

Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: October 12, 2017
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

	Pages
1. CALL TO ORDER	10:15 AM - 10:15 AM
<i>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</i>	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	10:15 AM - 10:25 AM
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES	10:25 AM - 10:30 AM
6.1 Local Trust Committee Minutes dated September 7, 2017 – for adoption	3 - 11
6.2 Section 26 Resolutions-Without-Meeting - none	
6.3 Advisory Planning Commission DRAFT Minutes dated August 17 - for receipt	12 - 15
7. BUSINESS ARISING FROM MINUTES	10:30 AM - 11:00 AM
7.1 Follow-up Action List dated October 4, 2017	16 - 18
7.2 Letter of Support dated September 26, 2017 from Trustee Mamoser regarding Mudge Island Citizens Society Capital Project Grant Application	19 - 20
7.3 Advancing the Local Trust Committee Work Program - discussion	
8. DELEGATIONS	
9. CORRESPONDENCE	
<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10. APPLICATIONS AND REFERRALS	11:30 AM - 12:00 PM
10.1 GB-DVP-2017.2 (Usher) - Staff Report	21 - 42

10.2	GB-LCB-2017.1 (Surf Lodge (1019155 BC Ltd.)) - Staff Report	43 - 50
11.	COMMUNITY STEWARDSHIP AWARDS PRESENTATION	12:00 PM - 12:30 PM
12.	LOCAL TRUST COMMITTEE PROJECTS	12:30 PM - 1:30 PM
12.1	Housing Options Review Project - Staff Report	51 - 68
13.	REPORTS	1:30 PM - 2:15 PM
13.1	Work Program Reports	
13.1.1	Top Priorities Report dated October 4, 2017	69 - 69
13.1.2	Projects List Report dated October 4, 2017	70 - 72
13.2	Applications Report dated October 4, 2017	73 - 79
13.3	Trustee and Local Expense Report dated August, 2017	80 - 80
13.4	Adopted Policies and Standing Resolutions	81 - 81
13.5	Local Trust Committee Webpage	
13.6	Chair's Report	
13.7	Trustee Reports	
13.8	Electoral Area Director's Report	
13.9	Trust Fund Board Report - none	
14.	NEW BUSINESS	
15.	UPCOMING MEETINGS	1:15 PM - 2:20 PM
15.1	Next Regular Meeting Scheduled for Thursday, December 14, 2017 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC	
16.	TOWN HALL	2:20 AM - 2:30 PM
17.	CLOSED MEETING - none	
18.	ADJOURNMENT	2:30 PM - 2:30 PM



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: September 7, 2017
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
 Teresa Rittemann, Planner 2
 Lisa Millard, Recorder

Others Present Miles Drew, Bylaw Enforcement Manager
 There were approximately 12 (twelve) 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 territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

7.1.1 Trustee Receipt of Resolutions

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS - none

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes dated July 13, 2017 – for adoption

The following amendments to the minutes were presented for consideration:

On page 5, in second section, in the last sentence change the word will to the word would so it reads "It was noted that even though a property might not have farm status they would be allowed..."

On page 6, Section 11.2, revise the second paragraph so it reads "Trustee O'Sullivan stated that she wanted it noted that she is on the Steering Committee of the Truth and Reconciliation Series on Gabriola Island. She also mentioned Brian Thom, a University of Victoria Associate Professor and Hul'qumi'num Treaty Group based mapping expert, may be a potential speaker for the First Nations Relationship Building Project.

On page 8, Trustee Reports, third bullet point of Trustee O'Sullivan's report remove the e from the word local.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated August 30, 2017

Received for information.

6.3 Advisory Planning Commission Minutes (Draft) dated March 22, 2017, for information

Received for information.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 30, 2017

Received for information

7.1.1 Trustee Receipt of Resolutions

Discussion ensued regarding the time frame in which the Trustees receive a copy of the resolutions made during Local Trust Committee (LTC) meetings. It was noted that resolutions are added to the Resolutions Roster following the receipt of the draft meeting minutes.

GB-2017-116

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff explore a process to make resolutions available in a timely manner.

CARRIED

7.2 Bylaw Enforcement (Short Term Vacation Rentals) - Staff Report

Bylaw Enforcement Manager Drew summarized the staff report.

Discussion ensued and the following points were made:

- The proposed education and enforcement plan is similar to programs implemented on other islands within the Trust area.
- The process, as outlined in the table in the staff report, is intended to provide short-term vacation rental (STVR) operators with information about correct procedures that need to be put in place in order to legally operate a STVR.

- The Temporary Use Permit (TUP) has been available for several years.
- There are only two TUPs currently issued for STVRs.
- There are currently up to twelve STVRs operating without a TUP.
- A potential advantage of an education and enforcement program is that it educates the entire community, including STVR operators, about the issue.
- Trustee O'Sullivan would like it noted that the LTC did not give direction to use pro-active enforcement and that the LTC had previously identified that an educational component is important.
- Trustees have concerns about the proposed scope of the project.

GB-2017-117

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request planning staff to provide a question and answer and a press release regarding the requirements of the legal operation of short-term vacations rentals on Gabriola Island.

CARRIED

Bylaw Enforcement Manager Drew left the meeting at 10:53 am and Planner Ritemann arrived at the meeting at 10:54 am.

8. DELEGATIONS

8.1 Village Vision Planning Committee - Presentation and Report

Dyan Dunsmoor-Farley acknowledged members of the Village Vision Planning Committee in attendance and summarized the following:

- The project background and overview.
- The community engagement processes that were undertaken.
- Issues within the community that can be addressed through a village core plan.
- The need for cross governmental involvement.
- The recommendation that the LTC imbed the priority actions listed in the report.

Trustees thanked the committee for their efforts and stated that the document is an excellent resource. It was noted village planning is currently on the projects list and the document should be attached to the file for future reference.

GB-2017-118

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to add the Village Vision final report document to the resource section of the Gabriola Island Local Trust area of the Islands Trust website.

CARRIED

8.2 Road Designations

Jeremy Baker spoke regarding the state of local roads and made the following comments:

- Island Health has developed classifications for islands in regard to ruralness and Gabriola Island has been classified as an accessible island.
- A previous LTC sent a letter to the Ministry of Transportation and Infrastructure (MOTI) requesting that the roads on Gabriola Island be kept to rural standards.
- MOTI states that they can only do work on roads if the work is done to modern standards and because our roads are classified as rural this work will not be done.
- The LTC has indicated that bike paths should be included whenever a new road is built, or when roads are upgraded, but roads will not be upgraded by MOTI unless the road status is changed from a rural designation.
- He requested that the LTC send a letter to MOTI requesting that road status be upgraded from rural so that MOTI will be able to fix the roads.

Planner Zupanec noted that there is a letter of agreement between MOTI and Islands Trust, and an amending letter dated in 1996, which establishes road standards and any follow up to these letters would need to be undertaken by Trust Council. It was suggested that Mr. Baker attend an upcoming Trust Council meeting as a delegate and address his concerns.

9. CORRESPONDENCE

9.1 Email dated July 13, 2017 from John Pierce of Namaste Farm regarding Commercial Demand Forecast Report

Received for information. Trustees noted that the report is a valuable document and staff indicated that the report will be posted on the website.

10. APPLICATIONS AND REFERRALS

10.1 GB-DVP-2017.1 and GB-DP-2017.2 Weston (Zane) - Staff Report

Planner Ritemann summarized the staff report.

Discussion ensued and Trustees noted the following:

- Comments from the Snuneymuxw First Nation and the Provincial Archaeology Branch have not yet been received regarding this application and referrals would have been forwarded to these agencies had an application for a Development Permit been made.
- There is support for the covenant and the mitigation measures that have been recommended.

GB-2017-119

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee delay consideration of GB-DVP-2017.1 and GB-DVP-2017.2 until receipt of further comment from Snuneymuxw First Nation and the Archaeology Branch.

CARRIED

GB-2017-120

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to enter into a Cost Recovery Agreement allowing Islands Trust legal counsel to draft and/or review a covenant for property PID: 009-796-045; District Lot 19 (Flat Top Islands), Nanaimo District in respect of Development Variance Permit GB-DVP-2017.1.

CARRIED

GB-2017-121

It was MOVED and SECONDED

that, prior to issuance of Development Variance Permit GB-DVP-2017.1, a restrictive covenant be registered on title, in favour of the Gabriola Island Local Trust Committee in priority to all financial charges and that is delivered in a form satisfactory to the Gabriola Island Local Trust Committee, and that stipulates the following:

- a) Remediation of riparian vegetation and habitat along the marine shoreline;
- b) Protection of the marine shoreline from erosion, which includes a soft-engineered approach. A baseline erosion and sediment control study will be established in the present and monitored in the future to determine if the riprap wall is having long-term cumulative negative impacts on the surrounding shoreline. If it is found that there is a net-negative impact, then the owner must hire a bioengineering specialist with experience in shoreline stabilization for specific design and installation requirements for this site;
- c) Protection of the following sensitive habitats to restrict future development and motorized vehicle access, and to provide maximum protection for any sensitive Species at Risk that possibly reside in these areas: a 15 metre riparian buffer setback to the two seasonal wetlands; a 15 metre riparian buffer setback to the year-round freshwater pond, a 15 metre riparian setback to all marine shorelines, a 100 metre buffer around each identified eagle nest tree, and the protection of identified Garry Oak trees and their habitats; and
- d) Protection of known or potential archaeological sites; this shall include the requirement to complete Archaeological Impact Assessments, as required under a Heritage Conservation Act Permit.

CARRIED

By general consent the meeting was recessed for a break at 11:53 am and was reconvened at 12:15 pm.

11. LOCAL TRUST COMMITTEE PROJECTS - None

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated August 30, 2017, 2017

Discussion ensued regarding the various projects on the projects list and if there is any opportunity to move any of them to the Top Priorities List so that they can potentially be completed in the last year of the current term. The feasibility of contracting some aspects of projects was also considered. It was suggested that a work planning and budget request session be added to the October, 2017 LTC regular meeting agenda.

GB-2017-122

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff review the top priorities to see if any of them would be a good fit for a contractor.

CARRIED

It was noted that the RDN is responsible for park designations and that the development of a new ecological protection zone for the land use bylaw (LUB) project could be moved off of the Top Priorities List at this time.

GB-2017-123

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee remove Developing a New Ecological Protection Zone for the Land Use Bylaw from the Top Priorities List and place it on the Projects List and replace it with Review of Mudge Island Lot Coverage Regulations.

CARRIED

GB-2017-124

It was MOVED and SECONDED

to remove Gabriola Water Taxi Feasibility and First Nations Relationship Building from the Projects List.

CARRIED

12.1.2 Projects List Report dated August 30, 2017

Received for information.

12.2 Applications Report dated August 30, 2017

Planner Zupanec noted that the RDN would not be looking at GB-RZ-2016.1 Potlach Properties until their next scheduled meeting in October.

12.3 Trustee and Local Expense Report dated June and July, 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

It was suggested that a link to the obituary of past Gabriola Trustee Terry Hanna be added to the webpage.

12.6 Chair's Report

Chair Busheikin reporting the following:

- She will be attending the upcoming Trust Council meeting being held on Denman Island.
- The Denman Island community will be having a four day intensive planning design program regarding their downtown / village area.

12.7 Trustee Reports

Trustee Mamoser reported the following:

- In August she attended the book launch for the book "Travelling Through Time Gabriola Island", which is the Museum's new guidebook of the island's historic sites, and she highly recommends the book.
- In August she attended Fiona MacRaild's presentation about the Douglas Treaty and First Nations relationship building which was held on Mudge Island and noted that public attendance was high.
- She attended the Local Planning Committee meeting in August and was elected as Chair. The committee is working several projects including the housing needs assessment in which a contractor will be hired to co-ordinate outreach to the community and model bylaws for cell tower installation, marine and shoreline planning, and protection of coast douglas fir eco systems.
- She will be monitoring the results of the Saltspring Island incorporation vote.
- She will be attending the upcoming Trust Council meeting.

Trustee O'Sullivan reported the following:

- She attended the Well and Groundwater Workshop organized by Islands Trust, the RDN and the Provincial Government, and reported that public attendance was high.
- She is on the Trust Programs Committee which will be looking at a fresh water sustainability project in which part of the project will include looking at the initiatives on various islands and gathering information for comparison purposes.
- On September 30 Taiaiake Alfred will be providing a workshop on Indigenous Resurgence and a public lecture about decolonization as part of the inaugural event for the Truth and Reconciliation Series on Gabriola.

- This week Rob Greenfield, author of the book “Dude Making a Difference”, will be doing an author talk at the library followed by a bike ride.

2.8 Electoral Area Director's Report - None

12.9 Trust Fund Board Report - None

13. NEW BUSINESS – None

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, October 12, 2017 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

15. TOWN HALL

A member of the audience noted that there are current concerns about cycling, traffic and roads, and suggested that a Transportation Advisory Planning Commission be established as he is aware of three individuals who are interested in sitting on the committee. Trustee O’Sullivan indicated that previously there had not been adequate expressions of interest and instead a list of agencies was identified for the purpose of referring transportation issues for comment. Planner Zupanec stated that the Advisory Committee bylaw requires a minimum number of members and that there are not any current projects that would require referral to a transportation committee. He indicated that an ad hoc committee was also being considered by the interested individuals.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2017-125

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering appointments of Mudge Island Advisory Planning Commission Members and adoption of In-Camera Meeting Minutes dated June 8, 2017 and that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Busheikin reconvened the regular meeting at 1:21 pm.

16.3 Rise and Report

Chair Busheikin reported that in the closed meeting Linda Carroll, Dale Erikson, Doug MacDonald, Don Mallett and Suzanne Jakobsen were appointed to the Mudge Island Advisory Planning Commission.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:22 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder



Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting: Thursday August 17, 2017

Location: Gabriola Island Agricultural Hall
465 South Road, Gabriola, BC

APC Members Present: Bob Andrew
Penelope Bahr
Stuart Denholm
Anne Landry
Jeff Malmgren
Bill McCaugherty
Angela Pounds

Staff Present: Sonja Zupanec, Island Planner
Theresa Ritemann, Planner 1
Lisa Millard, Recorder

Others Present: There were two members of the public present

1. CALL TO ORDER

Planner Zupanec called the meeting to order at 7:00 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

There were no minutes to review or approve.

4. BUSINESS ITEMS

4.1 Selection of Chair, Vice-Chair, and Secretary.

Jeff Malmgren was appointed as Chair by a majority of the Advisory Planning Commission (APC) members.

Madeleine Ani had advised Anne Landry by telephone that she would like to express interest to stand as Vice Chair and she was appointed as such by a majority of the APC members.

None of the APC members in attendance expressed interest to stand as Secretary and this matter was deferred to a future meeting.

5. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE

5.1 To review proposed Bylaw No. 292 (Official Community Plan) and Bylaw No. 293 (Land Use Bylaw) and provide general or detailed comments on the policy and regulatory changes being considered

Planner Zupanec summarized the timeline of the Housing Options Review project and the proposed bylaws and noted the following:

- The primary changes to Bylaw No. 292 include changes to, and deletion of, definitions within the bylaw.
- The significant changes to Bylaw No. 293 include:
 - New configurations allowed for secondary suites.
 - Allowing the resident(s) of a secondary suite to operate a home based business in addition to the resident of the primary dwelling.
 - Changes related to secondary suites located on properties within the Agricultural Land Reserve (ALR) regardless of farm status.
 - Allowing bathrooms and kitchens in accessory buildings due to the legitimate needs of home based business operations.
 - A restrictive covenant for the purpose of preventing the registration of strata property title at the Land Titles Office.

Planner Zupanec left the meeting at 7:45pm.

The Chair asked if there were any questions or comments regarding proposed Bylaw No. 292 and there were none.

Discussion ensued regarding proposed Bylaw No. 293 and the following general comments were noted:

- Affordable housing is not part of the overall scope of the Housing Options Review project and resultant bylaws.
- A potential result of an increase in housing options might be affordability, and the bylaws might set the groundwork for future work on affordable housing options.

The following comments were noted regarding allowing an additional suite to be built on non farm status properties located within the ALR:

- This has the result of the creation of an additional 135 densities.
- These additional densities do not benefit affordable housing.
- There should be a requirement that a property has farm status in order to build a second additional suite.
- Has the Local Trust Committee (LTC) identified an actual need for these additional suites?
- This results in non farm status property owners within the ALR having an advantage over individuals with property outside of the ALR.
- The Official Community Plan (OCP) allows an increase in densities for senior's housing and affordable housing and this increase appears to be in contravention of the OCP.

Planner Ritemann left the meeting at 8:15 pm.

The following comments were noted regarding the restrictive covenant:

- It is necessary to prevent strata property registration and this is supported by the APC.
- The language, and intent, that allows the covenant to be discharged is supported by the APC.
- There is a desire by some APC members to fast track the covenant by removing it from these particular bylaws and adopting it as an independent regulation.
- It is being implemented due to a loop hole at the Land Titles office and perhaps there is a means of looking at the necessity for said covenant on a periodic basis should the loophole be closed.
- It was questioned why properties within the ALR are excluded from the application of the restrictive covenant.

The following comments were noted regarding the allowance of kitchens and bathrooms in accessory buildings:

- There should be a requirement to prove that there is adequate septic and water available for this use.
- In general, the APC supports this change.

The Chair indicated that he would like to summarize the comments and concerns stated by the APC, circulate said summary amongst the APC, and submit the document to the LTC at a later date. It was noted that the Minutes of the meeting will reflect said comments and concerns and that the Minutes, once adopted, become part of the public record.

GB-APC-2917-003

It was MOVED and SECONDED

that the Advisory Planning Commission requests that the Gabriola Island Local Trust Committee review the minutes of the August 17, 2017 Advisory Planning Commission meeting.

CARRIED

GB-APC-2017-004

It was MOVED and SECONDED

that the Advisory Planning Commission requests that the Gabriola Island Local Trust Committee provide their rationale to the Advisory Planning Commission for allowing an additional suite on properties located within the Agricultural Land Reserve that are operating without farm status resulting in the creation of new densities.

CARRIED

GB-APC-2017-005

It was MOVED and SECONDED

that the Advisory Planning Commission recommend that the Gabriola Island Local Trust Committee move forward with adopting Bylaw No. 292.

CARRIED

Stuart Denholm noted for the record that he opposed the above motion.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 9:02 pm.

Jeff Malmgren, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gabriola Island

07-May-2015

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

14-Jan-2016

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

08-Sep-2016

Activity	Responsibility	Target Date	Status
For RDN annual meeting agenda for 2017 - ADD: 1. Enforcement of RDN Noise Bylaw; 2. Mudge Island Public Dock; 3. Regulations for temporary dwellings being connected to a sewage disposal system			On Going

30-Mar-2017

Activity	Responsibility	Target Date	Status
----------	----------------	-------------	--------

**Follow Up Action Report**

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

Becky McErlean
Sonja Zupanec

11-May-2017

On Going

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

08-Jun-2017

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

13-Jul-2017

Activity	Responsibility	Target Date	Status
First Nations Relationship with Snuneymuxw Nation: LTC resolution to endorse the project charter and commit to hosting one or two public events on Gabriola and/or Mudge. Request staff draft an amendment to the introduction of the OCPs as per staff recommendation. Event #1: Mudge Island (August 8th)	Ann Kjerulf Fiona MacRaid	31-Jul-2017	On Going
Housing Options Review Project: -Bylaws 292 and 293 given first reading as amended - update and post to web. -staff to prepare a FAQ document for immediate distribution on web. -staff to report back to LTC with advice on draft policy language for BL 292 that addresses the LTCs discretion to discharge a covenant in lieu of an affordable housing opportunity.	Becky McErlean Sonja Zupanec	17-Jul-2017	On Going

07-Sep-2017

Activity	Responsibility	Target Date	Status
----------	----------------	-------------	--------

**Follow Up Action Report**

LTC resolution - request staff to update the LTC resolution list as soon as possible after each meeting and make available on WebDAV for Trustee access.	Penny Hawley Wil Cottingham	15-Sep-2017	On Going
Request staff to prepare a FAQ document on the use of STVRs on Gabriola for posting to the web and potential press release on the legal use of STVRs.	Ian Cox	29-Sep-2017	On Going
Staff to post village vision final report and commercial forecast report to the resources section of the Gabriola LTC webpage.		08-Sep-2017	Done
GB-DVP-2017.1 - LTC resolution to defer consideration of the applications until First Nation and Arch Branch input are received. Enter into cost recovery agreement with the applicant for preparation of restrictive covenant. See minutes of Sept 8 for LTC requested changes to covenant restrictions.	Teresa Rittmann	29-Sep-2017	On Going
Staff to review top priorities list and report back to LTC in October on potential options to contract out work to advance top priorities in this term.	Ann Kjerulf	29-Sep-2017	On Going
Remove eco-protection zone from Top Priority List and add to Project List. Replace with Mudge Island targeted review of lot coverage regulations.	Sonja Zupanec		Done
LTC request that obituary of Terrance Hanna be linked to Latest News on Gabriola web page with LTC condolences. http://www.southernnews.com/obituaries/	Wil Cottingham	11-Sep-2017	Done



Melanie Mamoser
Gabriola Island Local Trustees
Islands Trust
700 North Road
Gabriola Island, BC VOR 1X3

Re: Mudge Island Citizens Society Capital Project Grant Application

September 26, 2017

To Whom It May Concern,

I am writing to express my support for the Mudge Island Citizens Society (MICS)'s initiative to build a space to house their fire trucks and other emergency equipment on Mudge Island. Mudge Island does not have ambulance or fire services and the MICS has been working tirelessly over the years to build up their emergency response capacity.

The Islands Trust is a regional government established by the province in 1974 to "preserve and protect the Trust area and its unique amenities and environment" for the benefit of its residents and all British Columbians. The Trust Area is home to about 25,000 people, with the Gabriola Local Trust Area being an unincorporated area representing a population of 4,045 over several islands including Mudge Island. The Gabriola Local Trust Committee is responsible for land use decisions in our jurisdiction, including the development of official community plans and zoning bylaws for Mudge Island.

Mudge's Official Community Plan supports the provision of suitable emergency and fire protection facilities recognizing that individual and community responsibility and participation is key to making this happen. I commend the MICS for its role in supporting this important community goal.

As an elected trustee, I fully support the MICS and I believe its work is consistent with the Mudge Island Official Community Plan and is consistent with the overarching Trust goal of preserving and protecting island communities, culture and environment.

I hope that you will find the Mudge Island Citizen Society's application to be a good fit for your grants program. If you require more information, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'M. Mamoser'.

Melanie Mamoser
Gabriola Island Local Trustee
Islands Trust
(250) 247-2008
mmamoser@islandstrust.bc.ca
www.islandstrust.bc.ca

cc Gabriola Island Local Trust Committee



DATE OF MEETING: October 12, 2017
TO: Gabriola Island Local Trust Committee
FROM: Madeleine Koch, Planner 2
Northern Team
SUBJECT: Development Variance Permit Application
Applicants: Fran and Steven Usher
Location: 762 Sea Girt Road

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit No. GB-DVP-2017.2 with the following variances to Section D.1.1.3(a)(i) of the Gabriola Island Land Use Bylaw No. 177, 1999:

- a) To reduce the permitted front lot line setback from 6.0 metres to 3.0 metres to permit the construction of a garage as shown in the proposed site plan and elevation drawings;
- b) To reduce the permitted interior lot line setback from 1.5 metres to 0.5 metres to legalize the location of three existing water cisterns, 2.1 metres in height, as shown on the proposed site plan ;

Subject to the condition that, prior to issuance, the property owner shall be required to obtain a permit from the Ministry of Transportation and Infrastructure pursuant to Sections 62 and 90 of the *Transportation Act*.

REPORT SUMMARY

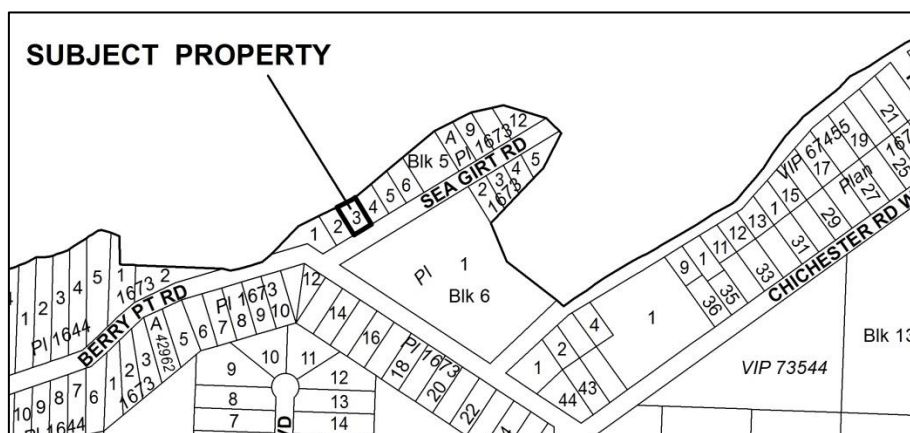
The Gabriola Island Local Trust Committee (LTC) is asked to consider application GB-DVP-2017.2, which involves a request for two variances to Section D.1.1.3(a)(i) of the Gabriola Island Land Use Bylaw No. 177, 1999 (LUB) (front and interior lot line setbacks) to facilitate the construction of a garage and to legalize three existing water cisterns with a maximum height of 2.1 metres.

BACKGROUND

The subject property is approximately 0.08 hectares (0.2 acres) in size, and is located on the waterfront side of Sea Girt Road. The existing single family dwelling on the lot is a maintained heritage home which was constructed in the 1930s, according to the applicants. Historic subdivision of the area has left the subject property without any accessory buildings except for a small woodshed. Three rainwater cisterns are located on the south western portion of the subject property, and provide the principal source of water for the property.

The applicants propose to construct a 3.96 metre tall single car garage on their property at 762 Sea Girt Road. They are requesting a front lot line setback variance because the subject property has limited space for a garage and abiding by the 6 metre setback regulation would require the garage to be constructed in the middle of the property's small yard.

The applicants are also requesting an interior lot line variance to legalize the location of three existing rainwater cisterns, which are located 0.5 metres from the south western interior lot line (encroaching 1 metre into the 1.5 metre interior lot line setback). The three rainwater cisterns are roughly equivalent in height, with the tallest being ± 2.1 metres. The cisterns were in place when the applicants purchased the property, and at that time, the applicants were not aware that cisterns are considered “structures” in accordance with the LUB and subject to lot line setbacks. While this application was initially made for the sole purpose of varying the front lot line setback to accommodate the garage, following discussions with staff, the applicants decided to take this opportunity to request a setback variance to legalize the cisterns in their existing location.



The applicants’ rationale for requesting the variances is attached to this report.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

4.4.7 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies that promote efficient use of freshwater resources, including cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.

Official Community Plan:

Section 7.4 Water Supply

Policy a) Methods of water conservation such as low water use fixtures, retention of rainwater and runoff in cisterns and ponds and other means shall be encouraged.

The Islands Trust Policy Statement and the Gabriola Island Official Community Plan both support the use of rainwater cisterns. This proposal would facilitate the continued use of an effective rainwater catchment system, without necessitating onerous retrofits and damage to mature trees as a result of moving the cisterns outside of the setback area

Land Use Bylaw:

Section D.1.1.3(a)(i) of the Gabriola Island Land Use Bylaw No. 177 states:

On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is:

- 6.0 metres (19.7 feet) from the front lot line;
- 4.5 metres (14.8) from any exterior side lot line; and
- 1.5 metres (4.9 feet) from any interior lot line.

MOTI Requirements

The requested 3.0 metre front lot line setback requires a setback permit from the Ministry of Transportation and Infrastructure (MOTI), for encroachment into MOTI's 4.5 metre setback from public roadways in accordance with the *Transportation Act*. While this permit has not yet been issued, MOTI staff have indicated that they do not have concerns with the application and anticipate that a permit will be issued the week of October 2nd.

Issues and Opportunities

Based on observations during a staff site visit, the proposed garage location would appear more in keeping with the neighbourhood character than if the building were to comply with the 6 m setback. The front property line intersects a wooded area, approximately half of which is technically located on the road right of way, but visually appears to be part of the subject property. The wooded area acts as a screen that would partially shield the garage from view from the road. Locating the building in compliance with the setback would also have a greater visual impact on neighbouring properties, and fragment the property's small yard.

Two arbutus trees are located in the wooded area, one of which has a root near the proposed footing of the garage. It is possible that this tree's roots may be damaged during construction, which could negatively impact the health of the tree. The applicant has indicated that most of the trees in the wooded area appear to have roots running parallel with the road, and they are not expected to be impacted by the proposed development.

While the garage would be well outside the setback from the sea if compliance with the 6 metre front lot line setback was required, the proposed variance would further increase the separation between the building and the shoreline, which could potentially reduce runoff impacts.

The applicants have indicated that moving the cisterns to bring them into compliance with the permitted setback would require onerous retrofitting of the existing catchment system and would necessitate damage and/ or removal of nearby mature trees. Visual impacts on the adjacent property are minimal, as the cisterns are screened by an existing fence.

Consultation

Statutory Requirements

In accordance with Section 499 of the *Local Government Act* and Gabriola Local Trust Committee Bylaw No. 114, notification was sent to property owners and occupants within a 100 metre radius of the subject property. At the time of report preparation, one response in favour of the application had been received and is attached to this report.

Please note that the applicants solicited input from their neighbours prior to making their application and included the responses as part of their application package. These are attached to the staff report.

Rationale for Recommendation

Staff recommend that the requested variance to allow the cisterns to remain in their existing location be approved given that:

- Moving the cisterns would be an arduous task with the potential to cause environmental damage;
- The existing cistern location has not been a problem to date;

- The existing location frees up extra yard space on the lot; and
- Islands Trust policy clearly supports rainwater catchment systems.

Staff recommend that the front lot line setback variance be approved to allow the construction of a single car garage given that:

- The proposed garage location would free up yard space, better complement the existing neighbourhood character than if the garage were located outside of the setback area, and would somewhat increase the separation between the new building and the shoreline.
- At 40.6 square metres (436.9 square feet) in area and 3.96 metres in height, the proposed single car garage is a modest building which would have a minimal impact on the landscape.

The staff recommendation can be found on Page 1 of this report.

ALTERNATIVES

1. Request further information

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust *[further information]*.

2. Deny the application

That the Gabriola Island Local Trust Committee deny application GB-DVP-2017.2 for the follows reasons: *[list reasons]*.

NEXT STEPS

If the Local Trust Committee approves the application, a permit will be prepared and issued by staff upon receipt of confirmation that a MOTI setback permit has been issued; notice of the permit will then be sent to Land Titles to be registered on the title of the property.

Submitted By:	Madeleine Koch, MCIP, RPP Planner 2	September 29, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 29, 2017

ATTACHMENTS

1. Site Context
2. Site Plan
3. Elevation Drawings
4. Application rationale from applicants
5. Addendum rationale regarding water cisterns
6. Responses to Islands Trust notification
7. Neighbour input solicited by applicants
8. Photographs

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 3, Block 5, Section 22, Gabriola Island, Nanaimo District, Plan 1673
PID	006-982-123
Civic Address	762 Sea Girt Road

LAND USE

Current Land Use	Single family residential
Surrounding Land Use	Single family residential

HISTORICAL ACTIVITY

None on record

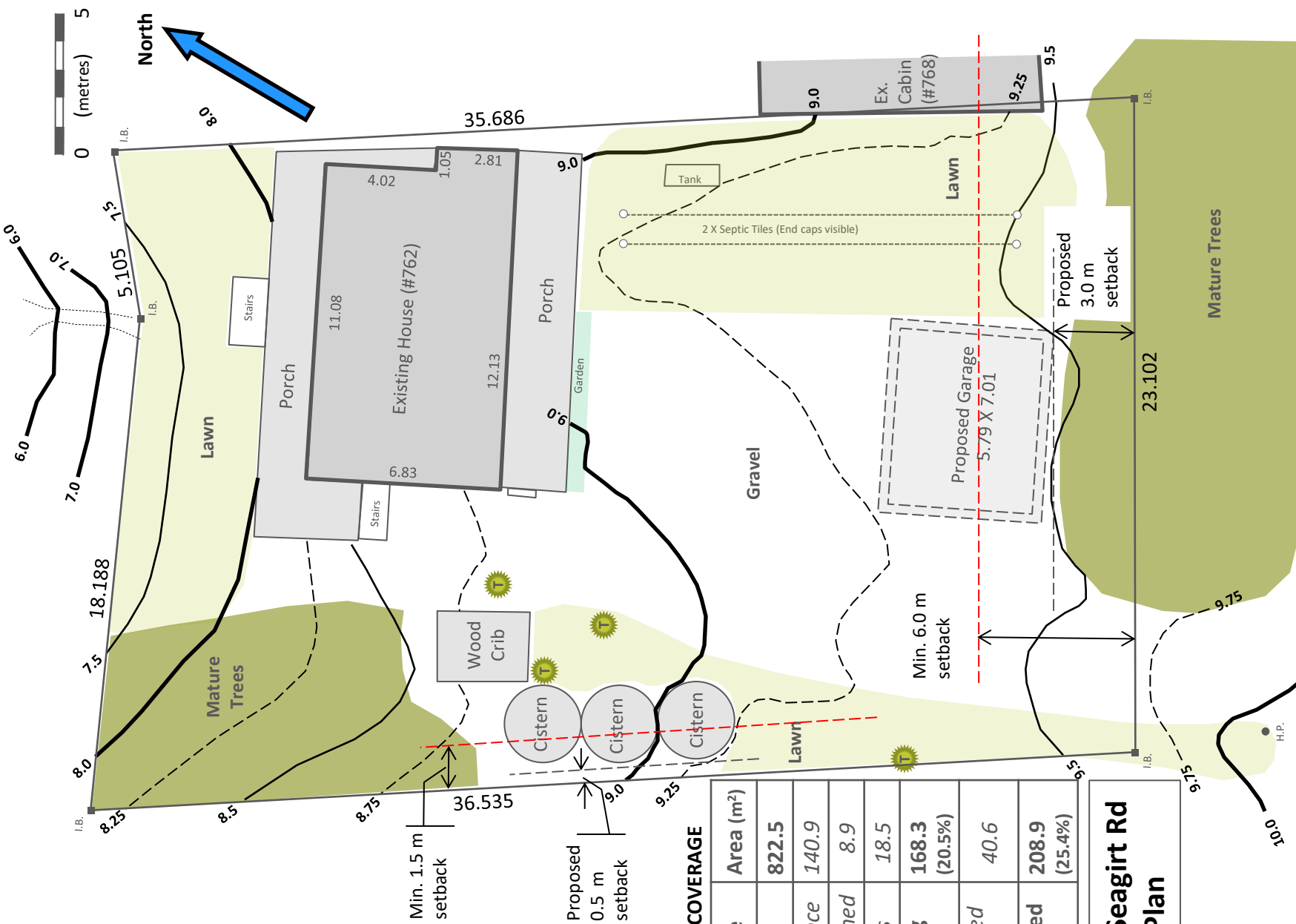
POLICY/REGULATORY

Gabriola Island Official Community Plan No. 166, 1997	Land Use Designation: SRR – Small Rural Residential Development Permit Area – None
Gabriola Island Land Use Bylaw No. 177, 1999	SRR – Small Rural Residential Applicable section of zoning: D.1.1.3(a)(i) <i>On lots less than 1 hectare (2.47 acres), except for a sign, fence or pump/ utility house, the minimum setback of buildings or structures is:</i> 6.0 metres (19.7 feet) from the front lot line; 4.5 metres (14.8 feet) from any exterior side lot line; and 1.5 metres (4.9 feet) from any interior lot line.
Other Regulations	- The proposed single car garage will require a building permit from the Regional District of Nanaimo - The proposal also requires a setback variance from the Ministry of Transportation and Infrastructure, as they have a 4.5 metre setback from public road rights of way
Covenants	None

SITE INFLUENCES

Islands Trust Fund	This proposal does not affect an Islands Trust Fund Board (TFB) owned property or conservation covenant. It also does not pertain to Crown Land. Therefore referral to TFB for comment is not required.
Regional Conservation Strategy	Map 8 of the Regional Conservation Plan estimated importance of habitat

	composition as MEDIUM for this property.
Species at Risk	None mapped.
Sensitive Ecosystems	Young Forest
Hazard Areas	None mapped.
Archaeological Sites	None identified
Climate Change Adaptation and Mitigation	The applicants are proposing to collect rainwater from the roof of the new building to reduce demand on groundwater resources
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	None

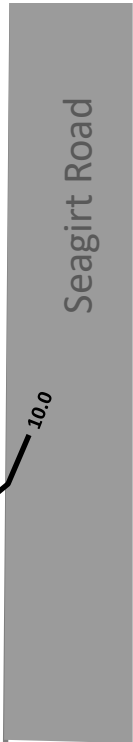


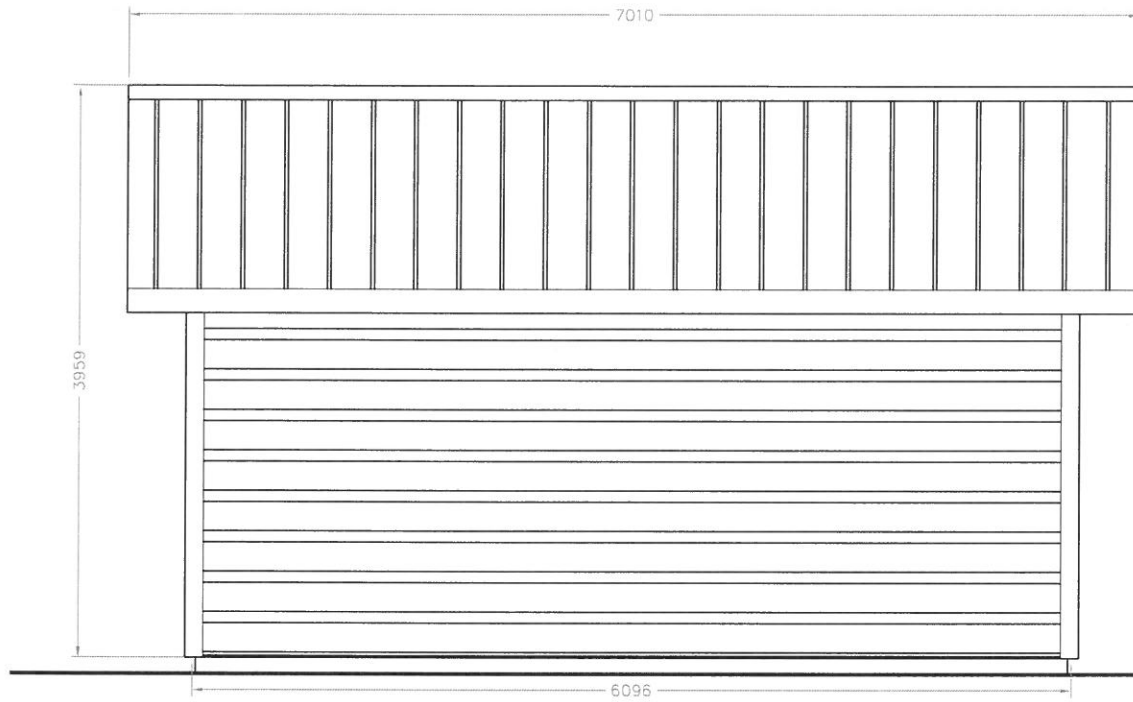
LOT COVERAGE

Feature	Area (m ²)
Full Lot	822.5
Residence	140.9
Woodshed	8.9
Cisterns	18.5
Existing Total	168.3 (20.5%)
Proposed Garage	40.6
Proposed Total	208.9 (25.4%)

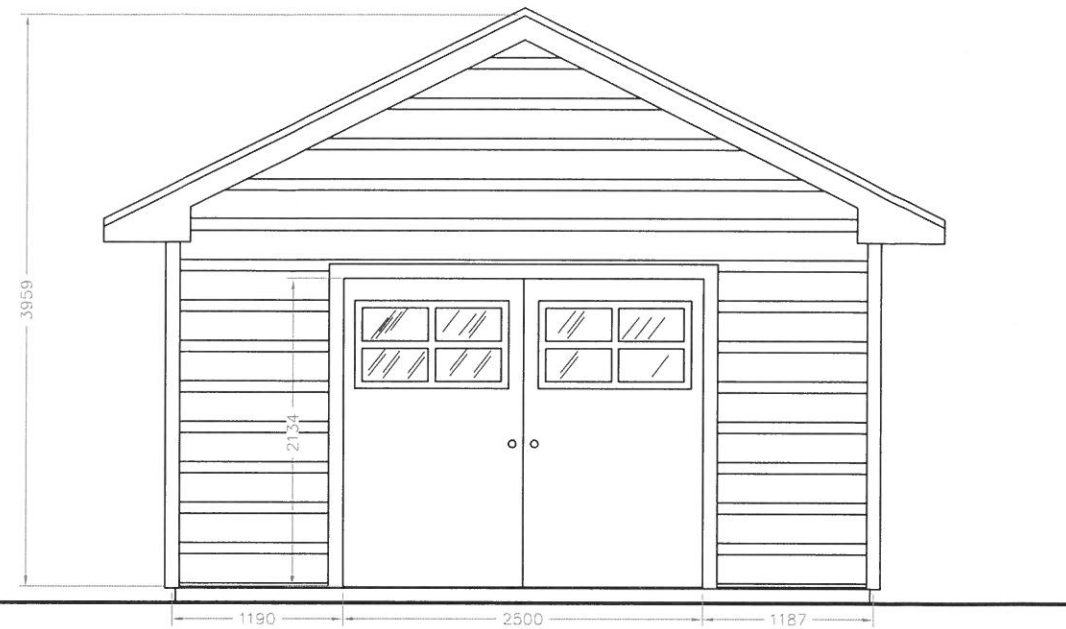
**764 Seagirt Rd
Site Plan**

Note: Drawing based on BC Land Surveyors Sketch, Chris C. Everett, Land Surveyor, File 2405
Elevations by S. Usher, 29 Jan. 2017

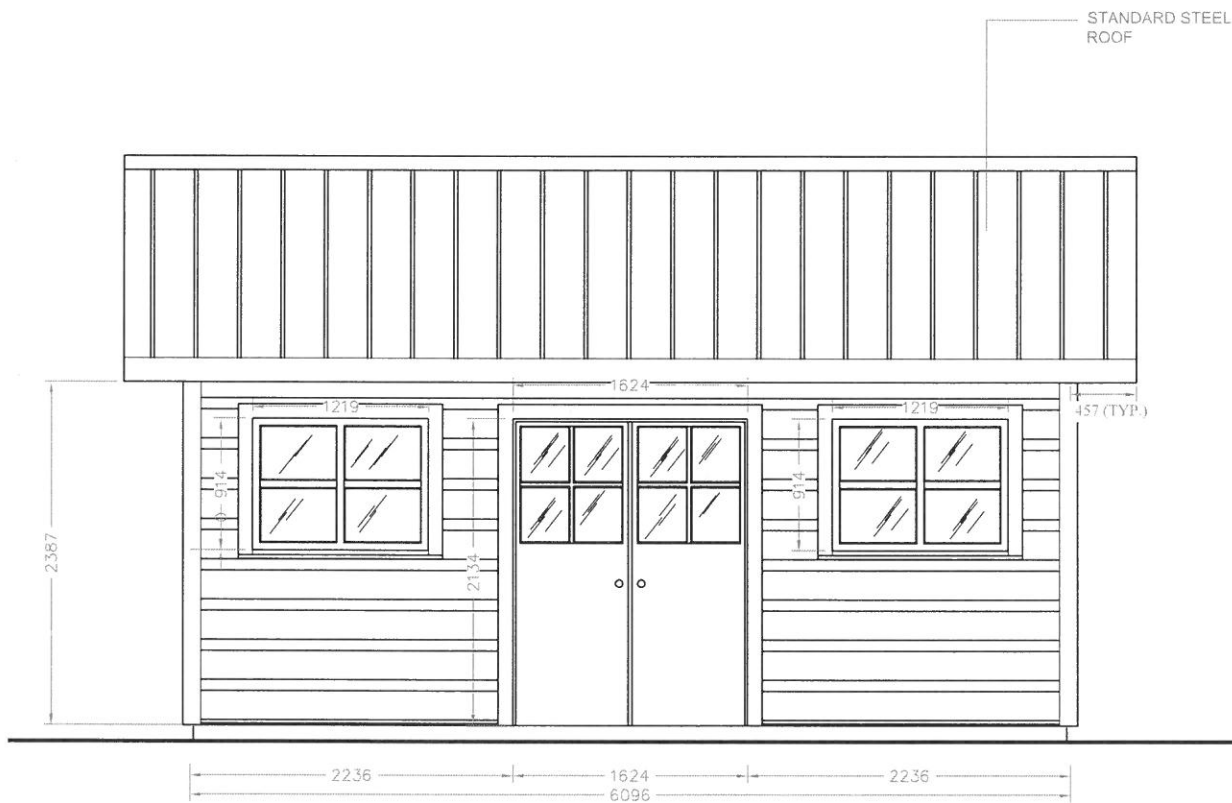




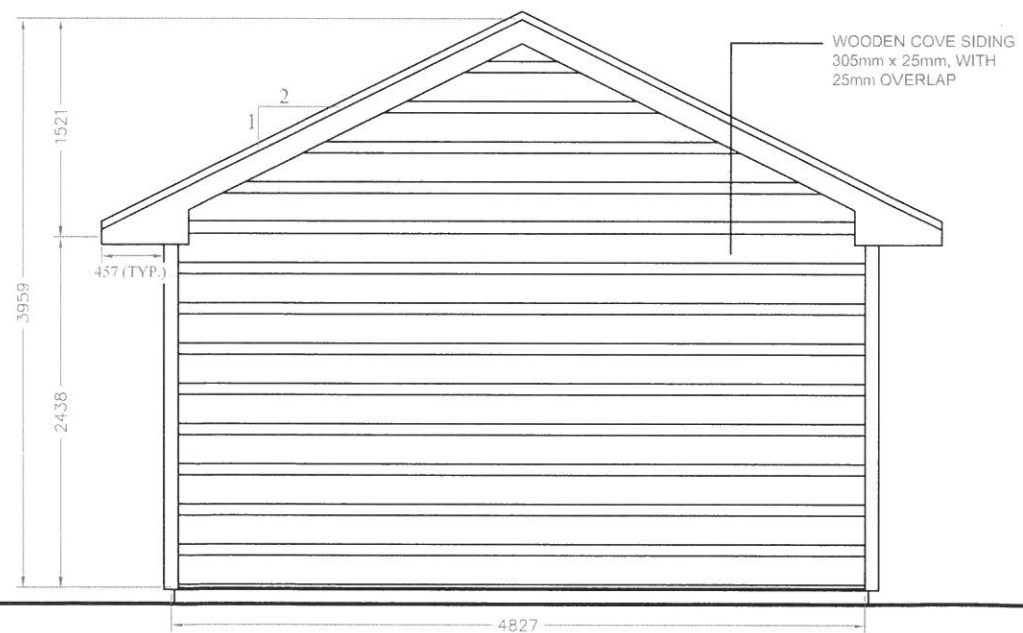
Side View Looking North



Front View Looking East



Side View Looking South



Rear View Looking West

NOTES

1. ALL DIMENSION IN MM UNLESS STATED OTHERWISE.
2. DO NOT SCALE FROM THE DRAWING, IF IN DOUBT CONTACT THE ENGINEER.

LEGEND

SCALE 1:50
WHEN PLOTTED AT 11" x 17" PAGE SIZE

Revision	By	Chk'd By	Date	Comments
A	AJC	SU	26/07/17	ISSUED FOR PLANNING

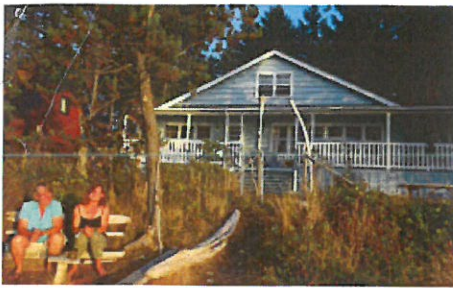
Site
762 Seagirt Road

Project:
Car Garage

Drawing Title:
Building Elevations

Scale: AS SHOWN
Date: March 17, 2017

Drawing Number: 762-01
Rev: A



762 Seagirt Road Gabriola Island



Application to Islands Trust for Variance

By

Fran and Steven Usher, Owners

Introduction

This home on Seagirt Road was built in the late 1930's by Mr. Rowan, and is one of four remaining examples of his work. Originally owned by and built for Elspeth Atkinson, it continues its association with the family, as Mrs. Atkinson's grandson owns the neighbouring property (756 Seagirt). The current owners have been coming to the island and staying at 756 or 762 Seagirt for over 50 years, since 1966. Having honeymooned there in 1982, Fran and Steven Usher finally bought the home in 2010 and are expecting to begin living in it permanently in 2018. They expect to remain stewards of this small piece of Gabriola's history, well into their retirement, and wish to keep it in its original character. The well maintained home is clad in 12" fir cove siding, sports updated wiring/roof/plumbing/septic and is insulated. The Ushers have invested in many other upgrades, all in keeping with its original layout and appearance. They now wish to add a single car garage, similar to the original garage and built to look like the house itself.

Purpose

The purpose of this request is to ask for two variances in placement of the single car garage on the lot. First, the home, cisterns and existing woodshed comply with the 20% coverage policy, but the additional garage area will mean coverage reaches about 25%. Second, the current allowable setback from the road allowance is 6 m, and the Usher's wish to reduce this to 3 m to keep the ambience and functionality of the property (by "tucking" it against the existing tree line, it will be less obtrusive to viewers on Seagirt Road as well).

Mrs. Atkinson's Summer House in 1939



Benefit

By granting this variance, the Island Trust will be facilitating the following benefits:

- keeping the lot looking like the traditional setting
- minimizing any encroachment on neighbours' views
- allowing the Usher's protection for their vehicle, a gesture of sustainability
- improving water sustainability, that is, by the capture of additional rooftop water for the family's cisterns, (currently one truckload of water is extracted each year from the Island's aquifers, which then could be saved for use by others)
- improvement of lot drainage by reducing runoff volumes
- optimal use of lot area (by not having the new garage "bisect" the useable area)
- supporting the Usher's stewardship of a heritage home

Setting

Attached to this application is a Site Plan based on the property survey, and drawn to true scale. Mr. Usher, a professional engineer, conducted an elevational survey in 2016 and has added contours of equal elevation to the site plan, to illustrate lot drainage. It shows key features such as mature woodlot, open area, the home and veranda, the three cisterns, the approved septic system, and now the footprint of the proposed 16' by 20' garage. Dense understory borders the property between the roadway and the open yard and will provide almost complete screening of the garage. The garage footprint will not interfere with the septic system (maintaining allowable setbacks), and there will be a reduction in overland runoff. Roof drainage will be captured and directed to the cisterns in an effort to supplement the home's water supply (which typically runs short in August each year).

Approach

The present coverage of the site includes the home (78.6 m²), its veranda (62.3 m²), three cisterns (18.5 m²) and a woodshed (8.9 m²), totaling 168.3 m². The lot is 822.5 m², so these provide coverage of 20.46%. The addition of the garage, which will be 5.8 m by 7.0 m, provides another 40.6 m². Summing this with the home, veranda, cisterns and woodshed gives a total of 208.9 m² coverage, or now 25.4% of the overall lot. Adding the garage provides the benefits listed above, including the better use of water resources, which is a positive gain in itself compared to the few extra percent in coverage.

The extra coverage is not excessive, and this does not represent an unusual or unaesthetic use of a small property. All existing residences (save one) have one and two car garages, so the use is not inconsistent with present practice. When the property was first built on in 1939 it was comprised of three lots and hosted a garage. When the three lots were sold separately by Mrs. Atkinson and subsequent owners, the garage was found to sit on the eastern lot and is now part of 768 Seagirt. The new garage will mimic the position of the old garage and recomplete the lot.

With respect to the variance on the 6 m setback from the road allowance, enforced compliance will create a non-typical, unaesthetic, and impractical condition, as described below.

- In the first instance, the old garage at 768 Seagirt is just 3 m away from the road allowance. Similarly, the garage and cisterns at 774 Seagirt fall along the same 3 m line. Enforcing a 6 m setback will force the garage out into the central part of the lot and cause an awkward sightline, inconsistent with the other structures.
- In the second instance the greater offset would expose the new garage more fully to the view looking east along Seagirt, and to the neighbours west across Berry Point Road, as well as to the front and side porches of 768 Seagirt and the back porch of 756 Seagirt. (Please see appended mock ups of the various views) The screening effect of the dense understory along the roadside lot line will be greatly diminished. (Adherence to the 6 m setback would also create 3 m of unused and shady space between the garage and the roadside understorey that would be prone to less desirable uses such as general outdoor storage.)
- In the third instance, placing the garage a full 3 m further into the central yard of the lot will bisect existing parking, provide unreasonable shade to the existing lawn, and frankly make it visibly obtrusive. The traditional use of the yard for casual outdoor games like badminton and volleyball will be lost.

The Ushers are attempting to “nestle” the structure into the existing setting, much as their home does now, to provide an aesthetic value to the neighbourhood, and at the same time returning a long lost attribute to the property, that is, a garage.

Neighbours

The proposed site plan and the attached views were shown to the nearest neighbours at 756, 768, 774 and 775 Seagirt Road. Each have sent a message of support to the Ushers stating they have no objections to the new garage, which are also attached. Casual conversation with other neighbours has not revealed any concerns with the neighbours further down Seagirt Road, although not all people were spoken too. In each case the Ushers have indicated to their neighbours they will side the garage in 12” cove siding, exactly like the house and will likely choose the same marine colours as the home.



Scale mock up of proposed garage, as seen from Seagirt Road

Conclusion

Mr. and Mrs. Usher are applying for two minor variances to enable the construction of a single car garage on their property at 762 Seagirt Road. This structure is needed to protect their vehicle, and to provide some dry storage space on the property. It will also increase their ability to harvest rainwater and eliminate their reliance on hauled water in the summertime. The variance in lot coverage will mean an increased coverage to about 25%, compared to the current policy of 20%. They are also asking for a variance from the 6 m setback from the road allowance to 3 m (similar to neighbouring properties), to reduce visual impact, maintain practical usage of the lot, and improve the aesthetic impact of the garage. Neighbours have expressed their support and have no objection, as the proposed structure will match the existing home, and is entirely consistent with historic property use along this road.

We thank the Islands Trust in advance for their time and consideration in this matter.

Frances Usher

Steven Usher

Dated _____, 2017

14 September 2017

Ms. Madeleine Koch, MCIP, RPP, Planner 2
Islands Trust, Northern Office
700 North Road,
Gabriola Island, BC
VOR 1X3

Dear Ms. Koch:

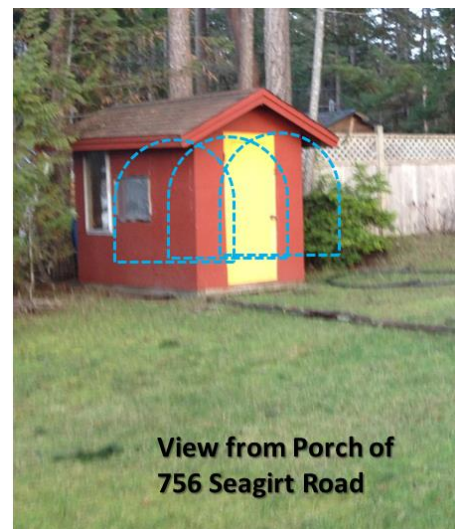
Re: 762 Seagirt Road Variance Application by Steven and Fran Usher - Ammendment to Application

Further to our application of August 18, 2017, we wish to make the following amendment. It has come to our attention that the three existing cisterns are within the 1.5 m property line setback, being situated about 0.6 m from the property line. The presence of the wire fence precludes an accurate measurement but we believe it to be accurate to within 0.1 m, based on the site plan. We wish to take the opportunity provided by the present variance application to tidy up the property documentation and include relief from the 1.5 m buffer, amended to 0.5 m for these cisterns.

We have considered moving the cisterns, but it will cause undo cost, potential environmental harm, and adjoining property owners are not adverse to things continuing as is. In the first instance, the collection and discharge pipes would also have to be moved to accommodate the tanks. The bedrock is near surface and new trenches would have to be ripped as well, and from an environmental perspective this would endanger the tree roots of two mature trees. One tree would have to be removed. The woodshed would have to be moved as well. Please refer to the attached site plan, which has been modified to show the setbacks in this area of the site. Presently the system is performing well and for that reason we hesitate to disturb it.

We have spoken with Mr. Hugh Wainman-Wood, the owner of the adjacent property at 756 Seagirt Road. He has indicated to us that he has no issue with this variance as he can't see the cisterns from his cabin, and that he won't likely respond to the invitation to comment. The photo at right shows his view and the approximate locations of the cisterns behind his fence. (They have been superimposed upon the picture based on the trees behind the fence, and other photography from our side that shows them below the top of the fence.)

We trust that this ammendment is reasonable and ask that you present it to the Committee, on our behalf.



We also ask that you seek relief for the requirement to conduct a new survey of the property. We attach our existing 2006 survey, which shows the locations of the permanent buildings, upon which the site plan is partly based. A new survey would only be appropriate once the garage is added.

Steven Usher

Frances Usher

B.C. LAND SURVEYOR'S SKETCH of Boundary Line Staking

Chris. C. Everett B.C. Land Surveyor
111-25 Victoria Road, Nanaimo B.C. V9N 5N9
Phone: (250)713-0986 ~ Fax: (250)713-0040

LEGAL DESCRIPTION:

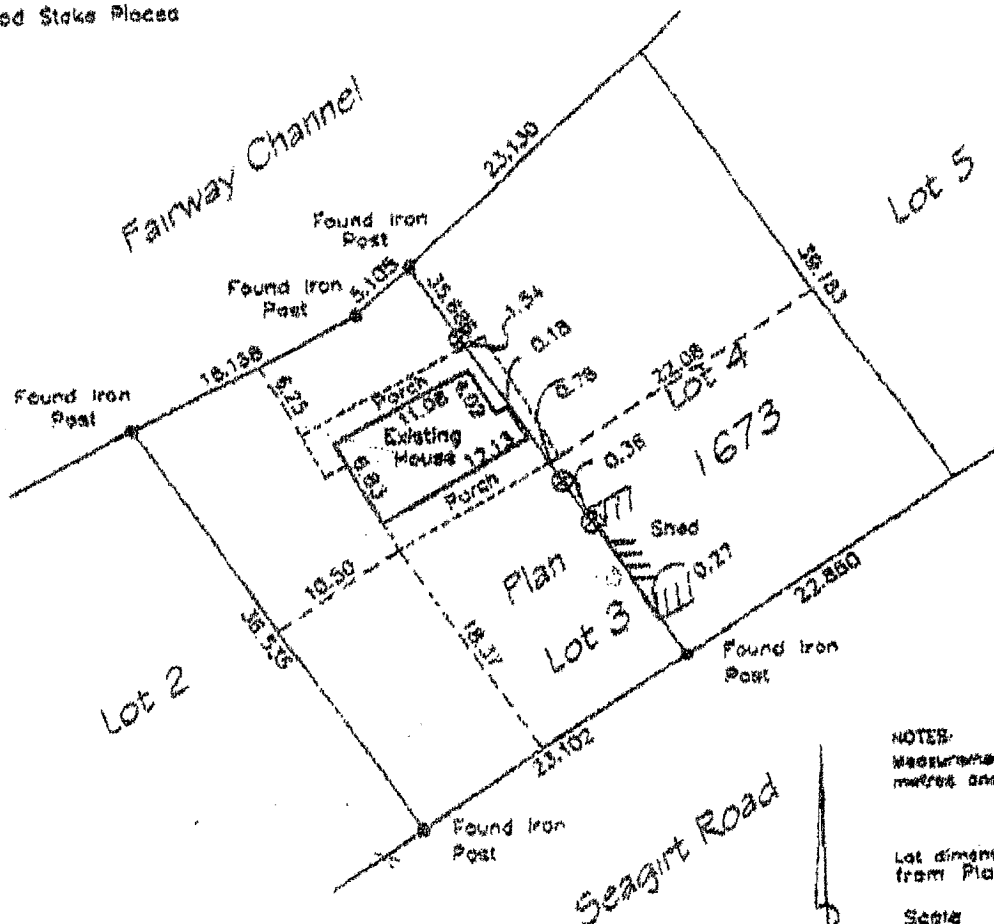
Lot 3 & Lot 4, Block B, Section 22, Gabriola Island, Nanaimo District, Plan 1673

LEGEND:

- Found Iron Post
- ⊗ Wood Stake Placed

NOTES:

1. Porch encroaches from Lot 3 onto Lot 4 as shown.
2. Shed encroaches from Lot 4 onto Lot 3 as shown.



NOTES:

Measurements are in metres and decimals.

Lot dimensions derived from Plan 34734

Scale 1:500

0 5 10

Certified correct this day of

BCLS

© 2006 CHRIS. C. EVERETT, B.C. LAND SURVEYOR This document is not valid unless originally signed and sealed. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

FILE NO. 2405

Islands Trust, Gabriola.

[REDACTED]
Gabriola, BC

February 6, 2017

VOR 1X1

Dear Sir/Madam, Re: Application for Variance at 762 Seagirt Road, Gabriola, BC

We understand that Mr. and Mrs. Usher have made an application for a variance to construct a garage at 762 Seagirt Road, Gabriola. We have been advised that the reason for the variance is because the construction site does not meet the setbacks required by the applicable zoning or bye-law.

Please be advised that as neighbours, who live at [REDACTED] and whose property is on the opposite side of Seagirt Road we have absolutely no objection to the granting of the variance and construction of the garage. The proposed garage will not be visible from our house or garden and it appears that the proposed building will fit very well to the current buildings in the vicinity.

We encourage you to grant the variance.

Yours Truly,

Nicola von Westarp

George von Westarp

On Feb 5, 2017, at 7:44 PM, John Capon [REDACTED] wrote:

Feb. 5, 2017

Island Trust
Gabriola Island

To whom it may concern:

Re: Variance Application for Proposed Garage at 762 Seagirt Road

We, Tawny and John Capon, have no objection to the Variance asked for by our neighbours, *Fran and Steve Usher of 762 Seagirt Road to build a single car garage on their property. We live at [REDACTED] and are directly east of their property.*

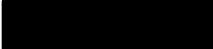
Sincerely,

Tawny and John Capon

[REDACTED]
*Gabriola Island, BC
V0R1X1*

[REDACTED]

February 6, 2017


Gabriola, BC
VOR-1X1

Islands Trust
Northern Office
700 North Rd,
Gabriola, B.C.
VOR-1X3

To whom it may concern:

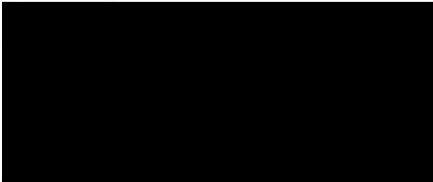
Re: Variance Application for Proposed Garage at 762 Seagirt Road

The purpose of this letter is to inform you that I have no objections to the variance being asked for by Fran and Steve Usher of 762 Seagirt Road to build a single car garage on their property. I own and live in the home two doors east of their property on the same side (north) of Seagirt Road.

I understand that the Ushers are proposing a 16' by 20' garage, to be clad in cove siding painted a colour that will match their home. I have been provided with a visualization of the structure as seen from the entrance to my property, and from the road. The garage is not visible from any point on my property. I understand it will be built in an open area of the yard and will be screened by the existing trees.

Please consider this a letter of support.

Sincerely,



A. Hugh Wainman-Wood • [REDACTED]

February 9, 2017

Islands Trust

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

Re: Variance Application for Proposed Garage at 762 Seagirt Road

Dear Trustees,

I understand that the owners of 762 Seagirt Road, Steve and Fran Usher, have requested a variance to facilitate the building of a single car garage on their property.

I am the owner of the property at [REDACTED] which is immediately adjacent to the west of their property and would like to be on record as saying that I have no objection whatsoever to the proposal.

The applicants have provided me with renderings of the garage, illustrating the site location and scale of the project, and these are attached for your reference. As well I have been provided with a description of the finishes and it is my opinion that the structure would be complimentary to both the existing historic home and the character of Gabriola Island.

I therefore fully support the Islands Trust granting any variance or permissions required for this project to proceed.

If you have any questions or wish to discuss this further, please feel free to get in touch.

[REDACTED]



The proposed garage site delineated by boards indicating the location of the footings.



The proposed garage site as seen from Sea Girt road



Proposed garage location delineated by boards. The outer boards represent the approximate location of the eaves. The arbutus tree pictured here has a root which may be damaged during construction.



The area to the left of the fence post is the portion of the wooded area located on the subject property.



The area to the right of the fence post is the portion of the wooded area located on the road right of way.



The three water cisterns



The general area in which the garage would have to be located in order to meet the 6 metre setback

Madeleine Koch

From: Tawny Maclachlan Capon [REDACTED]
Sent: Tuesday, September 26, 2017 8:02 PM
To: Madeleine Koch
Subject: GB-DVP-2017,2 (Usher)

Madeleine

We received a Notice GB-DVP-2017.2 (Usher)

The Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit.

We are totally in agreement with their Variance request and are fine with the construction of the garage.

The subject property is

PID 006-982-123 Lot 3, Block 5, Gabriola Island ,Nanaimo District , Plan 1673

We are the immediate neighbours on Lot 4.

We will not be available to come to the meeting on Oct. 12th. 2017.

Tawny and John Capon

[REDACTED]

[REDACTED]

Gabriola Island BC
VOR 1X1



File No.: GB-LCB-2017.1
(The Surf)

DATE OF MEETING: October 12, 2017
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Office
SUBJECT: Application to change an existing liquor licence
Applicant: Michal Lunn Lyons
Location: 885 Berry Point Road, The Surf

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it recommends approval of application GB-LCB-2017.1 (The Surf) for a 'Liquor Primary Structural Change Application' to increase the occupancy from 50 patrons to 75 in order to reflect the existing floor area of the exterior front patio (5 tables/25 seats) and provides the following comments:
 - a. The addition of the existing exterior patio, tables and seating (which have been in use by the establishment under the existing food primary/liquor primary licensing) to the existing liquor license is consistent with the Tourist Commercial (TC1) Zone of Gabriola Island Land Use Bylaw No. 177, 1999;
 - b. The LCLB regulatory criteria have been considered, 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; and
 - c. The views of the residents were not gathered because adverse impacts on neighbouring properties or the community are not anticipated as a result of the correction to the existing license to include the existing exterior patio (5 tables/25 seats).

REPORT SUMMARY

The Liquor Control and Licensing Branch (LCLB) have requested the owners/operators of 'The Surf' to apply for an application for a structural change liquor primary license. The requested change to the existing license allows for an increase in the occupant load to the pub from 50 occupants to 75. The LCLB discovered the liquor licensing did not accurately reflect the stated and potential occupancy with the inclusion of the exterior patio. No structural alterations or expansion to the existing patio are proposed. The Surf has hosted numerous events and been in operation without the adequate occupancy limits reflected in their license. As per Section 11.1 of the [Liquor Control and Licensing Act](#), local governments are notified of and requested to provide comments on liquor license applications (including changes to existing liquor licenses).

BACKGROUND

The liquor inspector identified in a compliance report dated August 3, 2017 that the existing liquor licence (maximum occupancy 50) was insufficient and the service area included an unlicensed exterior patio. The Surf is requesting an increase to a maximum of 75 occupants to include 5 tables/25 seats on the existing patio.

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**. The regulatory criteria for amendments to existing liquor licences require only two considerations: the potential for noise and the impact on the community. The LTC approved a request for a change to the food primary license at the same establishment in 2016 which was then approved by the LCLB. The following LTC resolution was passed at the October 13, 2016 regular meeting:

GB-2016-098

It was MOVED and SECONDED

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 considered, including the potential for noise and impacts on the community, and adverse impacts on neighbouring properties on 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 license;
- 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 that is contrary to its primary purpose, which is the service of food, or a use contrary to the Tourist Commercial (TC1) zone under the Gabriola Island Land Use Bylaw No. 177, 1999.

CARRIED

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 as the occupancy loads have been exceeded due to inaccurate licensing for some time and the LCLB has been in contact with the owners since 2016 regarding licensing amendments for the establishment. 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.

ALTERNATIVES

When provided liquor licence referrals such as these, the LTC 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 can opt out of providing comment altogether for this application, but still provide a resolution stating such. The LCLB will then:

- Gather the views of residents if issuing or amending a licence that 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 LTC would pass the resolution such as:

“That the Gabriola Island Local Trust Committee request staff to inform the Liquor Control Licensing Branch (LCLB) that it has considered application GB-LCB-2017.1 (The Surf) for a “structural change application liquor primary” 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, of 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 the proposed establishment is anticipated to not adversely affect the community, the LTC would then pass a resolution as per page one of this report and the LCLB will undertake the necessary community consultation. The Branch must provide that opportunity to residents the applicant will be asked by the LCLB to post an exterior sign at the establishment for a minimum of 14 days in order to obtain the view of residents and businesses.

Rationale for Recommendation:

The LCLB is required to undertake community consultation prior to issuing the license to increase in occupancy loads for the pub, to reflect the existing floor plan. Staff recommends that the LTC support the resolution on page one of the 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 Licencing Regulation*.

Submitted By:	Sonja Zupanec, RPP Island Planner	September 25, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 26, 2016

Attachments:

1. LCLB Application



Liquor Control and Licensing Branch
4th Floor, 3350 Douglas St, Victoria, BC V8W 9J8
Mail: PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8
Phone: 250-952-5787 Fax: 250-952-7066

LIQUOR PRIMARY AND LIQUOR PRIMARY CLUB STRUCTURAL CHANGE APPLICATION

Liquor Control and Licensing Form LCLB012A

What is a Structural Change?

It is defined as a change to the existing approved service area(s), including but not limited to:

- ☐ a change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a service area
- ☐ new construction
- ☐ the removal or addition of permanent display cabinets, stages or dance floors
- ☐ a change to the food and liquor service bar location or size
- ☐ in the position of access and exit points leading to or from a licensed service area
- ☐ the removal of a service area from the liquor licence
- ☐ addition of a new outdoor patio or the removal or expansion of an existing patio
- ☐ change to capacity (occupant load) of a licensed establishment with or without changes to the licensed service area(s)
- ☐ such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the service area of the establishment.

If you are making changes to the current approved floor plan, other than cosmetic changes, a structural change application is required. If your liquor primary licence overlaps a food primary licence (aka dual licence), a structural change application is also required for the food primary. Note: This does not include cosmetic changes such as changes to existing flooring, wallpaper, reconfiguring tables and chairs, countertops, painting, or changing the type of material used in the perimeter bounding of an outdoor patio.

If you have any questions about this application, call the Liquor Control and Licensing Branch toll-free at 1 866 209-2111.

Licence Information

☐ Please check if licence is currently dormant.

Licence # affected: 089031

If yes, attach a letter signed by the licensee requesting the licence to be reactivated if this application is approved.

Do you currently hold other licences at this location? ☐ Food Primary (Licence #) 042371

☒ Liquor Primary (Licence #) 089031 ☐ Licensee Retail Store (Licence #) _____ ☐ UBrew/UVin or Other (Licence #) _____

Licensee name (as shown on licence): THE SURF

Establishment name (as shown on licence): THE SURF

Establishment

Location address: 885 BERRY POINT RD GABRIOLA BC VOR 1X1
(as shown on licence) Street City Province Postal Code

Business Tel with area code: 250-247-9231

Business Fax with area code: _____

Business e-mail: lunn-lyons@hotmail.com

Business

Mailing address:

(if different from above)

Street

City

Province

Postal Code

Contact Name: LYONS, LUNN MICHAEL

last / first / middle

Title/Position: LICENSE HOLDER

Type of Change Requested

Please check appropriate box(es) below:

Sub- Job Number
Office use only

Part 1	☐ Addition of a New Outdoor Patio	RECEIVED AUG 24 2017 ISLAND TRUST NORTHERN OFFICE	Outdoor Patio (C3-LIC) _____
Part 2	☒ Alteration/Renovation ☐ Removal of an existing service area ☐ Other		Structural - capacity change (C3-LIC) _____ Structural - no capacity change (C4-LIC) _____

Application Contact Person

This applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: LUNN LYONS

Phone number: 250-247-9231

Fax number:

E-mail address: lunn-lyons@hotmail.com

Part 1: Addition of New Outdoor Patio

Fee: \$440

C3 - LIC

Provide the following information:

1. Attach one 11" x 17" copy of the proposed patio floor plan (see Appendix I on page 6 for floor plan instructions).

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated on the plan you submit. Do not submit this application if you do not have the occupant load calculation stamped on your patio plans.

2. What is the occupant load calculation for the new patio(s)?

Patio #1: Patio #2: Patio #3:

3. If the patio(s) is already constructed, attach a photo.

4. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be bounded by fixed and immovable physical separation in order to control patrons and liquor within the service area.

42" GLASS & ALUMINUM RAILINGS.

5. Describe the location of the patio in relation to the licensed interior - the patio must be immediately adjacent to the interior area.

AT THE FRONT OF THE PUB

6. Describe how staff will manage and control the patio from the interior service area.

THERE ARE LARGE WINDOWS ALL ALONG THE WALL BETWEEN THE PUB AND THE PATIO.

7. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior.

(C) LICENSED INTERIOR

8. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

THE PUB DOOR OPENS ON A WALKWAY 84" FROM THE PATIO. IF OUR REQUESTED CHANGE OF LICENSE INCLUDES THE WALKWAY THEN THEY WOULD NOT HAVE TO PASS THROUGH AN UNLICENSED AREA.

Note: Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/FN.

A resolution from your Local Government/First Nation is required. Part 3 of this form must be completed by Local Government/First Nation.

You must also complete Parts 4 and 5.

Part 2: Structural Changes

(Excluding construction of new patios)

Fee: \$440

C3 - Cap Ch.
C4 - No Cap Ch.

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

2. If you are applying to remove the interior area and create a stand-alone patio, describe the location of the patio in relation to the unlicensed permanent structure. ☒ A stand-alone patio must adjoin a permanent structure (affixed to a foundation) which is plumbed and wired, and which the applicant owns or leases.

3. Attach one 11" x 17" copy of the proposed floor plan or patio plan (if creating a stand-alone patio). See Appendix I on page 6 for floor plan instructions.

4. Current total of all service areas (as shown on the liquor licence): 50

5. By making these alterations, the total occupant load will:

- ☐ Decrease to: (patrons plus staff)
- ☐ Stay the same: (patrons plus staff)
- ☐ Increase to: 75 (patrons plus staff)

If there is an increase to occupant load, a resolution from your Local Government/First Nation (LG/FN) is required. Take your application and floor plan to LG/FN. Part 3 of this form must be completed by LG/FN.

Part 3: Local Government/First Nation Resolutions: Confirmation Receipt of Application

If you are applying for a new patio (Part 1) or a proposed change that increases the occupant load (Part 2) then public interest factors may be affected by the structural change(s). This section is to be filled out by the LG/FN prior to submitting this application to the Branch.

Local Government/First Nation (name): Islands Trust

Name of Official: Madeleine Koch

Title/Position: Planner 2

Phone: 250-247-2207

E-mail: mkoch@islandstrust.bc.ca

Signature of Official: 

Date: 24/08/2017
(Day/Month/Year)

Check here if the LG/FN will not be providing comment: ☐ Yes, opting out of comment.

Note: The LG/FN cannot provide comment for their own application.

Is this establishment located on Treaty First Nation land? ☐ No ☐ Yes

Instructions for Local Government/First Nation (LG/FN)

This serves as notice that an application for a structural change to a liquor primary (LP) licence is being made within your community. The Branch requests that you consider this application (application form and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

☒ The applicant will bring their completed Structural Change application form and floor plan to LG/FN.

☒ If there are any major issues LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.

☒ When LG/FN is comfortable with the application proceeding, LG/FN staff will sign Part 3 of the application form and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.

☒ The applicant will submit the signed application package (with all required documents) to the Branch.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111.

Part 4: Declaration of Signing Authority Including Valid Interest

Section 57(1)(c) of the Liquor Control and Licensing Act states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12; (ii) when making a report or when required and as specified by the general manager under section 59".

As the licensee or authorized signatory of the licensee, I understand and affirm that all of the information provided is true and complete.

Signature: _____
Authorized signatory of the licensee

Name: (last / first / middle) Position: (if not an individual) Date: (Day/Month/Year)

Note: An agent, lawyer or third party operator may not sign the declaration on behalf of the licensee.

This form should be signed by an individual with the authority to bind the applicant. The Branch relies on the licensee to ensure that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:

- If the licensee is an individual or sole proprietor, the individual himself/herself
- If the licensee is a corporation, a duly authorized signatory who will usually be an officer or, in some cases, a director
- If the licensee is a general partnership, one of the partners
- If the licensee is a limited partnership, the general partner of the partnership
- If the licensee is a society, then a director or a senior manager (as defined in the Societies Act)

If an authorized signatory has completed the Add, Change or Remove Licensee Representative form (LCLB101) and they have specifically permitted a licensee representative to sign this form on the licensee's behalf, the branch will accept the licensee representative's signature.

Part 5: Application Fees - Payment Options

Total Fee Submitted: \$

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check () one):

- ☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- ☐ Money order, payable to Minister of Finance
- ☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX
- ☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.
- ☐ I am submitting my application by mail and have given my credit information in the space provided at the bottom of the page.

Note: To ensure legibility, do not submit by fax.

Part 6: Submit Application Package

Once signed by local government/First Nation (if applicable), submit your complete application package to:

Liquor Control and Licensing Branch
Courier: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1
Mail: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
E-mail: liquor.licensing@gov.bc.ca

If you have any questions, contact us toll-free at 866-209-2111 or email us at liquor.licensing@gov.bc.ca. Visit our website for more information: www.gov.bc.ca/liquorregulationandlicensing

The information requested on this form is collected by the Liquor Control and Licensing Branch under Section 26 (a) and (c) of the Freedom of Information and Protection of Privacy Act and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the Liquor Control and Licensing Act. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

LCLB012A

5 of 6

LP/LPC Application for Structural Change

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number: Expiry date: /
(Month) (Year)

Signature: _____



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

DATE OF MEETING: October 12, 2017
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Housing Options Review Project – Supplemental Report

RECOMMENDATIONS

1. That Gabriola Island Local Trust Committee Bylaw No. 292, cited as “Gabriola Island Official Community Plan (Gabriola Island), 1997, Amendment No. 1, 2017”, be amended as follows:

- a) “1. Citation

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

is deleted in its entirety and replaced with:

- “1. Citation

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

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

is deleted in its entirety and replaced with:

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

2. That Gabriola Island Local Trust Committee Bylaw No. 292, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2017”, be read a second time as amended.

3. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017”, be amended as follows:

- a. “1. Citation:

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

is deleted in its entirety and replaced with:

- “1. Citation:

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

4. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be read a second time as amended.
5. That the Gabriola Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Gabriola Island Local Trust Committee Bylaw No. 292, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2017”.
6. That the Gabriola Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”.
7. That the Gabriola Island Local Trust Committee endorse the ‘Housing Options Review Project October 2017 Frequently Asked Questions’ document (as amended), for posting to the Local Trust Committee ‘Projects’ webpage.

REPORT SUMMARY

The purpose of this report is to respond to the Gabriola Island Local Trust Committee (LTC) resolutions passed at the July 2017 regular business meeting, and recommend that the proposed bylaws be: amended (in order to correct the bylaw citations), given second reading, and advanced to a community information meeting and public hearing.

BACKGROUND

Information about the Housing Options project, including community presentation materials and past staff reports is available on the Gabriola Island LTC Projects webpage at:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/gabriola-housing-options-review-project/>

In July 2017, the LTC passed the following resolutions requesting additional information from planning staff:

GB-2017-106

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to propose an additional clause for inclusion in proposed amendments to Gabriola Island Local Trust Committee Bylaw No 292 which clarifies the Local Trust Committee’s intent to exercise their discretion as regards the requirement for, or extinguishing of, a covenant in the context of securing attainable and/or affordable housing opportunities.

CARRIED

GB-2017-107

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to prepare a Frequently Asked Questions document as background for a public education piece for the Housing Options Review Project.

CARRIED

ANALYSIS

Proposed Bylaw No. 292

The citation within Proposed Bylaw No. 292 requires correction prior to second reading as per the recommendation on page one of this report.

Proposed Bylaw No. 293 contains a provision in new section B.6.3.7 requiring a section 219 covenant under the *Land Title Act* to be registered on (non Agricultural Land Reserve) property at the time of construction of a secondary suite. By requiring the registration of the covenant at the time of construction (regardless of whether it is new or occupied), the risk of a building strata subdivision at the time of re-construction is eliminated (for example as a result of fire, flood, renovations etc.). The covenant can be discharged (by mutual consent of the owner and the LTC) if the covenant is deemed to be an encumbrance to an affordable housing initiative in the future. The LTC at that time can review the merits of a proposal to consider a discharge request. One example of a reasonable rationale to discharge such a covenant could be if the owner proposes to register a housing agreement with the LTC to secure, in perpetuity, the market sale, resale or rental of the secondary suite within the confines of a pre-agreed upon 'affordability' metric. There may be several other good reasons for the LTC to consider a discharge.

The LTC requested staff to propose an additional clause for the Official Community Plan (OCP) which could state the LTC's ability to exercise its discretion when considering requiring or extinguishing a restrictive covenant, in efforts to secure attainable and/or affordable housing opportunities. Planning staff note that it is not legally necessary to add a policy that is already within the LTC's authority. However, a new policy 2. I) could be added to the list of General Land Use Policies under Section 2.0 General Land Use and Residential Development:

"I) The LTC may require or discharge a restrictive covenant for the purpose of securing affordable housing."

While staff are not recommending that the OCP be amended to include such a policy at this time, should the LTC wish to include it, Proposed Bylaw No. 292 would need to be amended as per the wording as noted under Alternative 2 on page 4 of the staff report. Staff advise that the term "attainable housing" is not at this time defined in LTC bylaws and suggest considering creating a definition during Phase II of the Housing Options Project.

Proposed Bylaw No. 293

The citation within Proposed Bylaw No. 293 requires correction prior to second reading as per the recommendation on page one of this report.

Frequently Asked Questions Draft

The attached draft 'Frequently Asked Questions' (FAQ) document has been prepared to assist property owners and residents in understanding Proposed Bylaw Nos. 292 and 293 in advance of a public hearing. The document would be posted to the project website and updated as necessary to reflect potential changes to the OCP and LUB as the project moves forward.

Issues

Staff advise that the anticipated timing of the project's legislative review period is no longer consistent with the project charter workplan. The LTC may wish to consider amendments to the project charter (attached).

Rationale for Recommendation

Proposed Bylaw No. 292 (OCP) and Proposed Bylaw No. 293 (LUB) citations should be corrected as per the staff recommendations on page one of this report. While policy wording is providing for this purpose, staff are not recommending the inclusion of a new policy to affirm the LTC's authority with respect to covenant registration or discharge. Staff recommends proceeding to a community information meeting (CIM) and public hearing for both bylaws.

ALTERNATIVES

1. Request further information from staff.

This option may further delay the opportunity for a public hearing on the proposed bylaws.

2. Make additional changes to the bylaws.

Should the LTC wish to amend Proposed Bylaw No. 292 to include a policy regarding securing and/or discharging restrictive covenants, the appropriate resolution wording is as follows:

That Gabriola Island Local Trust Committee Bylaw No. 292, cited as "Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2017", be amended by adding a new policy under the General Land Use Policies within Section 2 General Land Use and Residential Development:

"The LTC may require or discharge a restrictive covenant for the purpose of securing affordable housing."

This resolution would need to be passed prior to Proposed Bylaw No. 292 being read a second time (as amended).

NEXT STEPS

If the LTC concurs with staff recommendations, a CIM and public hearing can be scheduled as early as November 16, 2017.

Submitted By:	Sonja Zupanec, RPP Island Planner	October 4, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 4, 2017

ATTACHMENTS

1. Proposed Bylaw 292
2. Proposed Bylaw 293
3. Draft October 2017 'Frequently Asked Questions'
4. Project Charter

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 292

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

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

1. Citation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ A FIRST TIME THIS	13 TH	DAY OF	JULY	,2017
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	201X
READ A SECOND TIME THIS	_____	DAY OF	_____	201X
READ A THIRD TIME THIS	_____	DAY OF	_____	201X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	201X
ADOPTED THIS	_____	DAY OF	_____	201X

Chair

Secretary

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 293

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation:

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

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ ,201X

READ A SECOND TIME THIS _____ DAY OF _____ ,201x

READ A THIRD TIME THIS _____ DAY OF _____ ,201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ ,201X

ADOPTED THIS _____ DAY OF _____ ,201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 293

Schedule 1

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

- 2.1 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses, Clause a. is amended by deleting the words “an accessory cottage” and replacing it with the words “a secondary suite”.
- 2.2 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause a. text is deleted in its entirety and replaced with:

“The construction, placement, or use of more than one dwelling unit on a lot is prohibited, unless specifically permitted in the zone.”
- 2.3 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause b. is deleted in its entirety.
- 2.4 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause a. is amended by deleting the word “principal”.
- 2.5 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause b. text is deleted in its entirety and replaced with:

“Home occupations must be entirely enclosed within a dwelling and/or an accessory building, providing the combined total floor area for home occupation uses on a lot do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95 acres), where the total combined floor area of home occupation uses may not exceed 150 square metres (1,615 square feet).”
- 2.6 Part B – GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1, Table 2: Parking Requirements is amended by replacing the word “cottage” with “secondary suite”.
- 2.7 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals is deleted in its entirety and replaced with the following:

“B.6.3 Secondary Suite Regulations

Secondary Suites are subject to the following requirements:

- B.6.3.1 Secondary suites are a permitted accessory use in the SRR, LRR, F, R, RR1, AG zones on lots 2.0 hectares (4.94 acres) or larger;
- B.6.3.2 On land outside the Agriculture Land Reserve a maximum of one (1) secondary suite is permitted per lot in a configuration consistent with Figure 1;
- B.6.3.3 The maximum permitted floor area for a secondary suite located wholly within or attached to a single family dwelling is 90 square metres (968 square feet) or 40% of the floor area of the dwelling, whichever is less;
OR
- B.6.3.4 The maximum permitted floor area for a secondary suite detached from a single family dwelling, or within an accessory building is 90 square metres (968 square feet);
- B.6.3.5 Secondary suites are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited unless authorized by a temporary use permit;
- B.6.3.6 A secondary suite must not be located within a manufactured home or multiple family dwelling;
- B.6.3.7 For lands outside of the ALR, a secondary suite shall not be permitted on a lot unless the owner of the lot has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee:
 - a. prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the secondary suite being a separate lot; and
 - b. limiting the number of dwellings permitted on the lot to two, including the principal dwelling.

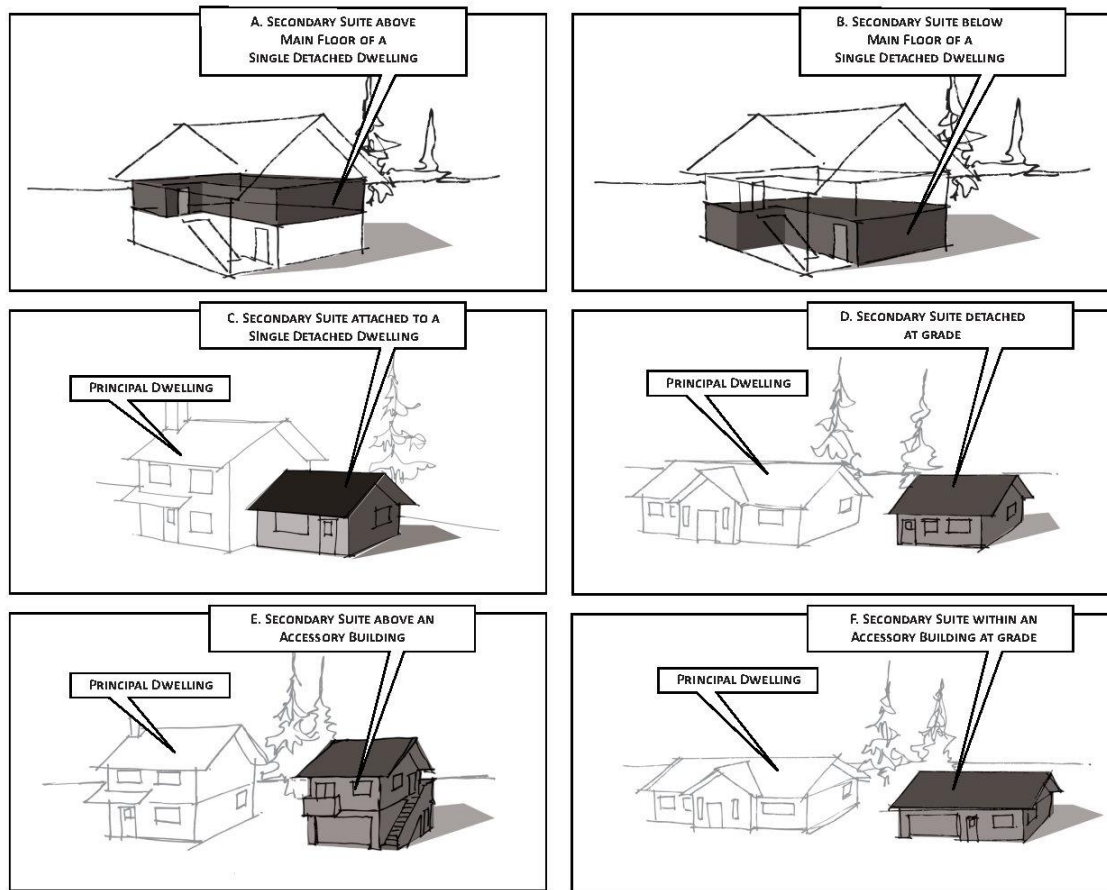


Figure 1. Permitted configurations for a secondary suite.”

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

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

- 2.9 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.

- 2.10 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and third bullets are deleted and replaced with:

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

- 2.11 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.1 Permitted Uses, Clause b. Permitted

Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.

- 2.12 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “-one secondary suite per lot;
-three buildings per lot excluding a secondary suite, pump/utility house and woodshed and that are accessory to all dwellings; and”
- 2.13 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by deleting the words “or cottage”.
- 2.14 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third and fourth bullets are deleted and replaced with:
- “-one secondary suite per lot;
-for lots in the Agricultural Land Reserve, one secondary suite dwelling located wholly within a building which otherwise contains a single family dwelling AND one secondary suite located above an accessory building OR one manufactured home for immediate family or farmworker housing;
-three buildings per lot excluding a secondary suite, pump/utility house and woodshed and that are accessory to all dwellings; and”
- 2.15 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item ii text prefacing the bullets is deleted and replaced with:
- “On lands in the Agriculture Land Reserve where a manufactured home is permitted on a lot 2.0 hectares (4.94 acres) or larger for immediate family or farm worker housing, the following conditions apply.”
- 2.16 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item i, first bullet is amended by replacing the word “cottage” with “secondary suite”.
- 2.17 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii, first bullet is amended by replacing the word “cottage” with “secondary suite”.
- 2.18 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.

- 2.19 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “- one secondary suite per lot;
 - three buildings per lot excluding a secondary suite, pump/utility house and woodshed and that are accessory to all dwellings; and”
- 2.20 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.
- 2.21 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “- one secondary suite per lot;
 - three buildings per lot excluding a secondary suite, pump/utility house and woodshed and that are accessory to all dwellings; and”
- 2.22 Part D – , ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii text is deleted in its entirety and replaced with:
- “secondary suite residential .”
- 2.23 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii, second bullet is amended by replacing the words “cottage residential on lands shown on Schedule C, Map 14” with “secondary suite”.
- 2.24 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and fourth bullet text are deleted and replaced with
- “- three buildings per lot excluding a secondary suite, pump/utility house and woodshed and that are accessory to all dwellings;
 - one secondary suite per lot.”
- 2.25 Part E – SUBDIVISION, Section E.1 GENERAL, Subsection E.1.3 Covenant Against Further Subdivision and Development, Article E.1.3.3 is amended by deleting the words “ or cottage” in each instance it appears and replacing the words “and in a form complying with Appendix E” with “under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee,”.
- 2.26 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “cottage” and definition.
- 2.27 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “two” with “three”.

- 2.28 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “secondary suite” is amended by replacing the definition with the following text:
- “a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot.”
- 2.29 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “means” from the beginning of each definition in the section.
- 2.30 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “floor area” is amended by replacing the word “cottage” with “secondary suite”.
- 2.31 Schedule C – Map 14 is deleted and subsequent Schedule C map 15 and 16 are renumbered accordingly.
- 2.32 PART C – Establishment of Zones, Sections C.3 Interpretation of Zone Boundaries, Subsection C.3.1.2 b. Lots in more than One Zone is amended by replacing the word “cottage” in each instance it appears with “secondary suite”.

FAQ: FREQUENTLY ASKED QUESTIONS

Housing Options Review Project

October 2017

This FAQ document, prepared by Islands Trust planning staff, includes commonly asked questions and answers about the Housing Options Review Project. The purpose of this document is to provide clear and accurate information about this project in order to foster meaningful public participation in the associated consultation process. Further questions and comments may be directed to the Gabriola Island Local Trust Committee at:

gabriolaislandlocaltrustcommittee@islandstrust.bc.ca

Q: What is the Housing Options Review Project?

A: This is a multi-year land use planning project initiated by the Gabriola Island Local Trust Committee (LTC) to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) to increase housing options on Gabriola Island. In 2016 the LTC developed a targeted Phase I scope for the Housing Options Review Project as a result of community, Advisory Planning Commission (APC) and planning staff input. Recommendations included the need for increased flexibility for secondary suites and a review of existing policies and regulations guiding residential development on Gabriola Island. The LTC committed planning staff time and project funds with the intent of limiting Phase I of the project scope to reviewing provisions for a secondary suite in lieu of an accessory cottage (where permitted by zoning) on lots over 2 hectares in size. A community survey was conducted in late 2016 on the Phase I topics being considered. The proposed policies and regulations, if adopted, would allow a suite to be located within, attached or detached to the principle residence, or within or above an accessory building. The project is also reviewing existing regulations that currently prohibit a kitchen or bathroom in an accessory building.

Q: Where can I access background information about this project?

A: Information about this project including staff reports, proposed bylaws, community presentation slides, community survey results, technical studies and public correspondence is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/gabriola-housing-options-review-project/>

LTC meeting agendas and minutes are also available on the website at:

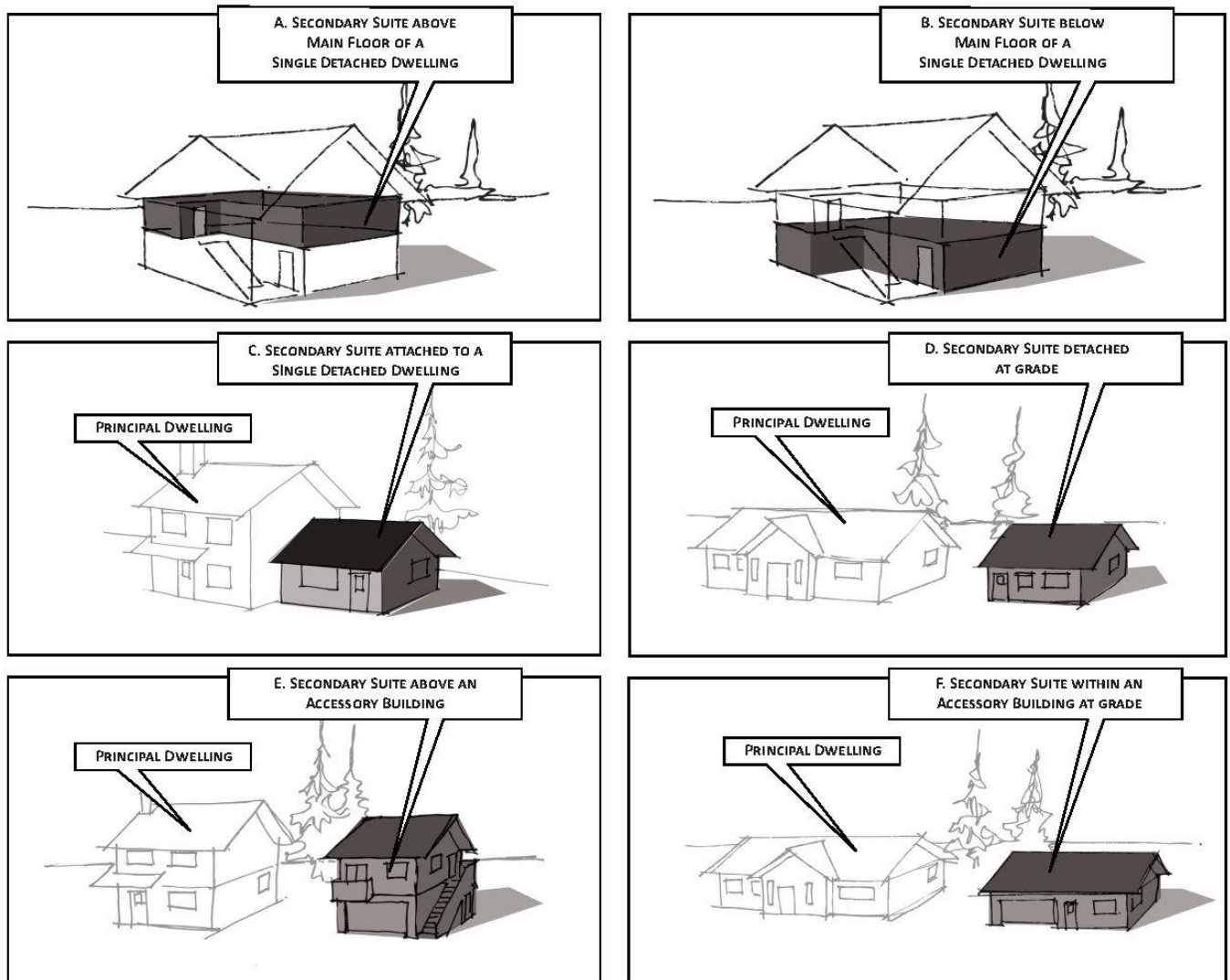
<http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/meeting-calendar-agendas-minutes/>

Q: What are Proposed Bylaws 292 and 293 about?

A: Proposed Bylaw 292 is comprised of nine proposed amendments to the OCP. The bylaw was given First Reading in July 2017 by the LTC after extensive community input and planning review. The bylaw, if adopted, would replace references in the OCP to “accessory cottage” with “secondary suite”, as well as remove select definitions from the OCP that are duplicated in the LUB or not required.

Proposed Bylaw 293 is comprised of 32 specific amendments to the LUB. The bylaw, if adopted, would allow a secondary suite (in lieu of an ‘accessory cottage’) on a lot in one of six different build out configurations as shown on the following page (options A-F). Proposed changes include regulating the floor area of a secondary suite; permitting a bathroom and/or kitchen in an accessory building and providing greater clarity for regulations pertaining to home occupations and lands in the Agricultural Land Reserve (ALR).

Secondary Suite Configuration Options:



Q: What is the difference between an 'accessory cottage' and 'secondary suite'?

A: Current LUB regulations in select zones allow one principle residence and one accessory cottage (maximum 700 square feet) on a lot that is 2 hectares or larger. The proposed changes would eliminate references to an “accessory cottage” and replace these with “secondary suite”. This would allow greater flexibility to configure the suite in one of six options and potentially increase the floor area to accommodate up to a 2 bedroom unit. For a suite in Options A, B or C, the maximum floor area proposed is 40% of the floor area of the principle residence or 968 square feet (whichever is less), and for Options D, E, F the maximum floor area proposed is 968 square feet.

Q: Why are the proposed regulations for additional dwellings on lots in the Agricultural Land Reserve (ALR) different than for lots outside the ALR?

A: Lands in the ALR are also regulated by the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002*. The ALC Act takes precedence over, but does not replace, other legislation and bylaws that may apply to the land. The LTC is expected to plan in accordance with the Provincial policy of preserving agricultural land. The ALC regulation is the specific code, under the ALC Act, that clearly identifies farm activities and non-farm uses that are permitted in the ALR and this includes the maximum number of dwellings. For a lot in the ALR, the LTC can permit a maximum of three dwellings: one principle dwelling, one secondary suite within the principle dwelling (maximum floor area of 40% of the habitable floor area of the principle dwelling or 968 square feet whichever is less); AND a manufactured home for immediate family or farm worker housing (with specific restrictions/conditions) or an additional secondary suite above an accessory building (in lieu of a manufactured home).

Q: What do other agencies or groups have to say about the proposed bylaws?

A: The application has been referred to First Nations, the Regional District of Nanaimo and several provincial agencies. The LTC has considered referral responses received to date. A summary of referral responses can be viewed on the project website.

Q: If the Proposed Bylaws are adopted, what steps do I need to take to construct a secondary suite on my lot?

A: A property owner with a lot 2 hectares or larger in a qualifying zone can apply to the Regional District of Nanaimo Building Inspection Department for a building permit to construct a new secondary suite. The Building Inspector will inspect the plans to ensure consistency with LUB regulations and British Columbia Building Code requirements, as well as provisions for septic and water. A restrictive covenant will be required to be registered on the title of the property prior to a building permit being issued, to prohibit the strata conversion of dwellings.

Q: What is the “restrictive covenant” that is proposed to be registered on the title of a property with a new secondary suite?

A: The LTC has required that as a condition of moving forward with the secondary suite regulations that a restrictive covenant be required for any new suite being constructed. A section 219 covenant under the *Land Title Act* is an agreement between the land owner and the Local Trust Committee that specifies some restriction of activities or land use that is applied to all or a portion of a subject property. For this particular project, a model restrictive covenant has already been prepared so that property owners can use it to prohibit future building strata subdivision of dwellings on the lot. This means that all dwellings on a property remain under one land title so that no single dwelling could be sold separately from the others. The cost of preparation of the covenant has been borne by the LTC but registration of the covenant with the Land Titles Office would be the responsibility of the property owner applying for a building permit.

Q: Does this project address affordable housing needs on Gabriola Island?

A: While Phase I of the Housing Options Project is limited to expanding options for rental market housing in the form of secondary suites, it does not fully address affordable housing needs on Gabriola Island. A housing needs assessment is currently being undertaken for the Islands Trust Northern Region, including Gabriola Island. This will involve a series of stakeholder interviews, new census data analysis, and community surveys. The study, being undertaken by an independent housing consultant, is expected to be complete in early 2018 and will be presented to LTCs for their consideration upon completion. It is also expected that the findings will form the basis of a Phase II project, to further address affordable housing needs on Gabriola Island.

Q: What is the difference between a ‘Community Information Meeting’ and a ‘Public Hearing’ and how do I provide input to the LTC on this application?

A: A Community Information Meeting is an opportunity for the public to learn about a project and provide input to and ask specific questions of the LTC or planning staff in order to understand how their interests may be affected by the proposed bylaws and what type of input they wish to provide as part of the public hearing process. Two community information meetings regarding this project were previously held in December 2016 and June 2017. A third community information meeting will precede a public hearing, tentatively scheduled for November 2017.

A Public Hearing is a formal opportunity for affected individuals to speak directly to the LTC on Proposed Bylaws 292 (OCP) and 293 (LUB). Submissions may be made until the close of the public hearing. The LTC may not accept any new information relating to the proposed bylaws after the adjournment of the hearing.

The public is encouraged to provide input to the Gabriola Island Local Trust Committee on this application prior to the close of the public hearing via email to gabriolaislandlocaltrustcommittee@islandstrust.bc.ca or mail to the Islands Trust Northern Office, 700 North Road, Gabriola Island BC, V0R 1X3.

Q: What are the next steps in the bylaw review process?

A: Following the public hearing, the LTC can make a decision to either:

- a) not proceed with the proposed bylaws;
- b) determine whether further amendments are required prior to giving third reading to the bylaws; or
- c) give third reading to the bylaws as presented at the public hearing.

Should it be the decision of the LTC to proceed with third reading of the bylaws, the next step would be for Proposed Bylaws 292 and 293 to be forwarded to the Islands Trust Executive Committee for approval. Following approval by the Executive Committee, Proposed Bylaw 292 would be forwarded to the Ministry of Housing and Municipal Affairs for the approval by the Minister. Following Ministerial approval of Proposed Bylaw 292 and Executive Committee approval of Proposed Bylaw 293, the LTC would be able to consider final adoption of the bylaws.

Contact Information:

Islands Trust Office – Northern Region
700 North Road
Gabriola Island, BC V0R 1X7
250.247.2063

General Enquiries: northinfo@islandstrust.bc.ca
Gabriola LTC: gabriolaislandlocaltrustcommittee@islandstrust.bc.ca
Website: www.islandstrust.bc.ca

Please note, all correspondence provided to the Local Trust Committee will be included in the public record and may also be posted on the Islands Trust website. Islands Trust will not consider correspondence from anonymous sources and or publish written statements that are subject to the Freedom of Information and Protection of Privacy Act, or statements that are potentially defamatory, profane or otherwise inappropriate for general circulation. Senders of such correspondence will be informed of the necessary amendments that would make their correspondence eligible for receipt and circulation on an open public agenda.

Housing Options Review Project - PHASE 1 Charter v 2.0

Gabriola Island Local Trust Committee

Date: April 28, 2017

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

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

Objectives

- Explore mechanisms to strengthen and build effective working relationships with existing community groups, agencies and the Regional District of Nanaimo to support housing options for Gabriola Island.
- Review targeted OCP policies and LUB regulations to increase housing options on Gabriola.
- Develop new LUB regulations regarding proof of water at the time of subdivision.
- Develop a community survey and communication plan on existing and proposed housing regulations for residents, realtors and developers.

In Scope

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

Out of Scope

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

Workplan Overview

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

Project Team

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

RPM Approval:

Ann Kjerulf

Date: July 21, 2016

LTC Endorsement:

Resolutions #GB-2016-073

Date: Jul.12.16.16

#GB-2017-056 on Feb.9.17

Budget

Budget Source:

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

68



Top Priorities

Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Housing Options Review Project	Review Gabriola OCP and LUB policy/regulations to allow option for secondary suite in lieu of accessory cottages on lots over 2ha and over existing buildings; review temporary dwelling regulations; draft new proof of water requirements for subdivision regulations.	07-May-2015	Sonja Zupanec	
1	First Nations Relationship Building			Fiona MacRaild	
2	Mudge Island targeted review of OCP/LUB	Review 10% lot coverage provisions and cisterns being calculated as lot coverage on small lots.	07-Sep-2017		
3	Water taxi feasibility	Review feasibility for zoning provisions for a water taxi at or near Descanso Bay, Gabriola Island.	14-Jul-2016	Sonja Zupanec	

**Projects****Gabriola Island**

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

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Vacation Rental Review	Review bylaws with respect to temporary use permits for short term vacation rentals	07-May-2015
CDF Conservation	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
Gabriola Water Taxi	Review Official Community Plan and Land-Use Bylaw provisions to encourage water taxi service at or near Descanso Bay	15-Feb-2016
Mudge Island OCP Review	Targeted OCP review to include housekeeping amendments; review of maximum permitted lot coverage; rainwater collection cisterns being excluded from lot coverage calculations.	14-Jul-2016



Projects

Gabriola Island

Description	Activity	R/Initiated
LUB Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use.	08-Sep-2016
Review and update the Gabriola Build Out Map		11-May-2017
Develop a new Ecological Protection Zone.	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coates Marsh and Burns Acres Nature Reserve properties.	01-Mar-2017

**Development Permit**

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

Planner: Teresa Ritemann**Planning Status****Status Date:** 02-Oct-2017

IT working with applicant on Cost Recovery agreement, then can work on restrictive covenant.

Status Date: 02-Oct-2017

IT working with applicant on Cost Recovery agreement, then can work on restrictive covenant. Waiting also for comments from Arch Branch and Snuneymuxw FN.

Development Variance Permit

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

Planner: Linda Prowse**Planning Status****Status Date:** 18-Aug-2017

Sent letter to the property owner reiterating what we spoke about yesterday and asking her (or her surveyor) to forward the completed site plan to planning staff.

Status Date: 17-Aug-2017

Planning staff contacted the owner and met with her. Reiterated the need for a survey showing the buildings and structures in and near the stream. Took some picture.
The owner is willing to get the surveyor to come and get the site plan up to the standard that the Land Use Bylaw requires.

Status Date: 17-Aug-2017

Planning staff contacted the owner and met with her. Reiterated the need for a survey showing the buildings and structures in and near the stream. Took some picture.
The owner is willing to get the surveyor to come and get the site plan up to the standard that the Land Use Bylaw requires.

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------



Islands Trust

Print Date: October 4, 2017

Applications

GB-DVP-2017.1 Zane, Michael 03-Aug-2017 PID: 009-796-045 To bring property into bylaw compliance. Civic address:
Acorn Island

Planner: Teresa Ritemann

Planning Status

Status Date: 02-Oct-2017

IT working with applicant on Cost Recovery agreement, then can work on restrictive covenant.

Status Date: 02-Oct-2017

IT working with applicant on Cost Recovery agreement, then can work on restrictive covenant. Waiting also for comments from Arch Branch and Snuneymuxw FN.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.2	STEVEN J USHER FRANCES A USHER	18-Aug-2017	PID:006-982-123 Setback adjustment required to build garage. 762 Seagirt Road, Gabriola Island.

Planner: Madeleine Koch

Planning Status

Status Date:

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
GB-LCB-2017.1	Surf Lodge DBA 1019155 BC Ltd.	24-Aug-2017	PID: 006-986-170 - 885 Berry Point Road. Structural Change Application.

Planner: Sonja Zupanec

Planning Status

Status Date:

Rezoning

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

**Applications**

GB-RZ-2016.1 Williamson & Associates 09-Feb-2016 PIDs:006-654-941, 005-030-480, 009-735-968, 003-010-431, 006-635-121, 027-939-804, 027-939-791\nSpruce to Church Streets, Mallett Creek Density Transfer

Planner: Sonja Zupanec

Planning Status

Status Date: 30-Mar-2017

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

Subdivision

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

Planner: Teresa Ritemann

Planning Status

Status Date: 02-Oct-2017

No change in status.

Status Date: 23-Feb-2017

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

Status Date: 08-Jan-2016

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 Create 7 parcels

Planner: Teresa Ritemann

Planning Status

Status Date: 02-Oct-2017

No change in status.

Applications

Status Date: 14-Jun-2017

MOTI sent PLA with conditions for the applicant to meet.

Status Date: 24-May-2017

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors Planner: Marnie Eggen	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)

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 Planner: Teresa Rittmann	24-Oct-2012	725 Church Street - subdivision to create one new lot and a remainder lot

Planning Status

Status Date: 02-Oct-2017

No change in status.

Status Date: 31-Mar-2015

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

Status Date: 03-Sep-2014

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

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------



Applications

GB-SUB-2013.3

Smythies &
Associates

28-Oct-2013

411 Daniel Way
subdivision to create 2 parcels**Planner:** Teresa Ritemann**Planning Status****Status Date:** 02-Oct-2017

No change in status.

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-2016.2	MACKAY, IKE	23-Feb-2016	PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment

Planner: Teresa Ritemann**Planning Status****Status Date:** 02-Oct-2017

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

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

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

Planner: Sonja Zupanec**Planning Status****Status Date:** 08-Jun-2016

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

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

**Applications**

GB-SUB-2016.6 C.O. Smythies & Associates 08-Sep-2016 PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision.
Planner: Teresa Ritemann

Planning Status

Status Date: 02-Oct-2017

No change in status.

Status Date: 23-May-2017

PLA issued Nov. 23/2016. Update from MOTI notes that the applicant is in the process of getting final documents submitted to them.

Status Date: 23-May-2017

PLA issued Nov. 23/2016. Update from MOTI notes that the applicant is in the process of getting final documents submitted to them.

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

Planning Status

Status Date: 02-Oct-2017

No change in status.

Status Date: 05-May-2017

PLA Received. MOTI will send final plan when received.

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

Planning Status

Status Date:



Applications

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

Planner: Teresa Ritemann

Planning Status

Status Date: 02-Oct-2017

No change in status.

Status Date: 24-Jul-2017

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

Status Date: 30-Jun-2017

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

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2016.1	MCAFEE, IAN	09-Oct-2015	PID: 003-135-276 1070 Chappel Place, Gabriola Island. STVR.

Planner: Teresa Ritemann

Planning Status

Status Date: 19-Jun-2017

No change in status.

Status Date: 26-Apr-2017

Planner reviewing application and waiting for additional information from applicant.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending August 2017

620 Gabriola	Invoices posted to Month ending August 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	696.70	803.30
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	1,486.27	3,263.73
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	477.70	122.30
65220-620	LTC - Local Exp - Communications	1,250.00	0.00	1,250.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	0.00	1,000.00
TOTAL LTC Local Expense		<u>7,600.00</u>	<u>1,963.97</u>	<u>5,636.03</u>
Projects				
73001-620-4063	Gabriola First Nations Relations	1,000.00	13.54	986.46
73001-620-4064	Gabriola Housing Options Review	2,500.00	1,868.98	631.02
73001-620-4080	Gabriola Housing Needs Assessment	5,000.00	0.00	5,000.00
TOTAL Project Expenses		<u>8,500.00</u>	<u>1,882.52</u>	<u>6,617.48</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.