

Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: October 13, 2016
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Pages

1. **CALL TO ORDER** 10:15 AM - 10:20 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** 10:20 AM - 10:30 AM
4. **COMMUNITY INFORMATION MEETING - none**
5. **PUBLIC HEARING - none**
6. **MINUTES** 10:30 AM - 10:35 AM
 - 6.1 Local Trust Committee Minutes dated September 8, 2016 – for adoption 4 - 18
 - 6.2 Section 26 Resolutions-Without-Meeting - none
 - 6.3 Advisory Planning Commission Minutes - none
 - 6.4 Mudge Island Advisory Planning Commission Minutes - none
 - 6.5 Agricultural Advisory Commission Minutes - none
 - 6.6 Transportation Advisory Planning Commission Minutes - none
7. **BUSINESS ARISING FROM MINUTES**
 - 7.1 Follow-up Action List dated October 3, 2016 10:35 AM - 10:40 AM 19 - 20
8. **DELEGATIONS** 10:40 AM - 10:50 AM
 - 8.1 Toby Elliot – request for LTC sponsorship of a 'Tiny Home Speaker Series' 21 - 23
9. **CORRESPONDENCE** 10:50 AM - 11:05 AM
(Correspondence received concerning current applications or projects is posted to the LTC webpage)

9.1	Email dated September 6, 2016 from Regional District of Nanaimo, Director, Howard Houle regarding Descanso Bay Emergency Wharf	24 - 25
9.2	Letter dated September 18, 2016 from Tammy Kinloch regarding Mudge Island Dock	26 - 27
9.3	Gabrielans Against Freighter Anchorages Society	28 - 51
10.	APPLICATIONS AND REFERRALS	11:05 AM - 11:30 AM
10.1	Thetis Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw No. 101 (Valdes Island Rural Land Use Bylaw Amendment - West Vancouver Yacht Club)	52 - 54
10.2	GB-LCB-2016.1 Surf Lodge	
10.2.1	Staff Report	55 - 59
11.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 12:15 PM
11.1	Housing Options Review Project	
11.1.1	Verbal Update from Planner	
11.1.2	Trust Council Housing Report	60 - 83
11.2	Roadside Signage - Regulations Review	
11.2.1	Staff Report	84 - 86
12.	REPORTS	12:15 PM - 12:30 PM
12.1	Work Program Reports	
12.1.1	Top Priorities Report dated October 3, 2016	87 - 87
12.1.2	Projects List Report dated October 3, 2016	88 - 89
12.2	Applications Report dated October 3, 2016	90 - 97
12.3	Trustee and Local Expense Report dated August, 2016	98 - 98
12.4	Adopted Policies and Standing Resolutions	99 - 99
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, September, 2016	100 - 101
13.	NEW BUSINESS	12:30 PM - 12:45 PM
13.1	2017 Local Trust Committee Meeting Schedule	102 - 103
13.2	Gabriola Telephone Directory Renewal	104 - 106
14.	BREAK	12:45 PM - 1:00 PM

15. **DELEGATION** 1:00 PM - 1:20 PM
- 15.1 Gabriola Elementary School - Grades 5/6
16. **TOWN HALL** 1:20 PM - 1:30 PM
17. **CLOSED MEETING** 1:30 PM - 1:45 PM
- 17.1 Motion to Close Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(l)(d) adoption of Closed Meeting Minutes dated September 8, 2016; (f) Bylaw Enforcement; and (i) receipt of advice that is subject to Solicitor-Client Privilege and that the recorder and staff attend the meeting.*
- 17.2 Recall to Order
- 17.3 Rise and Report
18. **UPCOMING MEETINGS**
- 18.1 Next Regular Meeting Scheduled for Thursday, November 10, 2016 at 10:15 am at The Gabriola Arts & Heritage Centre, 476 South Road, Gabriola Island, BC
19. **ADJOURNMENT** 1:45 PM - 1:45 PM



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date:	September 8, 2016
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 Ann Kjerulf, Regional Planning Manager Rob Milne, Island Planner Theresa Rittemann, Planner 1 Lisa Millard, Recorder
Others Present	There were approximately 36 (thirty-six) members of the public and 1 (one) member of the media in attendance.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 10:15 am. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

13.1 Follow up on expressions of interest received for appointments to the Transportation Advisory Committee.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Nancy Hetherington-Pearce requested a definition for the term zoning and the term designation. Planner Zupanec stated that the Official Community Plan (OCP) is a policy document that designates land for particular types of uses and provides policy direction for zoning while Land Use Bylaws (LUB) are used to zone and regulate land use.

Mark Smith provided a written statement regarding the proposed rezoning application GB-RZ-2016.1 (Potlach Properties and Pilot Bay Holdings). He favours the proposal and trusts that the Gabriola Island Local Trust Committee (LTC) will consider recommendations based in part on the advice of experts as well as the community.

Eric Johnson stated that he lives in the area of the proposed Potlach / Pilot Bay Holdings subdivision. He noted his concerns regarding water availability, the effects of increased water use on current well capacity, increased traffic in the ferry line up area, and the creation of strata roads. He indicated that he does not feel that more park land or trails are needed, that further subdivisions should not be developed, and that the land within the area should remain a source of potential harvestable timber and sustainable forest growth.

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes dated July 14, 2016 – for adoption

The following amendments to the minutes were presented for consideration:

Page 1 regarding John Mallet's email to Trustee Mamoser it should state that Trustee Mamoser forwarded the email to staff and not to the Ministry of Transportation and Infrastructure (MOTI).

Page 3 Item 7.2 change the first sentence to Planner Zupanec reported that the Transportation Advisory Commission Members' terms had expired.

Page 8 Trustee Reports at the end of the first sentence add that Trustee O'Sullivan noted that the LTC's last visit to Mudge Island was during the bridge debate which had done some damage to the relationship between Mudge and Gabriola Islanders.

Page 8 Trustee Reports change the third bullet to read The majority of Link Island is now protected under covenant using the Natural Areas Protection Tax Exemption Program (NAPTEP).

By general consent the minutes were adopted as amended.

6.2 Local Trust Committee Special Meeting Minutes dated July 21, 2016 - for adoption

By general consent the Local Trust Committee Special Meeting Minutes of July 21, 2016 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report dated August 30, 2016

Received for information.

6.4 Advisory Planning Commission DRAFT Minutes dated July 26, 2016 - for receipt

Received for information.

6.5 Mudge Island Advisory Planning Commission Minutes – none**6.6 Agricultural Advisory Commission Minutes - none****6.7 Transportation Advisory Planning Commission Minutes - none****7. BUSINESS ARISING FROM MINUTES****7.1 Follow-up Action List dated August 30, 2016**

Chair Busheikin stated she had an informal discussion with Planner Zupanc who was advised that due to July, 2016 staff changes at Snuneymuxw First Nation (SFN) planning staff were asked to follow up with SFN in September, 2016 in order to set a meeting date.

It was noted that a targeted review of an OCP review for Mudge Island be added to the follow up action list as had been directed at the July 14, 2016 regular LTC meeting.

8. DELEGATIONS**8.1 Andrew Deggan regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition**

Mr. Deggan stated that he lives on Lochinvar Lane and he is representing a coalition of property owners living in neighborhoods that might be affected by the development of the proposed subdivision. He submitted a written statement from which he highlighted the following points:

- The coalition has compiled a list of concerns and comments regarding the proposed development for the LTC to review and these concerns have been prioritized in order of importance.
- Individuals living in neighborhoods bordering the proposed subdivision are more directly affected by the development compared to others living further away.
- Based on a conversation with a professional employed at the BC Forestry and Resource Department for Hydrology, and in reference to the *Water Sustainability Act* of 2016, he believes existing wells require protection.
- Any study done regarding water availability should encompass an inventory of all wells within the subject area and not just the receiving area.
- There are concerns about sewage seepage into existing wells due to low soil coverage in the affected area.

8.2 Rob Lumgair regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition

Mr. Lumgair stated he lives on Burnside Drive. He provided a written statement from which he made the following observations:

- He does not consider the donation of park land to be an adequate reason to accept the development.

- He has concerns about water depletion and water contamination and a resulting decrease in property values.
- He would like assurances from a hydrological engineer, as recommended in a staff report, that existing wells in the area will not be negatively affected and that the proposed development area is capable of producing adequate water.
- The *Water Sustainability Act* is relevant as it is related to the temporary sale of water and he believes the proposed development is tantamount to the sale of water.

8.3 Rob Plowright regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition

Mr. Plowright lives on Lochinvar Lane and he made the following points:

- He believes much of the support for park land in exchange for the proposed development comes from those that live in unaffected areas.
- He requested that the LTC reject the current proposal to allow for amendments to be made so that it will not impact existing residents.

8.4 Daryl Receveur regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition

Mr. Receveur was not in attendance. A written submission was provided, and received, for information.

Planner Rittermann arrived at 11:00 am.

9. CORRESPONDENCE

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

9.1 Email dated May 24, 2016 from J Burroughs and K Dennison regarding Mobile Milling on Gabriola Island

Joe Burroughs and Kathy Dennison commented as follows:

- They have been selectively clearing their land using a mobile mill on site to prepare the lumber for personal use in home construction.
- They spoke with a Bylaw Officer last spring who advised use of mobile mills is prohibited on Gabriola Island however when applying to the Regional District of Nanaimo (RDN) for a building permit they were informed about a possible grant for using lumber from their property in green building practices.
- They submitted a definition of temporary sawmilling from the Galiano, BC Land Use Bylaws and requested that the LTC consider adopting a similar bylaw.

Discussion ensued regarding the desire for builders to mill lumber for personal use as well as those with concerns about milling in small rural residential areas.

GB-2016-075

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee place review of temporary sawmill regulations on the projects list.

CARRIED

Email correspondence from Brad Hope dated September 2, 2016 regarding sawmilling was received for information

Rick Jackson, Gabriola Fire Chief, stated that given the number of cedars that have died recently, and the permitted use of chippers, expediting discussion on this issue might be in the community's best interests.

9.2 Email dated July 15, 2016 regarding Farm Animals on SSR Zoned Properties

It was noted that it is permissible for residents living on Small Rural Residential (SRR) zoned properties to keep animals of any kind for personal use. Noise complaints related to such animals are under the jurisdiction of the RDN Bylaw Enforcement Officer who has indicated that there are difficulties in enforcing the bylaw.

GB-2016-076

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add definition of personal use of animals in Small Rural Residential zoned lots to the projects lists.

CARRIED

GB-2016-077

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to add enforcement of the Regional District of Nanaimo noise bylaw to the upcoming protocol meeting with the Regional District of Nanaimo.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 GB-DVP-2016.1 (Skinner)

10.1.1 Staff Report dated August 15, 2016

Late correspondence regarding GB-DVP-2016.1 (Skinner) was received for information as follows:

- Email dated September 1, 2016 from Karen Walker
- Email dated September 6, 2016 from Karen Walker
- Email dated September 7, 2016 from Scott Walker
- Letter dated September 11, 2016 from Rosemary Vernon

Planner Ritemann outlined the staff report.

The Applicants provided a written submission from which they highlighted the following points:

- They have concerns regarding both safety and liability issues if they remove fence and deck railings on the north side, oceanfront side of the property as recommended in the staff report.
- They are requesting that a variance be granted to allow said fence and deck railings to remain in place.
- They would like to reiterate that all the work was done by previous owners. There was a complaint registered against the previous owners regarding this work and as new owners they have inherited the issue.

Discussion ensued regarding safety issues, potential alternatives that might be permissible under the relevant bylaws, and the possibility of cutting the deck back to ground level to allow the railing to remain. It was determined that a decision regarding the application be postponed to allow consideration of late correspondence as well as options regarding the deck and railing due to potential safety and liability issues.

GB-2016-078

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee defer consideration of GB-DVP-2016.1 for consideration at a future meeting after receiving a supplementary staff report.

CARRIED

Regional Planning Manager Kjerulf arrived at 11:40 am.

10.2 GB-DVP-2016.2 (German - Mudge Island)

10.2.1 Staff Report dated August 12, 2016

It was noted that the Applicant was present and that she had already complied with many of the variances requested at the July 14, 2016 LTC meeting.

GB-2016-079

It was MOVED AND SECONDED

that the Gabriola Island Local Trust Committee approve Development Variance Permit GB-DVP-2016.2 as amended.

CARRIED

BREAK

By general consent the meeting was recessed at 11:53 pm and reconvened at 12:17 pm.

The following additions to the agenda were presented for consideration:

13.2 Late correspondence letter dated August 22, 2016 from Leonard Krog.

Planner Milne arrived at 12:15 pm.

10.3 GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings)

10.3.1 Staff Report dated August 13, 2016

The following errors were noted in the staff report:

- Page 2, Analysis section, first paragraph under point 1 “Small Resource Residential” should be “Small Rural Residential”.
- Page 5, Table 2 – Receiving Lands Total Area should be 67.8 ha not 67.3 ha.

Planner Milne summarized the recommendations and alternatives as noted in the staff report.

Trustees referenced point 5 in the staff report “Riparian Protection for Mallet Creek” and noted the importance of restricting development on private land around the riparian corridor. The water course and pond are not currently designated as a Gabriola OCP Development Permit Area 3 (DP-3 “Riparian Areas”) however, an amendment to the current Draft Bylaw No. 289 could be considered in order to accommodate this. Planner Milne stated that while an amendment to the draft bylaw and development variance application does not necessarily provide additional protection, it can be done through a resolution.

It was noted that clarification between Development Permit Areas versus Parks designation protection might need to be communicated.

It was suggested that an amendment to the Bike Route Plan in the OCP be considered in order to include the Church Street and Spruce Avenue connector as there is an agreement between the Ministry of Transportation and Infrastructure (MOTI) and the LTC stating that roads that are included in the Bike Route Plan will be built with bike lanes. Discussion ensued and it was determined that this topic could be addressed at a later time.

It was noted that the community has expressed concerns regarding traffic impact. Planner Milne stated that the application has already been referred to MOTI and that he would follow up. .

Trustee O’Sullivan made the following points in relation to comments she has heard from community members:

- The use of cisterns has minimal impact on ground water levels and higher cistern use should be considered community wide.
- The *Water Sustainability Act* was put into place to license and regulate non domestic water uses, specifically agricultural and industrial use. Domestic water supply wells are not required to be licensed. Under the *Act* it is not illegal to drill wells within the area of the proposed subdivision.
- She referenced the RDN's Water Budget document which provides hydrological features of Gabriola and the area of the proposed development is not considered water poor.
- The proposed lots do not represent a large increase in density as compared to several existing high density areas on Gabriola.
- Forestry land is different than forestry wilderness land and park land. She showed a map of existing forestry land on Gabriola and indicated there is not a shortage of land designated as forestry.
- There is a valid argument that the proposed subdivision does not create affordable housing, however, there is possibility that some lot owners will put cottages on their lot, as allowed within existing bylaws, thereby creating housing alternatives.
- It is important to note that the proposed development regards lots and not the type of housing that will be built on the lots.

GB-2016-080**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff amend Bylaw No. 290 Appendix 1 prior to second reading to change the minimum average parcel size to 2.7 ha.

DEFEATED

Discussion ensued. It was suggested that the OCP sets out the formula for calculating the minimum average parcel size for a resource residential zone created through a density transfer and by using this calculation the Applicant's ability to provide additional park land, as proposed, is not affected. It was also noted that using the density transfer calculation as currently proposed results in an accurate minimum average lot size and does not impact the potential size of the proposed subdivision. Planner Milne stated that the use of covenants creates a safe approach to land development and that they form a condition of approval for a subdivision. Chair Busheikin called the question on the motion and the motion was defeated.

GB-2016-081**It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee request staff to amend Bylaw No. 289 to redesignate the receiver parcels to Resource instead of Small Rural Residential.

CARRIED

Discussion ensued. It was noted that the Resource designation has the enabling policy for density transfers and it will ensure consistency

between the LUB zone and the OCP designation of the lands. As well Resource was the same designation used for the previous density transfer. It was also suggested that the use of the Small Rural Residential designation implies the land use if for residential purposes.

GB-2016-082

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the applicant provide a hydrogeological assessment prepared by a Professional Engineer with experience preparing hydrogeological studies, of the impact of the proposed development on groundwater quantity and quality, and surface water affected by the proposed development, including options for collection, storage and drainage of surface water.

Discussion ensued regarding the definition and qualifications of an experienced professional as well as the possibility of planning staff consulting with the Ministry of Forest, Lands and Natural Resource operations to draft terms of reference for the study.

It was MOVED that the Gabriola Island Local Trust Committee amend the motion to change the term Professional Engineer to a qualified professional registered in B.C. certified by the Association of Professional Engineers and Geoscientists. The motion was not Seconded.

GB-2016-083

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the motion to add that planning staff work with the Regional Hydrogeologist with the Water Protection Division of the Ministry of Forest, Lands and Natural Resource Operations to draft terms of reference for such a study.

DEFEATED

Discussion ensued. It was noted that there were concerns about specifying one particular individual to contribute to the terms of reference for the study. There were also concerns about making it a requirement that planning staff consult with another branch of government and thereby resulting in the Ministry being the only voice at the table. It was determined that requesting the Applicant consult with Islands Trust staff regarding terms of reference for the study was an appropriate alternative.

Chair Busheikin called the question on the motion to amend the original motion and the motion to amend failed.

GB-2016-084

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the motion by adding and that planning staff work with the applicant to draft terms of reference for such a study.

CARRIED

GB-2016-085

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the amending motion to include that planning staff consult with the Water Protection Division of the Ministry of Forest, Lands and Natural Resource operations to draft terms of reference.

CARRIED

Chair Busheikin called the question on the original motion GB-2016-082, as amended, and the motion carried.

For clarity, the amended motion may be stated as follows:

GB-2016-082 (amended motion)

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the applicant provide a hydrogeological assessment prepared by a Professional Engineer with experience preparing hydrogeological studies, of the impact of the proposed development on groundwater quantity and quality, and surface water affected by the proposed development, including options for collection, storage and drainage of surface water, and that planning staff work with the applicant to draft terms of reference for such a study, and that planning staff consult with the Water Protection Division of the Ministry of Forest, Lands and Natural Resource operations to draft terms of reference.

CARRIED

GB-2016-086

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to refer application GB-RZ-2016.1 to remaining agencies.

CARRIED

By general consent the meeting was recessed at 1:53 pm and reconvened at 2:01 pm.

GB-2016-087

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff explore the process required to amend bike plan in the official community plan to include a possible Church - Spruce connector.

CARRIED

Trustee O'Sullivan commented that the Applicant might want to explore the Natural Areas Protection Tax Exemption Program (NAPTEP) with regard to the remainder lot within the proposed subdivision which will help protect wetlands.

10.4 Bylaw No. 280

GB-2016-088

It was MOVED and SECONDED

that the Gabriola Local Trust Committee Bylaw No. 280, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2015”, be adopted.

CARRIED

Planner Milne left at 2:10pm

10.5 GB-SUB-2016.3 (Roundtuit Farms - Rogers)

10.5.1 Staff Report dated September 8, 2016

It was noted that Planner Eggen was not in attendance but was available by telephone if required.

GB-2016-089

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 limiting further subdivision of the proposed remainder lot, and limited use of the proposed new lot for subdivision application GB-SUB-2016.3 (Rogers (Roundtuit Farms Ltd)).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Roadside Signage - Regulations Review

11.1.1 Staff Report dated September 8, 2016

Discussion ensued and the following points were made:

- Unique signage, such as the cobb bench at the Gabriola Commons, is not addressed. While an exception can be made there is concern about accidentally creating regulations that result in a creative and unique sign to be in contravention when that is not the intention.
- There is a need to consider changing the term “temporary event signs” to “temporary signs”.
- Further discussion regarding neighborhood directional signage for home based business might be needed.
- It should be specified on how long temporary signs can be posted.
- Further review of minimum and maximum sign sizes, and consistency across categories, is required.
- A definition for multi-party signage is required.

- Multi-party directional signs were initially discussed as being allowed on lots zoned commercial, but this should be revised to include commercial or institutional businesses in non-residential zones.

GB-2016-090

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to revise draft bylaw on roadside signage No. 291. In consideration of discussion by the Gabriola Island Local Trust Committee as reflected in the minutes.

CARRIED

11.2 Housing Options Review Project

11.2.1 Staff Report dated September 8, 2016

The following comments and suggestions regarding the proposed community survey were made:

- Topic 1 include qualification that this refers to lots larger than 2 ha.
- For clarity the order of questions should match the order of the topic areas and the survey format should be reorganized so the relevant questions are directly underneath the topics.
- Within the list of Groups / Agencies / Programs the correct names are Gabriola Housing Society not Gabriola Affordable Housing Society, and Gabriola Auxiliary for Island Health Care Society not Gabriola Health Care Society.
- It should be indicated that the purpose of this phase of the project is to increase the possibility of housing options without increasing density.
- Add word Provincial in front of Agricultural Land Reserve.
- Allow community to comment on whether they support the provision of composting toilets or alternatives in terms of plumbing.
- Gain more community input regarding secondary suites above non-residential buildings.

GB-2016-091

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to proceed with a community outreach survey, as amended, on the Housing Options Review Project Phase 1.

CARRIED

GB-2016-092

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to invite the Advisory Planning Commission Members to participate in a working group session in October, 2016 with planning staff to develop draft parameters for regulatory changes consistent with the scope of the Phase 1 Housing Options Review Project Charter.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated August 30, 2016

Received for information.

12.1.2 Projects List Report dated August 30, 2016

Add a targeted review of an OCP review for Mudge Island to the Projects list as discussed at the July 14, 2016 LTC regular meeting.

12.2 Applications Report dated August 30, 2016

Received for information.

12.3 Trustee and Local Expense Report dated July, 2016

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No additions are required at this time.

12.6 Chair's Report

Chair Busheikin reported on the following:

- that guests from San Juan County will be in attendance at the upcoming Trust Council Meeting in Sidney, BC.
- there will be a visioning session and movement forward on an adaptation plan.

12.7 Trustee Reports

Trustee Mamoser reported on the following:

- she attended the Village Visioning session on September 7, 2016.
- will also be attending the session scheduled on September 9, 2016.

Trustee O'Sullivan stated that in the interest of time she will see how community conversation goes in the next month and will defer her comments.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report - none

13. NEW BUSINESS

13.1 Follow up on expressions of interest received for appointments to the Transportation Advisory Committee.

Deferred to the next LTC scheduled regular meeting.

13.2 Late correspondence letter dated August 22, 2016 from Leonard Krog.

Chair Busheikin noted that Local Trustees and staff have indicated they have not previously received any correspondence or communication from Leonard Krog regarding the Potlach proposal. Trustee O'Sullivan also commented that she attended the May, 2015 meeting referenced in Mr. Krog's letter and she does not recall that Mr. Krog was mentioned in the context outlined in his letter. It was requested that staff send a letter to Mr. Krog stating the above.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, October 13, 2016 at The Gabriola Arts & Heritage Centre, 476 South Road, Gabriola Island, BC

15. TOWN HALL

16. CLOSED MEETING

16.1 Motion to Close Meeting

GB-2016-093

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(l)(d) adoption of Closed Meeting Minutes dated July 21, 2016 and (i) receipt of advice that is subject to solicitor-client privilege and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 3:43 pm.

16.2 Recall to Order

The meeting was reopened to the public at 4:09 pm.

16.3 Rise and Report

Chair Busheikin stated that there was no rise and report.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:09pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gabriola Island

07-May-2015

Activity	Responsibility	Target Date	Status
Staff to further discussion regarding zoning of Coats Marsh Regional Park with The Nature Trust of BC and the Regional District of Nanaimo, encouraging them to request approval from the Ecological Gifts Program for the change in zoning from Resource to Parks 1, that was removed from bylaws 271 and 272 prior to their adoption.	Sonja Zupanec	11-Jun-2015	On Going
Staff to schedule a meeting with Snuneymuxw First Nation as per our protocol agreement. Update: staffing changes at SFN as of early July.	Ann Kjerulf	11-Jun-2015	On Going

14-Jan-2016

Activity	Responsibility	Target Date	Status
Staff to prepare information package to send to RDN staff to distribute to Building Permit applicants.	Aleksandra Brzozowski	11-Feb-2016	On Going

21-Jul-2016

Activity	Responsibility	Target Date	Status
2017/2018 Budget - LTC resolution to approve and forward the draft budget submission to FPC as presented.	Ann Kjerulf	31-Aug-2016	On Going

08-Sep-2016

Activity	Responsibility	Target Date	Status
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**Follow Up Action Report**

ADD to GB Projects list: -Review of temporary sawmill regulations - Define personal use of animals for lots in the SRR zone	Sonja Zupanec	12-Sep-2016	Done
ADD Enforcement of RDN Noise Bylaw to annual meeting agenda for 2016			On Going
GB-DVP-2016.1 - defer consideration to future LTC meeting after supplemental staff report received.	Teresa Rittemann	10-Nov-2016	On Going
GB-DVP-2016.2 approved, issue permit.	Becky McErlean Penny Hawley Teresa Rittemann	16-Sep-2016	On Going
GB-RZ-2015.1 (Potlach) - staff directed to present changes to proposed bylaws at second reading; proceed with referrals to all identified referral agencies/FN; bring back advice on amending OCP bike plan should proposal be approved.	Rob Milne	13-Oct-2016	On Going
Proposed Bylaw 280 adopted. Consolidate LUB; close project file.	Becky McErlean Aleksandra Brzozowski		On Going
LTC resolution to enter into cost recovery agreement for GB-SUB-2016.3 (Rogers).	Marnie Eggen		On Going
Draft Bylaw 291 (Roadside signage) - amend as per LTC discussion reflected in minutes of September 8, 2016.	Teresa Rittemann	13-Oct-2016	On Going
Housing Options Review Project - proceed with Phase I community survey; and work with APC. Update projects page with relevant information and survey links.	Sonja Zupanec		Done

Introduction to Building Tiny Homes Series - Proposal

Gabriola Island Local Trust Committee Meeting Oct 13, 2016

Local Organizing Committee:

Tobi Elliott – filmmaker, media & outreach coordinator, LeftHand Media Co-op

Tony Grove - shipwright, furniture maker, woodworking instructor at The Grove Woodworking School

Claire Prosser - in training for electrician's ticket, organizing lodging and logistics

Ben Sundby - local builder, designs all types of structures and dwellings

Summary: whereas there has been much interest expressed on Gabriola in housing alternatives, in particular on building affordable dwellings with a small ecological footprint, we are planning to run two weekend-long teaching workshops that would educate builders and buyers in planning for, and weighing out, the considerations involved in building or commissioning their own tiny home. The object of the course is not necessarily to teach builders how to build a tiny home, but to bring in experts with information that would properly equip builders and clients in best practices for their tiny dwellings, as well as bring some clarity on Gabriola and B.C.'s building regulations and bylaws.

Sponsors: **The Grove Woodworking School, The Centre Performance Space, Gabriola Island Local Trust Committee** (potentially)

Dates: Tentatively, **January 7-8** for the "Introduction to Tiny Homes", and about 4-6 weeks later for the "Nuts and Bolts of Building A Tiny Home".

1. Introduction to Tiny Home Building, with Kenton Zerbin

A 2-day course incorporating 10-12 hours of instruction, with coffee and lunch provided, and an optional potluck dinner on the first night. Cost TBD, based on the number of participants and amount of sponsorship or support we receive from community organizations (we are trying to keep registration costs to approximately \$100 per person).

This course will be taught by **Kenton Zerbin** (see bio below) as an intensive introductory survey of tiny home building that will get students' heads wrapped around designing a house that is efficient and will meet their needs. He incorporates video, a conversational style, technical design, as well as hands-on activities that will get students designing a to-scale tiny house, cut-out-and-play style. In addition to the more academic considerations of tiny house living, design and construction, this course will go over important home design topics such as insulation, thermal mass, solar orientation, air exchange and heating.

Since Kenton Zerbin is from Alberta, and cannot speak to the building codes in B.C. or Gabriola's particular bylaws and environmental restrictions with regard to building these structures, we would like to invite a representative from the Islands Trust; Regional District of Nanaimo Building Services Department and/or a community planner to give a 1-2 hour talk, or perhaps be present for a Q&A to

address these issues. We want to make sure we are providing the most up-to-date information so that potential builders and clients are aware of the codes and regulations before they embark on a building plan.

BIO: A government teacher by training, Kenton Zerbin specializes in facilitating a quality education as a professionally-certified permaculture teacher. He has spent several years studying, designing and teaching Permaculture across Australia, Canada, the U.S. and the Caribbean. He has designed multiple properties, started a Permaculture Research Institute in Barbados, and been a guest speaker for gardening groups, education conferences and Universities alike. Kenton now resides and teaches in central Alberta. After assisting in multiple alternative dwelling builds, including a strawbale house, two earthships and three tiny houses, he has gone into the deep end designing and building his own tiny home. While he is primarily an educator and consultant, his background in permaculture provides him with a unique perspective in understanding the larger picture of how a landscape and climate should dictate how to build a home, what to build it with, and where to place it. kzpermaculture.ca

His Tiny Home 101 course, run in Edmonton this past June, has this feedback from students:

- *Anniken R. – 10/10 – “I really genuinely loved this entire course! This is the best weekend I’ve had in a very long time. The content was fantastic, a great blend of conversation, experience, videos, technical design, AMAZING FOOD and tiny homes to actually help visualize the process. Thank you a million times over, this is the first step to some amazing changes to come for me.”*
- *Jennifer Dixon – 10/10 – “Thank you so much! I feel so incredibly enlightened and excited about construction, tiny houses, and intelligent Home Design. I would definitely recommend this course.”*
- *Dallas Meidinger – 8/10 – “This course gives you a lot of practical knowledge in a short period of time. It puts everything together in a way just internet research never could.”*

2. Nuts and Bolts of Building a Tiny Home, Part 2

A fast-paced two-day intensive course that brings together local experts from every area of home construction to address topics specific to tiny home design and building. Including, but not limited to:

- structure: weight, bearing, materials to use
- trailers: where to get them, legal dimensions, load bearing supports
- sewage & waste management: septic vs. composting toilets, other forms of waste processing
- power: AC/DC systems, sustainable off-grid power, solar
- heating and insulation: rocket stoves, air exchange
- chemical-free materials: to address off-gassing in small spaces
- net-zero and energy efficient design
- designing for small spaces: multi-use surfaces, storage, aesthetics

At this point we are still researching the experts to speak to each of these areas. **Tony Grove** would teach the interior design portion. Local contractor **Adam Velsen** is a potential for the energy efficient

design. **Rewild Homes** in Nanaimo (<http://www.rewildhomes.com/>) could be another option. And **Ben Garrett** of North Vancouver specializes speaking about and building chemical-free home tiny homes.

3. Budgets

Here is an overview of the anticipated costs:

Course #1 Total cost: \$2,000

Includes teaching honorarium, transportation, space rental, food for participants (4 coffee breaks, 2 lunches, 1 dinner). Estimated fee for participants: \$100-\$150.

Course # 2 Total cost: \$3,500

Includes 8 teaching honorariums, transportation for off-islanders, space rental and food for participants (4 coffee breaks, 2 lunches, 1 dinner). Estimated fee for participants: \$150-175.

Other costs: \$800

Advertising and promotion, rental of A/V equipment and other supplies.

Total anticipated cost: \$6,300

4. Request for financial assistance:

We aim to cover around 80% of the costs through participant fees.

We estimate there will be a large amount of interest in the 1st workshop, and plan to advertise it off-island. Since there is currently nothing like this workshop series on the market, I believe it would have broad appeal across the Gulf Islands and Central Vancouver Island, and there are a number of Gabriola residents who have already offered to billet off-island participants. If we get 30 participants paying \$100 each (\$3,000), we would be able cover the cost of this weekend and promotion of the series.

The 2nd course will appeal more to those serious about embarking on a build, and local builders and contractors, so attendance might be only around 12-15. This is where we would love a subsidy to help keep costs manageable so we can provide the teaching to as many of the builders, contractors and residents as want to come.

We want to make the event a truly professional experience, while showcasing Gabriola and all that our talented craftspeople have to offer. At the same time, we do want to keep the series as affordable and accessible as possible, therefore, we are seeking sponsors and support for \$2,000.

Thank you very much for your consideration!

Tobi, Tony, Claire, Ben

From: Houle, Howard [<mailto:Howard.Houle@rdn.bc.ca>]
Sent: Tuesday, September 06, 2016 10:17 AM
To: Gabriola Island Local Trust Committee
Subject: wharf

September 06 2016

Chair Busheikin

After reading the minutes of a recent of the Gabriola local trust committee I see the need for some background information on the denial of private commercial water taxi service from the Descanso Bay emergence wharf. There is presently private commercial water taxi service from Green's wharf, Degnen bay and Silva bay, so we are not lacking access.

The emergence wharf at Descanso bay was built because B.C Ferries was no longer able to provide service after hours for emergence evacuation to the hospital for treatment. The BC Ambulance service uses the Descanso Bay dock to transport people by the Nanaimo port authority vessel for that purpose. In 2003 the RDN held a referendum to establish an emergence wharf (bylaw 1357) the results were 76% in favour. Because of this voter consent to have it this dock as an emergence dock and pay taxes for the building and maintenance. I would not be in favour of changing the use on this dock without going back to the tax payer and the cost there is 15 to 17 thousand dollars for a referendum. Even if there was a favorable vote to change the use we would need to change our license of occupation. BC ferries would then be asked if this change would affect the Ferry. Below is the response I received when I asked the question. If it were not positive review then our request to change the use would be denied by the provincial government.

On April 2014 I received an E mail from BC ferries out lining their concerns about possible commercial water taxi service from the Descanso bay emergence wharf.

- since the emergence enter/exit is right in front of the ramp used for regular service, it would be difficult to safely/properly control traffic and avoid conflicts.

- if the water taxi was in the dock and the ferry were to be approaching /departing, the wash created by the ferry would significantly affect the water taxi (stability, etc); wash could damage the vessel or break lines.

- any logs /debris in the vicinity of the dock may be pushed into the water taxi by the ferry..Causing potential damage or difficulties.

- with a northwest exposure, the ferry experiences noticeable effects in stronger weather conditions and a much smaller water taxi would most likely not be able to handle these conditions when they happen - the sailing conditions in the Northumberland strait provide for very choppy and challenging conditions during strong ,prevailing SE winds (and even more difficult when NW wind happen)It is suggested that running a smaller vessel like a water taxi across there in any conditions other than near ideal would be untenable or dangerous.

- parking at Descanso is already limited and a worry for Gabriola residents and putting another service into there could increase the concerns/pressure on road ways.

Darin Guenette

BC Ferries

I also have noticed two new docks (2016) being built in the bay adding to the congestion on that side of Descanso Bay that could cause concerns at night

-In March 2014 ken Gurr at that time president of the Gabriola of commerce made a presentation to the RDN board on changing the use of the emergence wharf to allow commercial water taxi service. The RDN board chose not to consider Mr Gurr proposal.

-In September 2014 Fred Bennett of west coast water taxi addressed the RDN Board requesting the Board change the use of the emergence wharf to allow commercial water taxi service. The board chose not to change the use of the emergence wharf.

-This subject also came up at the last RDN/ Islands trust protocol meeting and the trustees' and trust staff were told the back ground and why the director for area B would not support this change in use. With the costs involved for a referendum and safety work that would need to be done to the dock to allow commercial water taxi service (about \$30,000) it surprise me that the trustees are bring up this issues again. This is not a change the islands trust can make as this is a RDN facility, so a simple letter requesting the change would be appropriate for the RDN board to consider once again.

Howard Houle
Director area B
RDN

From: Tammy Kinloch [REDACTED]
Sent: Sunday, September 18, 2016 2:19 PM
To: Heather O'Sullivan
Subject: Mudge Island Needs a Public Dock

Tammy Kinloch
[REDACTED]
[REDACTED]
British Columbia
V0R 1X6

Dear Heather,

Thank you for responding to my text on Facebook regarding the safety issues of landing on Mudge Island. As I had mentioned in my text, I had just heard the announcement that Mudge island will be expanding the park at Dodd's Narrows.

It is nice to have a bigger park on Mudge at Dodds,.... right at the end of my lane.

Can you please help me in any way that you can to make a public dock happen over here that quickly.

Mudge Island needs a public dock that allows access to every person who would like to come to the Island or to leave.

At times, especially during the winter, the lack of a public dock becomes a serious safety issue.

Which government body is responsible for the approval?

What are the required steps of protocol for achieving such a goal?

Do I have the support of the trustees to go ahead with my goal of acquiring a safe and secure public access for Mudge Island?

I have been trying to get help with this issue for over 20 years now.

It was my husband and children who sat on the Green Wharf dock when the demolition crew came.....

It is nice to have a dock for Gabriola Island and it does help with our access to services.

But, it is still not a dock that we saved for Mudge.

I am not looking forward to the hazardous winter crossing this year.

In the past, there were kind neighbours who let us land on their dock during bad weather.

The new regime is not working.

No one is letting anyone use their docks.

Not even during inclement weather.

The private dock (Moonshine Bay Yacht Club) on Mudge Island will not allow anyone who is a Mudge resident (without a share in their dock) to land on their dock. (Not even as a guest of their other members).

Their policy prevents ours neighbours from being helpful.

Years ago, my husband and I owned a share in their dock space.

When they built the breakwater without an environmental study or the permission of the government, we ended the contract.

The breakwater that was built by Moonshine Bay Yacht Club has still has not been studied.

It has caused an impact that is obvious to the naked eye.

When we had originally purchased our property, the dock was owned by Coho Estates and we were told at that time that it was for the use of the owners of their subdivision.

That arrangement worked well for several years.

Mr Littlejohn sold the Coho Estates dock to the yacht club.

It is a very strange arrangement when it comes to the private dock on Mudge Island.

Moonshine Bay Yacht Club is a non-profit organization that sells shares in their dock space.

[REDACTED]
[REDACTED] The club decides what they are worth.
[REDACTED]

It is a lot of money changing hands, for a non-profit dock club.

They have sold far more memberships than what they have available for docking space.

Do you have any advice on how to make a public dock happen for Mudge Island?

I do know that they should have made a public dock here for at least 100 years now.

Mrs Roberts died during childbirth on Mudge Island in 1893.

I would like to propose that a public dock access be made in her name.

Bill and I have had our place here on Mudge Island for over 20 years. We raised our family here.

We have 6 grandchildren and no ensured safe place for them to arrive on Mudge Island.

An extension of the Park is a lovely gesture. Having a public dock may save lives.

Thanks in advance for any help towards this cause.

I'm looking forward to hearing from you. Any directions that you can provide would be greatly appreciated!

Best regards,

Tammy Kinloch

From: Gabriola Anchorage [<mailto:gabriolaanchorage@gmail.com>]

Sent: Wednesday, August 24, 2016 11:33 AM

To: Peter Luckham; Laura Busheikin; George Grams; Susan Morrison; Heather O'Sullivan; Melanie Mamoser

Subject: Proposed Gabriola Anchorages - Request for Reconsideration of DFO Decision and Further Studies

Dear Chair Luckham, Executive Committee and Gabriola Local Trust Committee,

We attach a copy of our request for reconsideration of the DFO decision regarding the proposed Gabriola anchorages, on the basis that the decision is not grounded in science, law or policy.

The decision carries with it the potential for cumulative, large-scale transformation of the entire ecosystem of the southern Strait of Georgia.

Experts Dr. Richard Beamish and Dr. D. Furnell are of the view that further studies need to be done to properly evaluate the potential impacts of the proposed anchorages.

We ask you to join us in requesting DFO withdraw and reconsider its decision after the necessary studies have been undertaken and the current Fisheries Act review is completed.

Thank you.

Franz Gigl,
President
Gabriolans Against Freighter Anchorages Society

GABRIOLANS AGAINST FREIGHTER ANCHORAGES SOCIETY

P.O. Box 359, Gabriola Island, B.C., V0R 1X0
www.gabriolaanchorage.org | gabriolaanchorage@gmail.com

VIA EMAIL AND REGISTERED MAIL

August 23, 2016

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and Coast Guard
House of Commons
Ottawa, Ontario
Canada
K1A 0A6

The Honourable Marc Garneau
Minister of Transport
House of Commons
Ottawa, Ontario
Canada
K1A 0A6

The Honourable Catherine McKenna
Minister of Environment and Climate Change
House of Commons
Ottawa, Ontario
Canada
K1A 0A6

Dear Honourable Ministers,

**Re: Letter of Fisheries Protection Program to Pacific Pilotage Authority (PPA) dated June 27, 2016
("DFO Letter") regarding proposed Gabriola Island Anchorages**

This letter is a request for reconsideration by the Minister of Fisheries Oceans and the Coast Guard of the decision by DFO that the proposal to establish five anchorages for cape-size vessels along the Northeast coast of Gabriola Island BC ("the project") requires neither a review nor an authorization under the Fisheries Act (the "DFO decision"). The DFO decision is set out in the letter of Fisheries Protection Program Officer Alain Magnan, Manager, Regulatory Reviews (the "DFO Letter"), a copy of which is attached.

This letter is addressed to all three of your Honourable Ministers because the DFO decision raises Important Policy Considerations (see below) that are directly relevant to the reviews currently underway by your departments of the following:

- The Fisheries Act
- The Canadian Environmental Assessment Act
- The Navigation Protection Act
- The Canadian transportation system, in particular the marine component

Further, PPA, the lead proponent of the project and to whom the DFO Letter is addressed, is a federal crown corporation under the responsibility of the Minister of Transport

GAFA's understanding of the DFO decision

The DFO Letter states: *'Based on the information provided, your proposal has been identified as a project where Fisheries Act authorization is not required. Specifically, please refer to the following website [Projects*

Near Water <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>], which includes “Moorings’ on the ‘List of Project activities and criteria where DFO review not required’. (the “List”). While the DFO Letter goes on to recommend that the PPA follow guidance tools and consider design options, this is merely advisory.

We have reviewed the various Guidance Documents to which the DFO Letter refers and our understanding of the basis for the decision is set out below. If our understanding is wrong in any respect we ask that you provide clarification/correction.

- The conclusion that a *Fisheries Act* authorization is not required was based on the information provided by PPA in its Application for Review dated April 28, 2016 (the “Application”) and the Environmental Overview Assessment of the Proposed Gabriola Island Anchorages prepared by Tetra Tech EBA and marked ‘Issued for Review’ April 26, 2016 (the “EOA”). Mr. Obermeyer, President and CEO of the PPA, has advised that some meetings were held between Tetra Tech EBA and DFO, however we understand that no information material to the DFO decision was exchanged in those meetings.
- The List reflects DFO policy that projects meeting certain criteria are considered to be of low potential to result in serious harm to fish and should receive ‘light touch’ treatment (i.e.) acceptance of proponents’ findings, without review. The activities described on the List are all comparatively small in scale or involve no increase of an existing footprint, are of limited duration and low incidence of recurrence.
- For these types of activities, DFO’s policy is to require only qualitative assessment of key impacts. (Ref. Fisheries Protection Policy Statement, Guidance Documents).
- The policy rationale for the List and for requiring only qualitative assessment of the impacts of project activities on the List, is to promote administrative efficiency for DFO, and certainty for proponents. (Ref. Fisheries Protection Policy Statement)

Reasons the DFO Decision Should be Reconsidered

We submit that the DFO decision should be withdrawn and reconsidered for the following reasons:

1. *Policy/Precedent.* If allowed to stand, the DFO decision sets a precedent that carries with it the potential for cumulative, large-scale transformation of the entire ecosystem of the Strait of Georgia. On the basis of the DFO decision future anchorages projects also covering an area that is more than twice the size of Vancouver’s Stanley Park, can proceed with no DFO review and on the basis of no meaningful scientific baseline information or impact assessment.

The proponents of these anchorages have already stated that a further five anchorages are required – thus, another area of productive habitat in the Strait of Georgia at least twice the size of Stanley Park will soon be similarly altered or destroyed without any actual knowledge of what was there and how it contributed or could have contributed, not only to the sustainability and productivity of commercial, recreational or Aboriginal fisheries (CRA fisheries), but also to the survival of marine mammals and birds, including *species at risk*. There is no rational basis for assuming that the currently planned ten anchorages will be the final number of anchorages sought by the marine industry.

2. *Fisheries Act Review.* There was no urgency for the DFO decision and no emergency in the context of which it could be argued that a decision had to be made on the basis of inadequate information.

On May 30, 2016, we wrote to your predecessor, Minister Tootoo, asking that the review of this proposal be postponed pending completion of your government's promised review of the *Fisheries Act* and restoration of lost protections. The DFO Letter was issued without any acknowledgement of, or reply to, that request.

On June 20, 2016, before the DFO decision was issued, your government announced a review of the *Fisheries Act*. In making that announcement, Canadians were assured that your government would "implement new processes to monitor the development of projects".

The DFO decision regarding the project reflects the regressive changes made to the *Fisheries Act* by the previous government, and a policy approach that gives priority to administrative efficiency for DFO and cost-effectiveness for proponents, over DFO's mandate to protect fish and fish habitat. The policies that resulted in the DFO decision are inconsistent with your government's commitment to protect our oceans and safeguard our marine and coastal habitats.

In the circumstances, the issuance of the DFO decision, *in regard to a federally-sponsored project*, on the basis of policies that your government has acknowledged fail to adequately protect important resources, was ill-timed and ought to have been postponed until the announced legislative review is completed.

3. *Patently Unreasonable and Incorrect Interpretation of Guidelines.* It is well-established that while guidelines such as the List and policy guidance regarding assessment methodology are useful, they are not legally binding and are not intended to be exhaustive or restrictive. Adherence to the aforementioned guidelines in relation to the project has produced a result that is inconsistent with the principles of sound, science-based decision-making and a precautionary approach.

3.1 *Misapplication of the List.* There are many aspects of the project and the activities associated with it that make it functionally and substantially different from the activities described under "Moorings" on the List:

- a) This project is not small in scale. It involves 970 hectares of previously undisturbed habitat - an area more than twice the size of Stanley Park.
- b) The project comprises five anchorages for which there are no enforceable restrictions on timing, frequency or duration of use. The anchorages will be used at all times of the year, including during sensitive spawning and rearing periods for fish that support CRA fisheries, and fish that are part of CRA fisheries. It is evident from the Application and the EOA that there is no intention of avoiding use of the anchorages during spawning and rearing periods and there is no credible evidence that the proposed mitigation measures, which are not binding, would be effective to avoid residual serious harm to fish or fish habitat.
- c) The type of activities described under 'Moorings' on the List are clearly of limited duration and low incidence of recurrence. In contrast, the impacts of activities associated with the proposed anchorages will be substantively different in frequency,

duration, footprint and impact. The frequently-repeated deployment of anchors and chains and the associated scouring of the sea floor as ships change position with wind and current while at anchor for days or weeks, year after year, will mean virtually perpetual disturbance of benthic habitat, turbidity and sedimentation. The resulting alteration and destruction of habitat that contributes to sustainability and productivity of CRA fisheries will be functionally permanent. This type of activity is not contemplated under “Moorings”.

- d) The project is not within a ‘harbour’, as contemplated by the heading “Harbours and Marine Commercial Activities”. It is clear from a plain reading of the List that the activities under ‘Harbours and Marine Commercial Activities’ are activities that take place in a harbour. There is no other meaning for the term ‘Harbours’ in this context and no other purpose for the term to be part of the title of this section.
- e) There is no reasonable basis for equating ‘anchorage’ and ‘moorings’. Firstly, the List describes *activities* that are exempt from review – not projects. It does not exempt every type of activity in relation to each of the project-types listed, only the specific activities listed. Installation, repair and removal of moorings are functionally different activities than the activities that will be associated with the proposed anchorages.

Secondly, it is significant that the terms ‘moorings’ and ‘anchorage’ are used distinctively, and not interchangeably, in the *Canada Shipping Act*, the *Navigable Waters Protection Act*, the *Marine Transportation Security Regulations*, and by Vessel Traffic Services. It is evident from the Application that neither PPA nor its consultant considered ‘moorings’ to include anchorages. Although ‘Moorings’ is an option available for selection under “What work categories apply” on the Application form, neither PPA nor its consultant selected ‘Moorings’. Instead, they checked the box “Other” and inserted the words ‘Anchorage sites’.

- 3.2 *Guidelines Regarding Acceptable Methodology.* Whether applied to ‘moorings’ or ‘anchorage’, it is axiomatic that a policy of accepting qualitative assessment of impacts is premised on the existence of an adequate body of relevant quantitative scientific information from which a reasonable science-based assessment can be made. A decision based on a qualitative assessment in the absence of such information would be inconsistent with the overall legislative scheme of the *Fisheries Act*, and would not constitute ‘science-based decision-making’.

It is readily apparent from a review of the EOA that there is insufficient quantitative scientific information available to permit a reasonable assessment of the project on a qualitative basis. In this regard, please see the enclosed statements of Dr. Richard Beamish and Dr. D. Furnell, each of whom has considerable expertise in fisheries-related matters. These experts are of the view that the available quantitative scientific information is inadequate to properly assess the potential impacts of the project. The proposed area of the project is understudied and its’ significance to the productivity of CRA fisheries has not been evaluated. Publicly available information and information returned in response to an ATIP request indicates that DFO has very limited information on the area and that the information it does have is dated.

The proponent's own consultant warns repeatedly in the EOA "*There is potential that expert advice or quantitative information, should it become available, would change the effects characterization and significance determination(s)*".

Significant Risks Associated with DFO Decision. The consequences of relying solely upon qualitative assessment methodology in the absence of an adequate body of sound quantitative scientific information that is relevant to the project area, are serious. They include:

- Uncertainty regarding whether all potential key impacts on fish habitat, fish and other aquatic species have been identified and assessed;
- No meaningful basis upon which to evaluate the sufficiency or effectiveness of proposed mitigation measures and therefore no ability to make a science-based decision as to whether an authorization of the project is required under existing legislation or whether, if required, an authorization should be granted to permit damage to fish habitat or fish;
- No reliable baseline information about fish habitat, fish and other aquatic species from which actual impacts of the project could be properly assessed or monitored going forward; and
- A lack of credible evidence to support the conclusions of the EOA.

The overall effect of DFO relying solely upon qualitative assessment methodology in the absence of an adequate body of sound scientific information is that DFO's ability to fulfill its mandate is seriously compromised, as is the overall legislative scheme of the Act.

4. *Unsubstantiated Conclusions, Evidence Misconstrued.* The lack of relevant quantitative evidence to support conclusions in the EOA is compounded when, as appears to have occurred, available quantitative scientific information is also *misconstrued and incorrectly modelled* with the result that an important species such as Pacific Sand Lance is not assessed, and noise impacts, which can have significant adverse effects on, among other things, productivity of fish and other aquatic species including *species at risk*, are not properly assessed. We refer you to our letter of July 4, 2016 and the statements attached thereto (attached again for your reference).

Important Policy Considerations Raised by the DFO Decision

1. As noted above, the DFO decision sets a precedent that carries with it the potential for cumulative, large-scale transformation of the entire ecosystem of the Strait of Georgia in the absence of reliable scientific baseline information about fish, fish habitat, marine mammals and other aquatic species and without any meaningful assessment of potential impacts.

One has only to look at the vast number of large and cape size ships idling and anchored outside ports such as the Port of Singapore to realize that the Strait of Georgia could soon be choked with ships at anchor and its marine environment damaged or destroyed for generations.

- Is this vision of the Strait of Georgia in keeping with the environmental, social and economic values and priorities of Canadians and the platform on which your government was elected?

- Are policies and interpretations that have this effect consistent with sound stewardship of Canada's marine resources?
2. The recent comprehensive study of DFO statistics by Oceana Canada revealed the inadequacy and unreliability of DFO data.
- <http://www.oceana.ca/en/publications/reports/heres-catch-how-restore-abundance-canadas-oceans>.
- Is it reasonable to adhere to operational policies that prioritize administrative efficiency and cost-effectiveness for commercial projects and fail to take advantage of opportunities to address knowledge gaps and improve our scientific knowledge base of Canada's marine resources?
 - Who should be responsible for producing a credible scientific basis for decision-making? Although the proposed anchorages are sponsored by the Ministry of Transport, marine terminals, cargo and other shipping interests will benefit from them. It is consistent with a 'user pay' model that the parties undertaking / benefitting from an action associated with potential serious harm should be responsible.
 - Is it possible for DFO to fulfill its mandate if it lacks credible scientific information on which to assess whether there has been a violation of the prohibitions in the Act?
3. Current DFO policies focus on the productivity of CRA fisheries. The limitations of a productivity model are now well-recognized. The method focusses on valuing those resources that are inputs to producing fish for CRA fisheries. However ecosystems also include resources that may not be directly related to that outcome, or whose relationship is not well-understood, and thus the importance of such resources, both to the ecosystem and society, are likely to be seriously undervalued.
- Is it appropriate, given what is now understood about the importance of biodiversity, the significance of interdependencies, the substantial knowledge gaps that have been identified, and your government's commitment to protect our oceans, and safeguard our marine and coastal habitats, that an economic productivity model alone should continue to inform DFO policy?
4. Despite the wide array of long term adverse environmental, social and economic impacts associated with ships sitting at anchorages, more anchorages are being sought as a short term solution for inefficiencies in Canada's transportation system.
- Is this an appropriate balancing of interests?
 - Is it consistent with the environmental, social and economic values and priorities of Canadians, and Canada's status as a developed nation and climate action leader?
5. The establishment of anchorages, *even in a legislatively protected area*, is not subject to any prescribed environmental assessment process, yet the nature of anchoring activities and the activities that can take place at anchorages (transshipping, bunkering) are of high potential to result

in serious adverse environmental, social and economic effects. Proponents are permitted to self-assess and to determine what, if any, level of environmental review to undertake. There are no enforceable standards or criteria regarding the scope of the assessment. Important environmental, social and economic consequences can be ignored.

- While this may have been considered satisfactory more than 40 years ago when the last anchorages outside a port were established in the southern Strait of Georgia (before the creation of the Islands Trust), given what is now known about ecosystems, the importance of biodiversity, interdependence of species, health, and climate impacts among others, is this lack of review, independent oversight and standards in keeping with the social, environmental and economic values and priorities of Canadians and the platform on which your government was elected?

Reconsideration Request

Having made a decision based on legislation and policy recognized as inadequate to protect fish and fish habitat and having unreasonably and incorrectly interpreted and applied administrative guidelines, we submit that it is in the public interest, and necessary for restoration of public trust in governmental processes relating to Canada's marine resources, that:

- the decision to assess the project on the basis of the List and the decision that the project does not require an authorization, be withdrawn;
- no decision be made in respect of the project or any alternative project, such as mooring buoys, in this legislatively protected area until:
 - the *Fisheries Act* review is complete;
 - a reliable scientific baseline of the proposed project area has been completed including fish surveys, bottom fauna and sediment sampling, and underwater noise measurement; and
 - there has been a rigorous, sound and credible assessment of the risks and potential impacts of the project on fish, fish habitat, and other aquatic species.; and
- the legislative provisions and policies applicable to future consideration of such project be those that reflect restoration of comprehensive habitat protection.

Further, we ask that the scope of further study and assessment be determined by a party independent of the proponents of the project and after First Nations and local consultation with the Gabriola Island community to ensure all valued components are identified and assessed. With the improved science capability within DFO resulting from the recently announced addition of science positions, we urge DFO to take on the task of completing the necessary studies to ensure there is a reliable scientific baseline for the area.

Given the potentially far-reaching implications of the DFO decision, we submit that taking these steps is fundamental to DFO's present and future ability to fulfill its mandate. There is no prejudice to the proponents of the proposed anchorages in taking these steps. The PPA has said that the proposed anchorages are not currently needed.

We ask the Minister of Fisheries, Oceans and Coast Guard to confirm that the DFO decision will be withdrawn and we ask the Minister of Fisheries, Oceans and Coast Guard and the Minister of Transport to confirm that any further consideration of the project or any alternative project proposed for this area will be postponed pending completion of the *Fisheries Act* review and restoration of lost protections and completion of the further studies referred to above under "*Reconsideration Request*".

Thank you for your consideration. We look forward to your reply.

Sincerely,

/S/ Franz Gigl

On behalf of **Gabrielans Against Freighter Anchorages Society**

encl. DFO Letter

Statement – Dr. Richard Beamish

Statement – Dr. D. Furnell

Statement – Dr. Ross Chapman

Statement – R. Chapman

cc. Sheila Malcolmson, Member of Parliament, Nanaimo - Ladysmith

Douglas Routely, MLA, Nanaimo - North Cowichan

Islands Trust Council, Executive Committee and Chair

Gabriola Island Local Trust Committee



Fisheries and Oceans Pêches et Océans
Canada Canada

Fisheries Protection Program
3190 Hammond Bay Road
Nanaimo, BC V9T 6N7

Your file Votre référence

JUN 27 2016

Our file Notre référence
16-HPAC-00473

Isabelle Forget
Pacific Pilotage Authority
Suite 1000 – 1130 West Pender Street
Vancouver, BC V6E 4A4

Via e-mail: forgeti@ppa.gc.ca

Dear Isabelle Forget:

Subject: Serious harm to fish can be avoided or mitigated

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on April 29, 2016.

Based on the information provided, your proposal has been identified as a project where a *Fisheries Act* authorization is not required. Specifically, please refer to the following website (<http://www.dfo-mpo.gc.ca/pnw-ppe/mesures-mesures/index-eng.html>), which includes “Moorings” on the list of “Project activities and criteria where DFO review is not required”. In order to comply with the *Fisheries Act*, it is recommended that you follow our guidance tools which can also be found on that website. In addition, it is recommended that you consider project design options, such as the installation of fixed moorings buoys to reduce anticipated disturbance to the seabed.

It remains your responsibility to meet the other requirements of federal, provincial and municipal agencies.

Should your plans change or if you have omitted some information in your proposal such that your proposal meets the criteria for a site specific review, as described on our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>), you should complete and submit the request for review form that is also available on the website.

Should you have any questions or concerns about the compliance of your proposal with the *Fisheries Act* and/or those prohibitions of the *Species at Risk Act* that apply to listed aquatic species*, you may wish to engage an environmental professional familiar with measures to avoid impacts to fish and fish habitat (<http://www.dfo-mpo.gc.ca/pnw-ppe/env-pro-eng.html>).

*Those sections most relevant to the review of development proposals include 20 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

Canada

.../2

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alain Magnan', with a long horizontal flourish extending to the right.

Alain (Al) Magnan, RPBio
A/Manager, Regulatory Reviews

Statement – Dr. Richard Beamish

Re: Anchoring freighters off Gabriola Island

The area off the Strait of Georgia side of Gabriola Island is productive rearing habitat for a number of species including important commercial and recreational fishes. In particular, rockfish and lingcod are common and both are species that have been overfished and now are being rebuilt. This area, Area 17-10, is an important part of the rebuilding effort. These species depend on specific bottom features as well as an abundance of prey. It is essential that any human intervention into this ecosystem does not alter the habitat in a way that significantly changes the productivity and the capacity of the habitat to provide prey and protect adult and juvenile rockfish and lingcod. Providing this assurance of stewardship is not an easy task, but it is essential. The area is also a common fishing area for Chinook salmon. Most likely this is because of the abundant prey which in turn depend on the plankton production. Chinook salmon have been declining in abundance since the mid-1980s. The declines result from increased early marine mortality which appears to result from needing more energy to find prey. Juvenile Chinook salmon that grow quicker, faster, survive better. Small changes in food for the juvenile Chinook can have major impacts on their subsequent survival. It is known that the area off the east side of Gabriola Island is an important rearing area for the young Chinook salmon and it is necessary to understand how any intervention into this ecosystem will affect the food for juvenile chinook salmon. Stewardship is now recognized as maintaining the health and productivity of ocean habitats. All changes to habitats in the Strait of Georgia need to include a professional understanding of the consequences to the inhabitants in general and the species that we are trying to rebuild in particular.

Dr. Richard J. Beamish

Dr. Richard Beamish, C.M., O.B.C., Ph.D., D.Sc., F.R.S.C. is an Emeritus Scientist at the Pacific Biological Station in Nanaimo.

He was the Head of the Groundfish Section from 1977-1979 and Director from 1980-1993.

After retiring, in 2011, he continued as an Editor for Transactions of the American Fisheries Society and a member of the Science Panel for the North Pacific Research Board. He was a chairman of the Scientific Steering Committee for the North Pacific Anadromous Fish Commission and an active member of PICES. He was also the Department's representative on the Pacific Fisheries Resource Conservation Council, one of two scientists on the Deputy Ministers' Science Management Board, a former Canadian Commissioner for the International Pacific Halibut Commission and Professor at Vancouver Island University.

Dr. Beamish has been honoured with a number of awards including the Order of Canada and the Order of British Columbia. He was made a Fellow of the Royal Society of Canada and became the first foreign scientist to be made an honorary member of the fisheries centre, TINRO in Vladivostok, Russia. Recently, he received the first award given by the North Pacific Andromous Fish Commission for significant contributions in scientific research, on Pacific salmon, and the Wooster award given by PICES for career achievements in fisheries and ocean science.

Statement – Dr. D. Furnell

Review of Environmental Overview Assessment of Proposed Anchorages, Gabriola Island BC

Introduction

The Pacific Pilotage Authority (PPA) is currently proposing establishing five near shore anchorage sites for Cape size freighters off the Georgia Strait side of Gabriola Island along the 50 m depth contour. PPA contracted Tetra Tech EBA to conduct an environmental overview assessment of the proposed site. The resulting report is based on a review of existing published and government literature with a minor component of direct observation using a remotely operated vehicle (ROV). An organization concerned about this proposal, Gabriolans Against Freighter Anchorages Society (GAFA), asked that I review the Tetra Tech report based on my professional experience in fisheries biology, my great familiarity with the area, having recreationally fished and SCUBA dove extensively there for over 30 years, and my long term residence on Gabriola Island. It was hoped my familiarity with the area could provide credible local knowledge to inform the anchorage proposal discussion.

The Tetra Tech Report

The main conclusion I reach, after reviewing the information presented by Tetra Tech, is that we actually have relatively little knowledge of the marine environment in the anchorage area or the effects of the project on the species that occur there. This lack of information is compounded by the meager literature on the effects of anchorages on the marine environment. Although the Tetra Tech report considers several potential impacts, the two that I will focus on for this discussion are the effect of anchor and anchor chain scour on the benthic environment and the effect of the resulting turbidity and subsequent sedimentation on the surrounding benthos. This will be done for select species and species groups that are known to occur in the anchorage and contribute to either the recreational fishery, commercial fishery or both.

The Tetra Tech report uses the British Columbia Marine Conservation Analysis data set (<http://bcmca.ca/>) and interactive mapping program to describe the marine environment in the immediate area of the anchorages. Unfortunately the resolution of these data is far too coarse to evaluate the effect of the proposal on the Gabriola foreshore. As well, the information is often incorrect. For example, the report states the existence of a Chinook and Coho salmon gill net fishery in the area. This fishery has not existed in the time frame cited by Tetra Tech.

Pacific Sand Lance (*Ammodytes hexapterus*)

Pacific sand lance are a forage fish critical to the diet of many predatory species such as chinook and coho salmon, both of which occur in relative abundance in the anchorage area. Sand lance are also important components of marine bird diets. Although the Tetra Tech report concludes that no suitable sand lance burying or spawning habitat exists in the anchorage area, that conclusion is based on Robinson et al. (2013) which is a habitat suitability model that has not been evaluated by direct observation and validated. Sand lance are geographically faithful to an area once they settle from the plankton and seldom range more than two to four kilometers from their overwintering and wintering benthic habitat, either to forage or to spawn. Numerous Gabriola fishers have reported finding sand lance in the stomachs of chinook and coho salmon taken in the immediate area of the anchorages and the Gabriola Stream Keepers have photographs of dead sand lance washed ashore on Sandwell Beach, at the northwest end of the anchorage area. Stream Keepers also report observations of schooling sand lance in the waters of adjacent Lock Bay. The benthic substrate in many areas of the anchorage is sand and while overall currents may not be entirely suitable for sand lance, current velocity also varies locally. Given the local observations of washed up, dead sand lance, live schooling sand lance and their presence in locally caught salmon, it cannot be concluded there would be no loss of sand lance habitat or direct mortality from anchor scour. The extent to which sedimentation, from anchorage caused turbidity, would affect possible sand lance eggs buried along the northern Sandwell Beach is unknown. An evaluation of sand lance presence should include a proper egg survey of the beach, which is currently scheduled by the Island Trust.

Spot Prawns (*Pandalus platyceros*)

The anchorage area is located on one of the most important recreational spot prawn fisheries in the southern Gulf Islands for individuals from Nanaimo to Ladysmith. The area also supports a significant commercial spot prawn fishery. The extent to which First Nations harvest prawns in the area is unknown.

Female spot prawns begin spawning in August in the anchorage area and berried females (females carrying eggs) begin to appear in local catches in August. Females carry their eggs until early the following spring when they release pelagic larvae into the zooplankton. After several instars, or developmental stages, the larvae settle to the bottom in 2 – 50 m of water (Butler 1964) and assume a benthic existence. Juvenile and adult Spot prawns are detritivores and predators of small benthic invertebrates which also rely on detritus (decaying material that settles to the bottom). After a summer growing inshore, the juvenile spot prawns migrate to deeper water and join the adult population. They begin appearing in recreational traps in May and June of their second year.

Tetra Tech does not consider the effect of anchor scour to be significant on motile benthic invertebrates and does not report any observations of spot prawns in their ROV survey. This absence of spot prawns in the ROV data is in direct contradiction to observations in local

recreational and commercial fisheries. Detritivorous organisms require an undisturbed benthic surface on which to feed. It is obvious, direct anchor scour would eliminate that foraging area; however, sedimentation from turbidity would cause a much farther distribution of disturbance than scour alone, burying food resources.

To what extent a scoured and silt coated bottom would reduce food for local adult and migrating juvenile spot prawns is unknown. A possible comparison to areas with heavy anchorage use such as Burrard Inlet and lesser used anchorages such as Nanaimo Harbour would shed data on anchorage effects on spot prawn populations.

Rockfish (*Sebastes* Spp.) and Lingcod (*Ophiodon elongatus*) Nursery Areas

The general anchorage site is bounded on its northwest and southeast ends by two rockfish conservation areas (RCA) which were established to harbor adult spawning populations of several *Sebastes* species (primarily copper and quillback rockfish). Their disbursing live born, planktonic larvae find nearby nursery areas to rear, growing to join the fishable unprotected populations outside the RCA's.

The Georgia Strait side of Gabriola Island is a rockfish nursery that also harbours ling cod juveniles produced in RCA's. Greenling, in these nurseries, are often the target of recreational fishers. A common and increasingly prevalent by catch of greenling fishers is juvenile rockfish. There are no studies which document the effect of heavy sediment loads on juvenile rockfish habitat although these young fish do consume juvenile invertebrates such as spot prawns as well as forage fish such as sand lance and post larval herring which may be affected by the anchorage.

Geoducks (*Panope generosa*)

Geoduck clams are fished commercially in the area of the proposed anchorages. These extremely valuable bivalves occur in depths ranging from the intertidal zone to 100 meters, clearly within the depth range of the proposed anchorages. Direct anchor scour would kill benthic, immotile geoducks and perhaps, as importantly, the resulting sedimentation would burry surrounding geoducks. As a long-lived, large clam, geoducks have very limited vertical movement in the substrate. To maintain contact with the surrounding water the clams can extend their necks a limited distance. Sedimentation beyond this causes mortality as has been shown on west coast Vancouver Island beaches experiencing severe storms and high corresponding geoduck mortality (Lohead et al. 2012).

Although the Tetra Tech ROV survey does not document the occurrence of geoducks, the existence of a commercial fishery emphasizes the limited information the ROV survey provided. It is hoped that the PPA will be consulting the Underwater Harvesters Association, representing fishers that prosecute this fishery.

Pacific Sand Dab (*Citharichthys sordidus*)

The Pacific sand dab is a small left eyed flatfish which is common throughout the anchorage area, often appearing as by catch in the salmon troll fishery and as a target species for off season anglers and families with children. There is little or no information on the effect of anchor scour on resident flatfish populations. Despite being motile and perhaps not directly killed by anchor chains, the disturbance to the benthic substrate would likely have devastating effects on their benthic prey such as infaunal and epibenthic polychaetes, crustaceans and juvenile fish.

Again the Tetra Tech ROV survey did not observe any Pacific sand dab, it did however record an English sole, although this could easily have been a misidentification of similar appearing sand dab, which ROV surveys are prone to make. As well, given the survey was conducted on a single day in December, it cannot represent the seasonal variation in benthic fish abundance or observability. Interestingly, an increasingly common flatfish occurring in the middle of the proposed anchorages and some adjacent areas is the Pacific Halibut. Although virtually absent from recreational catches several decades ago, the Pacific halibut is now found in the local catch almost every year.

Other Species

The anchorage area is home to many species not documented, or dismissed as not significant in the Tetra Tech report. The Lock Bay beach, adjacent to the area, is likely a spawning site for Surf Smelt (*Hypomesus pretiosus*) which are common throughout Puget Sound, but their reproduction has not been examined in many Canadian Gulf Island locations. The Island's Trust is conducting a forage fish survey in the Canadian Gulf Islands and the results of this survey would be important to understanding the ecology of the anchorage area. Herring spawn at Orlebar Point, immediately northwest of the anchorage. The effect of sedimentation on herring spawn during the first two hours after deposition is negative, causing reduced growth, survival and deformities (Griffen et al. 2009). Various sculpins (Cottidae), alligator fish and poachers (Agonidae), and eelpouts (Zorichidae) are common by catch in prawn traps set in the proposed anchorages. During SCUBA dives, I have, in the past, observed pinto abalone (*Haliotis kamtchatkana*) in the southeastern and northwestern portions of the anchorage as well as wolf eels. Whether these still occur in the area is unknown, but given the threatened COSEWIC status of the pinto abalone, further examination should be undertaken.

Summary

It is clear that little is known about the short and long term effects of anchorages on the benthic community. The obvious effects of anchor scour and subsequent sedimentation will impact several species in recreational, commercial and First Nations fisheries. It is also clear that relatively little is known about the biota in the area of the anchorages with the level of

resolution needed to make informed decisions. BCMCA mapping data, although useful for large scale, preliminary project planning, do not provide information on localized situations from either a biological or sociological perspective. The presence of similar, although smaller anchorages off the east coast of Protection Island, adjacent to Gabriola, the nearby facilities of the Pacific Biological Station in Nanaimo, and a relatively unexamined proposed site off Gabriola should at least provide opportunity to examine the effect of anchorages on local aquatic resource use. Inclusion of research sites in heavily used Burrard Inlet and the less frequently used Plumper Sound anchorages could provide comparative insights into the effect of the proposed anchorages off Gabriola. As Port Metro Vancouver expands with increased marine traffic, responding to developments such as a Kinder Morgan pipeline and further U.S. coal shipments, an understanding of the short and long term effect that increased anchorage activity will have must be developed through further research prior to Ministry of Transport approval.

Citations

Robinson, C.L.K., Hrynyk, D., J.V. Barrie, J. Schweigert. (2013). Identifying subtidal burying habitat of Pacific sand lance (*Ammodytes hexapterus*) in the Strait of Georgia, British Columbia, Canada. *Progress in Oceanography*, 115: 119-128.

Butler, T.H. (1964). Growth, Reproduction, and Distribution of Pandalid Shrimps in British Columbia. *J. Fish. Res. Bd. Canada*. 21(6): 1403 – 1452.

Lochead, J., D. Gillespie, and C. Hand (2012). Storm Induced Anastrophic Burial of the Pacific Geoduck (*Panopea generosa*) on the West Coast of Vancouver Island. *Journal of Shellfish Research* 31(4): 959 – 967.

Griffen, F.J., G.H. Smith, C.A. Vines, and G.N. Cherr (2009). Impacts of suspended sediments on fertilization, embryonic development, and early larval life stages of the Pacific herring, *Clupea palasi*. *Biol. Bull* 216: 175 – 187.

--Don Furnell (Ph.D.)

Chair, Fisheries and Aquaculture Department, Vancouver Island University (Retired).

Statement – Dr. Ross Chapman

Review of the analysis of impacts of underwater noise in ‘Environmental Overview Assessment of Proposed Anchorages off Gabriola Island, BC’

Underwater sound generated by ships has the potential to alter the behaviour and threaten the livelihood of marine mammals and fish in their ocean habitats. The acoustic impact study was carried out to determine the impact of noise generated by the anchorage ships on marine mammals and fish.

The overall impression about the report is that it was prepared with the expectation that there would not be serious scrutiny of the methods and findings. I have seen several acoustic noise assessment reports in the past, and from this experience, there is no way that the report in Appendix C prepared by Tetra Tech for the Environmental Overview Assessment of Proposed Anchorages off Gabriola Island, BC would pass review by a scientific committee. Consequently, the conclusions in the main report based on the findings in the Appendix must be questioned.

The report contains statements that suggest only superficial understanding of critical aspects of underwater acoustics. For instance, the authors write: ‘Cylindrical spreading assumes energy radiates at a logarithmic rate’. This is a meaningless statement. Another is related to Figure 4 where the authors claim to show ‘broadband underwater results’. The figure shows the acoustic field for a single frequency and not a broad band of frequencies. Even the figure caption states that the transmission loss is for a single frequency at 500 Hz. With statements like these, a review panel would send the report back to the authors.

The many comments about the impact of underwater noise from the ships in the main report are based on the findings in Appendix C. At best, the comments can only be considered as unsubstantiated claims.

Specific comments on the findings in Appendix C of the impact of underwater noise.

Section 3.0 Noise modeling scenarios.

Ships at rest:

The noise level of tones (single frequency sound transmissions) from ship machinery and generators will be about the same level as that for a ship under way. There is no discussion about the noise level of the single frequency tones that are continuously transmitted.

The broadband ship noise scenario does not consider the noise power output from a scenario when the ship is operating dynamic ship positioning (DSP) power. This is required to hold position at anchor during storms. Wind speeds of 20 knots will trigger a response from the ship to hold position. The noise level of this noise source is at least as great as the 171 dB re 1 μ Pa level for the moving ship scenario. Nor does the report consider the noise

levels from working ships during trans-shipping and/or bunkering. Noise levels from these operations are also at least as high as those for the transiting ship scenario.

Section 4.0 Underwater sound propagation modeling.

The text of this section consists of broadly general statements pieced together from various references. In some instances as mentioned above, the statements do not make sense. The careless presentation of the methodology for calculating transmission losses of the sound sources causes concern about the results themselves. My criticism should not be taken lightly, as I have about 40 years' experience developing and using underwater sound propagation models such as the parabolic equation (PE) method. In short, the PE is not fool proof even for experts, and it takes a very experienced hand to know whether the results produced by the model make any sense at all. There is no indication in the report of any tests that were done to make sure that the model results are correct (that is, were the control parameters correctly set?).

The version of PE used in the noise assessment was two-dimensional (2-D), that is, it calculates sound propagation in a range-depth plane. This level of effort is not satisfactory for a coastal shallow water scenario in which sound propagation can follow refraction paths out of the 2-D plane and propagate along the shore. A report that generated only 2-D findings would not pass review in any competent and serious scrutiny. There are several 3-D versions accessible to users.

The discussion of the sea bed geoacoustic model parameters is at best superficial. The sound level in the ocean in the shallow water scenario is strongly influenced by the geoacoustic properties of the sand; for instance, in more highly reflective (coarser) sand material, the sound field (and hence the impact effect of the sound) can be much stronger than the sound levels calculated in this report. What tests were done to determine the sensitivity of the sound field in the water to the geoacoustic model parameters of the sand bottom? The reflectivity of the sea bottom may be much more strongly reflective than assumed in the report.

Section 5.0. Underwater noise modeling results.

In short, there is not enough information given to create belief in the results shown in the Table 4. Instead, the report consists of unsubstantiated claims.

Already indicated previously, there are some inaccurate statements that cause concern about the care that was taken in determining the final results for critical ranges of noise impact. Figure 4 is not a broadband sound field. Instead, the figure displays the sound field of a single tone. The quantity needed for determining the sound pressure level (SPL) variation with range from the sound source is the broadband transmission loss. There is no information given about the broadband transmission loss versus range for the various frequency bands. Instead, the report moves directly to the final results of SPL at the receiver ranges in Table 4. The conclusions about the impact of sound from the ships are based on the results presented there. How are we able to determine if any of the results given in the

table for critical ranges are correctly done? If we cannot see the path of the calculations that were done, the results cannot be trusted.

Signal excess above the ambient sound level is critical in determining the real impact of the sound at any distance from the source. The report indicates that there is little information known about the present day ambient noise conditions at the site. Regardless, the claim is made throughout the main report that serious impacts are not expected because the present day noise level is already high. There is no concrete evidence about the noise conditions to support this statement. With only conjectural information about present day noise levels, the conclusions stated for instance on p 39 of the main report are unsubstantiated.

Summary

There is not sufficient information about critical components of the calculation of sound levels to determine whether the conclusions presented in Appendix C and throughout the main report can be trusted. As a result, the claims made in the report are not adequately substantiated. More information about the procedures in calculating the quantities used in the analysis, and full disclosure intermediate data is necessary for a critical review of the findings. Without this additional information, the question of the extent of the impact of noise from the anchorage ships on marine mammals and fish is not resolved.

As a final remark, I can attest that the questions addressed in the Environmental Overview Assessment of Proposed Anchorages off Gabriola Island, BC are the subject of current research investigations worldwide. For instance, at the recent 171st Meeting of the Acoustical Society of America, (Salt Lake City, 23-27 May 2016) there were no fewer than 39 papers presented in four special sessions on impacts of underwater noise on marine animals and marine ecosystems. The papers from eminent researchers covered investigations of noise from industrial activity and shipping to new studies of responses of animals and fish. The message from the meeting is that there are no satisfactory definitive answers to the questions posed in the report prepared by Tetra Tech EBA. The unsubstantiated claims in the report do not pass serious scrutiny.

--Dr. Ross Chapman

Emeritus Professor, University of Victoria

Fellow, Institute of Electrical and Electronics Engineers

Fellow, Acoustical Society of America

Dr. Ross Chapman recently retired from the University of Victoria following a career of over 35 years in underwater acoustics, signal processing and acoustical oceanography. He obtained a PhD in physics at the University of British Columbia in 1975, and started work in Defence Research in Canada as Leader of the Ocean Acoustics Group (1976-1995), before moving on to the University of Victoria as a Research Chair in Ocean Acoustics, and Director of the Centre for Earth and Ocean Sciences at the University of Victoria (2000-2006). He has published over 130 papers and book chapters, and continues to maintain his research interests in ocean acoustic propagation and modelling, advanced signal processing, ocean ambient noise measurement and modeling, and inversion of ocean seabed properties from acoustic field data. He is an elected Fellow of the Institute of Electrical and Electronic Engineers and the Acoustical Society of America, and is Editor in Chief of the IEEE Journal of Oceanic Engineering.

Statement – Ruby Chapman

Evaluation of EOA Conclusions Regarding Presence of Pacific Sand Lance and Pacific Sand Lance Habitat in Area of Proposed Anchorages

The following is an extract from a letter sent to Rebecca Reid, Regional Director General, Pacific Region, on June 16, 2016:

“My purpose in this letter is to give you one specific example of the failure of the EOA to accurately identify potential harm to fish and adjacent habitat, specifically to the forage fish forage/burying and spawning habitat.

One of the fish species discussed in the EOA is the Pacific Sand Lance.

Pacific sand lance (PSL) are acknowledged in the EOA as one of the most important benthic fish. They, along with Surf Smelt (SS) and herring are considered foundation food. They are essential to the food web.

The EOA acknowledges in their section: ‘Release of Deleterious Substances’ that chronic oil release from ships at anchor as well as large oils spills would cause harm to benthic fish in their foraging areas and, as it washes ashore, possible death in the spawning beds. My understanding is that the forage fish habitat, including spawning beaches, are protected under the Fisheries Act.

There is no credible evidence in this EOA to support Tetra Tech’s conclusions that suggest that there is an absence of suitable sand lance habitat in the area of the proposed anchorage site or adjacent shores. Establishing the presence or absence of PSL habitat requires extensive physical testing on site over an extended period of time. The Tetra Tech authors admit in the EOA that: ‘No site specific fish surveys were conducted at the Gabriola proposed anchorages’.

Examples of inadequate measures in the assessment include:

- 1) While an ROV survey was part of the overall report, it cannot be considered adequate in relation to forage fish habitat assessment. It covered less than 1/1000th of the total proposed anchorage area and the ROV was very limited in scope and capability.
- 2) The TetraTech report cites the Robinson et al. (2013) research publication as the sole source of context on which the EOA conclusions are based. Robinson et al. (2013) do not claim to identify confirmed PSL habitat with their approach. Instead they describe a research project designed to test the validity of a model that might be used in future for selecting likely suitable habitat for sand lance.

- 3) As an example of erroneous conclusions in the report, Figure 9 (page 9) in Appendix D in the EOA has been cut and pasted from the cited publication. The Figure has been 're-labeled' by the EOA author who removed the original caption and added her own caption that reads: 'Sand Lance Habitat in the Southern Strait of Georgia'.

The original caption (with Figure 3 in the cited paper) reads:

'Figure 3. The results from the habitat suitability model identifying Pacific Sand Lance (PSL) burying habitat....etc.'

The cited paper identifies 'likely', not confirmed, Sand lance habitat sites.

- 4) Robinson et al. qualify their findings: 'It should be noted at additional biological and habitat sampling will be required to confirm the details of burying and foraging preferences within these large areas.'

Comprehensive information about the marine ecosystem adjacent to the anchorage sites will be collected in the Islands Trust Fund Forage Fish Habitat Assessment (FFHA) research initiative that is in progress within the Gulf Islands, with the focus on spawning habitat for PSL and SS. Positive results within this initiative have shown that PSL and SS spawning beaches were found in areas that do not conform to all '3 key factors' suggested in the research model promoted in the Robinson et al. article. Gabriola Island is part of the Islands Trust Fund FFHA initiative but this vital assessment has not yet started on this island.

Threats to Forage Fish in and near the proposed anchorage site:

- 1) To PSL Foraging Habitat: anchor scouring could destroy the burying habitat of adult PSL
- 2) To PSL and SS Spawning Beaches:
 - Acute spills or chronic oiling from tankers at anchorage.
 - Wave action from large displacement vessels in motion.
 - PSL is a species that is recognized as having site fidelity. There are possible spawning beaches adjacent to anchor sites #3, 4, 5 and another possible spawning beach just south of #1, and 2.
- 3) To Eel Grass and Kelp beds in the adjacent intertidal areas that act as shelters for forage fish: - Harm from contamination with chronic oiling and/or bilge.'



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area Bylaw No.: 101 Date: August 4, 2016

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

West Vancouver Yacht Club, 5854 Marine Dr., West Vancouver, BC

PURPOSE OF BYLAW:

To amend the Valdes Island Rural Land Use Bylaw No. 42 by changing the zoning classification of the unsurveyed Crown foreshore or land covered by water being part of the bed of Strait of Georgia, Nanaimo District, 0.95 ha of marine waters between Valdes Island and Kendrick Island from Marine Conservation (W-1) to Yacht Club Outstation (W2)(a) to allow a rock breakwater only.

For staff reports and background information please see the Thetis Island webpage:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/thetis/current-applications/>

GENERAL LOCATION:

Crown foreshore in adjacent to Kendrick Island near Valdes Island.

LEGAL DESCRIPTION:

Unsurveyed Crown foreshore or land covered by water being part of the bed of Strait of Georgia, Nanaimo District.

SIZE OF PROPERTY AFFECTED:

Approximately 0.95 ha

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

M. Eggen

(Signature)

Name: Marnie Eggen

Title: Planner 2
Contact Info: Tel: 250-247-2210
Email: meggen@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

Environment Canada
Parks Canada
Transport Canada

Provincial Agencies

Ministry of Environment, Parks
Ministry of Forest, Lands & Natural Resource Operations
- Archaeology Branch
- Ecosystems Branch

Non-Agency Referrals

School District No. 68 (Nanaimo-Ladysmith)
Valdes Island Conservancy

Regional Agencies

Cowichan Valley Regional District
Nanaimo Regional District

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Salt Spring Island Local Trust Committee
Gabriola Island Local Trust Committee

First Nations

Semiahmoo First Nation
Stz'uminus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Snuneymuxw First Nation
Hul'qumi'num Treaty Group

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

(Signature)

(Date)

Amendment Bylaw No. 101
(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

(Name and Title)

(Agency)



DATE OF MEETING: October 13, 2016

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Office

SUBJECT: Application to change an existing liquor licence

Applicant: Jenny Harker

Location: The Surf, 885 Berry Point Road, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it has considered application GB-LCB-2016.1 (Surf Lodge) for a 'food-primary entertainment endorsement', and provide the following comments:
 - a) The LCLB regulatory criteria have been considering, including the potential for noise and impacts on the community, and adverse impacts on neighbouring properties or the community are not anticipated as a result of a change to the existing license;
 - b) The views of residents were not gathered because adverse impacts on neighbouring properties or the community are not anticipated as a result of a change to the existing licence;
 - c) The application for a 'food-primary entertainment endorsement' should be approved because the change would not authorize the establishment to be operated in a manner contrary to its primary purpose, which is the service of food, or a use contrary to the Tourist Commercial (TC1) zone under Gabriola Island Land Use Bylaw No. 177, 1999.

REPORT SUMMARY

The Liquor Control and Licensing Branch (LCLB) has requested the owners/operators of 'The Surf' to apply for an application for a permanent change to a food primary liquor licence to include a 'food-primary entertainment endorsement'. This change to the existing licence allows 'patron participation entertainment' (i.e. dancing on a dance floor) until midnight while alcohol is being served and would be consistent with the permitted uses of the Tourist Commercial 1 (TC1) zone of the [Gabriola Island Land Use Bylaw](#) (LUB). There are no proposed changes to the licensed occupancy load, nor to the interior or exterior layout of the facility. The Surf has hosted numerous events in the past without the adequate licensing designation. As per Section 11.1 of the [Liquor Control and Licensing Act](#), local governments are notified of and requested to provide comments on liquor licence applications (including changes to existing liquor licences).

BACKGROUND

The LCLB became aware of the limitations of The Surf's existing liquor licence during a bylaw complaint investigation in early 2016. The Islands Trust bylaw complaint investigation concluded that the noise from live music events being held at The Surf were not in contravention of any bylaws. However, the liquor inspector identified that the existing liquor licence was insufficient and did not cover the 'food-primary entertainment endorsement' which is the typical permit required for the types of events regularly occurring at The Surf.

The document "*Local Governments and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: Guide for Local Governments and First Nations*"¹ ("*The Guide*") characterizes the role of local government in the application process as follows (**emphasis added**):

*Local governments are responsible for addressing issues at the local or community level and often regulate areas such as **noise, parking and fire safety surrounding licensed establishments**. As they address issues at the local level, local governments ... are best situated to understand the potential impact of a licensed establishment on a community. Accordingly, the local government ...role in the licensing process is designed to allow local governments ... to **consider the impact of the licence application on their community** and to **provide comments in the form of a resolution**.*

Despite the wide breadth of regulatory criteria that may be considered for new liquor licence applications, this application is required to consider a select few regulatory criteria since it is **change to an existing licence**. In evaluating liquor-primary licensing, "*The Guide*" requires local governments to provide a resolution within 90 days after receiving notification. The local government must provide a resolution that includes:

- Comments on both points in the regulatory criteria (potential for noise if the application is approved, and the impact on the community if the application is approved);
- Indication of whether or not the views of residents were gathered (and why if not gathered);
- The views of residents, if they were gathered;
- The method used to gather the views of residents;
- Comments and recommendations with respect to the views of residents;
- Recommendations as to whether the application should be approved; and
- The reasons for its recommendations.

The regulatory criteria for amendments to existing liquor licences require only two considerations: the potential for noise and the impact on the community. These two matters are discussed in further detail in the staff report.

ANALYSIS

Policy/Regulatory:

Official Community Plan

The Gabriola Island Official Community Plan Bylaw No. 166 designates the property as 'C(T) Tourist Commercial'. Existing and proposed use of the subject property are consistent with this designation.

¹ "*The Guide*": <http://www.pssg.gov.bc.ca/lclb/docs-forms/PSSG-LocalGovt-Fst-Nation.pdf>

Land Use Bylaw

The Gabriola Island Land Use Bylaw No. 177 zoning for the eight lots associated with ownership of The Surf is 'Tourist Commercial 1' (TC1) and the existing and proposed uses are consistent with the zone. Figure 1 is an aerial photograph of the subject property and applicable zoning.

Figure 1. Aerial Photo and Zoning of the Subject Property (The Surf)



Issues and Opportunities:

The Liquor Control and Licensing Branch requests local governments consider and comment on two regulatory criteria for liquor licence amendments:

- the potential for noise; and
- the impact on the community.

The Potential for Noise

The application for the 'entertainment endorsement' amendment to the food primary liquor licence allows patrons to dance on a dance floor while alcohol is being served. It does not propose to increase the occupancy which is currently 275 people for the food primary licence. There are specific restrictions associated with the proposed change to the licence regarding the forms of entertainment that are permitted and the types of sound systems that can be used. The potential for noise specific to the requested change to patron participation is not anticipated to exceed that which is currently permitted (playing music with amplification). According to the existing and proposed change to the licence, sound system speakers must be located within the building.

Nuisance noise from a licensed establishment most typically arises from conflict with nearby residents. The Surf has been in operation as a neighbourhood pub/restaurant in this location for decades amidst small lot residential uses in the immediate vicinity. A condition of the 'entertainment endorsement' change to the licence is that patron participation entertainment must end by midnight. There is no opportunity to vary this condition to increase or decrease the length of time. The Surf has been licensed to operate from noon until 2:00 a.m. every day except Sunday, when it may operate until midnight. Typical noise associated with the permitted land use and existing licence includes audible music from within the building; live performances from within the building; and patrons inside or outside on patios.

Community Impact

Staff does not expect the change in the existing licence to have an adverse community impact. Events such as live music performances, meetings, instructional classes and weddings have traditionally been hosted at The Surf and the applicants have indicated in their application to the LCLB that they endeavour to continue to host such events for the benefit of the community and visitors to the island. Patron participation in the form of dancing while alcohol is being served is a reasonable activity for the continued operation of the restaurant and pub. No additional capacity is being considered by this change to a licence so no adverse impacts related to parking, nuisance noise, groundwater, or traffic are anticipated.

Consultation:

The Guide for Local Government and First Nations requests comment on a broad range of topics, including whether the views of residents were gathered and, if they weren't gathered, why not. Staff does not find a substantive reason for such consultation. Despite this, the LTC may still wish to undertake some consultation with nearby residents and/or business owners and may exercise discretion in determining the desired method of gathering the views of residents.

Rationale for Recommendation:

The planning analysis of the proposed change to the existing liquor licence is that it should not likely adversely affect nearby residents, and the staff report addresses the two regulatory criteria (potential for noise and impact on the community). Staff recommends that the LTC support the application as per the draft resolution on page one of the report.

ALTERNATIVES

When provided liquor licence referrals such as these, the Gabriola Island Local Trust Committee has 3 options:

1. Choose to opt out of comment;
2. Provide comment if proposed establishment is anticipated to affect nearby residents; or
3. Provide comment if proposed establishment is not anticipated to affect nearby residents

Option 1: Opt out of comment on this individual application

The LTC may choose to opt out of providing comment altogether for this application, but must still provide a resolution stating such. The Liquor Control and Licensing Branch will then:

- Gather the views of residents if issuing or amending a licence may affect them; and
- Consider the regulatory criteria by requesting additional information from the local government or First Nation.

If this option is chosen, the Local Trust Committee would then pass a resolution such as:

“THAT the Gabriola Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it has considered application GB-LCB-2016.1 (Surf Lodge) for a ‘food-primary entertainment endorsement’, and does not wish to provide comments or recommendations.”

Option 2: Provide comment if the proposed establishment is anticipated to affect the community

If the proposed establishment is anticipated to adversely affect the community, staff should be directed to undertake a consultation process to gather the views of the residents and business owners who may be affected by the liquor licence expansion in accordance with *“The Guide”* and to report back to the LTC once this consultation process has concluded.

“THAT the Gabriola Island Local Trust Committee request staff to notify residents and property owners within 500 metres of the subject property located at 885 Berry Point Road, that The Surf’s application to the Liquor Control and Licensing Branch has been referred to the Local Trust Committee for consideration, and of their opportunity to provide comments to the Local Trust Committee on this referral.”

Option 3: Provide comment if the proposed establishment is not anticipated to affect nearby residents

If this option is chosen, the Local Trust Committee would then pass a resolution as per page one of this report.

NEXT STEPS

Staff will forward a copy of this staff report and the resolution of the LTC to the LCLB to comply with section 53 of the *Liquor Control and Licensing Regulation*.

Submitted By:	Sonja Zupanec, RPP Island Planner	September 23, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 23, 2016

FINAL report

community housing in the Trust Area



Islands Trust

August 2016



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Introduction

Purpose of Report

This report presents the results of the Islands Trust Community Housing Forum held on June 13, 2016, in Cowichan Bay, and makes recommendations for improving Islands Trust's ability to meet community housing needs across the Trust Area. It has been prepared for the Islands Trust Local Planning Committee (LPC), a sub-committee of Trust Council whose responsibilities include identifying and reporting to Council on emerging issues and responding to local trust committee planning needs applicable throughout the Trust Area. After consulting with staff and trustees from across the organization, Local Planning Committee identified "community housing needs" as a top priority for its planning work in 2016. LPC hosted the Community Housing Forum as a way to bring people together to share information, tools, and connections on community housing challenges and solutions from across our islands. The forum was an opportunity to showcase different affordable housing projects and create linkages between agencies, individuals, and community groups working to create affordable housing in the Islands Trust Area. The recommendations in this report offer strategies for how Trust Council can apply its authority to support local trust committees and Bowen Island Municipality in creating and implementing affordable housing in Islands Trust communities.

Background

This report accompanies the [Islands Trust Affordable Housing Baseline Report](#) which was presented at the Community Housing Forum and can be used as a reference document for local trust committees, Bowen Island Municipality, planning staff, and for community groups working to address housing needs of residents on islands within the Trust Area. The baseline report combines in one document the planning context of each Local Trust Area (LTA, including Bowen Island Municipality) and includes the Official Community Plan (OCP) policies, Land Use Bylaw (LUB) regulations and definitions used to address affordable housing on islands within the Trust Area.

Work in the area of affordable housing has been addressed previously by Trust Council in 2010 through the creation of a subcommittee Housing Task Force which resulted in the creation of an [affordable seniors housing strategy](#). Also in 2010, the Islands Trust Council commissioned the [Islands Trust Community Housing Tool Kit: A Guide to Tools Available to Support the Development of Affordable Housing in the Trust Area](#) (Gauthier, J), which presented 45 strategic recommendations for Trust Council, local trust committees (LTCs) and Bowen Island Municipality to consider in advancing affordable housing. These recommendations are still critically relevant today. They are used as



a basis of analysis and have been included again in the recommendations of this current report. A compilation of the Housing Tool Kit recommendations were excerpted from the Tool Kit and are included as Appendix 2 of the [Baseline Report](#).

Appendix A of the [Housing Tool Kit](#) (2010) includes a literature review of affordable housing reports done throughout the Trust. There are other relevant studies that have been undertaken by individual local trust committees, most notably the [Salt Spring Island Community Affordable Housing Strategy](#) (2011), the [Bowen Island Affordable Housing Strategy](#), and the [North Pender Island Affordable Housing Task Force Report \(2008\)](#). The recommendations of this current report are rooted by the common themes found in the numerous reports that have been produced over the years:

- Housing affordability, particularly rental housing, is needed throughout the Trust Area.
- A lack of affordable housing leads to a loss of diversity in our communities.
- Affordable, year round rental stock is limited on many islands.
- Affordable rental stock is often sub-standard and does not provide adequate security of tenure.
- Single parent families, low income seniors, youth and those with special needs are impacted the most.
- There is need for supportive housing for seniors and people with special needs.
- Our island communities include the homeless and those at risk of homelessness.
- There is a lack of affordable housing for service providers and employees in the business sectors.

Policy Context

The [Islands Trust Area](#) includes 12 island Local Trust Areas and one island municipality, with a population of approximately 25,000 people (another 10,000 people are non-resident property-owners). The Province of B.C. established the Islands Trust under the [Islands Trust Act](#) in 1974 to protect island communities, culture and environment for the benefit of island residents and the province. The act also established the [Trust Fund Board](#) to manage the [Islands Trust Fund](#), a land conservancy with its own board and staff who work with private landowners and conservancy partners to protect ecosystems in the Salish Sea.

Each of the 13 major islands in the Trust Area has an elected local trust committee or an island municipal council that makes land use decisions under the Islands Trust Act and the BC Local Government Act. At the regional level, the Islands Trust Council sets priorities and policies, manages finances, and provides oversight. Trust Council also provides a unified voice to advocate for the interests of islanders and island ecosystems to other levels of government and industry.

Under this legislative framework, land use planning decisions are made according to a hierarchy of policy approvals. All land use bylaws and official community plans in the Islands Trust Area must conform to the general policies in the [Islands Trust Policy Statement](#). Directive Policies require local trust committees to address certain issues when considering regulatory changes.

The Islands Trust Policy Statement does not have a directive policy to specifically address affordable housing. The following directive policies are used to guide local trust committee and Executive Committee consideration of regulatory changes that would result in the creation of affordable housing:

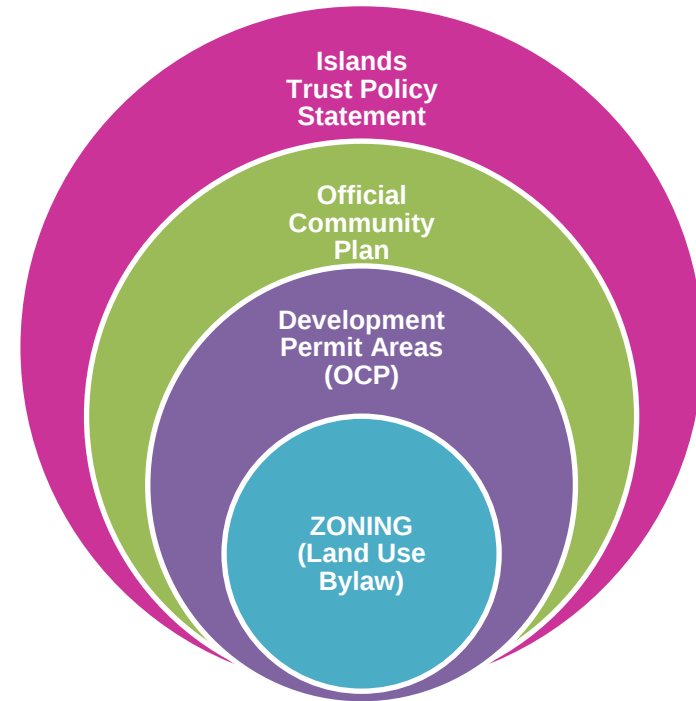
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

As is noted in the Islands Trust Affordable Housing [Baseline Report](#), at the local level, each local trust area addresses affordable housing in a different way. The baseline report reveals that where local trust areas do have official community plan (OCP) policies to address affordable housing, it is often identified as an exception to the density limits of the OCP.

The Islands Trust Policy Statement should be reviewed to address affordable housing. Without directive policies, local trust committees, planners, and the Islands Trust Executive Committee do not have enough guidance to adequately consider if an affordable housing proposal is in compliance with the Islands Trust Policy Statement.



Results: Community Housing Forum 2016

The Islands Trust Community Housing Forum was attended by over 70 people from across the Islands Trust Area. Participants were invited to attend the event based on their work or expertise in working to create or support affordable housing in the Trust Area. The agenda, notes and presentations from the forum have been posted on the [Islands Trust website](#). The forum showcased a number of community housing projects from across the region, presented by community members using “Petcha Kucha,” a fast paced presentation format that allows a large scope of information to be presented in a short time and with an engaging presentation style.

Islanders Secure Land Association (ISLA), Hornby Island

Michael McNamara’s presentation provided background the island’s history of affordable housing, and the current issues that residents face. He outlined the solutions currently in use, and reported on the success and challenges of those projects. Issues discussed related to the long and expensive rezoning process, the great need for affordable housing, and the successes of conducting broad and extensive community consultation.



Islands Trust trustees helping facilitate the housing forum

Mud Girls Natural Building Collective, Gulf Islands

The Mud Girls Natural Building Collective is a network of women builders that specializes in using local, natural and recycled materials with the goal to promote sustainable housing through the techniques of natural building. Molly Murphy provided an overview of the Mud Girls’ construction philosophy, and highlighted the benefits that alternative building strategies offer for the structures, the environment, and the community. She discussed the general resistance against increasing density on the Gulf Islands and outlined strategies that developers can use to mitigate this issue.

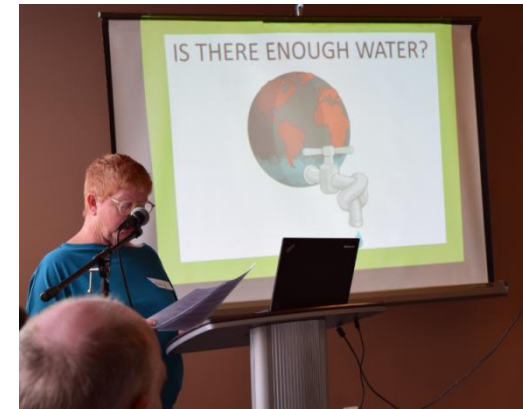
Triple Rock Land Cooperative, Denman Island

Laura Busheikin, Denman Island Trustee and Executive Committee Member, gave a presentation on the Triple Rock Land Cooperative. Her presentation included an overview of the project’s history and its inception process. She also highlighted the core values of the Cooperative and the structures that sustain it as an affordable housing option.

Plum Tree Court, North Pender Island

Wendy MacDonald presented a Petcha Kucha on the subject of Plum Tree Court, a Housing Facility on North Pender Island.

- Existing affordable seniors housing units
- Operated by a non-profit society
- Supported through an operating agreement with BC Housing which will expire in 2023, at which point the units will not be able to cover costs.
- Currently requesting assistance with conducting a housing needs assessment, a requirement for further funding requests.



Wendy MacDonald gives a presentation on Plum Tree Court, North Pender Island

Murakami Gardens, Salt Spring Island

Island Planner Justine Starke provided an overview of Murakami Garden's history and application process that led its development. She highlighted the influence that the site has had on the creation of affordable housing on Salt Spring Island and in other Trust Areas, including a detailed review of affordable housing agreements.

Micro-living in the Capital Region

Victoria City Councillor and Capital Regional District Director, Marianne Alto, provided an overview of the Micro-Housing Victoria Society's project. She outlined the benefits of micro-housing in the creation of affordable housing for a variety of demographics.

Affordable Housing on Bowen Island and Beyond

Affordable housing specialist Tim Wake presented on the challenges for affordable housing and explained the impact that housing market failure has on the Gulf Islands. He offered an overview of potential solutions, including his current project, the Foxglove Community Trust.

Canadian Mortgage and Housing Corporation (CMHC)

Debra Yipp, CMHC, provided a presentation which addressed:

- Recent changes to the CMHC Seed Funding program.
- Programs and initiatives under the new Federal Government budget.
- Below market affordability criteria and how it is established.

- CMHC website and available online tools.
- Application requirements and features of a successful application.

BC Housing

Joe Carrierra from BC Housing provided an overview of BC Housing's role in facilitating the creation of affordable housing and acknowledged the challenges faced on the smaller islands. He discussed the factors that increase a project's likelihood of success, including the role of a project manager and a housing consultant.

SMALL GROUP DISCUSSIONS:

Participants at the housing forum assembled in small focus groups to discuss different topics that were chosen for their relevance as thorny issues in the creation of affordable housing in the Trust Area. Each group was charged with making recommendations for what Trust Council can do to advance the issue. The results of these small group discussions are reported below.

Housing Needs Assessments

A Housing Needs Assessment is a quantitative analysis of the housing needs relative to the housing stock of a community. In assessing the supply of available rental stock and demonstrating the specific need for housing by demographic, housing needs assessments can be useful to affordable housing proponents as well as to the planning and policy work of local trust committees and municipalities.

In this session, affordable housing consultant Janis Gauthier of JG Consulting led a discussion on housing needs assessments. The following notes were recorded during the session:

- Identify what the needs actually are vs. perceived needs (can be very different!)
- Go for tangible low hanging fruit projects to tackle housing issues vs. more studies and reports
- Identify problems today, as well as population projections and housing flexibility so it can be put to other uses in the future
- Ensure a broad community evaluation of population and housing stock; use census data to capture trends in family sizes; income; demographics
- Develop an ideal housing profile for your community (% of low income; middle; high) and compare to what housing actually exists from various sources of data
- A housing proposal should fill an identified housing profile GAP;



Janis Gauthier hosts a discussion on housing needs assessments.

- Housing needs assessment (HNA) should do a good job of fostering community conversations on the ideal housing profile for a community
- Ensure service providers, residents can talk about what research shows; needs and community priorities (rental housing, market, tiny, large etc)
- HNA should be updated at every census to ensure it is relevant and less onerous to do than starting from scratch every time

What Can Trust Council Do?

- Trust Council should be proactive in addressing housing needs across the region, instead of relying on local trust committees to find time and resources within the LTC work program top priorities. This is not unlike the Trust Fund's work on Trust wide biodiversity reporting across the local trust areas.
- Develop a template housing needs assessment methodology for all local trust areas.
- Support local trust committees in completing housing needs assessments and ensure they are updated at each census so we can evaluate trust wide housing trends and the effectiveness of policies and regulations.

Staff Comments:

Housing needs assessments provide baseline information on housing needs that is essential to advancing and implementing affordable housing policies. However, housing needs assessments are also not within the reach of local trust committee project budgets. This is an excellent area for collaboration with regional districts, and within the Capital Region there is currently consideration of supporting a housing needs assessment for the southern gulf islands. However, other regional districts are not as proactive in addressing the housing needs of islands within the Trust Area. There is a role for Trust Council to support conducting Housing Needs Assessments on a regional basis. Such support would greatly assist Local Trust Areas and community groups working to develop affordable housing. Housing needs assessments should follow consistent methodologies and be updated regularly with each new census. The recent indicator work that is being conducted to inform the Islands Trust Council Policy Statement review has also emphasised the need for a coordinated approach to understanding housing needs throughout the Trust Area.

Staff Recommendations:

THAT Trust Council establish a budget for housing needs assessments to be conducted at the regional level and to be updated with each census.

THAT Trust Council request Local Planning Committee to commission one or more regional housing needs assessment(s) that follow consistent methodologies and can be updated with each census.

Ensuring Affordability

Housing agreements are legislative tools local governments can use to impose rent controls or deed restrict the resale price of properties. This is how LTCs can ensure an affordable housing proposal is implemented, and the housing units actually remain affordable for the intended income group - whether it be low income seniors, families, or median income earners, etc.

However, within Islands Trust, local trust committees do not currently have the staff resources to properly monitor and administer such agreements. Because of this, some LTCs have partnered with other agencies to take on housing agreement administration. This is not as straight forward as it seems, however. In the Southern Region and on Salt Spring Island, the Capital Regional District has sometimes partnered with local trust committees to administer housing agreements on specific projects, but this has been negotiated on a case by case basis and cannot be relied on or applied to LTAs that are located within other regional districts. Often times, it is not-for-profit groups that have the scope and mandate to administer affordable housing, but under the Islands Trust Act, a local trust committee can only partner with municipalities, regional districts, boards of school trustees and francophone education authorities to coordinate activities within a local trust area.



During the break out groups, Robert Kojima, Regional Planning Manager at Islands Trust, facilitated the discussion on “ensuring affordability.” The following notes were taken:

- Islands Trust could provide templates or boiler plate housing agreements for potential applicants to review, consider, and negotiate
- Islands Trust could work with others to ensure that there are authorities willing to administer housing agreements
- There is a tension between when is a housing agreement necessary and when is another planning tool an effective guarantee of affordability (i.e. small maximum floor area)
- How can cost recovery be supported? Through EC sponsorship of Legal Review?

Staff Comments

For affordable housing proponents, the request to enter into a housing agreement can be an expensive, complicated and frustrating exercise –especially if the LTC also requires the proponent find an acceptable third party to administer the agreement. Some projects have been delayed for years as a result of such circumstances. As one participant at the housing forum stated, “if Islands Trust requires the housing agreement, Islands Trust should administer it.”

Depending on the agreement, administering housing agreements could require:

- Monitoring and tracking existing agreements
- Filing and tracking statutory declarations on an annual basis
- Overseeing changes in ownership/occupancy of rental units.

- Ensuring compliance with terms of the agreement

While staff have long advised that Local Trust Committees do not have the staff resources to undertake administering the terms of housing agreements, across the Islands Trust there is capacity to take this on as a service to all local trust committees.

Recommendations

THAT Trust Council allocate a budget to have in-house staff design and implement a program for Trust Council to hold and administer housing agreements on behalf of local trust committees.

Seniors Housing

Recent indicator data has shown that Islands Trust has a much higher population of seniors than other places in British Columbia. (In 2011, 26% of the Trust Area's population was 65+ compared to only 15.7% across BC). The 2010 Seniors' strategy states: "...affordability is one of the most difficult housing issues facing many older adults in island communities. As the prices of new and resold units continue to climb, fewer units remain affordable to older adults. The renovation and modification of existing units can also be expensive." Some islands have conducted seniors' housing strategies which include recommendations that may be applicable throughout the Trust Area. Please refer to the [Age Friendly North Pender Island Action Plan](#) (van Hemert, J, 2015) and stay tuned with the [Lasqueti Island Aging at Home Project](#) (currently underway).

The housing forum session on seniors housing was facilitated by James van Hemert, van Hemert and Company. The question that was discussed was, "how can island communities adapt to accommodate aging populations?" The following notes were recorded in the session:

- Trends more exacerbated on the islands
- Seniors want to stay in their homes, housing not well suited
- Need funding to put in universal accessibility
- Need people to provide services, seniors who cant get services leave the island
- Need supportive housing
- People who support seniors need housing too
- Real estate boom – Mayne with a population of 1100 sold 168 properties, still selling
- Story of Mayne Island Community Centre – found matching funds, is going ahead, added water requirements, and water district approval
- Zoning bylaw can be impediment to affordable housing
- No one size fit all solution
- LTCs can allow secondary suites
- Medical needs – paramedicine programs – Gulf Islands didn't qualify.
- Ferry fares compound housing costs

- Vacation homes – often offered before affordable home for family

What can Trust Council Do?

1. Encourage smaller footprint homes, especially on smaller lots
2. Advocate for more paramedical services on the islands
3. Advocate to BC Housing to provide more support for development of housing agreements (templates)
4. Encourage a diversity of housing types as seniors want to live in demographically diverse communities.

Staff Comments:

Seniors comprise a large sector of Trust Area residents in need of a more accessible, affordable housing stock. Local trust committees should ensure the official community plans and land use bylaws are addressing the needs of seniors. However, there is also a role for Trust Council to advocate on behalf of seniors for additional funding for seniors housing, funding for support services, funding for commercial establishments to upgrade with universal design standards (accessible public places), public transportation options, and medical services.

Staff Recommendation:

THAT on behalf of seniors living within the Trust Area, Trust Council advocate senior levels of government provide additional funding for seniors housing, support services, public transportation options, medical services, and for commercial establishments to upgrade with universal design standards.

Tenure Arrangements

Affordable housing can include housing provided by the private, public and not-for-profit sectors as well as different forms of housing tenure: rental, individual ownership and cooperative or shared ownership. Alternative tenure arrangements sometimes offer a level of affordability that cannot be realized with individual, fee-simple ownership. Other examples of tenure types include corporate co-ops, land trusts, bare land strata subdivisions, building stratas, and co-housing (or a combination therein). The session on tenure arrangements was hosted by Matt Thompson, of the Sunshine Coast Affordable Housing Society.

Overview

- Ultimately housing need should determine what tenure types are developed, both from island to island and for the Islands Trust as a whole
- The main issue is around that small organizations may not always have the required capacity and the lack of regional coordination

Challenges

- Lack of ability to develop density
- Capacity of small organizations is limited in managing multiple types of tenures or multiple types of developments
- Small organizations may not have extensive management capacity (managing rental vs. co-op ownership requires different

Considerations

- Ability to have flexibility in tenure is key
- Tenure types are not mutually exclusive (e.g. strata co-housing, or mixed rental and ownership), but they may require different governance structures and different levels of capacity

What can Trust Council Do?

- Trust Council could provide resources so LTCs can use housing agreements to control the tenure, when applicable
- Trust Council could resource a regional body to support the housing groups, including the provision of funding to help facilitate local groups.
- Islands Trust could create its own regional housing body/authority
 - Would require Trust Fund changes or new entity.
 - Support non-profits to do housing development work (and where necessary take leadership on housing development)
 - Help manage a range of tenure types and housing agreements (and help develop capacity of smaller organizations)
 - Provide umbrella administrative support to all the small non-profits on the Islands
 - This could be a new body (regional housing non-profit) or existing body (contracted to support all the housing organizations).

Staff Comments:

Trust Fund Board can own land and currently has a property acquisition role, however it is not currently mandated with a housing function. This should be explored in the context of the Trust Fund Board role, mandate, and legislative authority. Trust Council could consider expanding the role of the Trust Fund Board to create an affordable housing land trust. This would be a fundamental change to the Islands Trust and should be explored in the context of the Trust Fund Board role, mandate, and legislative authority. The Housing Tool Kit included similar recommendations:

- THAT Trust Council explore the potential for and required changes to the Trust Fund to allow it to hold land on an interim basis for affordable housing.
- THAT Trust Council explore the potential for the creation of an affordable housing Land Trust.

Staff Recommendations:

THAT Trust Council request staff to explore the potential for and required changes to the Trust Fund Board to allow it to hold land for affordable housing.

THAT Trust Council request staff to explore the potential for the creation of an affordable housing Land Trust.

Bricks and Mortar

The bricks and mortar of building housing is a fundamental determinant of housing cost and the ability for the private sector to build affordable housing. With escalating land values and building costs that average at \$200/ ft², without government assistance it is often not viable for the private sector to develop affordable housing. This session discussed cost saving strategies while staying compliant with the BC Building Code. It was hosted by Dick Stubbs, Building and Water Consultant (and former Senior Building Inspector for Salt Spring Island).

What Can Trust Council Do?

- Adopt a Trust Wide policy on application fee forgiveness for affordable housing
- Lobby for changes to BC Building code and provincial building policies to support alternative building practices and technologies
 - Example - reduce insulation requirements and other standards that apply equally to small buildings as big ones; small buildings are easier to heat and should not be held to as high an insulating standard.
- Develop model bylaws that LTCs can use to enable a higher density of smaller sized limited dwellings

Staff Comments:

Application fees are determined by the fees bylaws of each Local Trust Committee. Some local trust committees already have set lower application fees for affordable housing applications by not-for- profit societies. Current policies allow Executive Committee to sponsor applications under certain circumstances, including, “when the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the OCP”.

Trust Council could include alternative building practices as a topic for advocacy. The Trust Council position on this matter should be considered in the context of a thorough review of what options would be available and where the BC Building Code would need to be relaxed. The Housing Tool Kit identified this as a priority as well, and the recommendation from the Tool Kit is provided for consistency.

Recommendation:

THAT Trust Council advocate, where appropriate, to other regulatory agencies to permit alternative solutions for affordable housing pilot projects.

DIY Housing

Many islanders have taken affordability into their own hands and constructed what was referred to at the forum as “do it yourself” housing. This is the informal housing stock of yurts and “ten by tens”, cob houses, and handmade buildings using upcycled materials, that may not currently be eligible for a building permit. The session focused on unpermitted housing as an island reality, and asked, “are alternative standards needed or desirable for the islands, and how can we ensure the health and safety of DIY housing?” The discussion was hosted by Miles Drew, Islands Trust Bylaw Enforcement Manager. The following notes were taken:

- Change zoning bylaws to allow for a wider range of housing options
- Relax enforcement policy for DIY housing units
- Require inspections of housing (some local trust areas don’t have mandatory building inspections - should ensure that all housing is inspected for health and safety standards or compliance with the BC Building Code).
- Allow single family dwellings + very small other accommodations in zoning
- Temporary use permits –broad issuance?
- Proactive enforcement of short term vacation rentals.
- Central hub with kitchen, laundry bathroom, etc and separate sleeping huts.
- Enforce standards vs “dwellings”
- Review enforcement policies and give lower priority to “unauthorized” housing.

What can Trust Council Do?

- Acknowledge there is a need/role for this option
- Lobby for changes to BC Building code for alternative building practices and technologies

Staff Comment:

Like the previous section on Bricks and Mortar, the DIY housing session focussed on matters that are largely outside of Islands Trust authorities and would be considered as topics for Trust Council advocacy. Local trust committees are responsible for enforcing their own bylaws, and can dictate strategies to only enforce under certain circumstances.

The Alternative Owner Builder Code on Galiano Island that was explored by the Capital Regional District as a pilot project in the 1990s could be reviewed. Additionally, the cost of building can be reduced with alternative servicing such as rainwater collection instead of well drilling and composting toilets/grey water systems as alternative to a septic disposal fields. To have approval of such alternatives requires professional engineers to design and approve the systems. The staff recommendation that follows from this session is the same as above.

Recommendation:

THAT Trust Council advocate, where appropriate, to other regulatory agencies to permit alternative solutions for affordable housing pilot projects.

Redefining Density:

Is affordable housing possible in the context of rural island culture and limited capacities for growth? Islands Trust bylaws count kitchens, but other jurisdictions use Floor-Area-Ratios to measure density. Do islands need to reimagine density in order to better meet community needs within the context of the Preserve and Protect Mandate? The discussion on density was hosted by Tony Law, Hornby Island Trustee and the following notes were taken:

- Density can also mean looking at the carrying capacity of islands and calculating population per square area
- Density is happening anyway in an unregulated manner (barns, boats)
- Everyone has a different definition of “rural” (vegetation vs density, character)
- Clustering leads to more rural areas
 - British model
 - How does this work if water aquifer becomes compromised?
 - Rainwater harvesting
- Clustering is good for greenhouse gas emissions but can pose water issues
- Do we need to increase density?
- We can increase the number of units within the existing housing stock
- Traffic congestion, waste issues, island character may not be compatible
- People moving to rural areas want rural properties, maybe not seniors
- Are kitchens the best measure of density?
- Measure in sustainability units?
- Encourage more people living in existing housing stock
- Need to look 50-100 years ahead – look at Vail, Aspen, can middle income people afford to buy?
- SSI needs up to 3000 units
- Need to re-envision how we preserve and protect
- Depress rents and house prices or build economies so people get paid more.
- The market can’t solve the problem
- Comprehensive new approach needed
- Whistler got started 20 years ago
- BC Non-Profit housing association is a good resource for community organizations
- Need to redefine density as we cannot create new densities.

What can Trust Council Do?

- Keep rainwater on properties: advocate for more rainwater harvesting options within BC Building code
- Advocate for luxury house flipping tax, directing money towards affordable housing
- Create model bylaws that measure density as total floor area rather than counting dwelling units

Staff Comment

A change in approach on how density is measured would require intensive land use bylaws and official community plan reviews throughout the Trust Area. More research would be required to determine if changes in how density is measured would have the desired outcome of enabling a more affordable approach to residential development without impacting the carrying capacities of our islands.

Recommendations

THAT Trust Council request staff to bring forward a thorough analysis of alternative ways of measuring density and how to manage any corresponding impacts before consideration of requesting model bylaws be developed for local trust committees.

Summary of Recommendations:

Many of the recommendations that followed from the housing forum re-inforce the recommendations made in the 2010 housing tool kit. Please see appendix 1 for a summary of these recommendations, staff comments, and prioritization, and recommended time frames (short term, medium term, and long term). Short term recommendations are considered the low hanging fruit – they can be accomplished without major changes to current policy or staffing assignments, and with minimal resources. Medium term recommendations are considered to be able to be addressed without major policy changes or staffing levels, but would need to have budget allocated before work could begin. Long term recommendations may require policy reform, legislative change, or changes to the staffing levels within Islands Trust. While some high priority long term recommendations may be advanced now, they are considered long term because they require more time to enable a thorough examination relative to budget and legislative authority.

Although it is beyond the scope of this report to provide a scope of work, timeline, and budget for each recommendation, next steps should include such scoping. Below are the high priority recommendations that should be initiated right away:

1. THAT Trust Council review the Islands Trust Policy statement to ensure that it:
 - includes clear and well-thought out definition of ‘affordability’
 - includes clearly articulated vision, goal and objectives for affordable housing
 - gives affordable housing a greater profile for its role in sustainable communities

- includes a reference to affordable housing in its policy direction to LTCs and municipalities
2. THAT Trust Council consider a coordination role for Housing Needs Assessments between the various Local Trust Areas to achieve efficiencies, compatibility, and allow for consolidation.
 3. THAT Trust Council establish a budget for housing needs assessments to be conducted at the regional level and to be updated with each census.
 4. THAT Trust Council request Local Planning Committee to commission one or more regional housing needs assessment(s) that follow consistent methodologies and can be updated with each census.
 5. THAT Trust Council allocate a budget to have in-house staff design and implement a program to hold and administer housing agreements on behalf of local trust committees.
 6. THAT Trust Council explore the potential for expanding their advocacy role to senior levels of government for increased funding for affordable housing.
 7. THAT Trust Council direct staff to explore and report back on the potential for the creation of an affordable housing Land Trust.

Conclusion

A healthy supply of affordable housing supports vibrant and diverse communities. The recommendations in this report offer strategies for Trust Council to support local trust committees and island communities in tackling common obstacles to a more affordable housing stock. This report is a companion report to the Islands Trust Affordable Housing Baseline Report, and provides a summary of the Islands Trust Housing Forum which took place on June 13, 2016, in Cowichan Bay. It is framed as a “final report” and provides recommendations for Trust Council to address affordable housing – through policy changes, budget priorities, advocacy, and support to local trust committees.

The Community Housing Forum brought people together to make connections and share information on community housing challenges and solutions from across our islands. The forum showcased a variety of affordable housing projects from across the Trust Area and discussions focused on what Islands Trust Council can do to help improve the affordability of our island communities. While local trust committees have authority over land use planning, official community plans and land use bylaws are adopted under the umbrella policies of the Islands Trust Policy Statement. Trust Council policies should provide a framework and guide local trust committee consideration of affordable housing decisions. Other areas where Trust Council can support affordable housing objectives include budget allocations for housing needs assessments, and staffing changes that would enable Islands Trust Council to hold and administer housing agreements on behalf of local trust committees. An examination of the *Islands Trust Act* and Islands Trust policies could offer new ways of understanding the role of Trust Fund Board in consideration of creating an affordable housing land trust or other innovations that may give Trust Fund Board a role in affordable housing. Islands Trust Council currently engages in advocacy to other levels of government. There are a number of suggestions in this report for advocacy that would support affordable housing objectives. As always, Trust Council consideration of the recommendations in this report will be guided by the “preserve and protect” mandate, to ensure support for affordable housing is in the context of observable limits to growth and resources, protection of the environment, and the rural community character that defines our collective sense of place.

Appendix 1:Table of Recommendations

	Recommendation	Source	Priority	Timing	Staff Comment
ISLANDS TRUST POLICY STATEMENT					
1.	Review the Islands Trust Policy statement to ensure that it: a) includes clear and well-thought out definition of 'affordability' b) includes clearly articulated vision, goal and objectives for affordable housing c) gives affordable housing a greater profile for its role in sustainable communities d) includes a reference to affordable housing in its policy direction to LTCs and municipalities	Housing Tool Kit	High	Medium – align with policy statement review	Islands Trust Council is currently reviewing the Policy Statement. Strong direction from Trust Council to LTCs assist in interpreting the Islands Trust mandate and in defining how affordable housing fits into Trust Council's vision for the future. Policy Statement directives shape the OCP policies and LUB regulations within local trust areas.
2.	Consider initiating a Trust-wide Affordable Housing Strategy, with direction to LTCs to develop Local Trust Area-specific components.	Housing Tool Kit	low	Medium – align with policy statement review	The Islands Trust Policy Statement could give LTCs such direction. Trust Council should follow the recommendations and include affordable housing in its Policy Statement review. The Policy Statement is a legislative tool and has more teeth than an Affordable Housing Strategy would.
HOUSING NEEDS ASSESSMENTS					
3.	Consider a coordination role for Housing Needs Assessments between the various Local Trust Areas to achieve efficiencies, compatibility, and allow for consolidation.	Housing Tool Kit	High	Short Term	Housing Needs Assessments are costly and not within available project budgets for LTCs. Trust Council support in conducting Housing Needs Assessments would greatly assist Local Trust Areas and community groups working to develop affordable housing. Housing needs assessments should follow consistent methodologies and be updated regularly with each new census.

4.	Establish a budget for housing needs assessments to be conducted at the regional level and to be updated with each census.	Housing Forum Final Report	High	Short term	See report
5.	Request Local Planning Committee to commission one or more regional housing needs assessment(s) that follow consistent methodologies and can be updated with each census.	Housing Forum Final Report	High	Short term	See report
HOUSING AGREEMENTS					
6.	Explore the potential striking and staffing a Housing Committee for the administration of Housing Agreements; or	Housing Tool Kit	low	Short term	Rather than striking a committee, Trust Council could request this be done under current staff allocations and use an existing staff member to dedicate one day a week to administering housing agreements.
7.	Explore the potential with BC Housing to negotiate administration of Housing Agreements on behalf of all the Local Trust Committees	Housing Tool Kit	Low	Long term	This could be explored with BC Housing if Trust Council does not agree to handle housing agreement administration internally.
8.	Allocate a budget to have in-house staff design and implement a program to hold and administer housing agreements on behalf of local trust committees.	Housing Tool Kit	High	Short term	See report
ADVOCACY					
9.	Advocate, where appropriate, to other regulatory agencies to permit alternative solutions for affordable housing pilot projects.	Housing Tool Kit	Medium	Long Term	This is an advocacy item that requires discussion by Trust Council. Trust Council could advocate the BC Building Code include minimum standard exemptions that ensured environmental standards are met, as are health and safety standards of buildings.
10.	Initiate an ongoing Housing Council consisting of membership from a broad range of stakeholders.	Housing Tool Kit	Low	Long Term	The Islands Trust governance structure is prescribed by the Islands Trust Act. This

					recommendation is best directed at community groups. A community based Housing Council could be initiated by community groups to coordinate affordable housing initiatives and speak with one voice to government agencies such as Trust Council.
11.	Explore the potential for expanding their advocacy role to senior levels of government for increased funding for affordable housing.	Housing Tool Kit	High	Long Term	Affordable housing proponents need funding support which is a Provincial and Federal role.
12.	Advocate senior levels of government provide additional funding for seniors housing, support services, public transportation options, medical services, and for commercial establishments to upgrade with universal design standards.	Housing Forum Final Report	Medium	Long Term	See report
TRUST FUND BOARD					
13.	Explore the potential for the creation of an affordable housing Land Trust.	Housing Tool Kit	High	Long Term	Trust Council could consider expanding the role of the Trust Fund Board to create an affordable housing land trust. This would be a fundamental change to the Islands Trust and should be explored in the context of the Trust Fund Board role, mandate, and legislative authority.
14.	Explore the potential for and required changes to the Trust Fund Board to allow it to hold land on an interim basis for affordable housing.	Housing Tool Kit	Medium	Long Term	As above, Trust Fund Board can own land and currently has a property acquisition role, however it is not currently mandated with a housing function. This should be explored in the context of the Trust Fund Board role, mandate, and legislative authority.
MODEL BYLAWS					
15.	Bring forward a thorough analysis of alternative ways of measuring density and how to manage any	Housing Forum	Medium	Long Term	See report

	corresponding impacts before consideration of requesting model bylaws be developed for local trust committees.	Final Report			
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DATE OF MEETING: October 13, 2016

TO: Gabriola Island Local Trust Committee

FROM: Teresa Ritemann, Planner 1
Northern Office

SUBJECT: GB-6500-20 – Roadside Signage Project – Interim Report

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee provide direction to staff regarding the questions in the Staff Report dated October 13, 2016.

REPORT SUMMARY

At the regular LTC business meeting on September 8, 2016, the Gabriola Island LTC passed the following resolution:

GB-2016-088

That the Gabriola Island Local Trust Committee request staff to revise draft bylaw No. 291 on roadside signage, in consideration of discussion by the Gabriola Island Local Trust Committee as reflected in the minutes.

Staff intend to have a revised draft bylaw ready for the November 10, 2016 meeting. In the interim, staff are requesting feedback from the LTC on the questions below. The summary table provides clarity on staff suggestions for signage regulations, and staff are requesting that the LTC provide input in relation to the cells which are **bolded** in the table.

STAFF QUESTIONS FOR THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE

1. Is it the LTC's intention to ensure that all existing signs (those that are currently legal as well as those that are not) will be legal under the amended signage regulations? What are the LTC's thoughts on passing a resolution to request MOTI to remove signs in the ROW that MOTI has not permitted?
2. What does the LTC think about the temporary sign time limits in the summary table below?
3. Can the definition and regulations of "third party sign" be removed, since other regulations would address those types of signs? If not, how should third party signs be limited in size and number so as not to create nuisance situations?
4. Should there be a separation distance between signs of a certain type (e.g. event signs, multi-party business directional etc.)? E.g. "signs of ____ type must not be located within ____ m of one another"?

5. Are the suggested sizes of signs appropriate? Are there any types of signs which may have been overlooked?
6. Any suggestions for the definitions, including addressing the issue of “illumination” as is regulated but undefined in the current bylaw?

DRAFT SIGNAGE DEFINITIONS TO CONSIDER

- i. “*sign* means any device or medium, including its supporting *structure*, which is used to attract attention for advertising, direction, information, or identification purposes.”
- ii. “*sign area* means the entire area within a continuous perimeter, enclosing the extreme limits of a *sign* display, including any frame or border; and for these purposes, the area of a double-faced *sign* is considered to be the area of one face only.”
- iii. “*sign, derelict* means any sign which has been abandoned, discarded, or otherwise neglectfully maintained to such an extent that it has fallen into disrepair.”
- iv. “*sign, externally illuminated* means any sign lit by a separate light source that casts light directly on the face of the sign.”
- v. “*sign, internally illuminated* means any sign lit directly or indirectly by a light source located within the sign itself, and includes illumination designed to project light against the surface behind the sign lettering or graphic, commonly referred to as back-lighting or halo-lighting.”
- vi. “*sign, multi-party* means a structure consisting of two or more signs, and not including home occupation signs.”
- vii. “*sign, obsolete* means any sign which is no longer relevant because of the discontinuance of the business, service, activity or event which it advertises or directs attention to.”
- viii. “*sign, temporary event* means any sign which is portable in nature, and which is displayed for a specified time limit.”
- ix. “*sign, third party* means a sign that advertises or directs attention to an occupancy of land, a use, product, location, or other matter at a location other than where the sign is located, erected, or displayed.”

SUMMARY TABLE

Staff have created a table to summarize the proposed sign regulations. The table is organized by type of sign, includes specific regulations in instances where a type of sign would be permanent or temporary, indicates the zones in which that type of sign would be permitted, specifies the maximum number of signs and the maximum sign area that would be permitted, and includes a blanket statement to clarify/address what would happen if a sign occurs on a lot vs. in a road right-of-way (Ministry of Transportation and Infrastructure’s jurisdiction). The table is meant to present the information in a clear and concise way. Staff will translate this information into a format more consistent and enforceable for the draft bylaw amendments, which will be provided to the LTC for consideration at a future meeting.

Table 1: Summary of Signage Regulations

Type of Sign	Specific Regulations for PERMANENT Signs	Specific Regulations for TEMPORARY Signs	Permitted in the following zone(s)	Maximum Number of Signs Permitted	Maximum Sign Area Permitted	Signs located in MOTI Right-of-Way
Home Occupation	Sign must be located on the same lot on which the Home Occupation is occurring	Sign must not be displayed for more than 12 consecutive hours	SRR, LRR, AG, F, R, RR1	1 per lot	0.55 m ² (6.0 ft ²) per lot	Signs located in the road Right of Way require permission from MOTI. Staff recommended policy for enforcement and regulatory fairness: That the LTC request MOTI to remove any signs which they have not permitted **The LTC may do this by: 1) standing resolution; 2) creating a Bylaw Enforcement Policy; or 3) amending the Official Community Plan to include such a policy
Real Estate	n/a	Sign must be located on the subject property that is for sale; Sign must be removed within two weeks of sale	Any zone	1 per lot	1.1 m ² (12.0 ft ²) per lot	
Business (other than a Home Occupation)	??	Not permitted	Any zones except SRR, LRR, AG, F, R, RR1	2 per business	4.0 m ² (43.0 ft ²) per business	
Multi-Party Business Directional	??	Not permitted	Any zone	n/a	0.2 m ² (2.15 ft ²) per business, to a maximum sign area of 2.0 m ² (21.5 ft ²)	
Event sign (garage sale, farmer's market, concerts etc.)	n/a	Sign must not be displayed for more than two weeks before the event; and must be removed within 72 hours of the conclusion of the event	Any zone	1 per lot	0.55 m ² (6.0 square feet) Temporary Event Sign Banners: to be a maximum of 4.0 m ² (43.0 ft ²)	
Institutional Uses, Community Services, (Churches, Service Clubs, Announcements etc. (e.g. Community Message Boards))	??	??	Commercial and Institutional Zones, plus Gabriola Commons	n/a	4.0 m² (43.0 ft²)	

Submitted By:	Teresa Ritemann Planner 1	September 29, 2016
Concurrence:	Ann Kjerulf, RPP, MCIP Regional Planning Manager	October 4, 2016



Top Priorities

Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Review of roadside signage regulations on Gabriola Island	Develop a roadside signage strategy.	07-May-2015	Teresa Ritemann	
2	Housing Options Review Project	Review regulations to allow option for secondary suite in lieu of accessory cottages on lots over 2ha and over existing buildings; review temporary dwelling regulations;	07-May-2015	Sonja Zupanec	
3	Review of water taxi feasibility at or near Descanso Bay, Gabriola Island		14-Jul-2016	Sonja Zupanec	

**Projects****Gabriola Island**

Description	Activity	R/Initiated
DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: · park areas without park zoning · DAI Bylaw		21-Apr-2011
Hazardous areas and steep slopes development permit area · also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		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
Review OCP and LUB to include protective measures for biodiversity.	Species and Ecosystems at Risk (SEAR) Local Government Working Group may have resources for this project.	19-Jan-2012
Review OCP and LUB to improve protection of coastal areas.		19-Jan-2012
Review OCP and LUB to protect water quality and quantity.		19-Jan-2012
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
Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).		14-May-2014
Snuneymuxw First Nation Protocol Agreement Implementation		22-Jan-2015
Village Core Review		02-Apr-2015

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Strengthen relationship with First Nations		02-Apr-2015
Review of food truck regulations		02-Apr-2015
Including eagle nest mapping in Gabriola OCP		02-Apr-2015
Initiatives to encourage green and renewable energy		02-Apr-2015
Review bylaws around temporary use permits for short term vacation rentals		07-May-2015
Coastal Douglas Fir Conservation Strategy work	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
Water taxi access for Gabriola Island	Review Official Community Plan and Land-Use Bylaw provisions to encourage water taxi service at or near Descanso Bay	15-Feb-2016
Targeted OCP and LUB review for Mudge Island.	Include housekeeping amendments; review of maximum permitted lot coverage; rainwater collection cisterns being excluded from lot coverage calculations.	14-Jul-2016
Possible Land Use Bylaw Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots	08-Sep-2016



Islands Trust

Print Date: October 3, 2016

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2016.1	Architrave Design Build Ltd. Planner: Teresa Rittemann	11-Jul-2016	PID: 012-935-697 785 Ross Way. Upgrades to exterior of building and signage.
Planning Status			
Status Date: 03-Oct-2016 Planner TR assigned and reviewing application.			

File Number	Applicant Name	Date Received	Purpose
GB-DP-2016.2	MID-ISLAND CONSUMER SERVICES COOPERATIVE Planner: Sonja Zupanec	30-Aug-2016	PID: 026-113-317 548 North Road. Upgrade to exterior of building and signage.
Planning Status			
Status Date:			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.1	SKINNER, Hugh & Elaine Planner: Teresa Rittemann	21-Mar-2016	variance to natural boundary of the sea; interior lot line; possible front property line to bring into compliance
Planning Status			
Status Date: 03-Oct-2016 Planner reviewing options for applicant and will return to LTC for consideration at the 10-Nov-2016 agenda.			
Status Date: 29-Aug-2016 Survey received. Planner completed review and staff report to appear on the 8-Sept-2016 LTC meeting agenda.			

Applications

Status Date: 30-Jun-2016

Survey expected early- mid-July. Still aiming for September 8 LTC meeting agenda.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.2	GERMAN, LOUISE	31-May-2016	PID: 004-536-584 To vary the set-back to the exterior lot line, and to permit a maximum lot coverage of 14 percent. 1046 Sea Fern Lane, Mudge Island.

Planner: Teresa Ritemann

Planning Status

Status Date: 12-Sep-2016

LTC approved DVP at regular business meeting 8-Sept. Planner completed file and gave to PTA to close file.

Status Date: 29-Aug-2016

Additional information received from applicant. Planner completed new staff report and revised permit to appear on 8-Sept-2016 LTC meeting agenda.

Status Date: 30-Jun-2016

Planner TR completed Staff Report. Application to appear on 14-July agenda for LTC meeting to take place on Mudge Island

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: Marnie Eggen

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.4	Architrave Design Build	11-Jul-2016	PID: 012-935-697 785 Ross Way. Upgrades to exterior of building and signage.

Planner: Teresa Ritemann

Planning Status

Status Date: 03-Oct-2016

Planner TR assigned and reviewing application.

**Liquor Control Branch**

File Number	Applicant Name	Date Received	Purpose
GB-LCB-2016.1	Surf Lodge 1019155 BC Ltd. Planner: Sonja Zupanec	01-Sep-2016	PID: 006-986-170 885 Berry Point Road. Permanent change in liquor license to Food-primary entertainment endorsement (P2).
Planning Status			
<u>Status Date:</u>			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2016.1	Williamson & Associates Planner: Rob Milne	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
Planning Status			
<u>Status Date:</u>			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd. Planner: Marnie Eggen	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)
Planning Status			
<u>Status Date:</u> 08-Jan-2016 PLA extension			
<u>Status Date:</u> 14-Apr-2014 parent lot is in transition of sale			

Applications

Status Date: 25-Oct-2013

PLA extension

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2010.2	McCollum and Krul, Gary and Jane	13-Aug-2010	1520 McCollum Road\nCreate 7 parcels
Planner: Teresa Ritemann			

Planning Status

Status Date: 03-Oct-2016

No change in status.

Status Date: 30-Jun-2016

Planner received update letter from RDN that the RDN supports 5% cash-in-lieu of parkland dedication for this proposed subdivision

Status Date: 05-May-2016

Staff awaiting a response from the RDN

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

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

Status Date: 14-Mar-2014

PLA received

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 Ritemann			

Applications

Planning Status

Status Date: 03-Oct-2016

No change in status.

Status Date: 03-Sep-2014

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

Status Date: 18-Mar-2014

MOTI sent notification that the subdivision is NOT being approved. If the reasons for non-approval are not overcome in 1 year, the file will be closed. Note that Islands Trust staff re-sent our subdivision referral response as the notice of non-approval indicated that MOTI had not received it.

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

Planner: Teresa Ritemann

Planning Status

Status Date: 03-Oct-2016

No change in status.

Status Date: 07-May-2016

Letter of Undertaking regarding future protection of arch sites received from applicant/owner. Outstanding issues in extended PLA are sewage and drainage requirements.

Status Date: 05-May-2016

Parkland dedication requirement removed b/c it was met through dedication of the 707 Community Park in earlier application. No comments received from Snuneymuxw FN by deadline. As per 26-Apr email to applicant, Staff awaiting a Letter of Undertaking from the applicant regarding the covenants to protect archaeological site.

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 Ritemann

Planning Status

Status Date: 03-Oct-2016

No change in status.

Applications

Status Date: 01-Apr-2016

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

Status Date: 29-Feb-2016

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.1	Williamson & Associates	07-Jan-2016	To create two lots within the SRR zone contained in existing Lot 4 and the northerly portion of existing Lot 5. The southerly boundary of the two SRR lots will be along the current AG zone boundary and will leave the remainder of Lot 5 as a single AG zoned parcel of 15.38 hectares wholly within the ALR.

Planner: Teresa Ritemann

Planning Status

Status Date: 03-Oct-2016

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 03-Feb-2016

Subdivision Referral Report emailed to MOTI. Copied to Gabriola LTC and the Agent.

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 Ritemann

Planning Status

Status Date: 03-Oct-2016

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
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**Applications**

GB-SUB-2016.3 Roundtuit Farms Ltd. 29-Feb-2016 PID: 000-991-694 Create two lots from one on Decourcy. Firehall plot will be severed from main property.

Planner: Marnie Eggen

Planning Status

Status Date:

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-2016.5	SCOTT, DOUGLAS	04-Jul-2016	PID: 006-982-255 and 006-982-247 Civic address: 790 Seagirt Road. Lot line adjustment.

Planner: Teresa Rittemann

Planning Status

Status Date: 03-Oct-2016

No change in status.

Status Date: 03-Aug-2016

Planner completed review. Emailed referral report to MOTI and copied to Gabriola LTC and applicants. Will await PLA from MOTI.

Status Date: 29-Jul-2016

Revised plan received.

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: Aleksandra Brzozowski

Planning Status

Applications

Status Date:

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2016.1	MCAFEE, IAN	09-Oct-2015	PID: 003-135-276 1070 Chappel Place, Gabriola Island. STVR.
Planner: Aleksandra Brzozowski			
Planning Status			
<u>Status Date:</u>			

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending August 2016

620 Gabriola	Invoices posted to Month ending August 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	501.13	998.87
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	1,605.90	3,144.10
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	439.48	160.52
65220-620	LTC - Local Exp - Communications	1,250.00	0.00	1,250.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	525.04	474.96
TOTAL LTC Local Expense		<u>7,600.00</u>	<u>2,570.42</u>	<u>5,029.58</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	1,500.00	32.10	1,467.90
73001-620-4063	Gabriola First Nations Relations	1,500.00	0.00	1,500.00
73001-620-4064	Gabriola Attainable Housing	3,500.00	0.00	3,500.00
TOTAL Project Expenses		<u>6,500.00</u>	<u>32.10</u>	<u>6,467.90</u>

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	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: - 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: - 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 September 2016

New Trust Fund Board Member – Richard Hoops Harrison

The Trust Fund Board (TFB) is happy to welcome Hoops Harrison, recently appointed as a member of the Board by the Minister of Community, Sport and Cultural Development. Hoops has a home on Saturna Island and is actively interested in Islands Trust issues. He is a lawyer specializing in civil litigation and serves as a member of the Patient Care Quality Review Boards for the Fraser Health Authority, Provincial Health Services, and Vancouver Coastal Health Authority. One vacancy remains on the Trust Fund Board; we are awaiting news of another appointment.

2016 Monitoring Reports

The TFB has accepted reports from monitoring contractors on the status of the 26 nature reserves, 24 NAPTEP covenants and 48 conservation covenants held by the Board that are not part of the NAPTEP program. The contractors report no significant issues were identified. The report includes an assessment of whether management objectives are being achieved and public safety issues are being addressed. The monitoring is also valuable for identifying other management issues that need attention.

Thetis Island

The TFB has directed staff to proceed with acquisition of a property on Thetis Island which will become a nature reserve. This is being made possible through a generous donation, an Ecological Gift and a grant from Environment Canada's Habitat Stewardship Program for Species at Risk– a great example of the kind of partnerships required to achieve land conservation on the Islands in the Salish Sea. Full details of the acquisition will be provided once the acquisition is complete.

Meanwhile, the Islands Trust Fund is continuing to support the final year of the Fairyslipper Forest campaign through social media outreach, planning and grant applications. The campaign deadline is June 2017.

Salt Spring Island

The TFB has accepted two conservation proposals to hold covenants on properties on Salt Spring Island with special natural values. Both covenants will be co-held with the Salt Spring Island Conservancy.

The Board has considered possible roles in protecting Owl Island. TFB land protection projects are usually initiated by a proposal from, or on behalf of, a landowner. The TFB is not in a position to be actively involved at this time but will continue to monitor the situation.

Property management activities

A draft revised management plan for the Cyril Cunningham Nature Reserve has been provided to partners for comment.

Hornby Island

A small celebration was held with partners to mark registration of the TFB's second conservation covenant on Hornby Island protecting Garry Oak meadow and mature forest. As often happens, unexpected challenges arose but the TFB is grateful for the landowner's vision and determination to see this protection completed.

Bowen Island

Property management activities

The feasibility of building a viewing platform at Fairy Fen Nature Reserve is being explored. The management plan for Singing Woods Nature Reserve is scheduled for revision.

Denman Island

Property management activities

Discussions are taking place with BC Parks and Denman Conservancy Association about trail relocation at the Morrison March Nature Reserve.

The TFB is negotiating a covenant for the Settlement Lands with the Denman Conservancy Association and has been working with them on the ecological baseline for the properties.

Gabriola Island

Property management activities

Vandalism and trail maintenance are on-going issues at the Elder Cedar Nature Reserve. Staff are seeking design and cost estimates for creating a boardwalk around the large western red cedar tree. A draft management plan for the Burren's Acres Nature Reserve has been circulated to partners.

Lasqueti Island

Property management activities

There is continuing monitoring of the restoration work at the Mount Trematon Nature Reserve following damage caused by trespass activities last year (no repeat problems this year). The management plan for the Kwell Nature Reserve will be revised next year.

North Pender Island

Property management activities

Three beautiful and informative interpretive panels have been installed in a kiosk at the Medicine Beach Nature Sanctuary, with thanks to our partner the Pender Island Conservancy Association for coordinating, and thanks to Tsartlip elder and language teacher John Elliott and forage fish expert Ramona de Graff for sharing their knowledge and time.

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



File No.: 3030-02 (LTC General)

DATE OF REPORT: October 6, 2016

TO: Denman Island Local Trust Committee
Executive Committing Acting as a Local Trust Committee (**Ballenas-Winchelsea Islands**)
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Thetis Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Office

SUBJECT: 2017 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. **That the** *[insert name of Local Trust Committee]* **schedule its regular business meetings on the following dates:** *[insert meeting dates as noted and/or amended]*.

REPORT SUMMARY

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2017. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 6, 2016
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ATTACHMENT

1. Tentative 2017 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2017 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 31*	January 12 February 9	January 26 (Alt. Feb. 2) March 23	February 3	February 27	February 21	April 19
	March 7	March 9	April 27	March 31*	April 24	April 18	July 19 (Alt. July 12)
	May 2	May 11	May 25	May 5	June 26	June 27*	
	June 6	June 8	July 27	July 7	September 18*	August 29*	
	August 1	July 13	August 31*	September 8*	October 23	October 17	October 11 (Alt. Oct. 4)
	October 3	September 7*	October 26	November 3	November 27	December 12*	
	November 14*	October 12 December 14	November 30*				
Total	7	9	8	6	6	6	3

Day	1 st Tuesday	2 nd Thursday	4 th Thursday	1 st Friday	4 th Monday	3 rd Tuesday	Wednesday
Time	10:30 am	10:15 am	10:30 am	11:30 am	11:00 am	9:15 am	10:30 am
Location	Denman Seniors Hall	Gabriola Arts Council	TBD	Room to Grow	Judith Fisher Centre/The Arts Centre	Thetis Community Centre (Forbes Hall)	Northern Office (Gabriola)

*Meeting moved from designated day due to scheduling conflict

Key Dates

Stat Holidays	Jan. 2; Feb.13; Apr 14,17; May 22; July 3; Aug.7; Sept.4; Oct.9; Nov.13; Dec.25,26
LGLA Conference	Feb.1-3
SD 46 (Sunshine Coast) Spring Break	Mar.13-24
SD 68 (Nanaimo) Spring Break	Mar. 20-31
SD 69 (Qualicum) Spring Break	Mar 13-24
SD 71,79 (Comox /Cowichan) Spring Break	Mar. 20-24
AVICC Conference	April 7-9
LGMA Conference	May 16-18
PIBC Conference	May 30-June 2
CIP Conference	June 17-20
UBCM Conference	Sept. 25-29
Trust Council (TC)	March 14-16; June 20-22; Sept 12-14; Dec. 5-7
Executive Committee(EC)	Jan. 18; Feb. 8; Mar. 1, 14; Apr. 5, 26; May 17; June 7, 20; July 12; Aug. 2, 30; Sept. 12; Oct. 4, 25; Nov. 8, 22; Dec. 5
Trust Programs Committee (TPC)	Feb. 20; May 29; Aug. 21; Nov. 6
Local Planning Committee (LPC)	Feb. 16; May 24; Aug. 17; Nov. 16
Financial Planning Committee (FPC)	Jan. 17; Feb. 28; May 31, Aug. 23; Oct. 18; Nov. 15
Trust Fund Board (TFB)	Feb. 7; Apr. 4; May 30; July 18; Sept. 26; Nov. 21

GABRIOLA DIRECTORY
SINCE 1991

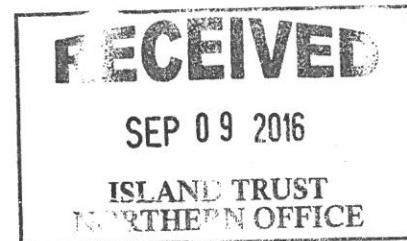
685 Crestwood Road, Gabriola Island, B.C. V0R 1X4

Tel: 247-8799 Cell: 716-6859
Email: gabrioladirectory@shaw.ca • Website: gabrioladirectory.com

September 1, 2016

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

Renewal Notice/Invoice for 2017 Gabriola Directory
Deadline for info and payment: October 30, 2016



full page (discounted to 1/2 page price), inside full page \$360.00 + , . , . ,
+ (extra categories) + (Spot Colour if any)

AD:	360.00
(Extras)	
(Colour)	
GST:	\$18.00
TOTAL:	\$378.00
If paid by October 30, 2016	

PAYMENT OPTIONS: Add 10% late fee to payments made after midnight October 30.

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

THANK YOU. PLEASE RETAIN TOP SECTION FOR YOUR RECORDS.

PLEASE INCLUDE THIS SECTION WITH PAYMENT.

- ☐ Continue my ad as is, or
☐ Continue my ad with the following changes:

Change _____

- ☐ CONTINUE MY AD - NEW SIZE ...see application form at gabrioladirectory.com for rates.
☐ CONTINUE MY AD - ADD RED ...see application form at gabrioladirectory.com for rates.

Your email address if changed from last year: _____

NOTE: Proofing your display ad is important so the earlier you get your new information to us the more time we have to make sure everything is correct.. Please provide an email address where your proof can be sent.

For Office Use: Islands Trust, Northern Planning Office full page (discounted to 1/2 page price) • inside full page, . , . , . Ad(s): \$360.00 +
(Spot Colour) \$ + (any extra categories) Subtotal: \$360.00 + 5% GST: = \$378.00
GST # No.861458891



Islands Trust *preserving island communities, culture and environment*

The Islands Trust is a unique federation of independent local governments which plan land use and regulate development in the trust area. The Gabriola Island Local Trust Area elects two local trustees every three years. Together, with an appointed chair from the Executive Committee, they are responsible for land use planning and regulation in the Gabriola Island Local Trust Area, excluding First Nation reserves. This ensures that land use decisions are made by the locally elected people who are part of the island community. Gabriola's local trustees also sit on the Islands Trust Council, which makes decisions about regional matters for the entire Islands Trust Area.

Your Gabriola Island Local Trust Committee Members for 2014-2018

Trustee: Melanie Mamoser	250.247.2008 Email: mmamoser@islandstrust.bc.ca
Trustee: Heather O'Sullivan	250.247.9574 Email: hosullivan@islandstrust.bc.ca
Chair: Trustee: Laura Busheikin	250.335.2089 Email: lbushiekin@islandstrust.bc.ca

Islands Trust Staff Contacts

If you have technical questions about zoning and land use or about bylaw enforcement information please contact the planning staff for the Gabriola Island Local Trust Area:

Website: <http://www.islandstrust.bc.ca/connect/contact-staff.aspx>

Northern Planning Office: 700 North Road Gabriola Island BC	250.247.2063
Toll Free via Enquiry BC	1.800.663.7867
Fax:	250.247.7514
General Enquiries E-mail:	northinfo@islandstrust.bc.ca
Web:	www.islandstrust.bc.ca

Hours of operation: Monday to Friday, 8:30a.m - 4:00p.m.

If you have questions about how you can help protect land in the Islands Trust Area please contact:

Islands Trust Fund: 200-1627 Fort Street Victoria BC V8R 1H8	250.405.5186
Toll Free via Enquiry BC	1.800.663.7867
General Enquiries Email:	itfmail@islandstrust.bc.ca
Web:	www.islandstrustfund.bc.ca

To receive email notification about Islands Trust news and meeting notices please sign up at:
<http://www.islandstrust.bc.ca/connect/stay-informed.aspx>



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