plan (the "Plan") prepared by the Engineer for the Lands and acceptable to the Island Planner, and certifying that this Plan ensures that surface runoff and stormwater will be absorbed on the Lands. The purpose of the Integrated Stormwater Management Plan is maintaining groundwater at pre-development rates and to slow the rate of discharge of water to any creeks or existing ditches.
6. As a schedule or other addition to the Plan, the Owner must cause the Engineer to prepare for each proposed lot a maintenance manual (the "Maintenance Manual") outlining the measures and steps be taken by the Owner (including any future owners of the subdivided lots), to maintain the stormwater works from time to time so that they at all times function in accordance with the Plan.

7. Upon completion of the Plan, the Owners of each subdivided lot shall enter into a modification of this Agreement with GILTC in order to attach the approved Plan, including Maintenance Manual, as a schedule to this Agreement, with the costs of that modification agreement and associated priority agreement (if applicable) to be borne by the Owners.

Subdivision

8. The Lands may not be subdivided into more than 25 lots whether by subdivision under the *Land Title Act*, *Strata Property Act* or by any other method. At the time of signing this Agreement, the parties anticipate that the Lands shall be subdivided into 8 fee simple lots and 17 bare land strata lots as shown generally on the sketch plan attached hereto as Schedule "B" but this Agreement does not constitute subdivision approval.
9. Following subdivision of the Lands into 25 lots as described in section 8 above, the Lands may not be subdivided further by any method, except for boundary adjustment or consolidation.

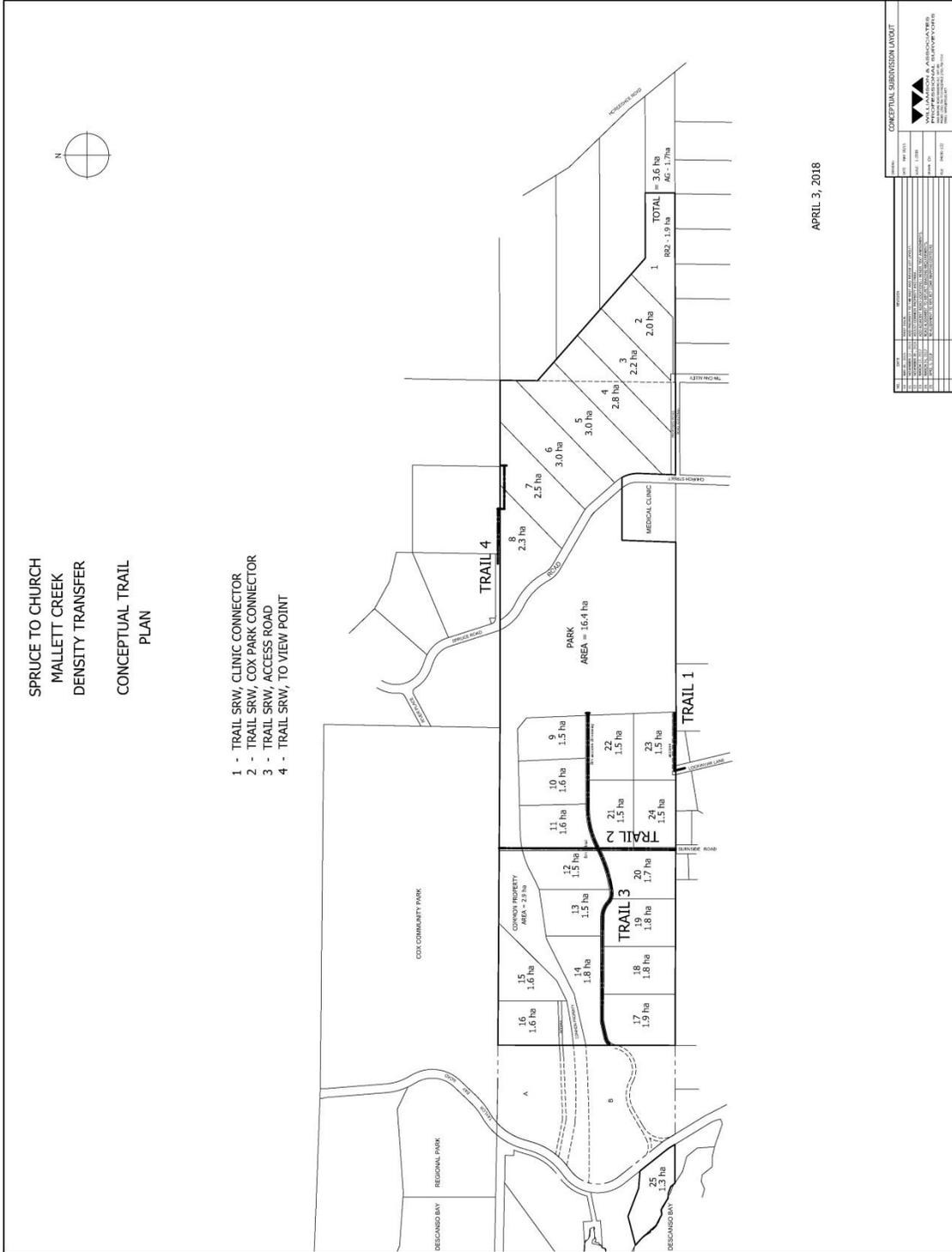
Restrictions on development and use

10. Hereafter, the Lands shall not be used or disturbed, and no building or structure shall be located, constructed, reconstructed, moved or extended on the Lands, except in compliance with:
 - a. the conditions and recommendations (including implementation of best practices for water conservation and management) specified by R. Allan Dakin, P.Eng. of Elanco Enterprises Ltd., in the hydrogeological assessment report (specifically pages 8 and 9) dated January 25, 2017, a copy of which (without schedules) is attached hereto as Schedule "C" (a full copy of which is available at GILTC's office), along with the following additional requirements:
 - i. that wells on the Lands will be fitted with 25 mm diameter PVC access tubes to ensure easy water level monitoring;
 - ii. that the Owner will ensure sampling and analysis of all new wells on the Lands when they are opened, and existing wells on the Lands prior to construction, to obtain information about baseline water quality for the Lands;
 - iii. that the Owner will ensure regular monitoring of electrical conductivity or chloride concentrations of all wells within 40 m from shoreline, at least annually and report same to the Water Protection and Sustainability Branch of the Provincial Ministry of Environment, or its successor in function;

- b. the recommendations specified in the bio-inventory report prepared by Toth and Associates Environmental Services (specifically pages 20 and 21) dated July 17, 2015, a copy of which is attached hereto as Schedule “D” (a copy of which is available at GILTC’s office);
 - c. the conclusions and recommendations in the geotechnical hazard assessment report prepared by Chris Hudec, P.Eng. of Lewkowich Engineering Associates Ltd. (specifically pages 4, 5 and 6) dated July 14, 2015, a copy of which is attached hereto as Schedule “E” (a copy of which is available at GILTC’s office);
 - d. the measures to protect and maintain the SPEA and all other recommendations in the Riparian Areas Regulation QEP Assessment Report prepared by Steve Toth R.P.Bio (specifically page 13) dated July 7, 2014, a copy of which is attached hereto as Schedule “F” (a copy of which is available at GILTC’s office); and
 - e. the recommendations in the archaeological overview assessment report prepared by Kristina Bowie of Madrone Environmental Services Ltd. (specifically pages IV, V, 46 and 47) dated February 12, 2016, the summary of which is attached hereto as Schedule “G” (a full copy of which is available at GILTC’s office).
11. Hereafter, each principal dwelling built on a lot subdivided from the Lands must be constructed with a rainwater harvesting and collection system capable of storing a minimum of 22,000 litres (5000 imperial gallons) of rainwater for domestic use, and such system shall be operational prior to final building inspection by RDN.

SCHEDULE "B"

Sketch Plan of Subdivision with Trails



Next Attachments:

Schedule "C" – Hydrogeological Assessment of Spruce to Church Mallett Creek Property Transfer Property, Gabriola Island, B.C., January 25, 2017 – Elanco Enterprises Ltd.

Schedule "D" – Bio-Inventory of parts of PID#006-635-121, 027-939-791 and 027-939-804 located east of Taylor Bay Road, Gabriola Island, July 17, 2015 – Toth and Associates Environmental Services

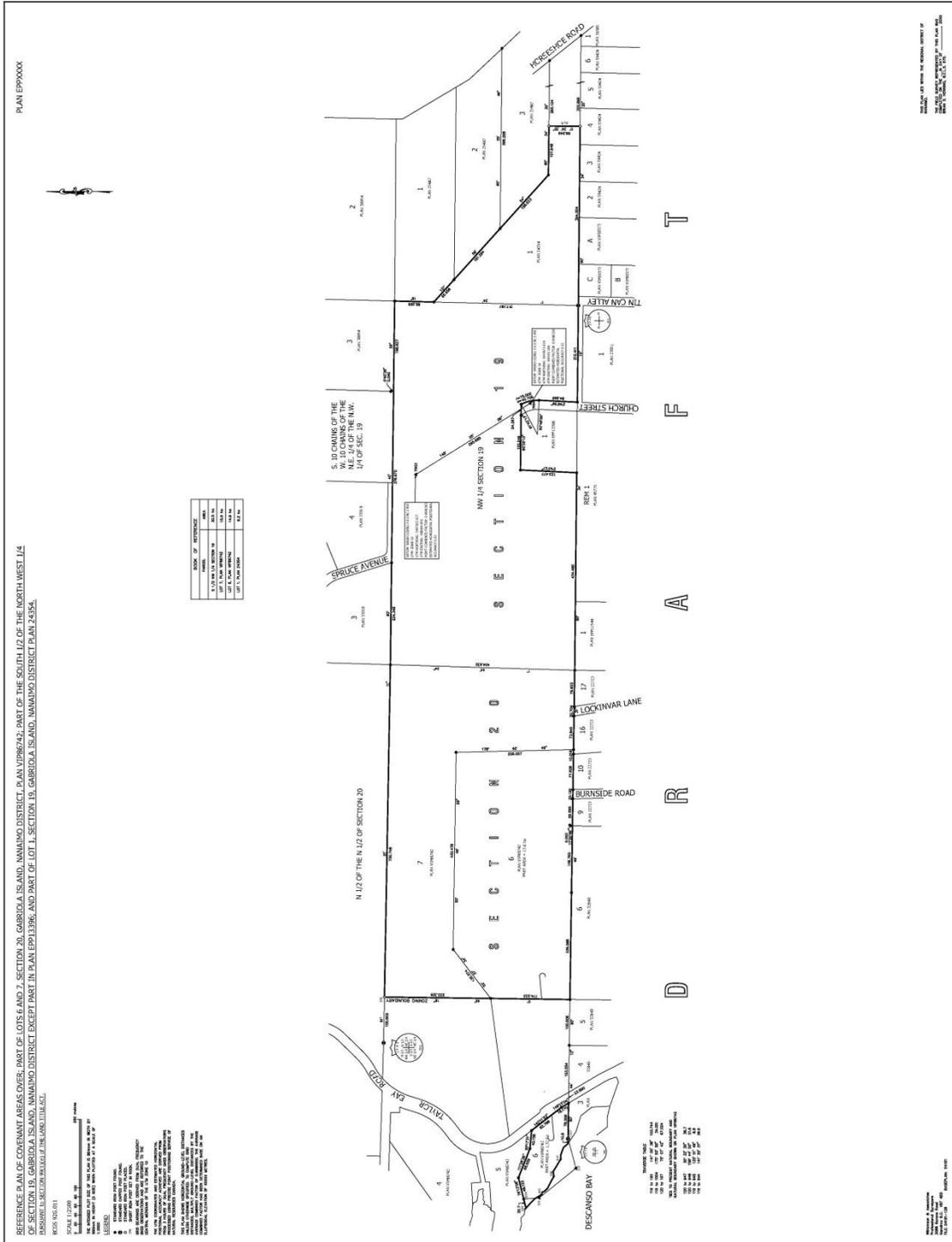
Schedule "E" – Geotechnical Hazard Assessment of 695 Church Street, Gabriola Island, B.C., July 14, 2015 – Lewkowich Engineering Associates Ltd.

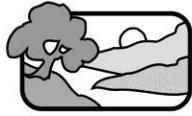
Schedule "F" – SPEA/Riparian Areas Regulation Assessment Report, July 7, 2014 – Toth and Associates Environmental Services

Schedule "G" – Archaeological Overview Assessment, Proposed 180 Acre Rezoning of Residential Development North of North Road and East of Taylor Bay Road, Gabriola Island, BC, February 12, 2016 – Madrone Environmental Services Ltd.

SCHEDULE "H"

Plan EPP83157 showing the Covenant Area





File No.: GB-6500-20
Housing Options Review
Project

DATE OF MEETING: June 14, 2018
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Housing Options Review Project Proposed Bylaws 292 and 293

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee Bylaw No. 292 cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2017”, be adopted.
2. That the Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be amended as follows:
 - a. Item 2.7 - by inserting the words “where permitted in Part D of this Bylaw” before the words “are subject to the following requirements:”; and
 - b. Item 2.7 – B.6.6.1 – by deleting the words “in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1) and Agriculture (AG) zones on lots”.
3. That the Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be adopted as amended.
4. That the Gabriola Island Local Trust Committee request staff to post the June 2018 ‘Secondary Suites on Gabriola Island - Frequently Asked Questions’ document to the ‘Latest News’ webpage.

REPORT SUMMARY

The purpose of this report is to recommend Proposed Bylaw No. 292 be adopted and Proposed Bylaw No. 293 be amended prior to adoption.

BYLAW NOS. 292 AND 293

Proposed Bylaw No. 292 (OCP) was approved by the Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing. The bylaw is ready to be considered for final reading (Attachment 1).

Proposed Bylaw No. 293 (LUB) was amended at third reading and approved by the Islands Trust Executive Committee. Staff is recommending a minor administrative amendment at fourth reading in order to improve the readability of the bylaw and eliminate duplication of regulations and the need for future amendments to the wording of Section B.6.6.1 should additional zones be added to the LUB. Because the proposed amendment does not substantively change the bylaw, further review by the Executive Committee is not required.

The proposed amendment to section B.6.6 (Attachment 2) is as follows:

"B.6.6 Secondary Suite Regulations

Secondary Suites, where permitted in Part D of this bylaw, are subject to the following requirements:

B.6.6.1 *Secondary suites are a permitted accessory use on lots in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1) and Agriculture (AG) zones on lots 2.0 hectares (4.94 acres) or larger;*

COMMUNICATIONS

Staff has prepared a revised ‘Frequently Asked Questions’ document for LTC endorsement (Attachment 3). If approved it will be posted to the web and hard copies will be available at the Islands Trust office. Staff will also notify the Regional District of Nanaimo Building Inspection department of the bylaw amendments affecting new building permits. Staff will also schedule a meeting with the local realtors to provide relevant updates pertaining to regulatory changes.

Rationale for Recommendation

Proposed Bylaw Nos. 292 and 293 have been in development since 2016 with extensive community consultation and technical review. The proposed bylaws address the objectives listed in the Project Charter and can be considered for final reading to complete Phase 1 of the Housing Options Review Project.

ALTERNATIVES

1. Make additional changes to the bylaw or request additional information.

The LTC may further amend Proposed Bylaw No. 293. Please note, any amendments to alter use or density would necessitate a subsequent public hearing.

NEXT STEPS

Upon adoption of the proposed bylaws staff will update the project and bylaw webpages.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	May 25, 2018
Concurrence:	Ann Kjerulf, RPP, MCIP, Regional Planning Manager	May 25, 2018

ATTACHMENTS

1. Bylaw No. 292 (OCP)
2. Bylaw No. 293 (LUB with track changes)
3. Draft June 2018 ‘Secondary Suites on Gabriola Island – Frequently Asked Questions’ – *attached*

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 292

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

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. Citation

This bylaw may be cited for all purposes as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2017”.

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997”, Schedule “A” is amended as follows:

2.1 Section 2. – General Land Use and Residential Development, Section 2.0 General Land Use, General Land Use Policies, Clause j) is amended by deleting the word “permit” and replacing it with the word “support”.

2.2 Section 2. – General Land Use and Residential Development, Section 2.1 Residential Land Use, General Residential Policies, Clause g) is deleted in its entirety and replaced with:

“g) On parcels 2.0 hectares (4.94 acres) or larger, one secondary suite shall be permitted per parcel, accessory to a principal single family dwelling.”

2.3 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Background is deleted in its entirety and replaced with:

“Background: A community plan is intended to contain a statement concerning the provision of affordable housing in the community. Currently on Gabriola, the allowance of secondary suites on parcels 2.0 hectares or larger, is considered a means of addressing the islands’ need for diversity in housing options and affordability.”

2.4 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Single-dwelling Affordable Housing Objectives is amended by deleting the words “Single-dwelling” and replacing with “Single-family”.

2.5 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Single-dwelling Affordable Housing Policies is amended by deleting the words “Single-dwelling” and replacing with “Single-family”.

2.6 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Single-dwelling Affordable Housing Policies’, Clause a) is deleted in its entirety and replaced with:

“a) Provision for a secondary suite on a parcel 2.0 hectares or larger (as per policy 2.1 g) shall be recognized as a means of providing for affordable housing in a rural, low density context.”

2.7 Section 2. – General Land Use and Residential Development, Section 2.7 Home Occupational Use, Home Occupational Policies, Clause b, Item i, is deleted in its entirety and replaced with:

“i the use is accessory to a dwelling unit on a parcel;”

2.8 Appendix 1 - Definitions is amended by deleting the following terms and the associated definitions:

“accessory”	“Accessory cottage”	“bed and breakfast accommodation”
“family”	“boarder”	“building”
“dwelling unit”	“home occupation”	“horticulture”
“industry”	“principal”	“public park”
“public utility”	“residence”	“school”
“single-dwelling”	“structure”	“tourist accommodation”
“tourist accommodation unit”		

2.9 Appendix 1 – Definitions is amended by deleting the word “means” from the beginning of each definition.

READ A FIRST TIME THIS	13 TH	DAY OF	JULY	, 2017
READ A SECOND TIME THIS	12 TH	DAY OF	OCTOBER	, 2017
PUBLIC HEARING HELD THIS	16 TH	DAY OF	NOVEMBER	, 2017
READ A THIRD TIME THIS	14 TH	DAY OF	DECEMBER	, 2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	7 TH	DAY OF	FEBRUARY	, 2018
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	7 TH	DAY OF	MAY	, 2018
ADOPTED THIS	_____	DAY OF	_____	, 201X

Chair

Secretary

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 293

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999, ” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS 13TH DAY OF JULY , 2017

PUBLIC HEARING HELD THIS 1ST DAY OF MARCH , 2018

READ A SECOND TIME THIS 1ST DAY OF MARCH , 2018

READ A THIRD TIME THIS 1ST DAY OF MARCH , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

11TH DAY OF APRIL , 2018

ADOPTED THIS _____ DAY OF _____ , 201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 293

Schedule 1

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

- 2.1 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses, Clause a. is amended by deleting the words “an *accessory cottage*” and replacing it with the words “a *secondary suite*”.
- 2.2 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings-is deleted in its entirety and replaced with:
- “B.1.2.3** Additional Buildings
- a. The construction, placement, or use of more than one *dwelling unit* on a *lot* is prohibited, unless specifically permitted in the *zone*.
- b. Only one *building* accessory to all permitted *dwelling units* on a *lot* is permitted to contain a bathroom, and areas, equipment or infrastructure designed, used or intended to be used for the preparation and cooking of food.”
- 2.3 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause a. is amended by deleting the word “*principal*”.
- 2.4 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause b. text is deleted in its entirety and replaced with:
- “*Home occupations* must be entirely enclosed within a *building*, providing the combined total floor area for *home occupation* uses on a lot do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95 acres), where the total combined floor area of *home occupation* uses may not exceed 150 square metres (1,615 square feet).”
- 2.5 Part B – GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1, Table 2: Parking Requirements is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.6 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals, Article B.6.3.1 is deleted in its entirety and replaced with:

“B.6.3.1 All *dwelling units*, including *secondary suites*, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.”

2.7 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, is amended by adding the following:

“B.6.6 Secondary Suite Regulations

Secondary Suites are subject to the following requirements:

B.6.6.1 *Secondary suites* are a permitted *accessory use* on *lots* in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1) and Agriculture (AG) *zones* on *lots* 2.0 hectares (4.94 acres) or larger;

B.6.6.2 One (1) *secondary suite* is permitted per *lot*.

B.6.6.3 Outside the Agriculture Land Reserve a *secondary suite* may be located within or attached to a *single family dwelling* or within an accessory building.

B.6.6.4 Within the Agricultural Land Reserve a *secondary suite* must be located wholly within a *single family dwelling*.

B.6.6.5 The maximum permitted *floor area* for a *secondary suite* located within or attached to a *single family dwelling* is 90 square metres (968 square feet) or 40% of the *floor area* of the *dwelling*, whichever is less;

B.6.6.6 The maximum permitted *floor area* for a *secondary suite* located within an *accessory building* is 90 square metres (968 square feet);

B.6.6.7 A *secondary suite* must not be located within a *manufactured home*;

B.6.6.8 For lands outside of the ALR, a *secondary suite* shall not be permitted on a *lot* unless the owner of the *lot* has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the *secondary suite* being a separate *lot*.

2.8 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.4 Use of Travel Trailers, Recreational Vehicles and Accessory Buildings, Article B.6.4.1, Clause c. to be deleted in its entirety and replaced with the following:

“c. the travel trailer, recreational vehicle or *accessory building* is connected to an approved sewage disposal system.”

- 2.9 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.10 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and third bullets are deleted and replaced with:
- “-one *secondary suite* per lot;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; and”
- 2.11 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.12 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “-one *secondary suite* per lot;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; and”
- 2.13 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by deleting the words “or *cottage*”.
- 2.14 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third and fourth bullets are deleted and replaced with:
- “-one *secondary suite* per lot;
-for lots in the Agricultural Land Reserve, one *secondary suite* AND one *manufactured home* for immediate family or *farm worker housing*;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*;”
- 2.15 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item ii text prefacing the bullets is deleted and replaced with:
- “On lands in the Agriculture Land Reserve where a *manufactured home* is permitted on a lot 2.0 hectares (4.94 acres) or larger for immediate family or *farm worker housing*, the following conditions apply.”
- 2.16 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting

Requirements, Item i, first bullet is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.17 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii, first bullet is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.18 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.19 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

“- one *secondary suite* per lot;
- three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; and”

2.20 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.21 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

“- one *secondary suite* per lot;
- three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; and”

2.22 Part D – , ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii text is deleted in its entirety and replaced with:

“*secondary suite* residential.”

2.23 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second bullet text is deleted in its entirety and replaced with:

“- three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*;

2.24 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, fourth bullet text is deleted in its entirety and replaced with

“- one *secondary suite* per lot.”

- 2.25 Part E – SUBDIVISION, Section E.1 GENERAL, Subsection E.1.3 Covenant Against Further Subdivision and Development, Article E.1.3.3 is amended by deleting the words “ or *cottage*” in each instance it appears and replacing the words “and in a form complying with Appendix E” with “under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee,”.
- 2.26 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “*cottage*” and definition.
- 2.27 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “*two*” with “*three*”.
- 2.28 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*secondary suite*” is amended by replacing the definition with the following text:
- “a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot.”*
- 2.29 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “*means*” from the beginning of each definition in the section.
- 2.30 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*floor area*” is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.31 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “sustainable energy systems utility room” is amended by removing the words “in a *cottage*”.
- 2.32 Schedule C – Map 14 is deleted.
- 2.33 PART C – Establishment of Zones, Sections C.3 Interpretation of Zone Boundaries, Subsection C.3.1.2 b. *Lots* in more than One *Zone* is amended by replacing the word “*cottage*” in each instance it appears with “*secondary suite*”.

Secondary Suites FAQs

Gabriola Island



Where

are secondary suites allowed on Gabriola?

One secondary suite is permitted on lots 2 hectares or larger and only in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1), or Agriculture (AG) zones.

What

is an ‘accessory cottage’ versus a ‘secondary suite’?

Recent changes to the [Gabriola Island Land Use Bylaw No. 177 \(LUB\)](#) eliminated “accessory cottage” and replaced it with “secondary suite”. This allows greater flexibility in configuring suites and potentially increases the floor area from a previous maximum of 700 ft² to 968 ft².

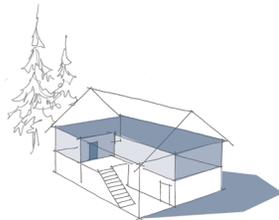
What

are the options for configuring a secondary suite?

There are six options for accommodating up to a 2 bedroom suite, either within a dwelling or an accessory building (below). Options A, B and C allow a maximum of 40% of the dwelling floor area or 968 ft.² (whichever is less). Options D, E and F allow a maximum 968 ft.² suite.

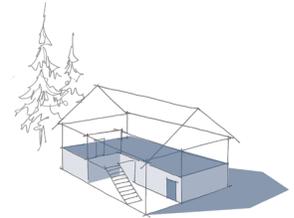
A

SUITE ABOVE MAIN FLOOR OF A SINGLE, DETACHED DWELLING



D

SUITE BELOW MAIN FLOOR OF A SINGLE, DETACHED DWELLING



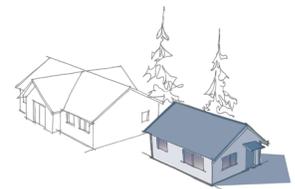
B

SUITE ATTACHED TO A SINGLE, DETACHED DWELLING



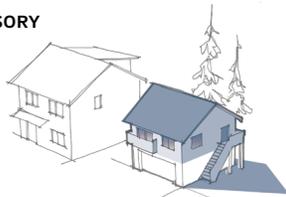
E

DETACHED SUITE AT GRADE



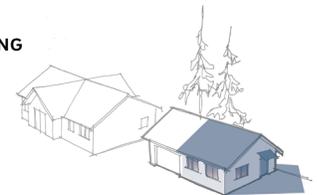
C

SUITE ABOVE A DETACHED ACCESSORY BUILDING



F

SUITE AT GRADE WITHIN A DETACHED ACCESSORY BUILDING DWELLING



Secondary Suites

What

about the Building Code?

Regulations for secondary suites are found in section B.6.6 of the LUB. Please contact the Nanaimo Regional District Building Inspection Services for British Columbia Building Code (BCBC) requirements and to apply for a Building Permit (if you have over 2 ha and are in one of the zones listed above). The Building Inspector will review the plans to ensure they meet LUB regulations and the BCBC, as well as for adequate septic and water connections. Prior to a building permit being issued, registration of a restrictive covenant on title (see below) will be required.

Why

is a Restrictive Covenant required?

The Gabriola Local Trust Committee (LTC) requires a restrictive covenant (a section 219 covenant under the Land Title Act) for any new suite being constructed. This is a legal agreement between the owner and the LTC that prohibits future building strata subdivision on the property which will ensure that the secondary suite cannot become a separate real estate entity and be used for market rental housing. A model covenant is available for property owners to use and register on the title of their property. Proof of registration will be required prior to a building permit being issued. In the future, the LTC, with the agreement of the owner, can agree to discharge (remove) the covenant from title, under specific circumstances (i.e. if replaced by an affordable housing agreement).

What

if I'm in the Agricultural Land Reserve (ALR)?

The LUB permits a maximum of three dwellings in the ALR:

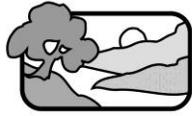
- 1 one principle dwelling;
- 2 one secondary suite within the principle dwelling (maximum floor area as above); and
- 3 a manufactured home for immediate family or farmworker housing (with specific restrictions/conditions).

Although farm status is not required for the secondary suite and there are no restrictions on who can occupy the suite, the location of the suite must be within the principal dwelling. This is consistent with the provincial Agricultural Land Commission regulations that apply to all land in BC within the ALR.

Where

can I get more information?

- Visit:** Islands Trust Northern Office
700 North Road, Gabriola Island
- Phone:** 250-247-2063
- Email:** northinfo@islandstrust.bc.ca
- Visit:** www.islandstrust.bc.ca to view Gabriola Island Local Trust Committee bylaws



File No.: GB-6500-20
(Housing Options Review
Project)

DATE OF MEETING: June 14, 2018
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Housing Options Review Project Follow-up

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee remove the Housing Options Review Project from the Top Priorities List.
2. That the Gabriola Island Local Trust Committee confirm the following activities for Phase 2 of the Housing Options Review Project on the Projects List:
 - a) Review Official Community Plan policies respecting affordable housing, rental housing and special needs housing, and policies relating to social needs, social well-being and social development;
 - b) Review the definition of 'affordable housing' in the Official Community Plan;
 - c) Explore opportunities to foster affordable, rental and special needs housing and associated services on Gabriola Island in collaboration with the Regional District of Nanaimo and health and housing service providers;
 - d) Review provisions for secondary suites above existing farm buildings in the ALR;
 - e) Consider opportunities for secondary suites on lots smaller than 2 hectares;
 - f) Consider an OCP designation for multi-dwelling housing;
 - g) Consider OCP density provisions for multi-dwelling housing in the Village core;
 - h) Consider opportunities for mixed use buildings in the Village core.
3. That the Gabriola Island Local Trust Committee add to the Projects List, "Water Resource Planning", with the Activity, "OCP and LUB amendments to address water resource protection including subdivision proof of water requirements."
4. That the Gabriola Island Local Trust Committee request staff to draft an amendment to the Fees Bylaw to reduce the fee for applications involving OCP or land use bylaw amendments to \$1,000 where the application is for affordable, rental or special needs housing and the applicant is a registered charity or a non-profit society.

REPORT SUMMARY

The purpose of this report is to summarize the completion of Phase 1 of the Housing Options Review Project, request that the Gabriola Island Local Trust Committee (LTC) confirm the activities for a subsequent Phase 2 Housing Options Review Project, and consider amending the fees bylaw to include reduced development application fees for affordable, rental or special needs housing projects.

BACKGROUND

At the regular business meeting on April 2, 2015, the Gabriola Island Local Trust Committee placed “Consideration of affordable housing strategies” onto their Top Priorities List. A preliminary memorandum reviewing previous work by the LTC and community organizations was presented at the July and September 2015 LTC meetings. In September 2015, the LTC requested that the project scope be broadened to include not only consideration of strategies to achieve affordable housing as defined in the Official Community Plan, but also other affordability strategies beyond them, and the project title was changed to the broader Attainable Housing Strategies.

In March 2016 the LTC reviewed staff comments regarding the [definition of ‘attainable housing’](#) as well as [recommendations from the Advisory Planning Commission](#) (APC) on priorities for a LTC housing review project. In July 2016 the LTC endorsed a ‘Housing Options Review Project’ project charter that identified the scope, objectives and timeline of the first phase of the project. Bylaws 292 and 293 to amend the Official Community Plan (OCP) and Land Use Bylaw (LUB) were introduced in February 2017.

The project charter was further amended in April and November of 2017 (Attachment 1) and focused primarily on expanding the options for market rental housing in the form of secondary suites on lots 2 hectares or larger, where accessory cottages were already permitted. Following extensive public consultation and the statutory process, it is anticipated that Bylaws 292 and 293 to amend the OCP and LUB will be adopted on June 14, 2018.

Staff note that the LTC passed a number of resolutions during Phase 1 of the Housing Options Review Project, which are discussed in this report.

November 16, 2017:

GB-2017-141

It was MOVED and SECONDED

to amend the Housing Options Review Project phase one charter version two objectives to include a housing first policy and review of affordable housing definition. **CARRIED**

March 30, 2017:

GB-2017-056

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the Project Charter for Housing Options Review Project to include review of subdivision regulation water requirements. **CARRIED**

May 11, 2017:

GB-2017-084

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request the Local Planning Committee to advance the work on the Gabriola housing needs assessment as soon as possible. **CARRIED**

January 18, 2018:

GB-2018-005

It was MOVED and SECONDED

that the following considerations be incorporated into a Project Charter for the second phase of the Housing Options Review Project:

- 1) examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing;
- 2) examining the potential for increasing density in the Village core multi-dwelling housing; and
- 3) exploring opportunities for mixed use buildings in the Village core. **CARRIED**

GB-2018-010

It was MOVED and SECONDED

that the phrase Draft Project Charter for Phase 2 be added to the list of activities under the Housing Options Review Project on the Top Priorities List. **CARRIED**

ANALYSIS

Project Charter

Adoption of Proposed Bylaw Nos. 292 (OCP) and 293 (LUB) completes significant work over the last two years pertaining to the Housing Options Review Project. The Phase 1 Project Charter (Attachment 1) identified the following objectives/deliverables in Phase 1 which were not captured in the development of Bylaws 292 or 293:

- a. Incorporation of a 'housing first' policy in the Official Community Plan;
- b. Reviewing the definition of 'affordable housing' in the Official Community Plan;
- c. Review the role of staff and the LTC in supporting community housing opportunities;
- d. Review opportunities with the Regional District of Nanaimo to foster affordable housing opportunities; and
- e. Review of subdivision regulation water requirements.

Staff recommend that items a, b, c and d be included as activities for a subsequent Phase 2 Housing Options Review Project. As item e is broadly applicable to all housing (as opposed to affordable, rental or special needs housing), staff recommend that this be handled under a discrete project. Staff further recommend that water requirements be explored more broadly under a water resource planning project, consistent with Islands Trust Council strategic plan objective to "protect the quality and quantity of water resources."

Staff note that significant Local Planning Services (LPS) work has been done over the last six months to develop Trust wide model housing agreement language and information that will be available for use across the Trust to support affordable or attainable housing projects. These deliverables will be made available to planning staff and the LTC for future use.

Housing First

In consideration of item a, above, the meaning of the term or concept of "housing first" may vary among individuals or organizations. "Housing First" is commonly described as "an approach that focuses on moving people who are chronically and episodically homeless as rapidly as possible from the street or emergency shelters into permanent housing with supports that vary according to client need."¹² The model emphasizes providing housing for people who are either "chronically" or "episodically" homeless. For further information, the Metro Vancouver Regional Steering Committee on Homelessness has authored a [discussion paper](#) which contains useful information about the "Housing First" approach.³

Rather than narrowly focus on "Housing First", staff recommends that the LTC include in its Phase 2 Project objectives a review of Official Community Plan (OCP) policies respecting affordable housing, rental housing and special needs housing, and policies relating to social needs, social well-being and social development. This would align well with the *Local Government Act* (LGA) provisions for required and optional OCP content regarding housing, health and social services:

877 (2) *An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing; and*

¹ Government of Canada. Housing First Approach. <https://www.canada.ca/en/employment-social-development/programs/communities/homelessness/housing-first/approach.html> (Accessed June 5, 2017)

² Salt Spring Island Community Services. <http://saltspringcommunityservices.ca/housing-first/> (Accessed June 5, 2017)

³ Metro Vancouver Regional Steering Committee on Homelessness. http://stophomelessness.ca/wp-content/uploads/2013/09/131009_Metro_Van_Handout_Housing_First_FINAL.pdf (Accessed May 25, 2018)

878 (1) An official community plan may include the following:
 (a) policies of the local government relating to social needs, social well-being and social development.

This also aligns with recent LGA amendments which empower Local Governments to zone for rental housing.

Secondary Suites

Phase one of the Housing Options Review Project focused on secondary suites on lots which are 2 hectares or greater. However, there was considerable community interest in the potential to allow secondary suites on lots smaller than 2 hectares. Staff have flagged this as a potential topic for consideration in a subsequent Phase 2 project.

Northern Region Housing Needs Assessment

Staff note that the Northern Region Housing Needs Assessment was received by the Islands Trust Local Planning Committee on May 24, 2018 and will be considered by Islands Trust Council in June. This study may further inform the development of a project charter for a Phase 2 Housing Options Review Project and future LTC decisions regarding the preparation or implementation of OCP policies, or decisions regarding development applications. Staff recommend that the LTC wait until after the June Trust Council meeting to take any action based on the findings or recommendations of the Northern Region Housing Assessment.

Housing Application Fees

Staff recommend that the Gabriola Island LTC include a specific fee for OCP and Land Use Bylaw amendment applications put forth by registered not-for-profit agencies wishing to develop perpetually affordable housing. Both the Salt Spring Island and Denman Island LTCs have made similar amendments to their respective fees bylaws. Staff note that the application fee can be a significant financial burden for not-for-profit agencies. Notably, minimal staff resources are needed to prepare a fees bylaw amendment for future LTC consideration (i.e. this does not need to be a discrete project).

Resources for Phase 2 Housing Options Review Project

The LTC currently has four items on its Top Priorities List. Assuming Phase 1 of the Housing Options Review Project is removed from this list, the LTC will be “compliant” with respect to the number of projects it should have underway at any given time. Upon completion or removal of another Top Priority project, the LTC would be able to add Phase 2 of the Housing Options Review Project (or another project) to the LTC Top Priorities list. Commencement of Phase 2 would involve preparation of a draft Project Charter and a request to the Director of Local Planning Services or Executive Committee (depending on the amount of funding required) for the release of LTC project funding.

NEXT STEPS

Upon LTC confirmation of Phase 2 activities and a review and discussion of the Northern Region Housing Needs Assessment Report at a subsequent meeting, the LTC may request staff prepare a comprehensive Phase 2 Project Charter.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	May 25, 2018
Concurrence:	Ann Kjerulf, RPP, MCIP Regional Planning Manager	June 1, 2018

ATTACHMENTS

1. Housing Options Review Project Charter Phase 1 – November 2017

Housing Options Review Project - PHASE 1 Charter v 2.0

Gabriola Island Local Trust Committee

Revised Date: November 2017

Purpose To increase opportunities for a wider range of housing options on Gabriola Island by reviewing relevant Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations.

Background The Local Trust Committee (LTC) began a discussion on affordable/attainable housing options with planning staff and the Advisory Planning Commission in 2015. The LTC identified a housing options review project on Gabriola Island as a top priority for the remainder of the 2014-2018 term.

Objectives

- Explore mechanisms to strengthen and build effective working relationships with existing community groups, agencies and the Regional District of Nanaimo to support housing options for Gabriola Island.
- Review targeted OCP policies and LUB regulations to increase housing options on Gabriola.
- Develop a community survey and communication plan on existing and proposed housing regulations for residents, realtors and developers.
- Incorporate a 'housing first' policy in the OCP.
- Review definition of "affordable housing" in the OCP.

In Scope

- Review of secondary suites for residential lots in lieu of accessory cottages.
- Review suites over existing non-residential buildings in lieu of secondary suites within principal dwelling on ALR land.
- Review of temporary dwelling regulations.
- Review of role of staff and LTC in supporting community led housing initiatives.
- Review opportunities with RDN to foster AH initiatives.
- Develop community survey on Phase 1 topics and communication strategy on housing options and opportunities.

Out of Scope

- Update and enhance the Gabriola Housing Needs Assessment based on 2016 census data and community consultation.
- Develop new DP area for water conservation.
- Review amenity zoning and housing agreements; density bank policies.
- Review of multi-family AH policies; regulations and DP guidelines.

Workplan Overview

Deliverable/Milestone	Date
LTC endorses project scope and objectives	July 2016
Planning research, outreach to identified agencies, groups	July—Sept 2016
Planning research; community engagement and consultation	Fall, Winter 2016
Draft bylaws presented to LTC for review	Winter 2016
Community consultation and early referrals of draft bylaws	Winter 2017
Legislative process for proposed bylaw(s)	Winter/Spring 2017
Adoption of proposed bylaw(s) and communications materials	Spring/Summer 2017

Project Team

Sonja Zupanec	Project Manager/ Planner
Ann Kjerulf	Project Sponsor
Becky McErlean	Legislative Clerk
Advisory Planning Commission	Community Representatives

RPM Approval:

Ann Kjerulf

Date: July 21, 2016

LTC Endorsement:

Resolution #GB-2016-073

Date: July 21, 2016

Resolution #GB-2017-141

November 16, 2017

Budget

Budget Source:

Fiscal	Item	Cost
2016-2017	Community engagement and consultation	\$3,000
2017-2018	Communication and outreach materials	\$1000 (pending budget approval)
2017-2018	Legislative Process (community information meetings; public hearing; advertising)	\$1,300 (pending budget approval)
	Total	47 \$5,300



Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Housing Options Review Project	Review Gabriola OCP and LUB policy/regulations to allow option for secondary suite in lieu of accessory cottages on lots over 2ha and over existing buildings; review definition of ""affordable housing"" in the OCP; draft new proof of water requirements for subdivision regulations; draft project charter for phase 2.	07-May-2015	Sonja Zupanec	
1	First Nations Relationship Building			Fiona MacRaid	
2	Mudge Island targeted review of OCP/LUB	Review 10% lot coverage provisions and cisterns being calculated as lot coverage on small lots.	07-Sep-2017	Teresa Ritemann	
3	Water taxi feasibility	Review zoning provisions for water taxi service.	14-Jul-2016	Sonja Zupanec Jaime Dubyna	



Projects

Gabriola Island

Description	Activity	R/Initiated
DeCourcy Island OCP and Bylaw Review	Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).	21-Apr-2011
Hazardous areas/Steep Slopes DPA	Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain	21-Feb-2013
Forage Fish Mapping Workshop	March, 2013 resolution	05-Sep-2013
Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	16-Jan-2014
Biodiversity Protection	Identify measures to protect biodiversity	19-Jan-2012
Coastal areas protection	Review OCP and LUB to improve protection of coastal areas.	19-Jan-2012
Water Protection	Review OCP and LUB to protect water quality and quantity.	19-Jan-2012
First Nations cultural references	Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola.	27-Jan-2011
Eelgrass protection	Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).	14-May-2014
Snuneymuxw Protocol Agreement	Implementation of Snuneymuxw First Nation Protocol Agreement	22-Jan-2015



Projects

Gabriola Island

Description	Activity	R/Initiated
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Commercial Vacation Rental Review	Review bylaws with respect to temporary use permits for commercial vacation rentals	07-May-2015
CDF Conservation	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
LUB Amendments	<ul style="list-style-type: none"> - Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use. -definition of limited public market and INI zone uses pertaining to market sales 	08-Sep-2016
Review and update the Gabriola Build Out Map		11-May-2017



Projects

Gabriola Island

Description	Activity	R/Initiated
Develop a new Ecological Protection Zone.	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coates Marsh and Burns Acres Nature Reserve properties.	01-Mar-2017
Housing Options Review Project Phase 2	<ul style="list-style-type: none"> -include a review of the secondary suite above an existing farm building provisions for land in the ALR. -examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing; -examining the potential for increasing density in the Village core multi-dwelling housing; and -exploring opportunities for mixed use buildings in the Village core. 	01-Mar-2018



Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2017.2	Zane, Michael	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance Civic: Acorn Island

Planner: Teresa Ritemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 04-Apr-2018

Planner awaiting responses regarding draft covenants.

Status Date: 18-Dec-2017

Planner sent draft arch. covenant to Snuneymuxw FN and Arch Branch for review and comment. Environmental covenant sent to applicant to review.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.

Planner: Madeleine Koch

Planning Status

Status Date: 18-Aug-2017

Sent letter to the property owner and requested her (or her surveyor) to forward the completed survey / site plan to planning staff.

Status Date: 17-Aug-2017

Planning staff met with the owner on site, reiterated the need for a survey / site plan. The owner committed to providing a survey / site plan as per the Land Use Bylaw.

Status Date: 15-Jun-2017

Applicant said that he would ask the owner to contact staff to arrange a meeting to discuss the application



Applications

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.1	Zane, Michael	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Teresa Ritemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 04-Apr-2018

Planner awaiting responses regarding draft covenants.

Status Date: 18-Dec-2017

Planner sent draft arch. covenant to Snuneymuxw FN and Arch Branch for review and comment. Environmental covenant sent to applicant to review.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.1	Upward Construction	11-Apr-2018	PID: 004-739-345 Demolish cottage & work shed & rebuild. Need to have variance to allow septic field to be placed within setback from ocean. Civic address: 1850 Maple Lane, Gabriola Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 04-Jun-2018

Waiting as of June 4th for applicant to provide site plan including ALL septic structures and proper natural boundary survey information.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.2	Gordon's Homes	26-Apr-2018	PID: 005-789-036 New modular home placed within the setback. Civic address: 1411 Westgyle Road, Gabriola Island, BC

Planner: Teresa Ritemann

Planning Status

Status Date: 05-Jun-2018

Planner reviewing application. Awaiting updated survey plan from applicant. Aiming for July agenda for LTC consideration.



Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2016.1	Williamson & Associates	09-Feb-2016	PIDs:006-654-941, 005-030-480, 009-735-968, 003-010-431, 006-635-121, 027-939-804, 027-939-791 Spruce to Church Streets, Mallett Creek Density Transfer

Planner: Sonja Zupanec

Planning Status

Status Date: 06-Dec-2017

OCP Bylaw No. 289 approved by the Minister of Municipal Affairs and Housing

Status Date: 05-Oct-2017

RDN advised that the RDN Board will accept the proposed 16.4 hectare parkland dedication and will accept proposed SRW #1, #2, #3 and #4 as public trail connections through subdivision following adoption of Bylaws 289 and 290.

Status Date: 30-Mar-2017

Proposed Bylaws 289(OCP)and 290(LUB) given third reading. Request RDN Board confirm receipt of receiver park lands. Finalize restrictive covenant as per LTC resolution request. Provide clarity to LTC on process for 'right of first refusal' for remainder lot for parkland purposes

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2018.1	THOMAS W MELVILLE	06-Apr-2018	Foreshore lease #112998 Continuing annual moorage at Degnan Bay, Gabriola Island, BC

Planner: Teresa Ritemann

Planning Status

Status Date: 05-Jun-2018

Preliminary Staff Report aiming to be on July agenda for LTC consideration.

Status Date: 19-Apr-2018

Planner reviewing application.

Subdivision

File Number	Applicant Name	Date Received	Purpose
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Applications

GB-SUB-2008.3 C.O. Smythies & Associates Ltd. 06-Oct-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: Teresa Rittemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 18-Jan-2018

Planner re-sent the revised referral report to MOTI. Will await a response from MOTI.

Status Date: 23-Feb-2017

PLA extension request. Planner waiting for updated plan from applicant which reflects the lot boundary adjustment in GB-SUB-2016.4

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

Planner: Teresa Rittemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 14-Jun-2017

MOTI sent PLA with conditions for the applicant to meet.

Status Date: 28-Nov-2016

Revised referral report sent to MOTI to reflect updated proposed plan of subdivision received.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors	23-Dec-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)

Planner: Marnie Eggen

Planning Status



Applications

Status Date: 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

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

Status Date: 05-Jun-2018

No change in status.

Status Date: 01-Apr-2015

Applicants are waiting for the right time to continue with their application with MOTI and to remove the conditions in the PLNA to change it to a PLA. MOTI confirmed this is the case.

Status Date: 03-Sep-2014

Status has not changed. Still awaiting MOTI direction that reasons for non-approval have been overcome

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.3	Smythies & Associates	28-Oct-2013	411 Daniel Way subdivision to create 2 parcels
Planner: Teresa Rittemann			
Planning Status			

Status Date: 05-Jun-2018

No change in status.

Status Date: 01-Apr-2015

MOTI response that there has been no recent action on this file but it will remain open, and the applicant is working with the ALC at this time



Applications

Status Date: 19-Mar-2015

No change in status. Contacted MOTI to see if they closed the file, but have not yet heard back.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.2	MACKAY, IKE	23-Feb-2016	PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment

Planner: Teresa Rittemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

File TR completed review and sent referral report to MOTI and copied to Gabriola LTC and applicant.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.4	C.O. Smythies & Associates	20-May-2016	PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address:1610 Hess Road, Gabriola Island.

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Jun-2016

Referral response sent to MOTI and copied to applicant and LTC.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.6	C.O. Smythies & Associates	08-Sep-2016	PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision.

Planner: Teresa Rittemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 07-Nov-2017



Applications

Applicant seeking extension to PLA. Planner confirmed with MOTI and applicant via email that our office has no concerns with extending the PLA.

Status Date: 02-Oct-2017

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.1	Williamson & Associates Professional Surveyors Planner: Teresa Ritemann	26-Jan-2017	PIDS: 000-427-110,025-720-821 & 025-720-830 Civic addresses: 1885 Martin Road, 1860 Martin Road & 1875 Stalker Road, Gabriola Island. Boundary adjustments.
Planning Status			

Status Date: 05-Jun-2018

No change in status.

Status Date: 05-May-2017

PLA Received. MOTI will send final plan when received.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.2	Williamson & Associates Planner: Madeleine Koch	19-Jan-2017	PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC
Planning Status			

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.3	HENDRIKS, TREVOR Planner: Teresa Ritemann	24-Apr-2017	PID: 004-032-721 - 2 lot subdivision split by a road. Civic address:1802 Stalker Road, Gabriola Island, BC.
Planning Status			

Status Date: 05-Jun-2018

No change in status.



Applications

Status Date: 24-Jul-2017

Received VIHA letter approving sewage. Still need final plan of subdivision, then can send letter or approval if final plan is OK

Status Date: 30-Jun-2017

Awaiting documents to satisfy sewage disposal condition. Then final subdivision plan before giving final approval letter.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2018.1	Garner, KEVAN	15-Mar-2018	PID: 003-330-460 Vacation rental in cottage Civic address:671 Balsam Street, Gabriola Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 18-May-2018

Site visit.

Status Date: 11-Apr-2018

Planner reviewing application.

Gabriola Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: February 2, 2016

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	January 29, 2010	GB-025-2010	Communication Towers and Antennae	<p>It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> • Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: <ul style="list-style-type: none"> ○ the proposed location of the tower on the subject site ○ a description of the predicted power density level of the antenna/tower ○ methods to mitigate any aesthetic or visual impact ○ description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas ○ physical details and example illustrations of the tower including its height, colour, type and design ○ the time and location of a public meeting and advertising ○ the name and contact information of the contact person employed by the proponent ○ the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and ○ the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2018

Islands Trust Fund Name Change

The TFB is thrilled to have received notice that the name change to Islands Trust Conservancy has been approved. Staff has prepared a Name Change Implementation Plan that outlines a two-staged approach to implement the name change over the next few months.

Medicine Beach Nature Sanctuary Management Plan

The TFB received and approved an updated management plan for the Medicine Beach Nature Sanctuary. The TFB requested that an article be submitted to the Pender Post to provide community awareness about the management issues for this popular location.

Approval of Parks Canada – Sidney Island Forest Restoration Proposal

The TFB reviewed information and provided support in principle for Parks Canada's Sidney Island Forest Restoration Proposal, which includes eradication of fallow deer.

2017-2018 Annual Report Submission

The TFB approved text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Summary of Current Island-by-Island Activities

Denman

Staff are finalizing the revised management plan for Morrison Marsh Nature Reserve, to be completed by July 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves on Denman.

Gabriola

Construction of a boardwalk around a large western red cedar tree at Elder Cedar

S'ul-hween X'pey Nature Reserve is now complete and volunteers have mulched the area with woodchips.

Gambier

Staff visited Keats Island to view the proposed Sandy Beach Nature Reserve. Restoration continues at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves protecting and planting tree seedlings.

Lasqueti

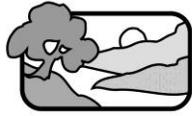
The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). A news release has been issued, and with a recent grant awarded to LINC, the campaign is 40 per cent of the way to a \$250,000 goal.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



DATE OF MEETING: June 7, 2018
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
COPY: David Marlor, Director of Local Planning Services
SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 200 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the Gabriola Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a fee of [\$ amount] for Liquor Control and Licensing Branch non-medical cannabis retail applications.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of non-medical cannabis retail sales. The Gabriola Island Local Trust Committee (LTC) is asked to consider:

- Adopting a standing resolution to process Liquor Control and Licensing Branch (LCLB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCLB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The proposed *Cannabis Act*¹ would provide a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities would include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the adoption of the *Cannabis Act*, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The *Act* outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government or Indigenous nation must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government or Indigenous nation for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor Control and Licensing Branch (LCLB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

LTCs may have previously amended their bylaws to provide regulations for the location, size or siting of cannabis (marihuana) production facilities. The Gabriola Island Land Use Bylaw (LUB) for example, stipulates:

- Permitted uses in the Agriculture (AG) zone include: “Indoor production of medical marihuana licenced under the *Marihuana for Medical Purposes Regulation* on lots in the Agricultural Land Reserve”.
- The maximum *height of buildings* in the Agricultural Land Reserve used exclusively for a Medical Marihuana Production Facility licenced under the *Marihuana for Medical Purposes Regulation* is 15.0 metres (49 feet); and
- The minimum setback for buildings, structures and fencing used for the indoor production of medical marihuana licenced under the *Marihuana for Medical Purposes Regulation* is 30 metres (98.4 feet) from any lot line and 150 meters (492.13 feet) from any school or park.

Notably, “the production of marihuana in accordance with the *Marihuana for Medical Purposes Regulations*” is a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. Hence, cannabis production on land within the ALR cannot be prohibited by local governments.

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for good governance through land use regulation. This involves consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. It is up to individual LTCs to determine to what extent land use regulation is needed and what, if any, amendments should be undertaken to their LUBs.

In accordance with the proposed *Cannabis Act*, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (including home occupations allowing retail) if the applicable Land Use Bylaw permits retail sales and the definition of retail sales is liberal or absent.

Similarly, liberal LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production could be limited to select zones (e.g. industrial zones). Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCLB non-medical cannabis retail licenses or license amendments. This requires that LTCs include an applicable fee in their LTC fees bylaws. Staff note that the majority of LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications, with the exception of Hornby (\$750), Gabriola (\$850) and Lasqueti (no fee).

The application fees collected for review of LCLB applications are used to offset staff time and any news advertising in relation to the review of the applications. Generally, the fees collected for LCLB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCLB.

Staff recommend that each LTC enact a distinct and higher fee for LCLB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. Staff note, for reference, that the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments and Indigenous nations to consider applications referred by the Liquor Control and Licensing Branch (LCLB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 200 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees may be referred cannabis license applications. Because a consultation process is not specifically prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community's unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their fees bylaws to include a specific fee for LCLB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the Gabriola Island Local Trust Committee add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 7, 2018
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REFERENCES

- Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>