



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: May 11, 2017
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

	Pages
1. CALL TO ORDER	10:15 AM - 10:20 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	10:20 AM - 10:30 AM
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES	10:30 AM - 10:45 AM
6.1 Local Trust Committee Minutes dated March 9, 2017 – for adoption	4 - 17
6.2 Local Trust Committee Public Hearing Record dated March 9, 2017 - for receipt	18 - 19
6.3 Local Trust Committee Special Meeting Minutes dated March 20, 2017 – for adoption	20 - 24
6.4 Local Trust Committee Public Hearing Record dated March 29, 2017 - for receipt	25 - 33
6.5 Local Trust Committee Special Meeting Minutes dated March 30, 2017 – for adoption	34 - 44
6.6 Section 26 Resolutions-Without-Meeting Report dated May 3, 2017	45 - 45
6.7 Advisory Planning Commission Draft Minutes dated March 22, 2017 - for receipt	46 - 49
6.8 Mudge Island Advisory Planning Commission Minutes - none	
6.9 Agricultural Advisory Commission Minutes - none	
6.10 Transportation Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	10:45 AM - 11:00 AM
7.1 Follow-up Action List dated May 3, 2017	50 - 52

8. DELEGATIONS**9. CORRESPONDENCE**

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

10. APPLICATIONS AND REFERRALS

11:00 AM - 11:30 AM

10.1 GB-DP-2017.1 (Fraser) - Staff Report

62 - 92

10.2 Bylaw No. 291

93 - 97

That Gabriola Island Local Trust Committee Bylaw No. 291, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be adopted

11. LOCAL TRUST COMMITTEE PROJECTS

11:30 AM - 12:30 PM

11.1 Housing Options Review Project - Bylaws 292 and 293 - Staff Report

98 - 133

12. BREAK

12:30 PM - 12:50 PM

13. REPORTS

12:50 PM - 1:05 PM

13.1 Work Program Reports

13.1.1 Top Priorities Report dated May 3, 2017

134 - 134

13.1.2 Projects List Report dated May 3, 2017

135 - 137

13.2 Applications Report dated May 3, 2017

138 - 144

13.3 Trustee and Local Expense Report dated February, 2017

145 - 145

13.4 Adopted Policies and Standing Resolutions

146 - 146

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 dated April, 2017

147 - 148

14. NEW BUSINESS

1:05 PM - 1:15 PM

14.1 2016/17 Islands Trust Annual Report - Memorandum

149 - 149

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, June 8, 2017 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

16. TOWN HALL 1:15 PM - 1:25 PM
17. CLOSED MEETING 1:25 PM - 1:35 PM
- 17.1 Motion to Close the Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) Advisory Planning Commission Appointments and (d) Adoption of In Camera Minutes dated October 13, 2016 and that the recorder and staff attend the meeting.*
- 17.2 Recall to Order
- 17.3 Rise and Report
18. ADJOURNMENT 1:35 PM - 1:35 PM



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: March 9, 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
 Theresa Rittemann, Planner 1
 Ann Kjerulf, Regional Planning Manager
 Lisa Millard, Recorder

Others Present One (1) member of the local media and twelve (12) members of the public were in attendance

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 10:16 am. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

9.1 Late Delegation Marie Brannstrom and Paul Metcalfe regarding GB-RZ-2016.1 Potlach Properties and Pilot Bay Holdings

13.3 Chair Participation at the One Book One Community Event

13.4 Ferry Advisory Committee meeting with the Ministry of Transportation and Infrastructure and BC Ferries

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Gabriola Land and Trails Trust (GaLTT) provided a written submission indicating their support of the GB.RZ.2016.1 Potlatch Properties and Pilot Bay Holdings rezoning application and noted that GaLTT has authority to hold Section 218 Statutory Rights-of-Way in regard to a proposed trail linkage previously discussed with the Applicants.

A member of the public provided a written submission requesting the Local Trust Committee (LTC) sever all existing Riparian Areas between roadside ditches or, alternatively, request the Attorney General of BC investigate the LTC's passage of Riparian Bylaws, and as well, request the Auditor General of BC conduct a value for money performance audit of the Islands Trust.

A member of the public noted that a previous LTC had stated that the Riparian Bylaws and their content were mandated by the Provincial Government.

4. COMMUNITY INFORMATION MEETING

Planner Presentation Proposed Bylaw No. 294

Island Planner Zupanec summarized the proposed bylaw and highlighted the following:

- It is an amendment to correct text labeling in Section 9.1 of the Official Community Plan (OCP) development permit area three (DP3) Riparian Areas to replace all references to D1 and D2 on the schedule with D as shown on the schedule.
- This correction to the reference is necessary.

Question and Answers

The Island Planner asked if there were any questions and there were none.

Planner Presentation Proposed Bylaw No. 291

Planner Ritemann summarized the proposed bylaw and highlighted the following:

- Based on the Advisory Planning Commission's (APC) recommendation the LTC determined that two real estate signs per lot would be permitted.
- The Ministry of Transportation and Infrastructure (MoTI) noted that road side allowances fall within their jurisdiction and are subject to their regulations.
- The Gabriola Island Chamber of Commerce noted that there was no reference to mail box notice board signs.
- The Bylaw Enforcement office indicated that the LTC continues to have the option of making a standing resolution regarding non-enforcement of bylaws.
- There is a proposed amendment to Table 1: Sign Regulations to allow for a sign on an adjacent upland lot in water general (WG) zones.
- Commemorative, historical and interpretive signs have been exempted in the P1, P2, and P3 zones.
- The term directional signs was proposed to be removed due to more specific regulations in the proposed bylaw.
- Section B.4.3 regulates which types of temporary signs are allowed and when.

Questions and Answers

Planner Ritemann responded to questions as follows:

- In the water general zone can one put a sign on a land lot?
 - One could only put a sign on an upland lot in a WG zone if there is a water lease.
- If the maximum number of signs and size are removed in the P1, P2, and P3 zones why do you need an exemption?
 - The table indicates that there is no maximum number of signs and no maximum area and within the exemptions it states which signs are exempted from the provisions of this section. In section B.4 it states "notwithstanding the exemption" and therefore one would need to consider if the sign is commemorative, historical, or interpretive.

Trustee O'Sullivan stated that she intended to propose to move WP1 and WP3 into the same row as WG as WP2 relates specifically to water parks and should not correlate with WP1 and WP3 which are water protected zones but not parks.

- Real Estate signs are allowed everywhere except water zones and temporary signs are allowed in all zones. Why would a sign for real estate purposes not be in a water zone but a temporary sign for an event be permitted? The same applies for B.4.3.4 which refers to temporary directional signs.
 - If a sign is put up in a water zone advertising a community event you would have to turn to the zone specific regulations to review if it is allowed as some water zones prohibit commercial uses.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

5.1.1 Bylaw No. 294

5.1.2 Bylaw No. 291

By general consent the meeting was recessed at 10:45 am to conduct a Public Hearing on Bylaws No. 294 and 291.

5.2 Recall to Order

By general consent the meeting was recalled to order at 10:54 am.

6. LOCAL TRUST COMMITTEE PROJECTS

6.1 Proposed Bylaw No. 294

GB-2017-031

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017", be read a third time.

CARRIED

GB-2017-032

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

6.2 Proposed Bylaw No. 291

By general consent the meeting was recessed at 11:01 am and reconvened at 11:11 am.

GB-2017-033

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee rescind second reading of Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016.

CARRIED

GB-2017-034

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016" such that the preamble for Part 2 reads: "Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the current definition of third party sign and adding the following definitions in alphabetic order:"

CARRIED

GB-2017-035

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016" such that in Table 1: Sign Regulations, WP1 and WP3 be moved to the same row as the WG zone.

CARRIED

Discussion ensued regarding signage in water zones for advertising purposes. It was noted that WG, WP1 and WP2 zones have prohibitions that state no float, dock, or other structure can be used for commercial or industrial use. Previously there were no restrictions on signs in water zones with the exception of signs for commercial purposes and now the bylaw limits size and number of signs and does not allow real estate signs.

GB-2017-036

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee give second reading to Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016" as amended.

CARRIED

GB-2017-037

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be read a third time.

CARRIED

GB-2017-038

It was MOVED and SECONDED

That Gabriola Island Local Trust Committee Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

7. MINUTES

7.1 Local Trust Committee Minutes dated February 9, 2017

The following amendments to the minutes were presented for consideration:

On page 1 of the minutes Item 1 delete the second paragraph which states "Trustee Mamoser stated that Chair Busheikin will be attending the meeting electronically". and replace it with "Trustee Mamoser, Acting Chair, stated that Chair Busheikin was unable to attend the meeting due to weather and that she would be attending the meeting electronically as an observer and she further noted that Local Trust Committee (LTC) members are not able to vote via telecommunications."

By general consent the minutes were adopted as amended.

7.2 Section 26 Resolutions-Without-Meeting - none

7.3 Advisory Planning Commission Minutes - none

7.4 Mudge Island Advisory Planning Commission Minutes - none

7.5 Agricultural Advisory Commission Minutes - none

7.6 Transportation Advisory Planning Commission Minutes – none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated March 1, 2017

Regional Planning Manager Kjerulf noted that a meeting with the Regional District of Nanaimo (RDN) was being scheduled as a precursor to the inter agency meeting.

9. DELEGATIONS

9.1 Marie Brannstrom and Paul Metcalfe regarding GB-RZ-2016.1 Potlach Properties and Pilot Bay Holdings

The delegates provided a presentation featuring a map of their property and the proposed development area and made the following points:

- When the subdivision development was first proposed they were advised by the applicant that there would not be any impact on their property.
- It appears that the strata access road will be built down the steepest part of the slope which runs along their property line.
- There is lightly treed open yard space between their house and the proposed road and vehicle headlights will illuminate their house.
- They advised the applicant of their concerns.
- The LTC is being asked to consider the application before a formally proposed access road location has been identified.
- They have suggested an alternative road route further away from their home and further away from the Riparian area.
- In a recent discussion with the applicant they were advised that the proposed road has not been finalized or engineered and that many concerns need to be addressed before the location is finalized. They were also advised that the determination of the path of the road would not be made until after the connector road was built and the eastern residences were completed.
- They are not against a road being built on the lot identified on the map, providing it doesn't impact the use of their land in a substantial manner.

Discussion ensued and the following points were made:

- The delegates are referring specifically to the strata driveway.
- MoTI will comment about the siting of the common driveway at the time of subdivision when the application is put before them.
- The MoTI approving officer does have to take the public interest into consideration.
- There are currently no established setbacks for a new subdivision or restrictions to building a common access driveway on a lot on which the residences are not located.

10. CORRESPONDENCE

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

11. APPLICATIONS AND REFERRALS

11.1 GB-SUB-2016.3 - Roundtuit Farms Ltd. (DeCourcy Is.) - Staff Report

Regional Planning Manager Kjerulf summarized the staff report.

GB-2017-039

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee accept a covenant for GB-SUB-2016.3 under Section 219 of the *Land Title Act* from the registered owners of PID 000-991-694; Block F, Sections 10, 23, 24, Nanaimo District, Plan 41970 and authorize the Chair and Trustee O'Sullivan of the Gabriola Local Trust Committee to sign the covenant.

CARRIED

GB-2017-040

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add “review of subdivision policies and regulations” to the Projects List under the item “Decourcy OCP review” and that the “Decourcy OCP review” item be expanded to “Decourcy OCP and bylaw review”.

CARRIED

11.2 GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings - Staff Report

The Island Planner summarized the staff report and highlighted the following:

- The APC and the RDN requested they have further opportunity to comment.
- The hydrological assessment report was reviewed by the Water Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) and a detailed response was provided. The applicant has requested that their consultant review said response and answer outstanding questions.
- A draft covenant has been prepared and it was noted that covenants can be changed up to the point of registration if necessary.
- A Community Information Meeting and Public Hearing can now be scheduled.
- The applicant has prepared a conceptual layout of parks and trails and this has been forwarded to the RDN for review.
- In the chart of referral responses it should state that FLNRO’s interests are affected by the bylaw.
- MoTI will not participate at the Community Information Meeting as they do not become involved until a subdivision application is received .

The applicant made the following comments:

- He received a letter from Paul Metcalfe and Marie Brannstrom and he spoke with them regarding their concerns about the access road.
- The access road is conceptual and is shown on the plan now so that elevations and grades of the hill can be determined.
- There is a possibility that the road can be moved 50 to 60 metres away from the property boundary.
- They will look at options to create separation.

Discussion ensued and Trustee Mamoser indicated that she would like an organization, such as GaLLT, to have access to Peacock Pond, Mallett Creek and the trails for the purpose of ongoing maintenance and rehabilitation.

GB-2017-041

It was MOVED and SECONDED

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

CARRIED

By general consent the meeting was recessed for a break at 1:01 pm and reconvened at 1:18 pm.

Discussion ensued regarding the requirement that residences in the development have a cistern, however, the cistern capacity has not been determined. The applicant noted that based on the RDN rainwater harvesting recommendations they are in favour of the suggestion of a capacity of 5000 imperial gallons.

GB-2017-042

It was MOVED and SECONDED

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

When asked by the Chair if there was any discussion on the motion, staff stated the term “per principal dwelling” should be included.

GB-2017-042

It was MOVED and SECONDED

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

CARRIED

Discussion ensued and the following was noted:

- Staff will prepare a document of frequently asked questions and answers about the proposal and information summarizing concerns and benefits and these can be available at the Community Information Meeting.
- Linear parks are defined as dedicated park land with ownership held by the RDN and the trails in the proposed park land are common property corridors which will have statutory rights-of-way held by the RDN.
- Staff confirmed that the LTC could ask the RDN or GaLTT to hold a statutory right-of-way or a license of occupation to secure access to the trail to the viewpoint.
- Trustees would like to include a mandatory requirement for a cistern in zones for new developments.

GB-2017-043

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to bring forward an amendment to Proposed Bylaw No. 290 for consideration at third reading which would amend the RR2 zone to include a new regulation requiring each principal residence to be constructed with a connection to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres for domestic use.

CARRIED

Discussion ensued and the following was noted:

- A public hearing will be held before the RDN confirms receipt of the public parkland.

- If the RDN does not confirm receipt the LTC would have to look at a cash in lieu option and this would be considered fundamentally substantial new information with the result of changing the application immensely and it would therefore need to be reconsidered.
- The strata owners need to be made aware of potential archeological zones flagged in the archeological study and the applicant stated this will be addressed at time of subdivision through a separate covenant.
- If irrigation requirements were included in the covenant it would be necessary to ensure language and standards are consistent with irrigation industry standards.
- Drainage requirements will be addressed through MoTI at the time of subdivision.

Discussion ensued regarding water use and the following comments were noted:

- There have been comments within the community regarding the reliability and validity of data in the hydrogeological report due to individual residences having difficulties with their wells in the summer months when demand is greatest. The purpose of the study was to determine the effect of wells on the water table overall.
- The *Water Sustainability Act* protects the rights of existing users in times of scarcity within the first in time first in rights clause and individuals can choose to register their wells if they are concerned.
- The MoTI stage of the process also provides a level of protection as water availability needs to be proven at that stage and if not then, it can result in a decrease in the number of allowable lots.
- The LTC has made a requirement for the installation of cisterns on each property.
- Homeowners can sign up with the RDN for well monitoring.

GB-2017-044

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee refer Bylaw No. 289, cited as "Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016" and Bylaw No. 290 cited as "Gabriola Island Land Use Bylaw No. 177, 1999 Amendment No. 1, 2016", to the Advisory Planning Commission for comment.

CARRIED

GB-2017-045

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that Advisory Planning Commission members be formally invited to attend the Community Information Meeting to consider proposed Bylaw Nos. 289 and 290, in advance of the Advisory Planning Commission meeting.

CARRIED

GB-2017-046

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee refer Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016” and Bylaw No. 290 cited as “Gabriola Island Land Use Bylaw No. 177, 1999 Amendment No. 1, 2016”, and for consideration of accepting Trail No. 4 as a statutory right of way, to the Regional District of Nanaimo for a decision regarding proposed parkland dedication on the receiving lands.

CARRIED

GB-2017-047

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016”.

CARRIED

GB-2017-048

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 290, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2016”.

CARRIED

Discussion ensued regarding the two referrals currently in front of the APC and if it is feasible to discuss both topics at the upcoming APC meeting.

GB-2017-049

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee rescind referral of the Housing Options Review project to the Advisory Planning Commission.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated March 1, 2017

Received for information.

12.1.2 Projects List Report dated March 1, 2017

Received for information.

12.2 Applications Report dated March 1, 2017

Received for information.

12.3 Trustee and Local Expense Report dated January, 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No additions or changes.

12.6 Chair's Report

The Chair reported the following:

- She is preparing for the upcoming Trust Council meeting taking place on Gabriola and she invited the public to attend.
- Some of the meeting topics include protecting archeological sites, adopting the budget, funding for a temporary full time Fresh Water Specialist staff position and an update on work being done to create a more coherent visual identity for Islands Trust.
- An electronic meetings guide is being worked on.
- The Executive Committee is planning to go to the Association of Vancouver Island Coastal Communities annual convention in Campbell River and the Islands Trust will be initiating an action around the regulation of styrofoam and hard foams in marine areas.

12.7 Trustee Reports

Trustee O'Sullivan reported on the following:

- She attended a Trust Programs Committee meeting and one of their projects is the Community Island Stewardship Awards. She encourages community members to put forward nominations for this award which are now open.
- The Trust Committee is focusing on water conservation and education and FLNRO will be presenting a series of well owner education workshops.
- She participated in a gathering of a group of individuals looking at furthering truth and reconciliation opportunities on Gabriola.
- She participated in, and observed, a gathering organized by Sustainable Gabriola and there were several discussions about transportation, energy, housing options and food production.
- The Ferry Advisory Committee (FAC) recently met with BC Ferries and MoTI about issues related to the ferry line up.
- She recognized that March 8, 2017 was International Women's Day and acknowledged the hard work of the LTC members and Islands Trust staff.

Trustee Mamoser reported on the following:

- She is on the Trust Council's local planning committee which will be working with the Northern Island Trust office to assess a phased approach to conducting and funding a needs assessment as part of the community housing and needs project. The assessment will begin on Gabriola and will include both a quantitative and qualitative analysis. A consultant will attend and speak with the community as part of this analysis.
- She watched the museum's annual general meeting.
- She attended a presentation by Fiona MacRaid, Islands Trust First Nations Senior Intergovernmental Policy Advisor, regarding the Douglas Treaty.
- She spoke to the Power Squadron about Islands Trust and local marine issues.
- She stated that Trustee office hours continue.

12.8 Electoral Area Director's Report none

12.9 Trust Fund Board Report - February, 2017

Received for information.

13. NEW BUSINESS

13.1 Advisory Planning Commission Appointments - Staff Report

The Island Planner summarized the staff report and stated that the Advisory Planning Commission currently has six members with terms expiring in April.

GB-2017-050

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff advertise for expressions of interest for the Gabriola Island Advisory Planning Commission.

CARRIED

GB-2017-051

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms will expire on April 2, 2017, inviting their expressions of interest for reappointment to the Advisory Planning Commission.

CARRIED

GB-2017-052

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission bylaw for consideration of the Local Trust Committee.

CARRIED

13.2 Camp Miriam - for Discussion

This item was deferred.

13.3 Chair Participation at the One Book One Community Event

Chair Busheikin would like to attend the event as a LTC representative.

GB-2017-053

It was MOVED and SECONDED

that the Chair be authorized to attend the One Book One Community Event and that funds be released for her travel expenses.

CARRIED

13.4 Ferry Advisory Committee meeting with the Ministry of Transportation and Infrastructure and BC Ferries.

Trustee O'Sullivan attended the meeting on March 6, 2017 and noted the following:

- The purpose of the meeting was to discuss safety issues of the ferry line up on Taylor Bay Road, the u-turns and the risks of illegal u-turns.
- FAC would like MoTI to do a study and establish a solution to the problem.
- BC Ferries was supportive and indicated the most effective way to get them to initiate a study is for the local government and local authorities to write to the Ministry outlining community support for the study.
- The FAC website has a summary of the meeting

GB-2017-054

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to write a letter for the Chair's signature to the Minister of Transportation requesting a safety study for the Gabriola Island ferry line up by the Ministry of Transportation and Infrastructure.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, May 11, 2017 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

15. TOWN HALL

Members of the public made the following comments:

- Once a qualified, licensed, engineer signs off on a document that they are qualified to speak about, the document is effectively admissible in court. The LTC can commission a review of the findings by an independent, qualified professional with knowledge of the issue, however, it is not necessary to do so.

- There is concern about liability issues around the Peacock Pond and Mallett Creek and if ownership is transferred to a strata council they could determine to dry the pond to eliminate liability and the dam supplies water to lower Mallett Creek which is a salmon bearing creek.
- The professional that wrote the hydrogeological report did not consult residents about their experiences and therefore underestimated the value of local knowledge.
- There is concern about donor land on Coats Marsh Regional Park that is being zoned forestry and the owner will be allowed to build one residence. He questioned the advantage of this rezoning as protection against development is not being provided. The recommendation that this land be zoned habitat has not been considered.
 - Trustee response was that current zoning allows for ecological reserve whereby park zoning does not.
- Treatment of large lot residential (LLR) parcels has been segmented from the other parcels within the proposed Potlach development and once formalized, this can set precedent allowing the RDN to take away a community's ability to determine what happens on a LLR zone.

16. CLOSED MEETING- none

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:54 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder



Gabriola Island Local Trust Committee Public Hearing Record

**REGARDING PROPOSED BYLAW NO. 291 CITED AS
"GABRIOLA ISLAND LAND USE BYLAW, 1999, AMENDMENT NO. 2, 2016"
AND
PROPOSED BYLAW NO. 294 CITED AS
"GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN (GABRIOLA), 1997,
AMENDMENT NO. 2, 2017"**

Date of Meeting: Thursday, March 9, 2017
Location: Gabriola Arts and Heritage Centre
465 South Road, Gabriola Island, BC

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

Staff Present: Ann Kjerulf, Regional Planning Manager
Sonja Zupanec, Island Planner
Teresa Ritemann, Planner 2
Lisa Millard, Recorder

Media and Others: One (1) member of the local media and twelve (12) members of the public were in attendance.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 10:45 am

2. INTRODUCTIONS AND OPENING STATEMENT FROM THE CHAIR

Chair Busheikin read a formal statement explaining the public hearing regarding the Proposed Bylaw Nos. 291 and 294. She stated that all persons who believe their interest is affected by the bylaws would be given the opportunity to express their concerns and that further submissions cannot be received by the Local Trust Committee after the close of the public hearing.

3. REVIEW OF PUBLIC HEARING NOTICE

Island Planner Zupanec reviewed the Public Hearing Notice. She stated that the purpose of Bylaw No. 291 was to amend the Land Use Bylaw (LUB) to allow changes to sign regulations and definitions, and Bylaw No. 294 was an amendment to correct text

labeling in Section 9.1 of the Official Community Plan (OCP) development permit area three (DP3) Riparian Areas to replace all references to D1 and D2 on the schedule with D as shown on the schedule. She noted that all information is available at the Islands Trust office and in a binder at this meeting. She summarized agency referral responses for each of the Bylaws.

4. PROPOSED BYLAW NO. 294 -COMMENTS AND QUESTIONS FROM THE PUBLIC

There were no comments or questions made by the public.

5. PROPOSED BYLAW NO. 291 -COMMENTS AND QUESTIONS FROM THE PUBLIC

There were no comment or questions made by the public.

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

17. ADJOURNEMENT

By general consent, the meeting adjourned at 10:53 am.

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

Lisa Millard, Recorder



Gabriola Island Local Trust Committee Minutes of Special Meeting

Date: March 20, 2017
Location: Gabriola Island Community Hall
2200 South Road, Gabriola Island, BC

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

Staff Present David Marlor, Director, Local Planning Services
Sonja Zupanec, Island Planner
Becky McErlean, Legislative Clerk
Emily Kozak, Recorder

Others Present There were approximately 60 (sixty) members of the public present.

1. CALL TO ORDER AND INTRODUCTIONS

Chair Busheikin called the meeting to order at 7:03 pm. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION SESSION GB-RZ-2016.1 - Potlatch Properties and Pilot Bay Holdings

Chair Busheikin introduced the members and staff present and explained the purpose of a Community Information Meeting.

3.1 Presentation by Island Planner Zupanec

Planner Zupanec conducted a presentation on application GB-RZ-2016.1 and Proposed Bylaws 289 and 290.

3.2 Public Questions & Answer Session

Chair Busheikin read out questions that had been submitted in writing either

before or during the meeting, and they were answered by a Local Trust Committee (LTC) member, the applicant, or a staff person as noted.

- What are the parameters for the access road on Taylor Bay Road?
 - Applicant. The Ministry of Transportation and Infrastructure (MoTI) sets that and will be part of the subdivision approval.
- Why isn't the developer required to submit a pro-forma regarding cost and proposed return on the development?
 - Director Marlor. Pro-formas are used mainly when development is happening in a large city, to assess uplift value of subdivision and when the government wants to get something back as a proportion of the value, such as an amenity. It could be seen as trading amenities for density, whereas this is a density transfer.
- What is the proposed cost of the new parkland to taxpayers? It has been quoted as \$80,000.
 - Director Marlor. As the land is donated there is no cost upfront. The ongoing cost is up to Regional District of Nanaimo (RDN) and will depend on intended use of property. RDN would consult with community and the Local Trust Committee.
- Why doesn't the land use bylaw have regulations about water that we want MoTI to refer to?
 - Planner Zupanec. The bylaw could contain stronger water requirements for a subdivision, as other LTCs do, but does not currently.
- The pond and Mallet Creek initially were to be part of the park package but the RDN refused to take them. Is there a way to ensure public access?
 - Planner Zupanec. Staff are still working with the applicant on public access. There are groups on the Island who want to monitor and enhance the area rather than promote trails and general access. There is the possibility for limited access such as a Statutory Right-of-Way for enhancement only by people from approved agencies.
- How long will it take to hear back from the RDN whether they will accept the park and trails as presented?
 - Planner Zupanec. The current site plan has been sent to them formally and they will now go through their government process, through staff and their board. It will likely take a few months and will result in a formal resolution.
- Is there any way to force a name change for this application/development? The word potlatch is a cultural practise that was banned by the government for many years and seems inappropriate as we work towards reconciliation.
 - Planner Zupanec. The application name is unchangeable and is based on the business names of the applicants, but is not intended to be the name of the development.
 - Applicant. No name has been decided on for the development and the names on the application are the business names.
 - Chair Busheikin asked whether the LTC could require a name change, and Planner Zupanec reiterated that the name is for internal filing only and not a registered or legal name for the subdivision.
- Why are we proceeding piecemeal instead of developing a new OCP? Can we suspend development until the OCP is updated?
 - Trustee O'Sullivan. A targeted revision of the Official Community Plan (OCP) was just completed in 2015. While it would have to be a new one to

reflect the community's interests, it is not practical considering how much time it takes. Suspending development would be unfair to applicants as they could not be addressed in a reasonably timely fashion.

- Trustee Mamoser. They support the density transfer clause in OCP as it is valuable to increase parkland on the Island.
- What is the Trust's perception of the ecological and social values of the donor lands?
 - Trustee Mamoser. The RDN is over parkland on the Island and RDN park planners said it was a valuable piece of parkland to acquire. The proximity to Coats Marsh and the 707 park are significant. From an ecological viewpoint, professionals have said it is a good acquisition. The social value is in the trails and use.
 - Trustee O'Sullivan. The continuity of protected land and potential for trails is valuable. The RDN identified the value of the land for protecting water in the aquifer. This would become part of the largest contiguous protected land on the island. The applicant is currently allowing public access on their privately owned land which could be prevented in the future unless the land is donated.
- The application would protect lands currently zoned forestry. Current zoning means they could be logged. How would the new zoning fit with forestry objectives in the OCP?
 - Chair Busheikin. Once made a park that land could not be logged.
 - Trustee Mamoser. Referred directly to the OCP. Sustainable forestry is needed on Gabriola but they also recognize that these lands are a good area to protect. The OCP allows for density transfer from forestry land because they are big areas of land.
- Will there be a bike path on just the stretch of the new road connecting Spruce and Church? If so, who will pay for it? How much are tax payers on the hook for creating and upgrading the new road connection?
 - Planner Zupanec. The Islands Trust has a letter of understanding with MoTI for all roads on the Island. That section has not been identified as a road for inclusion in the bike route plan for Gabriola but the intention is that bike plan would be updated to show that as a valuable connector if the subdivision as presented is approved. The two existing roads are gravel but the new road must be wide enough for a bike path and held to current road standards. If Spruce and Church are paved later it would be done through MoTI and the exact cost is unclear.
- If the rezoning and density transfer bylaws are adopted will the donor land be transferred without conditions?
 - Planner Zupanec. No conditions have been identified.
- If the bylaws are adopted, will the Church Street and Spruce Road connection and trails go to the community without further conditions?
 - Planner Zupanec. There may be some conditions stipulated by MoTI and not by the LTC.
- If public access to the creek and pond is not possible, can the applicant donate land near the village for affordable housing?
 - Chair Busheikin. The OCP supports the need for affordable housing but it doesn't support policies to do a density transfer and was not seen as fitting with this complex application.
 - Trustee O'Sullivan. The current OCP provision for affordable housing is

cottages and secondary cottages on parcels over 5 acres. The OCP needs to address other ways to have affordable housing but right now this application has 7 lots over 5 acres that could have potential to have affordable housing.

- Will the trustees consider a parallel process to make habitat protection and ecological reserves a clear priority whenever a subdivision or rezoning application is submitted where parkland dedication is involved?
 - Trustee Mamoser. Lots with parks zoning are not ecological reserves; all include the ability for human use.
 - Director Marlor. There are two ways to get park land; by donation, on which the LTC can put stipulations or through a 5% park dedication required in new subdivisions but not for ecological reasons, these areas are meant for recreation. This is a Provincial requirement.
- The plan includes a driveway with 12 lots going on to Taylor Bay Road. Will there be any effect on traffic congestion?
 - Chair Busheikin. The LTC discussed the likelihood of a traffic study and decided not to because effect would not be significant.
 - Trustee O'Sullivan. MoTI would look seriously at the existing traffic pattern when considering the subdivision application and where the common driveway should enter to avoid hazards. Should the application proceed, the Church-Spruce connector would also have an effect on traffic patterns.
 - Trustee Mamoser. MoTI will consider upgrades to the gravel roads at either end of the connector.
- If it turns out that the estimated water quantity is overly optimistic is there any recourse or remedy for those affected, both landowners within the proposed development and those outside? Does Islands Trust bear any liability in the event of over estimation of water quantity?
 - Planner Zupanec. There is no recourse to government, which is why there was a water study required. The hydrological assessment was vetted by the LTC. There are wide variables on why wells become less productive. The study stipulated that there is a very small level of potential impact on surrounding wells. MoTI will require proof of quantity and quality of water.
 - Trustee O'Sullivan. The Water Sustainability Act does provide protection in terms of first in time, first in right. The LTC decisions are based on the information they have. First in time first in right provides protection for existing well owners, where if new wells are found to be diminishing existing wells there is recourse.
 - Trustee Mamoser. The RDN also has a program for monitoring wells. The LTC tried to assess water issues and make sure neighbouring wells would be protected. Plus, there is the requirement to have rain water containment on each property.
- Is the 2500L/dwelling unit per day, litres per dwelling or per lot, as some lots will be big enough for a second dwelling?
 - Planner Zupanec. Per lot, assuming each lot has one dwelling, as clarified by the Ministry.
- Is there old growth forest on the subdivision land? Is there any limit on clearing on those lots?
 - Planner Zupanec. A map in the presentation showed the mature conifer forested areas on the property. The LTC and staff are working on wording in the covenant to protect those sensitive areas from the impacts of

development, as also reported in the biological inventory.

- The applicant wants to keep 3.5 hectares of the donor lands. What is the minimum parcel area of the zoning of the donor lands?
 - Planner Zupanec. 60 hectares.
 - Director Marlor. This application could be viewed as a large portion being donated, rather than a small parcel being taken off.
- Isn't this an amenity zoning proposal, as the forestry lots only have 1 density each?
 - Director Marlor. This is a density transfer. There are some amenities being provided that they do not have to provide. Nothing in the OCP says they must. It is their good will based on what the community might like.
- Would you please postpone the public hearing until it is clear that the RDN will accept the proposed park within the helicopter path?
 - Trustee Mamoser. Right now, what we are hearing is that the RDN will hold the park. If something changes there will be a new public hearing.
- Why was it stated that there was no increase in density?
 - Director Marlor. There is no increase in density overall based on the redesignation and rezoning of the receiver lands. .
 - Chair Busheikin. It is in compliance with the intent of the OCP.
- Why would the LTC give the Island Planner or his or her delegate the power to make decisions on the community's behalf?
 - Trustee O'Sullivan. Staff provide the LTC and Trust Council with advice but ultimately the responsibility to make decisions rests with the LTC. They consider the OCP, advice of staff and what the community wants.
 - Planner Zupanec. The wording in the draft covenant is to ensure staff can make sure that the applicant is meeting conditions and following the process stipulated by the elected officials. They can go to the site to make sure that conditions are met and sign off as staff would for a Development Permit application. It is not unusual for language to be written in to ensure that the LTC has endorsed parameters of conditions and staff check that they are being met. This takes out the need to wait for next LTC meeting for an elected official to do this work that staff is able to do, or have political involvement in technical considerations.
- Who will hold the Statutory Right-of-Way on the trails?
 - Trustee Mamoser. Trails 1-2-3 are under consideration by the RDN. The LTC has asked the RDN to reconsider holding Trail 4. Alternatively, it could be held by the Gabriola Lands and Trails Trust (GALTT).

4. ADJOURNMENT

By general consent the meeting was adjourned at 8:49 pm.

Laura Busheikin, Chair

Certified Correct:

Emily Kozak, Recorder



Gabriola Island Local Trust Committee Public Hearing Record

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

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

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

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

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

1. CALL TO ORDER

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

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

2. PROPOSED BYLAWS NO. 289 AND 290

Planner Zupanec reviewed the Public Hearing Notice.

She explained the purpose of the proposed bylaws as follows:

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

4. PUBLIC COMMENTS

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

Nancy Hetherington Peirce:

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

Jacinthe Eastick:

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

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

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

Chuck Connor:

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

Alix Hodson:

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

Andrew Deggan:

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

Liz Ciocea:

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

Giselle Rudischer read a statement written by Gail Lund:

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

Giselle Rudischer:

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

Derek Brindle:

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

Tom Cameron:

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

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

Sandy Simrose:

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

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

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

Graham MacDonald:

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

Carol Elliott:

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

Jim Ramsey:

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

Steve Earle:

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

Susan Yates:

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

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

Marilyn Heraty:

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

Darcy Boulton:

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

Rob Lumgair:

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

Mike Phillips:

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

Konrad Mauch:

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

Heather Menzies:

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

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

Marie Brannstrom:

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

Kathy Logan:

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

Jacinthe Eastick:

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

David Swanson:

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

Mark Smith:

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

Brenda Fowler:

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

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

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

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

Jacinthe Eastick:

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

Deborah Ferens:

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

Thomas Clemmer:

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

David Andrews:

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

Sophie Arthaud:

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

Nick Doe:

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

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

Eric Boulton:

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

Gordon Bell:

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

Giselle Rudischer:

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

Liz Ciocea:

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

Thomas Clemmer:

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

Jill Yuzwa:

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

Jamie Lawrence:

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

Dixon Kenny:

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

Linnet Kartar:

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

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

17. ADJOURNEMENT

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

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

Lisa Millard, Recorder



Gabriola Island Local Trust Committee Minutes of Special Meeting

Date: March 30, 2017
Location: Gabriola Island Community Hall
 2200 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
 Lisa Millard, Recorder

Others Present There was one (1) member of the media and ten (10) members of the public in attendance.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:00 pm. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 GB-RZ-2016.1 (Williams & Associates - Potlatch Properties and Pilot Bay Holdings) - discussion for consideration

The Island Planner advised the Local Trust Committee (LTC) of the options for potential next steps regarding the rezoning application as follows:

- Defer consideration to next regular meeting or request a special meeting for an alternate date.
- Request further information from staff.
- Consider third reading with amendments already identified.
- Consider other amendments and if related to use or density of lands an additional public hearing would be required.
- Proceed no further.

Discussion ensued and the following points were made:

- The required minimum cistern capacity was set at 5000 gallons based on requirements established in other areas within the Islands Trust as well as research done by the developers of the Yellow Point subdivision and is based on 30% of overall use for non-potable use.

- Speculation that the Regional District of Nanaimo (RDN) will not accept parkland due to the need for a flight path are potentially unfounded as the covenant language states that the Medical Clinic will be responsible for keeping the tree path clear.
- The public expressed a desire that the process follow that of the previous density transfer. However, many aspects of the current transfer are different and therefore the previous transfer cannot necessarily be considered the only model to be relied upon.

Discussion followed regarding the remainder parcel on the donor land and the following was noted:

- The LTC wishes to secure this land for the benefit of the community due to its ecological importance.
- The applicant has expressed support for right of first refusal to an agency, group, or the RDN and, when donor lands are dedicated, a covenant can be placed that specifies this right to select groups, and a time period can be designated to allow the agencies time to vet the offer.
- The Island Planner can provide further information regarding the RDN's interest in right of first refusal through the upcoming meeting with the Parks and Open Spaces Advisory Commission.

By general consent the meeting was recessed for a break at 12:24 pm and reconvened at 12:31 pm.

Discussion ensued regarding the public's concern that this application does not address affordable or attainable housing and the following was noted:

- The problem lies within the Official Community Plan (OCP) as it does not have enabling policies for multi-family or co-housing with the exception of those designated for seniors or special needs individuals.
- There are provisions to work within the density bank but there are no densities in the bank.
- Giving an individual or a group the option to purchase a lot for the purpose of affordable housing without providing certainty that the land could be developed as such is not feasible.
- The above issues are not the responsibility of the applicant to address.

Discussion followed regarding wildlife corridors, protection of habitat, and the creation of an ecological protection zone.

GB-2017-055

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add to its projects list creation of an ecological protection zone in the land use bylaw.

CARRIED

Discussion ensued regarding the feasibility of including reports and references referred to in the covenant within the body of the document versus the appendices. It was determined that staff will provide further information on this topic to the LTC at a later date.

Discussion followed regarding the Ministry of Transportation and Infrastructure (MoTI) requirement of proof of water at time of subdivision and the following was noted:

- There is concern that a pump test done for every three lots might not accurately reflect water availability due to fractured bed rock.
- This option is available through provincial subdivision regulations and is currently not included in the land use bylaws.
- A local government can develop requirements for proof of water that the Provincial Government will acknowledge.

GB-2017-056

It was MOVED and SECONDED

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

During discussion on the motion, it was noted that the current focus of the Housing Option Review Project is secondary suites and if subdivision regulations are added, the perception of the purpose of the project might become confusing. It was also noted that by adding this review, the project will be delayed as all referrals will need to be re-done or a separate bylaw amendment will be required.

The question on the motion was then called.

CARRIED

By general consent the meeting was recessed at 2:00 pm for a break and reconvened at 2:15 pm.

Discussion ensued regarding the covenant and the following was clarified:

- The LTC cannot receive feedback from the public regarding the covenant because it is directly related to the bylaw.
- Staff will not recommend adoption of the bylaws until the covenant is completed and registered.

GB-2017-057

It was MOVED and SECONDED

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

CARRIED

Trustees contemplated taking more time to further consider the information received to date or moving to third reading. Staff reiterated that, as previously noted, the applicant had an offer of sale on the subject property that was conditional on third reading of the bylaws and said offer was due to expire March

31. Discussion followed and it was determined that Trustees had already considered all of the points that were made at the Public Hearing.

GB-2017-058

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee proceed to third reading on Bylaws No. 289 and 290.

During discussion on the motion it was noted that the recommended amendments to both bylaws identified by staff had not been made and need to be considered before third reading.

GB-2017-059

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee postpone the motion until technical recommendations have been implemented.

CARRIED

GB-2017-060

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 289 cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016”, be amended as follows:

- i. That the ‘Resource’ (C) label on Plan No. 2 attached to and forming part of this bylaw be changed to ‘Resource’ (R).

CARRIED

GB-2017-061

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 290 cited as “Gabriola Land Use Bylaw, 199, Amendment No. 1, 2016”, be amended as follows:

- i. Section 2., b., i., is amended by deleting the word “designation” and replacing it with the word “zoning”;
- ii. Section 2., e., i., is amended by deleting the word “designation” and replacing it with the word “zoning”;
- iii. Appendix 1, Subsection D.2.6 (A) – Resource Residential 2 (RR 2), Article D.2.6(a).2 – Buildings and Structures, Clause (a) – Permitted Buildings and Structures, Item (i), is amended by deleting the first bullet in its entirety and replacing with: “One single family dwelling per lot which must be connected to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres (5944 US gallons).

CARRIED

Discussion ensued and it was stipulated that cisterns are locally sold with capacity stated in US gallons. It was also noted that under the RR 2 zone it will be the principal single family dwelling that will be required to have a rainwater collection system connected at time of final occupancy.

GB-2017-062**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee bring back the postponed motion for consideration.

CARRIED

The question on the following motion was then called:

GB-2017-063**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 289 cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016”, be read a third time as amended.

CARRIED

Trustee O’Sullivan requested that the following written statement be included in the minutes for the record. She then stated the following:

“The Decision before us is to give Third Reading or to proceed no further. We have engaged in a comprehensive process, both in terms of LTC consideration and community consultation. Some who oppose the proposal question the procedure, criticize the mechanisms and regulatory tools leveraged to enable it, and call for the whole application to be scrapped and to start over. The likelihood of course is that starting over would ultimately be the equivalent of proceed no further. There is significant personal and financial cost involved in bringing forward a contentious application, and it is highly unlikely that there would be appetite to spend another 1 to 2 years on a new iteration, or 3 to 4 years if the application were broken down into 2 separate parts that could not be brought forward concurrently, especially given that the end goal that would be sought by the applicants would be roughly the same. I think it’s also fair to note that starting over would place a tremendous strain on the community – these contentious applications are very divisive, they poison relationships between neighbours, and they divert valuable resources away from the ongoing responsibilities of local government. We all know that no matter what the decision, there will be some that are happy and others that are disappointed, perhaps bitterly so. And having conducted a fulsome process, once the decision is made it will be important to move forward, heal the rifts, and work towards re-establishing a spirit of mutual support and co-operation. If the proposal succeeds, then it is my hope that islanders will pull together and participate in initiatives like RDN park management planning and other advocacy to help ensure that any changes are realized with the maximum benefit to our island. If the proposal fails, then it’s time for us to think of new and creative ways to obtain community benefits.

Arguments in Favour**Significant Increase to Parkland**

Gabriola’s OCP considers the current percentage of protected land area to be inadequate and strongly encourages the creations of new parks. This goal is met

not only by the 336 acres of land to be donated in the donor lands but also by the 40.5 acres in the receiver lands.

Gabriola's OCP

As well as seeking increases to protected areas, Gabriola's OCP supports the dedication of Forestry land for wilderness recreation through the transfer of density. It also supports ensuring that development is undertaken in a manner which minimizes negative community and environmental impact. It mandates consideration of trails in new developments, and measures such as improved walkability to address climate change. It advocates for encouraging the retention of rainwater in cisterns (and other water conservation measures). All of these OCP provisions are met by this proposal.

Preservation of Habitat

The donor lands are particularly valuable in terms of habitat protection, forming, as they do, a contiguous parcel of over 1000 acres. The receiver lands also represent significant protection of habitat in terms of new parkland and the Mallett Creek corridor (which, even if it is not publicly accessible, will still be held safe from encroachment and development).

Water in Donor Lands

Protecting large areas of contiguous forested land is a responsible decision in terms of our water supply. There is great ecological value in protecting the watershed that feeds Coats Marsh. Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) analysis in the first referral to the Water Protection Branch identified protecting the donor lands as a potential benefit to groundwater recharge.

Safety (Church/Spruce Connector Road)

Much has been said about the importance of the proposed connector road for emergency services, and as an alternate route out of Phase 4 in case of fire, earthquake or other natural disaster. It also creates potential benefits for ferry users and Phase 4 residents through reduced congestion at the intersection of Taylor Bay and North Road due to the creation of an alternate route to the Village. Gabriola Environmentally Responsible Trans-Island Express (GERTIE), RCMP, Fire Dept., cyclists and private citizens have all spoken out in favour of this valuable potential connection.

Clustered Development and Lot Size

Gabriola's carbon footprint is relatively high in terms of emissions related to personal transportation, partly due to the fact that many of our lots are located far from the ferry and Village area. Encouraging development near transportation and goods and services is generally regarded as a significant way of addressing climate change issues by decreasing reliance on the automobile. This application encourages walkability and shorter vehicle trips by clustering development near the Village area, but at the same time avoids the stresses on resources and infrastructure that would be associated with a high-density development (i.e. small lot sizes).

Potential for Secondary Cottages

Much has been made of the Affordable Housing issue, and frankly, I'm in agreement with many of the concerns. I'm happy that we as an LTC are engaged in our Housing Options Review project, but I understand that it does not provide a quick fix. Like it or not, under our current OCP the only practical provision for affordable housing is secondary cottages on larger lots. Several of these lots would in fact qualify.

Arguments Opposed

Water

The concerns raised about water are significant and have been taken seriously by the LTC. This is perhaps the issue that we have spent the most time addressing, and as such, I do not feel the need to rehash all of the detail here. The hydrogeologist's report which we required (with terms of reference arrived at with the input of FLNRO, who also provided a second referral response to the LTC which helped to refine the report), satisfies concerns about the potential impact of new wells, and many siting and conservation recommendations from the report will be included in the Covenant. In addition, the LTC will be requiring cisterns on all residences, should the application proceed. There are also significant protections afforded to existing well-owners under the *Water Sustainability Act*.

Technical Arguments/OCP

This is another item that has been discussed extensively. I am grateful that we sought legal opinions early in the process, and feel comfortable with the support they provided for the approach before us. While there might be changes, we could make to the layout such as requiring larger lots and fewer parks, I feel that the proposal as presented provides the best win-win for the community and the applicants while being in line with the overall vision of our OCP. And by using a specific zone to echo some of the restrictions that the covenant places on the proposed development, this approach actually provides layers of protection.

Incomplete Ecological Protection (Remainder Parcel)

I am disturbed by this and it is a problem I would very much like to see remedied.

Increased Traffic in Spruce Neighbourhood

I have sympathy for the concerns of residents who do not welcome an increase in traffic. However, those concerns are balanced with the safety and access issues raised by many, many other residents. It is true that there would likely be some houses who experience increased traffic. Likewise, there would be other houses who would see fewer vehicles passing their properties. The proposed connector would not increase the number of cars on the roads of Phase 4, but it would create a traffic pattern change. As for the concerns as to whether existing road surfaces and conditions are suitable for possible increased traffic, it would be the responsibility of MoTI to monitor any changes in use and maintain or upgrade existing roads as appropriate.

Name of Applicant's Company

I am indeed in complete concurrence with all the members of the community that have raised these concerns. Using the name Potlatch in this context is cultural appropriation, there's really no way around it, and I would like to find a way to

ensure that, if any sign is posted to identify the area of the lots, that some cultural sensitivity be employed.

Community Character

This application is for a density transfer and rezoning. While members of the community have speculated as to the type of housing that might eventually be built on these lots, it is in fact just that, speculation. There are no concrete facts available to determine the style of any eventual residences. The fact, however, that the proposal is low-density (i.e. larger lots) would seem to actually be consistent with rural community character.

Neighbouring properties (view concerns, driveway concerns, etc.)

I do have sympathy for those who bought thinking that they were next to land that would never be developed (particularly if, as I was told anecdotally by one person, they were told that by a real estate agent). However, the fact remains that your control of your property stops at your lot line, and neighbouring property owners have rights too. In this case the applicants have every right to make this application, and if they are not successful, there are legal uses that they could make of their property that would likely be even less appealing to residents. Regarding a number of issues, the applicants have expressed an intention to be mindful of neighbours' concerns to the best of their abilities, while also being clear that if the application proceeds, they will have to comply with not only the zoning requirements under the Islands Trust Land Use Bylaw and the requirements of the covenant, but also the requirements of MoTI for subdivision.

Loss of Forestry Lands

This proposal does in fact comply with a number of Forestry Objectives in terms of preserving large tracts of forested land, protecting groundwater resource and recharge areas, and encouraging the use of forested land for purposes of recreation, wildlife habitat and maintaining the island's biological diversity. It's also worth noting that while our OCP can encourage and advocate for sustainable forestry practices, we cannot regulate how foresters harvest their timber. They have many considerations – not just environmental but also safety and economic concerns, to name a few. We have seen in the past what some types of forestry looks like on the island, and it's not pretty. Historically, it hasn't been particularly well-received by the community.

ALR Buffer

Because of the geology of the area abutting ALR land, all developable portions of the proposed lots are above the bluff, which provides a very significant buffer.

We Already Have Enough Park

I have heard this many times, but our OCP is actually very clear that this is not the case. We actually have one of the smallest percentages of protected land area when compared to other islands in the Trust Area, and this represents an extremely significant opportunity for us to at least partially remedy that.

Perception as Gated Community

The applicant has stated that the common driveway will have an entrance feature which is desired to discourage ferry parking. It seems clear that the intent is not to restrict public access to the development, since the trails and parkland

donation in the receiver lands (which is significantly over the amount required by the *Local Government Act*) is intended for the use and enjoyment of the community. While I am strongly in favour of the applicant's plan to configure access as a common driveway instead of a dedicated road for reasons of character and environmental impact, and I understand that if access is a driveway rather than a road, it may limit our ability to regulate it, I would strongly encourage the applicant to take into consideration the strong feeling of the community regarding the entrance feature.

Lack of True Affordable Housing Component

I have enormous sympathy for this. And I do feel that some of the proposed lot locations would be ideal for a possible project, and I would love to see a housing group come forward to really look at bringing a pilot project forward, perhaps with an option on one of these lots in mind. However, determining what a housing project would look like is a tremendously complex undertaking, and not one that can reasonably be rolled into this density transfer. And so, as previously mentioned, we are left with the imperfect solutions allowed by our current OCP which clearly identifies accessory cottages on larger lots as the "Gabriola means of providing for single-dwelling affordable housing in a rural low-density context".

Strata Subdivision Issue

Much has been made of the potential for further subdivision under the *Strata Property Act*. I am comfortable with the covenant approach which would be used to prevent further subdivision of lots.

Build Out Potential of Island

While there are technically somewhere in the neighbourhood of 600 lots that could be built out on Gabriola, it's unrealistic to assume that every lot on Gabriola will be built out to its full potential. Many lots are not desirable building sites for a number of reasons. Some lots have been acquired by neighbours with the intent of leaving them empty to ensure privacy. Over the past many years our population has remained stagnant (in the last census we actually saw a slight decline). So while it is good to remain aware of our build out potential; that is not the only criteria we need to keep in mind for a healthy community. And clustering these lots nearer the Village core is consistent with many of our OCP goals.

Traffic/Noise/Taylor Bay Exit Location

Again, the placement of the exit of the common driveway would be part of MoTI's subdivision approval process, and they would take safety issues into consideration. Potential traffic increases would also be balanced by the proposed connector, and in the area of Taylor Bay Road, it's actually reasonable to anticipate a net traffic decrease. I also think we need to be realistic about the potential amount of traffic generated by the lots served by the common driveway. While there might be as much residential traffic as you would see on a small to medium size dead end street, we are not talking traffic to the level of a through road (even a very small one). That perspective seems to be lacking from the discussion.

Trustee Mamoser made the following comments:

- She supports density transfer provisions within the OCP to increase parkland.
- The application increases parkland by 25% and number of lots by 0.5 %.

- The parkland, trails and connectivity is beneficial and she is heartened to hear that the remaining parcel is open to right of first refusal.
- Within the receiver parcel, the parcel of forestry land is quite small and there will remain significant forestry land on the Island.
- Although the OCP doesn't encourage transfer from Forestry to Forestry, it makes sense to transfer it to Resource for the benefits it will bring.
- Water concerns were taken seriously and due diligence was done.
- The covenant will provide additional protections on the lands.
- She is hopeful that the LTC will consider a P4 zoning for ecological reserve purposes.
- She is inclined to support third reading as she does not feel more time will provide more information that has not already been brought forward and considered.

Chair Busheikin made the following comments:

- She appreciates the depth of thought the LTC has given to this process.
- The OCP density transfer policy supports this project.
- She believes that the receiving lot is very suitable to the development and that a forestry lot that close to amenities is not necessarily suitable.
- She has had a concern about densification moving away from the rural ideal, however, this application provides a substantial piece of parkland and any increased density through a transfer is done very carefully and she is confident that this has been done.
- She would prefer the proposal didn't exempt the remaining parcel.
- She acknowledged that her preference would have been for 23 densities and not 25.

GB-2017-064

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 290 cited as "Gabriola Land Use Bylaw, 199, Amendment No. 1, 2016", be read a third time as amended.

CARRIED

GB-2017-065

It was MOVED and SECONDED

that Bylaw No. 289 cited as "Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

GB-2017-066

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 290 cited as "Gabriola Land Use Bylaw, 1999, Amendment No. 1, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Chair Busheikin noted for the record that the name Potlach was chosen by the applicant due to a personal connection to the word potlach that came from a different context prior to this term being more generally associated with First Nations and the applicant has stated that it was not intended as a cultural insensitivity.

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:39 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder



Islands Trust

Print Date: May 3, 2017

Resolutions Without Meeting

Gabriola Island

Resolution #	Action	Resolution Description	Resolution Date
2017-04	In Favour	"THAT the Gabriola Island Local Trust Committee request staff to schedule a Special Meeting to consider application GB-RZ-2016.1 (Williamson and Associates - Potlatch Properties) on March 30, 2017. "	21-Mar-2017
2017-05	In Favour	"THAT the Gabriola Local Trust Committee authorize the expenditure of \$317.90 from the Local Expense Budget for the purpose of supporting the Gabriola First Nations Relationship Building project."	28-Apr-2017



Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting:	Wednesday March 22, 2017
Location:	Rollo Seniors Centre 685 North Road, Gabriola, BC
APC Members Present:	Madeleine Ani, Chair Kees Langeries, Secretary Stuart Denholm Bob Andrew Anne Landry Jim Prunty
Staff Present:	Sonja Zupanec, Island Planner Lisa Millard, Recorder
Others Present:	Heather O'Sullivan, Local Trustee Melanie Mamoser, Local Trustee One (1) member from the local media Thirteen (13) members of the public

1. CALL TO ORDER

Chair Ani called the meeting to order at 5:33 pm.

2. DETERMINE IF COMMISSION QUORUM PRESENT

It was determined that a quorum was present.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

Discussion ensued regarding specific Advisory Planning Commission (APC) members current and past roles in Stream Keepers and Gabriola Land and Trails Trust (GaLTT) and if these roles presented a conflict of interest regarding the matter before them. It was determined that it was not a conflict of interest therefore these members did not need to recuse themselves from the discussion as they had no pecuniary interest and were not making binding decisions but were offering their comments as community members.

Planner Zupanec stated that following the public hearing the Local Trust Committee (LTC) can give third reading to the bylaws as presented, however, changes can be made at third reading. There will be proposed changes to bylaw 290 regarding cistern connection, a Plan 2 map error and text correction. The LTC could also decide to proceed no further.

4. MINUTES

4.1 Gabriola Advisory Planning Commission Draft Minutes dated January 9, 2017.

By general consent, the minutes were adopted as presented.

5. APPLICANT

5.1 Applicant's opportunity to speak to application and take questions from APC members.

The Applicant noted that since the time of the APC's first consideration of the matter, trail locations had been proposed and further studies had been completed. He summarized the density transfer process and the ongoing intention to include trails, open space and parkland within the subdivision.

6. OBJECTIVE & REFERRAL QUESTION

6.1 To comment on and advise Trustees on proposed Bylaws No. 289 and 290 (GB-RZ-2016.1 – Potlatch).

A roundtable discussion ensued and APC members commented as follows:

- The increased parkland and trail connections are beneficial to the community.
- There is preference to see land around the Coats Marsh area be zoned under a new designation, such as P4, to establish an ecologically protected area.
- Mallett Creek and Peacock Pond will become part of the strata owned common property and there is preference to see this area being held by a public group to ensure that access is granted for maintenance and educational purposes.
- Ideally the parkland is dedicated prior to first subdivision, or alternatively a time limit be set for dedication, so these lands can benefit the community if first subdivision is significantly delayed or does not occur.
- There is interest in using a covenant to protect the mature tree stands.
- Cistern capacity should be set at 50,000 litres to alleviate concerns about water usage.
- The requirement for cisterns on all future zone RR2 lots is well received.
- There is a preference that water management practices be implemented such as drainage, swales and ditches.
- People that live in the surrounding area are concerned about stress on their wells and the hydrogeologist's report did not take local experiences into account.

- There is support for a bike path on the Church / Spruce connector road.
- There is desire for the lack of affordable housing issue to be addressed within the proposal such as the requirement of the construction of affordable housing units as a percentage of overall residences.
- It was noted that the proposed development contributes to the gentrification of the Island.
- There is concern that the strata driveway will be gated.
- There is concern that the access driveway will come out onto Taylor Bay Road where there are already traffic safety concerns due to the ferry line up. There is also a concern that the access road will be routed so that it comes out on Lochinvar Lane.
- Two members of the APC requested that the minutes reflect that the method of rezoning the lands to create densities does not follow the Official Community Plan (OCP) requirements, that this process should have been done in two stages, and the way the densities were calculated has resulted in a density increase.

6.2 Questions for Planner and discussion, recommendations and/or suggestions by APC members on the proposed bylaws

Based on the APC's comments the following points were clarified by either the Planner or the Applicant:

- The rezoned land would allow for a maximum of 25 lots within the proposed new RR2 zone area.
- There are currently discussions being held with Stream Keepers and GaLLT regarding maintenance of Mallett Creek and the pond.
- The Forestry Wilderness Recreation designation provides ecological protection whereby a Park designation does not.
- The parkland dedication occurs at time of first subdivision.
- The 5% parkland dedication, as required by the Regional District of Nanaimo (RDN), stipulates that the lands be used for recreation.
- Once the RDN accepts the parkland they then begin the process of community consultation as well as setting aside land management funds.
- The minimum capacity for each cistern was established based on rainwater collection being a secondary source of water for outdoor use as wells will be the primary source of water for each lot.
- Water quantity and quality must be proven prior to the Ministry of Transportation and Infrastructure (MoTI) approving development.
- Within this development an occupancy permit would not be issued if a cistern is not installed and properly hooked up to collect rainwater.
- The entrance to the development will not necessarily be gated, however, the developer prefers that vehicle access is restricted.
- The common driveway is being proposed as strata to allow for different engineering practices such as narrowing of the road.
- MoTI has been consulted regarding the access road location and options will be further discussed with the applicant at an upcoming

follow up meeting. The applicant has designed access to the development so it is not via Lochinvar or Burnside.

- Emergency departments have expressed a need for the Church / Spruce connection and it is part of the application. If the LTC determines it is not in the best interest of the community, they could direct staff to ask the applicant to make changes to the application, however, this matter is not related to the passing of the bylaws.
- Septic fields will be built per current standards per lot and there will not be a common septic field.

6.3 Resolution(s) of APC on proposed bylaws.

It was noted that in two places in Bylaw NO. 290, at 2(b) and 2(e) the word zoning should be used instead of designation and it was requested that this be reviewed.

By general consent the Advisory Planning Commission requests that the Gabriola Island Local Trust Committee review the minutes of the March 22, 2017 Advisory Planning Commission meeting.

GB-APC-2017-02

It was MOVED AND SECONDED

that Bylaws No. 289 and 290 as proposed, with the corrections as discussed, move forward to the next stage.

CARRIED

It was noted for the record that four (4) APC members were in favour of the motion as read and two (2) APC members were not in favour.

7. ADJOURNMENT

By general consent the meeting was adjourned at 7:42 pm.

Madeleine Ani, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gabriola Island

07-May-2015

Activity	Responsibility	Target Date	Status
Staff to further discussion regarding zoning of Coats Marsh Regional Park with The Nature Trust of BC and the Regional District of Nanaimo, encouraging them to request approval from the Ecological Gifts Program for the change in zoning from Resource to Parks 1, that was removed from bylaws 271 and 272 prior to their adoption. RDN has indicated they have no objection to the change in zoning but noted potential for a perceived concern regarding negative tax implication due to Ecological Gifts Program participation.	Sonja Zupanec Ann Kjerulf	11-Jun-2015	On Going
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	Ann Kjerulf	11-Jun-2015	On Going

14-Jan-2016

Activity	Responsibility	Target Date	Status
Staff to prepare information package to send to RDN staff to distribute to Building Permit applicants.	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

Follow Up Action Report

09-Feb-2017

Activity	Responsibility	Target Date	Status
Proposed Bylaw 292 and 293 (Housing Options Review) bring back changes to 293 regarding AG zone and compliance with ALC regulations	Sonja Zupanec	28-Feb-2017	Done
GB LTC resolution requesting staff prepare a draft amending bylaw to allow for electronic meetings within the Meetings Procedure Bylaw No. 225 - to LTC meeting June 8, 2017	Becky McErlean	31-Mar-2017	On Going

09-Mar-2017

Activity	Responsibility	Target Date	Status
LTC resolution authorizing advertising for APC vacancies. Send letter to existing APC members thanking them for their service and inviting them to express interest if they wish to be re-appointed.	Penny Hawley	31-Mar-2017	Done
Review and update GB APC bylaw and bring forward to LTC for consideration.	Becky McErlean	31-Mar-2017	Done

30-Mar-2017

Activity	Responsibility	Target Date	Status
ADD to Projects List - review of a new ecological protection zone for the Land Use Bylaw.	Sonja Zupanec	31-Mar-2017	Done
AMEND the Housing Options Review project charter to include a review of subdivision regulations specifically for water requirements.	Sonja Zupanec	28-Apr-2017	Done



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.

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.

Create a name plate for the GB minute taker. Look into a more permanent name plate for LTC/staff identification at meetings.

Wil Cottingham

11-May-2017

On Going



DATE OF MEETING: May 11, 2017
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Bylaw No. 296 – Gabriola Island Advisory Planning Commission Bylaw

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee has reviewed the Directives Only Checklist and confirmed by resolution that Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a first time.
3. That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a second time.
4. That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a third time.
5. That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption. Bylaw No. 296 provides updated bylaw language, with references to the new *Local Government Act* [RSBC 2015], consolidates the Advisory Planning Commission (APC) bylaws for Gabriola (Bylaw 209), DeCourcy (Bylaw 162) and Mudge (Bylaw 163), and clarifies roles and responsibilities of APC members.

BACKGROUND

At the March 9, 2017 meeting, the LTC passed the following resolution:

GB-2017-052

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission bylaw for consideration of the Local Trust Committee.

Draft Bylaw No. 296 is included as Attachment 1 .The Directives Only Checklist is presented as Attachment 2 for confirmation at the time of first reading. Staff has reviewed draft Bylaw No. 296 in conjunction with the Directives Only Checklist, and are satisfied that the bylaw is compliant with the Islands Trust Policy Statement.

ANALYSIS

Policy/Regulatory

The authority to establish Advisory Planning Commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*. Establishment of Advisory Planning Commissions supports the Islands Trust Policy Statement guiding principle that “*open, consultative public participation is vital to effective decision making for the Trust Area*”.

Issues and Opportunities

The Gabriola Island LTC currently has three administrative bylaws for APCs, covering Gabriola Island, DeCourcy Island and Mudge Island. While the three bylaws provide for different sizes of APCs, they are otherwise relatively consistent in their language and terms. The authority to enact any APC in the Gabriola Local Trust Area lies with the LTC. Hence, it is not necessary to have separate APC bylaws for each island. Further to this, the *Local Government Act* (LGA) was substantially revised and updated in 2015. Hence, section references have changed including those respecting the establishment and responsibilities of Advisory Planning Commissions. Draft Bylaw No. 296 is updated to reflect current LGA sections, retains the option for the LTC to establish one or more Advisory Planning Commissions, provides for the appointment of up to seven members per commission, consolidates three bylaws into one, and also clarifies the roles of the Chairperson, Deputy Chairperson, and Secretary.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff are of the opinion that Bylaw No. 296 will continue to provide the LTC with flexibility regarding the number commissions and appointments to each commission it chooses to establish. The updated bylaw language should also reduce bylaw redundancy and further clarify the role and responsibilities of APC members. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 296 would be forwarded to the Executive Committee for consideration.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 28, 2017
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ATTACHMENTS

1. Draft Bylaw No. 296
2. Islands Trust Policy Statement Directives Only Checklist

DRAFT

GABRIOLA ISLAND TRUST COMMITTEE

BYLAW NO. 296

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE GABRIOLA ISLAND LOCAL TRUST AREA PURSUANT TO THE LOCAL GOVERNMENT ACT AND THE ISLANDS TRUST ACT

The Gabriola Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

- a) The Gabriola Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to seven members to an Advisory Planning Commission (APC) to serve concurrent two year terms.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson, and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;

DRAFT

- ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
- iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
- iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.

5. Notice of Meeting

- a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.
- e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Denman Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50 % of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
- e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.
- f) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- g) The APC must not receive development proposals or other applications directly from applicants.
- h) The APC must not consult directly with other government agencies or organizations.

DRAFT

- i) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.
- b) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- c) All APC recommendations and meeting minutes must be forwarded by the Secretary to the Local Trust Committee and to the Islands Trust Office, within seven (7) days of an APC meeting.
- d) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

8. Transition

- a) "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2002", is repealed.
- b) "Gabriola Island Local Trust Committee DeCourcy Island Advisory Planning Commission Bylaw, 1996", is repealed.
- c) "Gabriola Island Local Trust Committee Mudge Island Advisory Planning Commission Bylaw, 1996", is repealed.

9. Citation

- a) This Bylaw may be cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017".

READ A FIRST TIME THIS DAY OF , 2017

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

SECRETARY

CHAIRPERSON

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 3050-01 (Gabriola APC)

File Name: Bylaw No. 296 (APC Bylaw)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



File No.: GB-DP-2017.1 (Fraser)

DATE OF MEETING: May 11, 2017

TO: Gabriola Island Local Trust Committee

FROM: Linda Prowse, Planner 1
Northern Team

SUBJECT: **Development Permit Application GB-DP-2017.1 (Riparian Areas)**

Applicant: Beverly and William Fraser

Location: 661 Dogwood Crescent (Lot 123, Plan 21531, Section 13, Gabriola Island, Nanaimo District, PID: 003-396-657)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2017.1.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider a development permit (DP) application for a proposed single family dwelling, power shed, septic field and driveway, which are located within Development Permit Area (DPA) No. 3 - Riparian Areas. A DP is required to be issued by the LTC prior to development occurring within DPA No. 3.

BACKGROUND

This application was triggered by a Regional District of Nanaimo building permit application, where it was determined that the proposed dwelling and related infrastructure are located in DPA No. 3. The 0.23 hectare subject property is located on Dogwood Drive as shown in Figure 1.

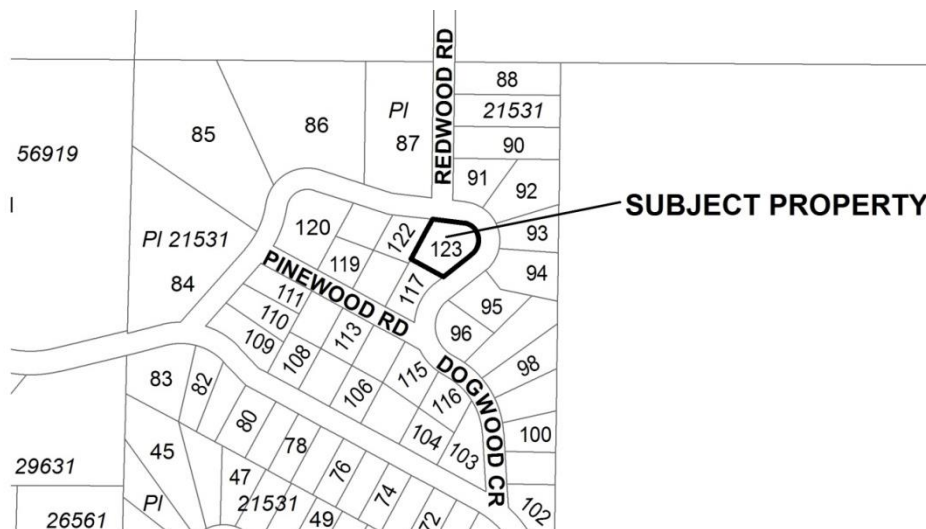


Figure 1: Subject Property

The proposed development is shown on the site plan in Figure 2, and includes a single family dwelling, power shed, septic field and driveway.

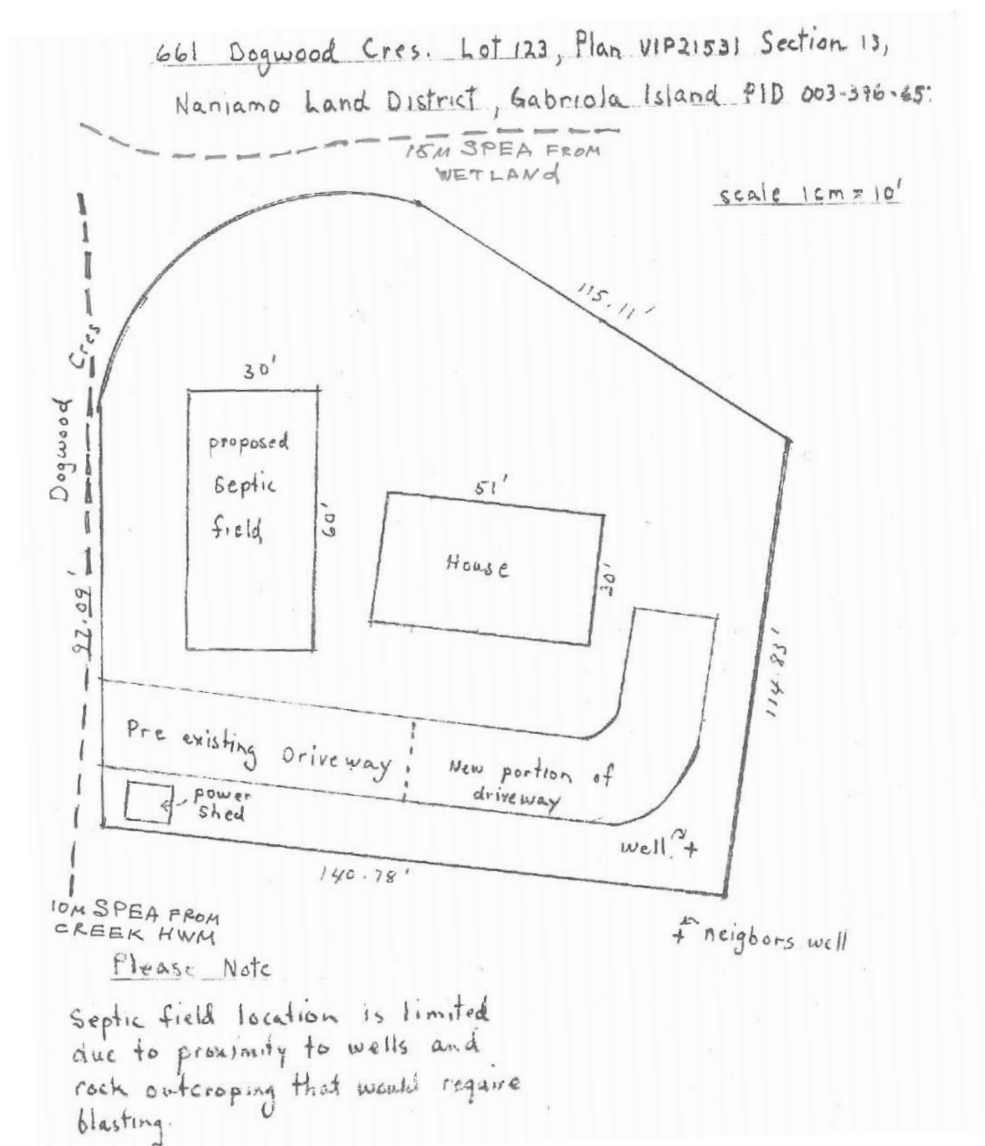


Figure 2: Site Plan

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following directive policy is relevant to this application and is addressed through DPA No. 3 – Riparian Areas:

3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.

This proposal is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

The subject property is currently designated as Small Rural Residential (SRR) in the Gabriola Island Official Community Plan No. 166, and located within Development Permit Area (DPA) No. 3 – Riparian Areas (see Figure 3). The Official Community Plan specifies that development within a DPA No. 3 - Riparian Areas must take place at least 30 metres from the high water mark of the creek and wetland.

The objectives of DPA No. 3 are:

- To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
- To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation; and
- To minimize adverse impacts of land use practices on fish habitat, which includes plant habitats in riparian areas.

The proposed development is in compliance with the Official Community Plan. Development Permit Area Guidelines are found in the Land Use Bylaw, discussed below.

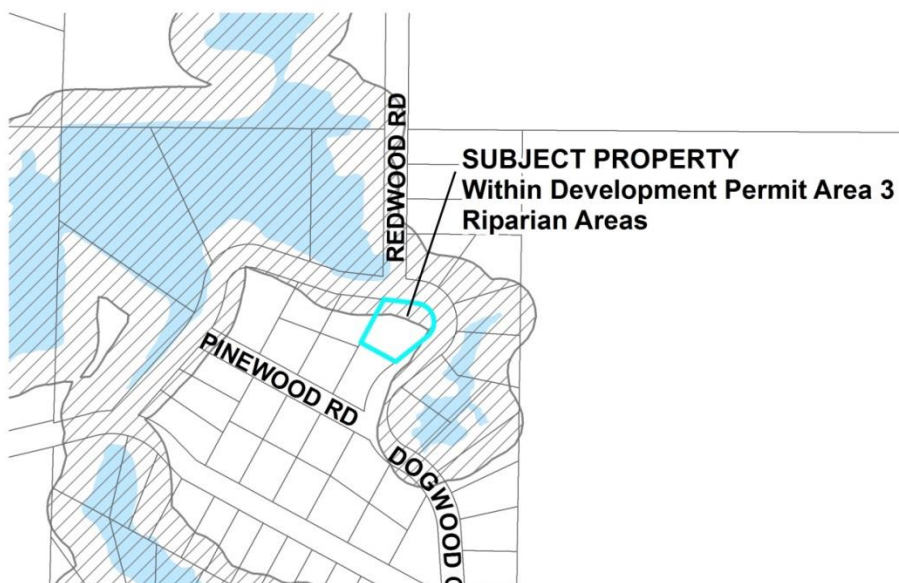


Figure 4: DPA No. 3 (Excerpt from OCP)

Land Use Bylaw:

The subject property is zoned SRR – Small Rural Residential – under Gabriola Island Land Use Bylaw (LUB) No. 177. The Guidelines for DPA No. 3 are contained within Section F.3 of the LUB.

The applicant retained QEP Environmental Ltd. to prepare a *Riparian Areas Regulation* (RAR) Assessment report in March, 2016. The QEP identified a nearby creek and a wetland across Dogwood Road on adjacent land but noted no watercourses on the subject property. The RAR report indicated a 10 metre Streamside Protection Enhancement Area (SPEA) to the creek and a 15 metre SPEA to the wetland. The subject property was found to be outside the noted SPEAs and that the measures identified in the assessment report should protect the integrity of the SPEAs from the effects of the development. The RAR Assessment Report is included in Appendix 3 attached to this report (Schedule C of the proposed Development Permit).

The proposed development complies with the applicable development guidelines identified in the DP Guideline Checklist attached as Appendix 2.

The proposed development appears to meet all other LUB requirements.

Issues and Opportunities

The RAR report refers to implementing measures to protect and maintain the wetland and environmentally sensitive areas on the subject property, and speaks specifically to sediment and erosion control measures to protect and maintain the creek and wetland. The proposed Development Permit contains a condition that a silt fence be placed along the construction area and that a spill control kit is on site during the construction period per the RAR Report.

It is worth noting that since the RAR report was completed in March 2016, most of the trees on the lot have been removed except for a fringe along the border of the subject property. Staff did not deem it necessary for the QEP to update his report at this time, given that the subject property is outside the established SPEAs. The applicant is responsible for ensuring that the QEP complete and file a post-construction report.

Consultation

A community information meeting and public consultation/notification is not a statutory requirement for a development permit.

Rationale for Recommendation

Staff advises that the guidelines for Development Permit Area No. 3 – Riparian Areas appear to be satisfied through the requirements of the RAR report completed by QEP Environmental Ltd. The RAR report refers to implementing measures for sediment and erosion control to protect and maintain the creek and wetland across the road from the subject property. The protection of biological diversity and habitat values of this riparian ecosystem are intended to be addressed through the development permit process. Finally, the applicant has a responsibility to have the QEP complete and file a post-construction report to ensure that the construction is in keeping with the RAR report.

As such, staff recommends the issuance of the development permit as noted in the recommendations listed on page 1 of the staff report.

Submitted By:	Linda Prowse, Planner 1	March 29, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 17, 2017

ATTACHMENTS

1. Appendix 1 – Site Context
2. Appendix 2 – Development Permit Area Guidelines Checklist
3. Appendix 3 – Proposed Development Permit (including Schedules A, B, and C)

APPENDIX # 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 123, Section 13, Gabriola Island, Nanaimo District, Plan 21531
PID	003-396-657
Civic Address	661 Dogwood Crescent

LAND USE

Current Land Use	Residential (driveway, culverts)
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
N/A	N/A

POLICY/REGULATORY

Official Community Plan Designations	SRR – Small Rural Residential Development Permit Area No. 3 (Riparian Areas)
Land Use Bylaw	SRR – Small Rural Residential DP Area No. 3 – Riparian Areas
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	No bylaw enforcement files.

SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	N/A
Species at Risk	None identified
Sensitive Ecosystems	The subject property is within the Mature Forest conifer Sensitive Ecosystem Mapped area.
Hazard Areas	None identified
Archaeological Sites	According to the Provincial Remote Access to Archaeology Data (RADD), there are no archaeological sites on or within 50 metres of this property.
Climate Change Adaptation and Mitigation	There is no risk of impact to the development due to sea level rise should this development permit be issued. There are no anticipated impacts on greenhouse gas emissions that would result in issuing this development permit.

APPENDIX # 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DPA No. 3 RIPARIAN AREAS

Guideline	Complies	Planner Comments
F.3.4.1 In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	The RAR Assessment Report provided by the QEP has indicated measures to protect and maintain the wetland area within the riparian area and wetland. Staff does not recommend requiring security because the project is relatively small in scale. The RAR Assessment Report also requires the applicant to have a post development report prepared by a QEP to certify that the conditions set out in the assessment report have been properly implemented to protect the SPEA.
F.3.4.2 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.	yes	No development is proposed to take place within the SPEAs. The 10 metre creek and 15 metre wetland SPEAs are outside the subject property boundaries.
F.3.4.3 Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	yes	The RAR Assessment Report outlines measures that must be taken to protect the riparian wetland area. The Report requires a post-development report to be prepared by the QEP.
F.3.4.4 If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.	yes	Since the RAR report was prepared, most of the trees on the subject property have been removed except for a fringe around the property border. Since the entire subject property outside the SPEAs, staff did not deem it necessary for the QEP to further assess the development prior to LTC consideration of the DP. The applicant is required to place silt fencing along the construction area to prevent any silted water from the construction site to drain into the wetland or creek.

F.3.4.5 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.	n/a	
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GABRIOLA ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GB-DP-2017.1

To: Beverly Fraser
William Fraser

1. This permit applies to:
PID 003-396-657 – Lot 123, Section 13, Gabriola Island, Nanaimo District, Plan 21531
2. Whereas the subject property as described above lies within “Development Permit Area #3 – Riparian Areas” designated under the Gabriola Island Official Community Plan Bylaw No. 166, this development permit is issued under the Gabriola Island Land Use Bylaw No. 177 and authorizes the **construction of a driveway, single family dwelling, utility shed and septic field** in accordance with Schedules “A”, “B” and “C” attached to and forming part of this permit.
3. A silt fence must be placed along the construction area to prevent any silted water from the construction site to drain into the wetland or creek.

This permit does not relieve the applicant from complying with the provisions of *the Gabriola Island Official Community Plan Bylaw No. 166, 1997* and the *Gabriola Island Land Use Bylaw No. 177, 1999*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __th DAY OF _____, 2017.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE __th DAY OF _____, 2019 THIS PERMIT AUTOMATICALLY LAPSES.



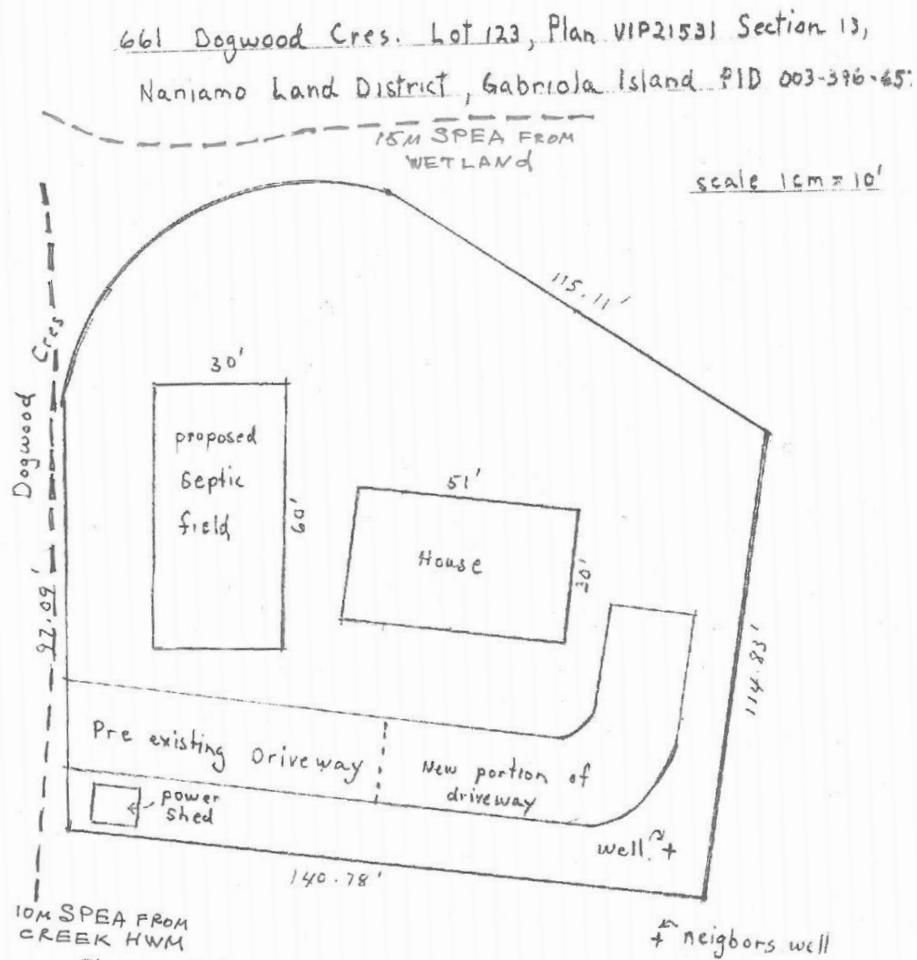
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2017.1**

Schedule "A" Development Permit Area





**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2017.1**
Schedule "B" showing Site Plan with 10 metre and 15
metre streamside protection and enhancement areas
(SPEA's)



Please Note

Septic field location is limited
due to proximity to wells and
rock outcropping that would require
blasting.



GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT GB-DP-2017.1

Schedule "C" – The Riparian Areas Assessment Report dated March 28, 2016, for 661 Dogwood Crescent, Gabriola Island

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report
Please refer to submission instructions and assessment report guidelines when completing this report.
Date March 28, 2016

I. Primary QEP Information

First Name	Vitaly	Middle Name	
Last Name	Ostroumov		
Designation	Biologist	Company	QEP Environmental Ltd.
Registration #	2046	Email	contact@qepconsulting.ca
Address	308-904 Carlton Terrace		
City	Victoria	Postal/Zip	V9A 5A5
Prov/state	BC	Country	Canada
		Phone #	250-681-4838

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Bill, Bev	Middle Name	
Last Name	Fraser		
Company			
Phone #	250-578-8733	Email:	frasertrucker@xplornet.com
Address	661 Dogwood		
City	Gabriola	Postal/Zip	
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Single family residence construction		
Area of Development (sq.m)		Riparian Length (m)	40
Lot Area (acres)		Nature of Development	New construction
Proposed Start Date	May 1, 2016	Proposed End Date	May 1, 2019

V. Location of Proposed Development

Street Address (or nearest town)	661 Dogwood Crescent		
Local Government	Island Trust	City	Gabriola Island
Stream Name	Creek and Wetland		
Legal Description (PID)	Lot 661 (123), 003-396-657	Region	Vancouver Island
Stream/River Type	Stream, Wetland	DFO Area	Vancouver Island
Watershed Code			
Latitude	49° 10'8. 13"N	Longitude	123° 50'20 88"W

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.

1

Table of Contents for Assessment Report

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

SITE CHARACTERISTICS

The site is located along the curve of Dogwood Crescent, Gabriola Island, within the municipality of the Island Trust. The site landscape is predominantly slope with solid rocks, covered by the natural mature forest. Vitaly Ostroumov, the QEP Environmental Project Biologist, completed the site visit on March 15th, 2016. The weather on the day of the investigation was cloudy and calm, the air temperature was about 9°C. The property was assessed without obstruction during the assessment.

CURRENT RIPARIAN AREA VEGETATION CONDITION

The site surface is covered by an undisturbed mature forest populated by the red cedar and Douglass fir trees varying in size and age. There are no any water courses located on the subject property.

The creek and wetland were identified across Dogwood Crescent road.

FISHERIES RESOURCES

No visible signs of fish have been observed during this assessment.

PROPOSED DEVELOPMENT PLAN

The owner plans to build a new house with an attached garage with driveway and septic field and water well.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

Refer to Chapter 3 of Assessment Methodology

Date: March 23, 2016

Description of Water bodies involved (number, type) One Creek

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)	
starting point	0.8	1	I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	0.8	1	
	0.9max	1	
	0.8	1	
	0.8	1	
downstream	0.7min	1	
	0.8	1	
	0.8	1	
	0.8	1	
	0.7	1	
	0.8	1	
Total: minus high	7.1	11	
/low			
mean	0.78	1	
	R/P	C/P	S/P
Channel Type			

Site Potential Vegetation Type (SPVT)

		Yes	No	
SPVT Polygons		X		Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:		LC	SH	TR
SPVT Type				
Method employed if other than TR				
Polygon No:		LC	SH	TR
SPVT Type				X
Method employed if other than TR				
Polygon No:				
Method employed if other than TR				

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

SPVT Type

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	2.34	South bank	Yes		No	x
Ditch Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Manmade, strait morphology						
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
SP maximum		10	(For ditch use table3-7)			

Segment No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
SP maximum		(For ditch use table3-7)				

Segment No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
SP maximum		(For ditch use table3-7)				

I, Vitaly Ostroumov (name of qualified environmental professional), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Bill Fraser (name of developer);

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

SPEA was calculated from HWM as maximum ZOS -10 m.

Section 2.1 Results of Riparian Assessment (SPEA width)

Refer to Chapter 3 of Assessment Methodology

Date: March 23, 2016

Description of Water bodies involved (number, type)

One Pond/Lake/Wetland

Stream	
Wetland	X
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)
starting point		
upstream		
downstream		
Total: minus high/low mean		0
	R/P C/P S/P	
Channel Type		

I, **Vitaly Ostroumov** (name of qualified environmental professional), hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer **Bill Fraser** (name of developer);

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

Yes		No	
SPVT Polygons		X	
Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, Vitaly Ostroumov (name of qualified environmental professional), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Bill Fraser (name of developer); g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.			
Polygon No:		LC	SH TR
SPVT Type			
Method employed if other than TR			
Polygon No:		LC	SH TR
SPVT Type			X
Method employed if other than TR			
Polygon No:			
SPVT Type			
Method employed if other than TR			

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:										
	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons									
LWD, Bank and Channel Stability ZOS (m)	15									
Litter fall and insect drop ZOS (m)	15									
Shade ZOS (m) max	30		South bank	Yes		No	x			
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)									
	Manmade, strait morphology									
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report					
SP maximum	30		(For ditch use table3-7)							

Segment No:										
	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons									
LWD, Bank and Channel Stability ZOS (m)										
Litter fall and insect drop ZOS (m)										
Shade ZOS (m) max			South bank	Yes		No				
SP maximum			(For ditch use table3-7)							

Segment No:										
	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons									
LWD, Bank and Channel Stability ZOS (m)										
Litter fall and insect drop ZOS (m)										
Shade ZOS (m) max			South bank	Yes		No				
SP maximum			(For ditch use table3-7)							

I, <u>Vitaly Ostroumov</u> (<i>(name of qualified environmental professional)</i>), hereby certify that:										
e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;										
f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (<i>(name of developer)</i>);										
g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and										
h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.										

Comments

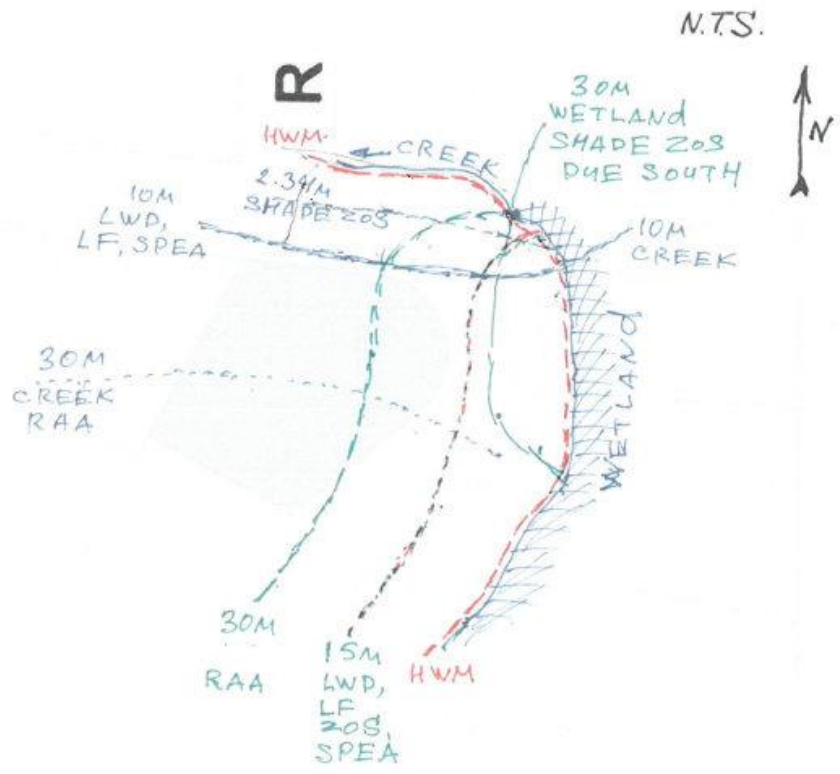
SPEA was calculated from HWM as maximum SHADE ZOS -30 m, Shade ZOS was dragged due South.

Section 3. Site Plan

Insert jpg file below

Site Plan

00D RD



SITE MAP FROM QEP REPORT

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	There are no danger trees on the development area, however, the trees around the proposed house must be cut and trimmed in accordance with the LG requirements. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
2. Windthrow	The proposed development does not consider massive trees removal, so windthrow effects are not anticipated. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
3. Slope Stability	The slope of the property and around it is stable in its current configuration. Based on the field site investigation, there are no visible streams or temporary water courses on the property. The proposed construction will not disturb any portion of the slope and will have no effect on slope stability. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
4. Protection of Trees	All natural vegetation inside the SPEA area will remain intact. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
5. Encroachment	The proposed house is located outside the 10 m creek SPEA and outside the 15 m wetland SPEA; 30 m wetland SHADE ZOS line was dragged to the south which practically reduced the SPEA to 15 m. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report;

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	All necessary efforts to protect the water quality and fish habitat must be used by the property owners. It is recommended to keep a spill control kit on site during the construction period. If soil is exposed during construction, necessary erosion control measures must be implemented (absorption mats, silt fence). The silt fence must be placed along the construction area to prevent any silted water from construction site drain in to pond and creek. The dry ditch along Dogwood Crescent is providing protection against the potential water sedimentation. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
7. Stormwater Management	Surface water from the storm events will be absorbed by soil and will not drain directly into the SPEA area. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
8. Floodplain Concerns (highly mobile channel)	The wetland and stream in their present condition are stable; there is no evidence of significant water level changes in the pond. I, <u>Vitaly Ostroumov</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bill Fraser</u> (name of developer); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

It is recommended that an Environmental Monitor (QEP Environmental Ltd. provided) inspect the site before, during and after construction completion. The developer has been informed of their responsibility to have a QEP complete and file a post-construction report and to ensure that this takes place. This report will indicate whether or not the above measures were implemented, and how effective they were in protecting the integrity of the SPEA.

Proposed Environmental Monitoring Plan includes 3 site visits (start up, middle-term and post construction) and report preparation.

Section 6. Photos



Photo 1. The creek is located across Dodwood Road

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 2. The creek is connected with the wetland

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 3. The wetland is covered by shrubs

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 4. The subject property is covered by the mature forest.



Photo 5. The proposed house location is in the forest area

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 6. The Dogwood Crescent is bordering the property from the north and east

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date March 23, 2016

1. I/We Vitaly Ostroumov

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Bill Fraser (*name of developer*), which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) X if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 291

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW NO. 177, 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. 2, 2016”.

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 10TH DAY OF NOVEMBER 2016

READ A SECOND TIME THIS 9TH DAY OF FEBRUARY 2017

PUBLIC HEARING HELD THIS 9TH DAY OF MARCH 2017

READ A THIRD TIME THIS 9TH DAY OF MARCH 2017

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

5TH DAY OF APRIL 2017

ADOPTED THIS _____ DAY OF _____ 201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 291

Schedule 1

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

1. Section **B.4 SIGNS** is deleted in its entirety, and replaced with the following:

“B.4 SIGNS**B.4.1. Number and Total Sign Area**

- B.4.1.1 Every *sign*, excepting those exempted in Subsection B.4.2, must comply with the provisions in Table 1.

Table 1: Sign Regulations		
Column 1	Column 2	Column 3
Zone	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
Residential Zones		
SRR, LRR	No maximum number	1.5 sq.m (16.1 sq.ft) per lot
SSN	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
Resource Zones		
AG, F, FWR1, GP, R, RC, RR1	No maximum number	1.5 sq.m (16.1 sq.ft) per lot
GC	No maximum number	4.0 sq.m (43.0 sq.ft) per lot
Commercial and Industrial Zones		
VC1, VC2, DC1	2 per business	4.0 sq.m (43.0 sq.ft) per business
LC1, LC2, LC3, FP	2 per business	4.0 sq.m (43.0 sq.ft) per business
TC1, TC2	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
I	2 per business	4.0 sq.m (43.0 sq.ft) per business
Recreation and Institutional Zones		
IN1, IN2, IN3, IN4, YC	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
P1, P2, P3	No maximum number	No maximum sign area
Water Zones		
WP1, WP2, WP3	No maximum number	No maximum sign area
WC1, WC2, WC3, WC4, WI1, WI2, WI3, WYC	2 per water lot or lease	4.0 sq.m (43.0 sq.ft) per water lot or lease
WG	1 per adjacent upland lot	1.5 sq.m (16.1 sq.ft) per sign

Information Note: All signs located on a public highway, access road, or road right-of-way are within the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI), and therefore must first obtain the permission of MOTI. MOTI does not grant permission for signs if they interfere with other signs, pedestrians, cyclists, or motorists' ability to see or navigate such roadways.

B.4.2 Exempted Signs

- B.4.2.1 Signs exempted from the provisions of this section are:
 - a. signs sited and maintained by government agencies, including signs for public safety or traffic; and
 - b. commemorative, historical, and interpretive signs in the P1, P2, and P3 zones.

B.4.3 Temporary signs

- B.4.3.1 Notwithstanding B.4.1.1, real estate *signs* may be temporarily displayed in any *zone* except water *zones*, subject to:
- a. A maximum of two *signs* per lot, not exceeding a total of 1.1 square metres (12.0 square feet) in *sign area*;
 - b. the *sign* being located on the same *lot* as where the sale is occurring; and
 - c. the *sign* being removed within two weeks of sale.
- B.4.3.2 Notwithstanding B.4.1.1, *temporary signs* advertising a community event that is open to the public, or an educational course may be displayed in any *zone*, subject to:
- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
 - b. despite clause a. above, banners must not exceed 4.0 square metres (43.0 square feet) in *sign area*;
 - c. the *sign* being displayed for a maximum of three weeks prior to the event; and
 - d. the *sign* being removed within 72 hours of the conclusion of the event.
- B.4.3.3 Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to a *home occupation* may be displayed only in a residential or resource *zone*, subject to:
- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*; and
 - b. the *sign* must not be displayed for more than 12 consecutive hours.
- B.4.3.4 Notwithstanding B.4.1.1, *temporary directional signs* for the purpose of directing traffic to an institution or business (other than a home occupation) may be displayed in any *zone*, subject to:
- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
 - b. the *sign* must not be displayed for more than 12 consecutive hours; and
 - c. the *sign* must be located, erected, or displayed on the same *lot* as where the business or institutional use is occurring.

B.4.4 Home Occupation signs

- B.4.4.1 Notwithstanding B.4.1.1, *home occupation signs* are permitted, subject to:
- a. a maximum of one *sign* per lot;
 - b. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*; and
 - c. the *sign* must be located on the same lot in which the *home occupation* is occurring.

B.4.5 Obsolete Signs & Derelict Signs

- B.4.5.1 *Obsolete signs* and *derelict signs* must be removed within thirty days after the *sign* becomes *obsolete* or *derelict*.
- B.4.5.2 *Obsolete signs* and *derelict signs* may be removed at the discretion of the Gabriola Island Local Trust Committee.

B.4.6 Multi-Party Signs

- B.4.6.1 Notwithstanding B.4.1.1, *multi-party signs* which consolidate the direction of traffic to multiple businesses shall:
- a. be limited in *sign area* to 0.2 square metres (2.15 square feet) per business, to a maximum *sign area* of 2.0 square metres (21.5 square feet);
 - b. not be located in the Small Rural Residential zone; and
 - c. not be *temporary signs*.

B.4.7 Third Party Signs

- B.4.7.1 Notwithstanding B.4.1.1, *third party signs* are permitted, subject to:
- a. *third party signs* shall not exceed 1.1 square metres (12.0 square feet) in *sign area*, per lot.

B.4.8 Illuminated Signs

- B.4.8.1 *Internally illuminated signs* are prohibited, except where they occur as *window signs* for the purpose of displaying business hours of operation and opening, or for fuel price *signs* where only the numbers and symbols are illuminated.
- B.4.8.2 *Externally illuminated signs* must have a light source which deflects light away from the sky and towards the surface of the *sign*, and which is completely shielded from view.

2. **PART G – DEFINITIONS**, Section **G.1 DEFINITIONS** is amended by adding the following definitions in alphabetic order:

- i. “*sign* means any device or medium, including its supporting *structure* and lighting or electrical system, which is visible from any street or lot, and which is used to attract attention for advertising, direction, information, or identification purposes.”
- ii. “*sign area* means the entire area within a continuous perimeter, enclosing the extreme limits of a *sign* display, including any frame or border; and for these purposes, the area of a double-faced *sign* is considered to be the area of one face only.”
- iii. “*sign, derelict* means any *sign* which has been abandoned, discarded, or otherwise neglectfully maintained to such an extent that it has fallen into disrepair.”
- iv. “*sign, externally illuminated* means any *sign* lit by a separate light source that casts light directly on the face of the *sign*, and includes *signs* illuminated with reflective material.”
- v. “*sign, internally illuminated* means any *sign* lit directly or indirectly by a light source located within the *sign* itself, and includes illumination designed to project light against the surface behind the *sign* lettering or graphic, commonly referred to as back-lighting or halo-lighting.”
- vi. “*sign, multi-party* means any *sign* which consolidates the direction of traffic to multiple businesses, excluding *home occupations*.”
- vii. “*sign, obsolete* means any *sign* which is no longer relevant because of the discontinuance of the business, service, activity or event which it advertises or directs attention to.”
- viii. “*sign, temporary* means any *sign* which is portable in nature and is displayed for a specified time limit.”
- ix. “*sign, temporary directional* means any *sign* which is portable in nature, is displayed for a specified time limit, and which directs traffic to an institution or a business, including a *home occupation*.”
- x. “*sign, third party* means a *sign* that advertises or directs attention to an occupancy of land, a use, product, location, service, or other matter at a location other than where the *sign* is located, erected, or displayed. For the purposes of this bylaw, a *multi-party sign* is not considered a *third party sign*.”
- xi. “*sign, window* means a *sign* within a building, affixed on or located within 600mm of the inside of a window.”



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

DATE OF MEETING: May 11, 2017
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Local Planning Services
SUBJECT: Housing Options Review Project – Proposed Bylaw Nos. 292 and 293

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” be amended as specified in Attachment 3 of the staff report dated May 11, 2017.
2. That the Gabriola Island Local Trust Committee Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” be read a first time as amended.
3. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and confirmed that Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Gabriola Island Local Trust Committee request staff to schedule a Special Meeting for the purpose of a Community Information Meeting and further consideration of Proposed Bylaw Nos. 292 and 293.
5. That the Gabriola Island Local Trust Committee Bylaw Nos. 292 and 293 be referred to the Advisory Planning Commission for comment.
6. That the Gabriola Island Local Trust Committee request staff to prepare a draft Project Charter to update the Gabriola Housing Needs Assessment.

REPORT SUMMARY

The purpose of this report is to request that the Gabriola Island Local Trust Committee (LTC) consider the above-noted recommendations. In support of the recommendations, staff are providing the following:

- First Nations and agency referral responses received to date;
- Recommended changes to Proposed Bylaw No. 293;
- A draft model restrictive covenant;
- A revised Housing Options Review Project charter to include a review of water requirements at the time of subdivision; and
- Information about the approved budget to update the Gabriola Housing Needs Assessment.

BACKGROUND

As per LTC Resolution GB-2017-022, Bylaw Nos. 292 and 293 were referred to First Nations and agencies in February 2017. Five referral responses have been received to date and are included as attachments to this staff report.

The Housing Options Review Project Charter has been amended to include a review of subdivision regulations pertaining to proof of water requirements that reflect the fractured bedrock aquifer conditions on the island.

GB-2017-056

It was MOVED and SECONDED

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

CARRIED

Staff have prepared amendments to Bylaw No. 293 (see Attachment 3) to address consistency with the Agricultural Land Commission (ALC) residential use policies for lands in the Agricultural Land Reserve (ALR).

GB-2017-015

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to come back with draft bylaw language for the agricultural zone regulations which are consistent with section 3.1.b of the Agricultural Land Reserve Use Subdivision and Procedures regulations.

CARRIED

A number of recommended amendments to Bylaw 293 are also detailed in this report, noted in Attachment 3.

ANALYSIS

Summary of Referral Responses

At the time of report writing one First Nation and four agency referral responses were received (Attachment 1).

First Nation/Agency	Referral Response	Next Steps
Cowichan Tribes	No comments or concerns	n/a
Island Health	Approval recommended subject to conditions (see attached letter)	Staff comments on removing the sewage system verification requirement in Bylaw 293 as detailed in this report.
Regional District of Nanaimo Building Inspection Department	Written comments regarding RDN's approach	n/a
Thetis Island Local Trust Committee	Interests unaffected by bylaws.	n/a
Gabriola Housing Society	Approval recommended subject to conditions (see attached letter)	LTC to consider amendments to Bylaw 292 (OCP) and 293 (LUB) based on the submission.
Gabriola Island Chamber of Commerce	Approval recommended subject to conditions (see attached letter)	LTC to consider amendments to Bylaw 293 (LUB) based on the submission.

Staff does not recommend further amendments to Proposed (OCP) Bylaw 292 with regards to suggested affordable housing provisions until the completion of the Housing Needs Assessment. The LTC can direct staff on any additional changes deemed appropriate for the proposed bylaws based on the referral responses.

Agriculture (AG) Zone Changes

At the February 2017 LTC meeting, staff highlighted the need for minor amendments to Proposed Bylaw 293 regarding the Agriculture (AG) zone in order to comply with the *ALR Use, Subdivision, and Procedures Regulation*. In general terms, the ALC allows for up to three residential dwellings on an ALR property in the form of:

- A principal single family dwelling;
- A secondary suite (wholly within the principal single family dwelling); and
- A secondary suite (above an existing accessory building) **OR** a manufactured home (for immediate family)- but not both.

In consultation with ALC staff, planning staff have prepared a ‘tracked changes’ version of Proposed Bylaw 293 (Attachment 3) to aid in identifying the necessary amendments to the AG zone to reflect the ALC residential build-out provisions on land in the ALR.

Sewage Disposal Approval

Currently, clause B.6.3.7 of Proposed Bylaw 293 stipulates that a secondary suite would need to have the approval of the local Health Authority with respect to sewage disposal. Staff recommends this requirement be removed as the Regional District of Nanaimo (RDN) Building Inspection Department has confirmed that as part of a building permit process, the RDN already requires confirmation from a Registered Onsite Wastewater Practitioner (ROWP) to confirm that an existing (or new) sewage disposal system can accommodate the new project as proposed (secondary suite; workshop; renovation etc.). This qualified professional is to comment on the existing condition of the sewage disposal system, including its capacity, as well as conduct a field inspection to verify there are no issues or concerns. If deficiencies are noted by the ROWP, the RDN will ask for issues to be rectified before issuing a building permit. Proposed clause B.6.3.7 can therefore be removed as it is considered redundant with respect to the construction of new secondary suites.

Provision of Potable Water/Groundwater Licensing

Island Health has provided a referral response indicating that under Section 7 of the *BC Health Hazard Regulation*, it is the duty of a landlord to provide potable water to their tenants for domestic purposes and that under the *Drinking Water Protection Act*, a water connection to a secondary suite is technically defined as a ‘water system’ subject to monitoring, etc. The RDN Building Inspection Department has confirmed that building inspection does verify the *provision* of water to a secondary suite and compliance of plumbing with the code requirements, but they do not verify the *potability* of the water nor require proof of an operator’s permit for a water system. Although changes to the provincial water system requirements are anticipated in the future, staff do not recommend adding requirements for proof of potability or water system operator permits as part of Proposed Bylaw 293.

Staff have requested clarity from the Ministry of Forests, Lands and Natural Resources Operations (FLNRO), Water Protection Branch that a secondary suite on a property that is occupied and rented for domestic purposes and serviced by groundwater would not be subject to requiring a groundwater license. This confirmation is anticipated prior to a Community Information Meeting being conducted.

Secondary Suites Configuration Options

Staff have prepared an in-house 'Figure 1' for Proposed Bylaw 293 to illustrate the proposed permitted configurations for a secondary suite. The previous figure was borrowed from the RDN and was intended to be replaced before second reading.

RR1 Zone Restrictions on Accessory Cottages

The LTC has received public correspondence from a resident with a 2.1 hectare lot in the RR1 Zone (Public Correspondence Package) who is concerned that this is the only lot over 2.0 ha in the zone currently prohibited from having an accessory cottage due to the site specific RR1 zoning regulations (Figure 1). When the zone was created through Bylaw 236 in 2005 as a result of a density transfer application, the zone explicitly prohibited accessory cottages except for on one portion of the parent lot. The subsequent subdivision into 25 lots resulted in five parcels actually being 2.0 ha or larger, two of which are outside the Schedule C – Map 14 hatched area (Figure 2). The boundaries of this Schedule C map do not coincide with the subsequent subdivision layout that was approved by the Ministry of Transportation and Infrastructure resulting in Strata Lot 4 being only partially within the 'subject area' allowing accessory cottages.

The second receiver parcel for this density transfer application is currently at the subdivision application stage, with a potential for an additional 24 lots (five proposed to be 2.0 ha or larger in size). Under the current RR1 zone regulations as written, no accessory cottages would be permitted for those lots despite the fact that the OCP General Residential Policy 2.1 g) supports on accessory cottage accessory to a single-dwelling residential unit on parcels 2.0 hectares or larger.

As the intent of this project is to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) with respect to expanding the accessory cottage provisions on qualifying lots based on the 2.0 hectare size limit within residential zones, staff recommends that the Schedule C Map 14 be removed from the LUB. This would allow the two existing RR1 zoned lots 2.0 hectares or larger to be permitted a secondary suite (Figure 3) and would not increase the number of parcels permitted in the RR1 zone. Removal of this map schedule and reference to it in the RR1 zone would also mean that if the subdivision proceeds on the receiving lands as presented, an additional six lots would be permitted a secondary suite under the proposed regulations.

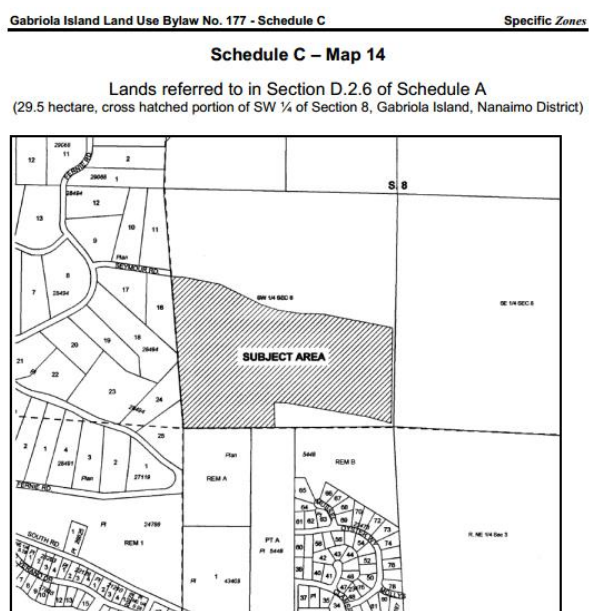
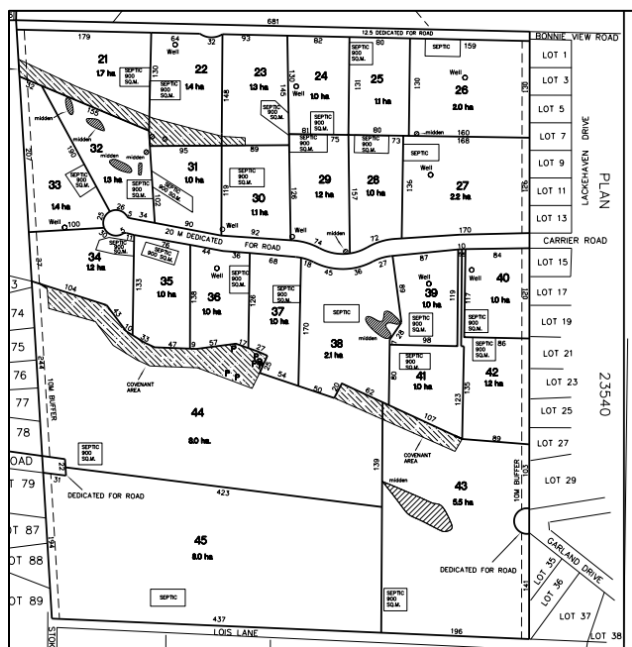


Figure 1. LUB Excerpt – Schedule C – Map 14



23 ha remainder lot and 2.1 ha lot in the RR1 zone not currently permitted an 'accessory cottage'

Figure 2. Existing subdivision layout within RR1 zone.



51 ha lot proposed to be subdivided in the RR1 zone into a maximum of 24 lots with a minimum lot size of 1 ha and minimum average lot size of 2.3 ha. Under the 2005 subdivision layout proposal, six lots were to be 2.0 ha or larger.

Figure 3. Proposed Subdivision Layout for second receiver parcel in 2005.

Model Draft Restrictive Covenant

Proposed Bylaw 293 subsection B.6.3.10 currently states that 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 real estate entity; and b) for lots outside the ALR, limiting the number of dwellings permitted on the lot to two, including the principal dwelling. A model draft restrictive covenant has been prepared for LTC review by the Islands Trust solicitor (to be distributed at the May 11, 2017 meeting). The standardized covenant is intended to be available for use by any owner seeking compliance with the Land Use Bylaw (LUB) regulation and RDN building permit requirements. It also provides a public benefit in terms of reducing the legal costs associated with the covenant registration process.

The LTC has received referral responses from the Housing Society and the Chamber of Commerce questioning the legality of the Proposed Bylaw 293 prohibiting building strata conversions of secondary suites. The Gabriola Island LTC has the authority to prohibit the registration of building strata subdivision plans through a section 219 restrictive covenant registered on title. The OCP does not support building strata conversions. Local governments such as the Cowichan Valley Regional District also use the restrictive covenant provision to protect the intent of a secondary suite (accessory cottage) to be maintained as accessory to a principal use and not converted to a separate real estate entity through subdivision. If the LTC wishes to address smaller parcel sizes through subdivision as part of the efforts for addressing housing options in the Housing Option Review Project Phase 2, staff suggest a review of the minimum lot size, density provisions and other tools after the completion of a housing needs assessment before allowing any further building strata subdivisions of secondary suites on Gabriola Island.

Proof of Water Requirements for Subdivision

Staff have updated the Housing Options Review Project Charter to reflect the LTC resolution noted above regarding expanding the scope of the project to include proof of water requirements at the time of subdivision. It is anticipated that as staff time permits, a separate draft bylaw to amend the LUB will be presented to the LTC for consideration by fall 2017.

Housing Needs Assessment Budget

The Islands Trust Council recently approved a \$5,000 budget for an update to the Gabriola Housing Needs Assessment. Although this was considered out of scope for this phase of the 'Housing Options Review Project', staff recommend a separate project charter be prepared for LTC endorsement in order to commence work on this project as soon as possible.

Islands Trust Policy Statement

The recommended amendments to Proposed Bylaw No. 293 has been reviewed for compliance with the Islands Trust Policy Statement Checklist and are deemed by planning staff to be consistent. The LTC is asked to formally confirm by resolution that Bylaw No. 293 is consistent with the Islands Trust Policy Statement.

CONSULTATION

Community Information Meeting

If the LTC concurs with staff recommendations in this report, a Community Information Meeting prior to consideration of second reading is can be held to clarify to residents and property owners the status of the proposed bylaws and solicit further input. This can occur through a special meeting of the Local Trust Committee.

Referral to the Advisory Planning Commission

The LTC will be considering new appointments to the Advisory Planning Commission (APC) as all previous terms have expired. Staff recommend Proposed Bylaws 292 and 293 be referred to the newly appointed APC for comment.

Rationale for Recommendation

Proposed Bylaw No. 293 (LUB) includes the provisions endorsed by the LTC via resolution on February 9, 2017 and several additional improvements. Staff supports the recommendations included on Page 1 of the report in order to proceed to a community information meeting and for LTC consideration of second reading.

ALTERNATIVES

1. Request further information from staff.
2. Make additional changes to the bylaws based on the recommendations of referral agency responses and/or public input.

NEXT STEPS

If the LTC concurs with the recommended amendments to Proposed Bylaw 293, staff recommends the LTC holds a Community Information Meeting on the Proposed Bylaws prior to consideration of second reading.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	April 28, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 3, 2017

ATTACHMENTS

1. Agency and First Nation Referral Response package received as of April 27, 2017
2. Proposed Bylaw No. 292
3. Proposed Bylaw No. 293 tracked changes
4. Draft model restrictive covenant – *to be distributed*
5. Revised Housing Options Review Project Charter

Becky McErlean

From: Candace Charlie <Candace.Charlie@cowichantribes.com>
Sent: Friday, March 03, 2017 8:55 AM
To: northinfo
Cc: Becky McErlean; Sonja Zupanec
Subject: Re: Gabriola Island LTC Bylaw Nos. 292 & 293

To Whom it May Concern,

Cowichan Tribes has no comments or concerns with regards the above noted bylaw amendments.

Sincerely,

Candace Charlie
Referrals & Land Code Coordinator
Lands & Governance, Cowichan Tribes
222 Cowichan Way
Duncan BC V9L 6P4
Ph: 778-422-2255
candace.charlie@cowichantribes.com

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From: Schaefer, Jerry [<mailto:JSchaefer@rdn.bc.ca>]
Sent: Tuesday, May 02, 2017 2:52 PM
To: Gabriola Planner
Subject: RE: Bylaw Referral - Gabriola Island Local Trust Committee BL292 (OCP) and 293 (LUB)
Secondary Suites - RDN Building

Sonja,

It all looks good, but I have just one comment. The RDN recognized a need to clarify that the limit to 90 sq. m. for secondary suites in accessory buildings applies to the total floor area of the building. This means ALL stories. This arose from experience our manager of Planning at the time had in another RD where they brought in secondary suite regulations. The problem was that people were getting permits for a suite in the upper storey of a detached garage. After obtaining Occupancy, the property owners were converting the lower portion to add to the suite. This effectively resulted in numerous huge second dwellings on properties where the vision was for modest "in-law- type" suites.

So in the RDN, it is very difficult (if not effectively impossible) to build a secondary suite in a two-storey accessory building. Also, because of the differing height restrictions for accessory buildings as compared to the principal use building in some zones, the RD addresses height restrictions for accessory buildings containing suites independently: in RS zones, where acc'y buildings are limited to 6m, they are permitted to be 8m (same as principal use building), but in RU zones, where all buildings are permitted to be 9m, the acc'y building containing a suite is limited to 8m. I'm not really sure what the rationale was for this and I think that the acc'y buildings in RS zones should be limited to 6m as other acc'y buildings in those zones.

Cheers

Jerry Schaefer, RBO
Building Inspection Supervisor
Regional District of Nanaimo
Ph. 250 390-6537
Fax 250 390-6513

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reason(s) Outlined Below
- ☐ Approval Recommended Subject to Condition(s) Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason(s) Outlined Below

Gabriola Island Local Trust Area –
Gabriola Island

(Island)

W. Egan

(Signature)

April 18, 2017

(Date)

Bylaw Nos.: 292 (OCP Amendment) and
293 (LUB Amendment)

(Bylaw Number)

Island Planner

(Title)

Thetis Local Trust Committee

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reason(s) Outlined Below

☒ Approval Recommended Subject to Condition(s) Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason(s) Outlined Below

See attached letter dated March
29, 2017


Gabriola Island Local Trust Area –
Gabriola Island

(Island)



(Signature)

March 29, 2017

(Date)

Bylaw Nos.: 292 (OCP Amendment) and
293 (LUB Amendment)

(Bylaw Number)

Environmental Health Officer

(Title)

Island Health

(Agency)



March 29, 2017

Sonja Zupanec
Island Planner
Islands Trust
700 North Rd
Gabriola Island, BC V0R 1X3

Dear Ms. Zupanec:

RE: Bylaw No. 292/293 Referral

Thank you for the opportunity to comment on the Gabriola Island Local Trust Committee Bylaw No. 292/293.

Secondary dwellings are supported as part of a healthy built environment. Secondary dwellings provide the community with increased affordable housing options which may have a multitude of increased health benefits (i.e. allowing people greater disposable income to buy necessities such as healthy food or medications). In addition, permitting secondary dwellings can assist families with facilitating “aging in place” such that either aging family members may be able to reside with their family, or conversely allowing seniors to bring in a tenant to offset costs or even a live-in home care provider. Another benefit of this allowance will ensure suites are built to Building Code requirements rather than the installation of illegal substandard housing.

Island Health recommends approval to the bylaw subject to the two conditions listed below as they ensure a safe and healthy environment for secondary dwellings:

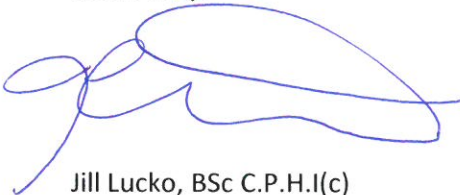
1. As per Section 7 of the Health Hazard Regulation it is the duty of a landlord to provide potable water to his/her tenant for domestic purposes.
2. Increases to living space may impact properties serviced by septic systems; therefore, sewerage systems must be adequately sized and designed and may require an assessment or upgrading by an Authorized Person as per the Sewerage System Regulation.

I would also like to highlight a few definitions under the *Drinking Water Protection Act* (the "Act"). A water supply system is defined as one that supplies water for domestic purposes to anything other than a single-family residence (i.e. secondary suites, commercial bakery in attached building, etc.). This Act and its Regulation require that water supply systems hold a valid Operating Permit and place an extensive list of roles and responsibilities on the owner/operator (see attached handout for a brief overview of water supplier obligations). The Act in its entirety can be found at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_01009_01

Thank you again for forwarding the above bylaw for comment to our department. I am happy to discuss our commentary further at your convenience, if you would like to. You can contact me at 250.755.6215.

Yours truly,



Jill Lucko, BSc C.P.H.I(c)
Environmental Health Officer

JL/nb



Sonja, For your info, this is what is required of water suppliers (ie anything other than a single family home).
Yours, Jill

What is a water supplier required to do?

The following is an Excerpt from Drinking Water Officers Guide, part A, 2014 (pp20-25), available in its entirety at <http://www.health.gov.bc.ca/protect/pdf/dwog-part-a.pdf>

The following comments provide a basic summary of the obligations imposed on water suppliers by the Act and Regulation. References are made to the relevant sections of the Act and Regulation, and these sections should be consulted to determine the specific nature and extent of obligations imposed.

It should be noted that, in some cases, the relevant sections of the Act impose requirements only on "prescribed" water supply systems, meaning those specified as such in the Regulation. The Regulation provides (in section 4) that all water supply systems are prescribed as being covered by the requirements of sections 8, 10 11 and 22(1)(b) of the Act, and all systems except "small systems" are prescribed for the purposes of section 9 of the act.

Potable water

Generally speaking, all water suppliers must supply water which is potable and meets any requirements set out in the operating permit or regulations. "Potable" is defined in section 1 to mean "(a) meets the standards prescribed by regulations, and (b) safe to drink and fit for domestic purposes without further treatment".

The Regulation also requires all surface water to be "disinfected". Unlike the former *Safe Drinking Water Regulation* under the *Health Act*, there is no discretion to exempt people from this requirement. (See Act, section 1 and 6, Regulation, section 5)

Exception: "small systems" are not required to meet the potability requirements if the system does not provide water for human consumption or food preparation and is not connected to a system that does, or if each recipient of water from the system has a point of entry or point of use treatment system²¹ that makes the water potable. (See Act section 1 and 6 and Regulation section 1 and 3.1)

Construction permits

Persons may only construct a water supply system if they obtain a construction permit in advance. (See Act section 7 and Regulation section 6)

Exception: for "small systems" the requirement for a construction permit may be waived by an issuing official (Regulation section 6(3) (c))

Operating permits

Water suppliers must not operate a water supply system without an operating permit and must comply with the terms and conditions of the permit. (See Act section 8 and Regulation section 7)

Operator Training

Persons must not operate a water supply system unless they meet the operator training certification requirements set out in the regulations. (See Act section 9, Regulation section 12)

Exception: "small systems" are not required to meet any operator training certification requirements unless their operating permit so specifies.

Emergency response plans

Water suppliers must have written emergency response and contingency plans (See Act section 10, Regulation section 13)

Monitoring

Water suppliers must engage in sample monitoring as required by the regulations, operating permit and directions of a drinking water officer (See Act section 11, Regulation section 8). This includes monitoring for total coliform and, effective April 1, 2006, *Escherichia coli*.

Laboratory reports

Laboratories must immediately report to water suppliers, the drinking water officer and the medical health officer if test results respecting *E-coli* and fecal coliform do not meet specified standards. Laboratories must also advise drinking water officers of other information if the drinking water officer so requests. Water suppliers must immediately advise the drinking water officer that they have been notified by the labs in such cases. (See Act section 12, Regulation section 9)

Notifying drinking water officer

Water suppliers must immediately notify the drinking water of threats officer of other threats to drinking water if they become aware of them. (See Act, section 13)

Public notice of threats

Water suppliers must provide public notice of threats to drinking water if requested by a drinking water officer. (See Act section 14, Regulation section 10) Also, if a laboratory advises that an immediate reporting requirement exists, or the supplier is otherwise aware of a potential drinking water health hazard, and the drinking water officer cannot be immediately contacted, the water supplier must notify the users of the water supply system immediately, in accordance with emergency response and contingency plans. In this case, no request or order from a drinking water officer is required. (See Act section 14, Regulation section 10)

Publication of other information

Water suppliers are required to make various other types of information public in accordance with the regulations and requirements of the drinking water officer. This includes information regarding emergency response plans and contingency plans, an annual report of monitoring²³, and information concerning assessments. (See Act section 15, Regulation section 11).

Flood-proofing of wells

Owners and operators of wells must flood proof them if required by the regulations.²⁴ (See Act section 16, Regulation section 14)

Assessments

Water suppliers must conduct water source and system assessments of water supply systems, if required by the regulations or a drinking water officer (See Act section 19) and must address cross connections if required to do in an assessment response plan.

Drinking Water Protection Plan

If directed by a drinking water officer, a water supplier is required to participate in the development of a drinking water protection plan. (See Act section 33(1)(a)).

Other

In various other circumstances, drinking water officers have the ability to make requests or orders and impose requirements on water suppliers under the Act. Water suppliers must comply with those requests, orders and requirements.

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reason(s) Outlined Below

☒ Approval Recommended Subject to Condition(s) Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason(s) Outlined Below

See attached letter.

**Gabriola Island Local Trust Area –
Gabriola Island**

(Island)

N. J. Hetherington Perice

(Signature)

April 21, 2017

(Date)

**Bylaw Nos.: 292 (OCP Amendment) and
293 (LUB Amendment)**

(Bylaw Number)

Chair, Board of Directors

(Title)

Gabriola Housing Society

(Agency)



April 21, 2017

To: Gabriola Island Local Trust Committee

From: Board of Directors, Gabriola Housing Society

Re: **Bylaw Referral Form for Proposed Bylaws 292 and 293**

Response Summary: Approval Recommended Subject to Conditions Outlined Below

This letter is attached to the Bylaw Referral Form submitted by the Board of Directors of the Gabriola Housing Society (GHS), as the explanation of the above response from the Board.

CONTEXT FOR THE RESPONSE OF THE GHS BOARD

1. The mandate of the Gabriola Housing Society (incorporated January 2013) is to provide access to residential accommodation on Gabriola Island for people with low to moderate incomes.
 - a. Includes both rental and ownership accommodation
 - b. Includes the range of low to moderate incomes
2. In the Board's understanding, the *Strata Property Act* (Sections 241-43) governs which approvals are required for which categories of strata plans.
 - a. Bare Land Strata Plan: No approval is required from a Local Trust Committee (LTC); an "approving officer" must approve the requested plan
 - b. Building Strata Plan
 - i. Previously-unoccupied existing buildings: No approval is required from a LTC; a BC land surveyor must certify the building is previously unoccupied
 - ii. Previously-occupied existing buildings: Approval is required from an "approving authority" (for Gabriola: the Gabriola Island Local Trust Committee)
3. The *Strata Property Act* (Section 242) states the criteria that the "approving authority" must address in making their decision regarding approval of a strata plan for previously-occupied buildings. In the opinion of the GHS Board, pertinent criteria are:
 - a. The approving authority must ensure that the building substantially complies with the local bylaws (Sec. 243.5.a)
 - b. The approving authority must consider the priority of rental housing over ownership housing in their area of authority (Sec. 243.6.a)
4. The definition used by the Regional District of Nanaimo for "affordable housing" is as follows:

"Housing is considered to be "affordable" when it costs less than 30% of before-tax household income. Housing is not affordable when it costs so much that individuals and families have trouble paying for other necessities such as food, health and transportation. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services (Canada Housing and Mortgage Corporation)."

(<http://www.rdn.bc.ca/cms.asp?wpID=2882>)

CONDITIONS FOR RECOMMENDED APPROVAL BY THE GHS BOARD

A. CONDITIONS IN PROPOSED BYLAW 292 TO AMEND THE OFFICIAL COMMUNITY PLAN (OCP)

Numbers below are those in the proposed Bylaw 292

2.1: Section 2 – General Land Use & Residential Development, Section 2.0 General Land Use, General Land Use Policies, Clause j): “The Plan does not permit the strata conversion of existing buildings.”

Condition: Delete in its entirety

Reason: (See Context #1, 2, 3)

- The GHS mandate includes both rental and ownership accommodation for people with low to moderate incomes. Therefore, the GHS supports the option of Building Strata Plans for ownership opportunities for people with low to moderate incomes.
- The LTC as an “approving authority” only has authority for Building Strata Plans that include previously-occupied buildings. In the Board’s opinion, the Strata Property Act provides ample direction for the decision of the LTC in these cases. Thus a statement in the OCP is redundant.

2.6: Section 2 – General Land Use and Residential Development, Section 2.6 Single-Family Affordable Housing, Single-Dwelling Affordable Housing Policies, Clause a):

Condition: After the word “providing” replace remaining words with “for diversity in housing options and affordability.”

Reason:

- So that the wording for the rationale in this Policies part is consistent with the proposed new wording in the Background part of Section 2.6 (as stated in proposed amendment 2.3).

2.8: Appendix 1 – Definitions:

- First condition: Also delete the term “family” and its definition

Reason:

- Definitions are being removed from the OCP if they are in the Definitions of the Land Use Bylaw
- The Land Use Bylaw’s Definitions includes “single family”; the Board supports the definition.

- Second condition: Amend definition of “Affordable Housing” by removing the words “60% of”.

Reason: (See Context #1, 4)

- The current definition focuses on people with low incomes (i.e. 60% of the median Gabriola income). The current definition for Affordable Housing was established in 2011. At that time, the major focus of affordable housing on Gabriola was on people with low incomes.
- During the past five years, the importance of providing diversity of housing options and affordability for a broader range of the island’s population has become increasingly acknowledged by island residents and organizations. When the GHS was incorporated in 2013, it chose a mandate that reflects this more current situation.
- Retaining “the median household income for Gabriola Island” is important in order to ensure the definition focuses on people with moderate to low incomes living on Gabriola Island.
- CMHC’s definition of housing cost as “30% of before-tax household income” is widely accepted.

Condition - Add another Amendment as 2.10 that states the specific four amendments below:
 Section 2 – General Land Use and Residential Development, Section 2.4 Multi-Dwelling Affordable Housing: Background:

- Amendment: Change the first sentence to read as follows (italics show amendment words): “In recognition of the desirability of encouraging Gabriola Residents to continue living in the Planning Area, provision is made for Multi-Dwelling Affordable Housing opportunities *as a means of addressing the island’s need for diversity in housing options and affordability.*”

Reason:

- In order to have consistent rationale in 2.4 Background and 2.6 Background: “... *need for diversity in housing options and affordability.*”

- Amendment: Change “low income” to “low to moderate income”

Reason:

- GHS mandate includes people with low to moderate incomes

- Amendment: Remove paragraph that begins “Affordable housing means”

Reason:

- Definition is already in the Definitions section at end of the OCP document

- Amendment: In every instance that “low income” appears, change to “low to moderate income”

B. CONDITIONS IN PROPOSED BYLAW 293 TO AMEND THE LAND USE BYLAW (LUB)

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

- Condition: Change the proposed new B.6.3.2 by adding the following words at the end of the sentence: “except for lots in the Agricultural Land Reserve.”

Reason:

- According to current Agricultural Land Commission regulations, a second secondary suite over a detached building is permitted (as an alternative to a manufactured home) on lots that have certified “farm status” with the provincial government.

- Condition: Remove the proposed new B.6.3.10 in its entirety

Reasons: (Context #1, 2, 3)

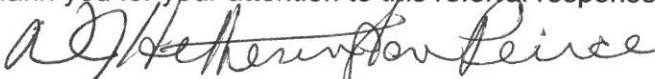
- Part a: For the same reasons as for the Board’s recommendation regarding Bylaw 292, #2.1
- Part b: This part appears to be redundant, given the proposed new B.6.3.2.

Condition: Add another Amendment to Bylaw 293 as #2.29 that states: Part G – DEFINITIONS, “single family” is amended by deleting the word “single”

Reason:

- To have consistent wording in both the OCP (e.g. Section 2.4) and the LUB

Thank-you for your attention to this referral response from the Board of the Gabriola Housing Society.


 Nancy Hetherington Peirce, Board Chair, on behalf of the Board of Directors
 (nhpeirce@gmail.com)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reason(s) Outlined Below

☒

Approval Recommended Subject to Condition(s) Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason(s) Outlined Below

See detailed comments. We cannot support the proposal for a restrictive covenant and belief that such a requirement may be illegal.

Gabriola Island Local Trust Area –
Gabriola Island

(Island)

Bylaw Nos.: 292 (OCP Amendment) and
293 (LUB Amendment)

(Bylaw Number)

(Signature)

President

(Title)

April 21, 2017

(Date)

Gabriola Island Chamber of Commerce

(Agency)

PLEASE TURN OVER →

CHAMBER of COMMERCE



G A B R I O L A I S L A N D

April 21, 2017

Local Trust Committee (LTC) for Gabriola
Islands Trust North Office
700 North Road
Gabriola Island V0R 1X1

Re: Referral of Proposed Bylaw Changes for Secondary Suites

Dear Trustees,

The Gabriola Chamber of Commerce is generally in favour of the proposed bylaw changes for secondary suites, except that we are totally opposed to the requirement that a restrictive covenant be placed on title in return for permission to build a secondary suite. We consider the covenant requirement to be an over-reach of trust jurisdiction that is very ill-considered and quite possibly illegal.

Your referral form and our detailed comments are attached. Below are some more general comments on the housing situation and the proposed changes to the rules regarding secondary suites.

The Gabriola Island Chamber of Commerce (GICC) has surveyed its membership extensively about housing needs for their employees. During our Economic Readiness Study (2016), the lack of attainable housing was cited as the greatest challenge businesses face, with 52% of businesses surveyed struggling to find suitable staff. This issue is seriously undermining the vitality of the business community on Gabriola, and it is also seriously influencing the demographic profile of the island as many young people are forced to move off island for lack of suitable housing.

To date, our feedback about housing challenges has been anecdotal in terms of individuals affected. However, The Haven has shared with us (and given us permission to share publically) the housing survey that they recently conducted amongst their 34 employees, with 29 responding (85%). The results, roughly evenly split between renters and owners, are instructive and demonstrative of the problem. We have attached their results for your information to provide some hard data relating to this problem. One interesting statistic is that 48% of respondents have considered moving off Gabriola in the last three years due to the difficulty of finding somewhere to live. Our community cannot afford the loss of these generally younger people.

Therefore, given the severity of the current housing crisis on Gabriola, the GICC strongly supports the intent of these bylaw changes. They are a small step in the direction of making more housing available on Gabriola. More housing means more jobs for young people and more robust local businesses. Having said that, these measures address only large lots that are out of the range of attainable housing for most people, and therefore these measures are a drop in the bucket.

We hope that the next Local Trust Committee (LTC) will tackle the big elephant in the room – namely the absolute limit on densities on the island. We believe strongly that steps need to be

CHAMBER of COMMERCE



G A B R I O L A I S L A N D

taken urgently to increase the number of densities near the Village Core to stimulate investment possibilities leading to reasonably priced housing – both attainable and Affordable. The housing crisis is a BC-wide crisis. We have the power to change our restrictive legislation if the Trustees and the Gabriola Community are willing to tackle the issues.

The current Trustees do not have time to tackle the bigger problem in their remaining time this term. However, they could frame the problem clearly for discussion during the next election. The housing crisis and how to meet it and the question of density limits are hot political topics on Gabriola, and they need to be discussed openly and constructively.

The proposed move towards more secondary suites being allowed will make it easier for people to qualify for mortgages (but only if the secondary suite is in the same building). Secondary suites (whether contained in the primary dwelling or not) will most likely be used as rental accommodation, which we all agree is badly needed. But why eliminate the possibility of more reasonably priced ownership options with the ban on strata titles? There is a great opportunity to create a truly viable option for someone buying an acreage with the idea of building both a primary residence and a secondary residence and having both strata titled at the time of construction. This could provide under the right conditions a moderately priced homes, not for rental but rather for ownership.

The Chamber is very opposed philosophically to the proposal to require covenants on properties whose owners apply to have legal secondary suites. The proposed covenants would require the landowner to give up the right *in perpetuity* to convert their property into strata ownership and more density. When rules are different in the future and strata titles might be desirable and more density may be allowed, they could not recover their loss. This situation will mean that very few people will take up the opportunity to build secondary suites under the proposed rules because they are being asked to forever forfeit property rights. In short, the covenant proposal will kill the likelihood of any secondary suites being constructed under these rules, making the whole effort, as proposed, essentially moot and a waste of time.

Local government only has the power to regulate strata conversion of preciously occupied buildings according the Strata Property Act of BC. Section 242 (2) of that Act reads: *If a person applying to deposit a strata plan wishes to include in the strata plan a previously occupied building, the person must submit the proposed strata plan to the approving authority.* All other strata plans are approved by an approving officer in the Land Title office, not the local government. As we understand it, the LTC does not have the power to approve or disapprove bare land strata applications or strata applications related newly constructed, but unoccupied buildings.

We believe that the proposed covenant requirement, as written, may be illegal because it extends the power of the local governing body (the Islands Trust) beyond the approval of previously occupied buildings. In effect, the proposed change to the Land Use Bylaw is an end-run around the limitations imposed by the Strata Property Act of BC.

We understand that the rationale for the proposed covenants is to increase the supply of rental accommodation over ownership by preventing separate titles. We fundamentally disagree with

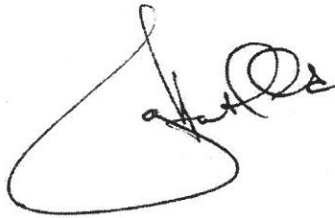
CHAMBER of COMMERCE

G A B R I O L A I S L A N D

this intent. We recommend in the strongest possible terms that the LTC drop the requirement for a covenant before granting applications for secondary suites. We believe that our OCP and LUB should support the objective of attainable home ownership as much as attainable rental housing.

So, in summary, if the covenant proposal is removed, then we support the proposed changes, subject to our detailed comments, as attached. If the covenant proposal remains, we are unenthusiastic about the proposed changes because they will be ineffective and not lead to any meaningful change in the housing supply

Sincerely,



Gloria Hatfield
President
Gabriola Island Chamber of Commerce

Attachments:

1. Haven survey of employees on housing
2. Detailed comments on proposed changes.
3. Bylaw referral form

Detailed Comments on Bylaw Changes for Secondary Suites

Our comments on the proposed changes to the LUB are:

B.6.3.2: This clause states that there is a maximum of one secondary suite per lot. *For clarity, there needs to be an exception noted for AG land, which can have one contained secondary suite and one additional secondary suite above an existing building if the property has farm status (Agricultural Land Commission (ALC) Policy L-08, dated October 2016).*

B.6.3.8: This clause states that a secondary suite within an accessory building must not contain interior access to any part of the accessory building and must have an exterior access. *We agree with the requirement for exterior access. We question the restriction on the prohibition of interior access as there is no clear rationale for such a prohibition. Therefore, we see this part of the clause as unnecessary regulation.*

B.6.3.10 This clause requires the covenant discussed in our covering letter. Clause b. states that for lots outside of the ALR, there shall be a maximum of two dwellings permitted. *We are strongly opposed to the inclusion of this provision at all. If it is included, clause b, is redundant as this limit is clear from the other parts of section B.6.3.*

2.14 Part D – Zones D.2 RESOURCE Zones, Subsection D.2.1. This section is a summary of regulations for land within the Agricultural Land Reserve (ALR). We believe that the intent is to make the local regulation consistent with the ALC regulations. As the planner acknowledged in the last LTC meeting, this paragraph does not accurately reflect the ALC regulations summarized in ALC Policy L-08. *The GICC recommends that any proposed changes be consistent with the regulations of the ALC to avoid confusion.*

2.26 Part G. DEFINITIONS Section G.1 DEFINITIONS. Changes the definition of “dwelling – multiple family” from two to three dwelling units. We agree with this change for lots of area greater than 5 acres. However, as written, it applies to all lots. What constitutes multi-family dwelling on a lot less than 5 acres? Must it now be as many as 3 units? Is that the intent?

Why not leave the definition level at 2 units for lots less than 5 acres?

Our comments on the proposed changes to the OCP are:

Section 2.1 Section 2 – General Land Use and Residential Development, Section 2.1 – Residential Land Use, General Use Policies, Clause j:

Proposal to change the wording of the OCP from “The Plan does not permit the strata conversion of existing buildings,” by changing the word “permit” to “support”. As stated in our cover letter, we believe that this statement is philosophically incorrect for Gabriola in 2017 – it was based upon the land use situation of 20 years ago and times have changed. The OCP should support attainable home ownership as well as attainable rental housing. Strata title conversion of secondary suites would allow division of properties into smaller and less expensive real estate entities that would be more attainable for people with limited financial resources.

Should this clause remain, then it should be modified to read "The Plan does not support the strata conversion of previously occupied buildings," to be in line with the powers of local government under the Strata Property Act of BC.

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”.

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”.

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”	“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	9 TH	DAY OF	FEBRUARY	,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 9TH DAY OF FEBRUARY ,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. 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, AGzones 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 only be accessible by an entrance separate from that of the principal dwelling unit;
- B.6.3.7 A secondary suite within an accessory building must not contain interior access to any part of the accessory building and the means of access and egress must be external to the structure;
- B.6.3.8 A secondary suite must not be located within a manufactured home or multiple family dwelling;
- B.6.3.9 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 real estate entity; and
 - b. limiting the number of dwellings permitted on the lot to two, including the principal dwelling.

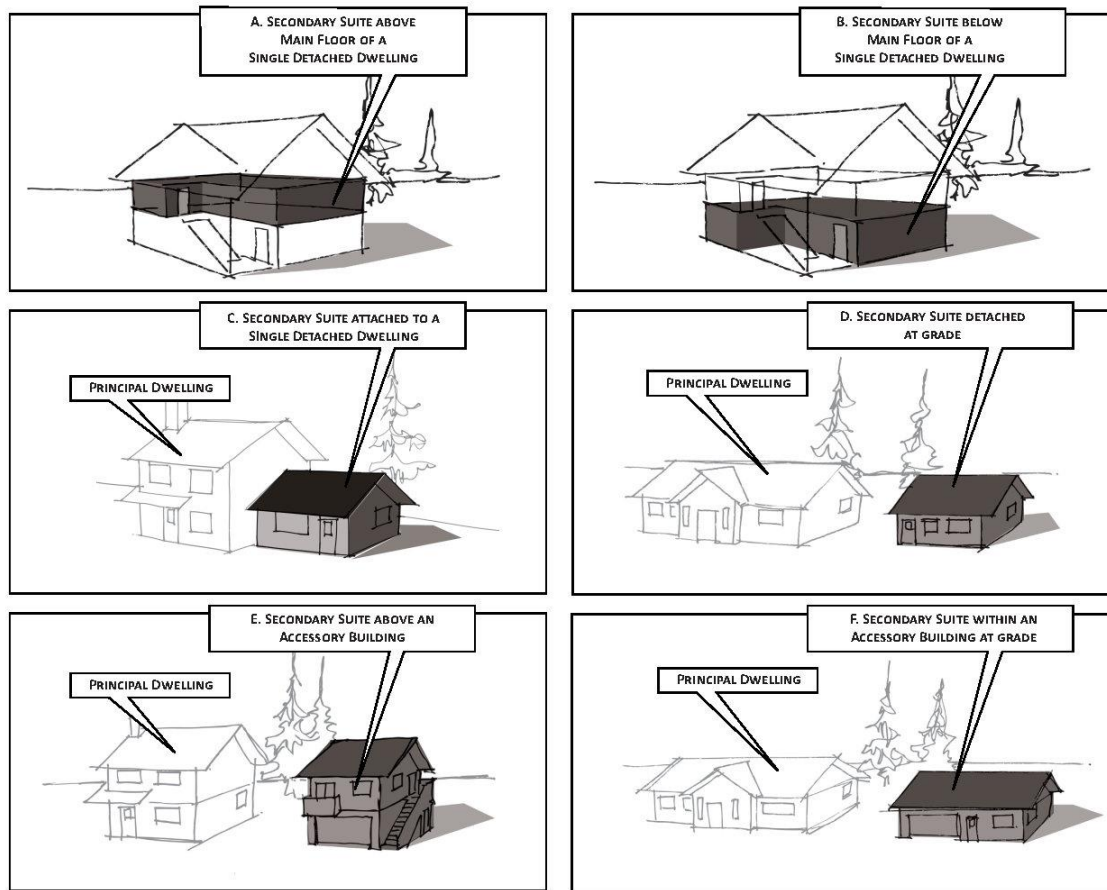


Figure 1. Permitted configurations for a secondary suite.”

- 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 that exclude 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 that exclude 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 that is a single real estate entity 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 that exclude 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.”

- 2.15 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”.

- 2.16 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 ii, first bullet is amended by replacing the word “cottage” with “secondary suite”.

- 2.17 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 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”.

- 2.18 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 that exclude a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings; and”
- 2.19 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”.
- 2.20 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 that exclude a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings; and”
- 2.21 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 subject to section B.6.3.”
- 2.22 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second bullet is amended by replacing the word “cottage” with “secondary suite”.
- 2.23 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, fourth bullet text is deleted in its entirety and replaced with “one secondary suite per lot.”
- 2.24 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.
- 2.25 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “cottage” and definition.
- 2.26 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “two” with “three”.
- 2.27 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.”

2.28 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “means” from the beginning of each definition in the section.

2.29 Schedule C – Map 14 is deleted and subsequent Schedule C map 15 and 16 are renumbered accordingly.

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

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Top Priorities

Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Roadside Signage	Review roadside signage regulations in the Gabriola Land Use Bylaw. Develop a roadside signage strategy.	07-May-2015	Teresa Ritemann	
2	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;	07-May-2015	Sonja Zupanec	
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 -IN1 zoning to ensure consistent with existing Arts Council use.	08-Sep-2016
New Ecological Protection Zone	Develop a new ecological protection zone in the LUB as part of the Parks (P) OCP designation.	30-Mar-2017



Islands Trust

Print Date: May 3, 2017

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2017.1	Fraser, BEVERLY	14-Feb-2017	PID: 003-396-657 Building house in DP-3 area. Civic: 661 Dogwood Crescent, Gabriola Island, BC.
Planner: Linda Prowse			
Planning Status			
<u>Status Date:</u>			

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			
<u>Status Date:</u> 07-Nov-2016			
Further information requested.			
<u>Status Date:</u> 09-Sep-2016			
Planner reviewing.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2016.1	Williamson & Associates	09-Feb-2016	PIDs:006-654-941, 005-030-480, 009-735-968, 003-010-431, 006-635-121, 027-939-804, 027-939-791\nSpruce to Church Streets, Mallett Creek Density Transfer
Planner: Sonja Zupanec			
Planning Status			
<u>Status Date:</u>			



Applications

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: 26-Apr-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\nCreate 7 parcels

Planner: Teresa Ritemann

Planning Status

Status Date: 26-Apr-2017

No change in status.

Status Date: 28-Nov-2016

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

Status Date: 30-Jun-2016

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

File Number	Applicant Name	Date Received	Purpose
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Applications

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

Planner: Marnie Eggen

Planning Status

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

Status Date: 14-Mar-2014

PLA received

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

Planner: Teresa Ritemann

Planning Status

Status Date: 26-Apr-2017

No change in status.

Status Date: 03-Sep-2014

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

Status Date: 18-Mar-2014

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

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

Planner: Teresa Ritemann

Planning Status

Applications

Status Date: 26-Apr-2017

No change in status.

Status Date: 07-May-2016

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

Status Date: 05-May-2016

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

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.3	Smythies & Associates	28-Oct-2013	411 Daniel Way\subdivision to create 2 parcels

Planner: Teresa Ritemann

Planning Status

Status Date: 26-Apr-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-2016.1	Williamson & Associates	07-Jan-2016	To create two lots within the SRR zone contained in existing Lot 4 and the northerly portion of existing Lot 5. The southerly boundary of the two SRR lots will be along the current AG zone boundary and will leave the remainder of Lot 5 as a single AG zoned parcel of 15.38 hectares wholly within the ALR.

Planner: Teresa Ritemann

Planning Status

Status Date: 26-Apr-2017

No change in status.

Applications

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 03-Feb-2016

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

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

Planning Status

Status Date: 26-Apr-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-2016.3	Roundtuit Farms Ltd.	29-Feb-2016	PID: 000-991-694 Create two lots from one on Decourcy. Firehall plot will be severed from main property.

Planner: Marnie Eggen

Planning Status

Status Date: 24-Apr-2017

Covenant registered.

Status Date: 09-Mar-2017

Covenant approved by LTC.

Status Date: 28-Nov-2016

Cost recovery agreement signed. Working with applicant to draft & review covenant.

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

Applications

Planning Status

Status Date: 08-Jun-2016

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

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

Planning Status

Status Date:

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

Planning Status

Status Date:

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

Planning Status

Status Date:

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

Applications

Planning Status

Status Date:

Temporary and Industrial Use Permit

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

Planner: Teresa Ritemann

Planning Status

Status Date: 26-Apr-2017

Planner reviewing application and waiting for additional information from applicant.

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending February 2017

620 Gabriola	Invoices posted to Month ending February 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	821.13	678.87
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	4,569.68	180.32
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	959.10	-359.10
65220-620	LTC - Local Exp - Communications	1,250.00	360.00	890.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	796.33	203.67
TOTAL LTC Local Expense		<u>7,600.00</u>	<u>6,685.11</u>	<u>914.89</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	1,500.00	713.10	786.90
73001-620-4063	Gabriola First Nations Relations	1,500.00	42.53	1,457.47
73001-620-4064	Gabriola Housing Options Review	3,500.00	385.93	3,114.07
TOTAL Project Expenses		<u>6,500.00</u>	<u>1,141.56</u>	<u>5,358.44</u>

Gabriola Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: February 2, 2016

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	January 29, 2010	GB-025-2010	Communication Towers and Antennae	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: - Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers. - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: - the proposed location of the tower on the subject site - a description of the predicted power density level of the antenna/tower - methods to mitigate any aesthetic or visual impact - description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas - physical details and example illustrations of the tower including its height, colour, type and design - the time and location of a public meeting and advertising - the name and contact information of the contact person employed by the proponent - the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and - the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality April 2017



100 Protected Places

The protection of Moore Hill on Thetis Island marks a milestone of 100 protected places for the Islands Trust Fund. We hope you take a moment to reflect on your part in this achievement, as every single protected place is truly a result of collaboration, cooperation and partnership.

Property Management Strategy approved

The Trust Fund Board has approved a Property Management Strategy which will guide the management of Islands Trust Fund nature reserves and covenants. The strategy provides a framework for informed decision-making to ensure that the ecological integrity of protected areas is maintained or enhanced while making the most effective and efficient use of resources. There will soon be a page on our website providing information on this strategy.

Regional Conservation Plan consultation

Look out for the trustee survey on the Regional Conservation Plan coming your way in early May. Input from trustees will be really valuable and will help make our session at the Trust Council meeting in June more productive. In the fall, Islands Trust Fund staff will attend local trust committee meetings to discuss conservation planning for each local trust area with you. ITF is also hosting workshops for our conservation partners and First Nations in Nanaimo on May 1st and in Sidney on May 4th.

Financial Planning Committee appointment: Robin Williams

The Trust Fund Board has appointed member Robin Williams to serve as our representative on the Financial Planning Committee. We are grateful for Robin's interest.

Property Monitoring

Visits to monitor Islands Trust Fund properties and covenants will be taking place from April to July. Our monitoring is carried out by a contractor who has worked with the Islands Trust Fund for many years.

Summary of Current Island-by-Island Activities

Bowen

Bowen Island Conservancy has restored an area of the David Otter Nature Reserve, planting and caging cedar trees. The group has also been working with consultants to determine the site and design of a proposed viewing platform at Fairy Fen Nature Reserve.

Gabriola

A \$10,000 grant from TD Friends of the Environment has been received towards the cost of a wooden boardwalk around the iconic large western redcedar at the Elder Cedar Nature Reserve. The raised boardwalk will allow people to get close to the majestic giant, but lessen the impact on the root zone of the tree.

Galiano

Following a presentation by the Chair of the Crystal Mountain Society Rezoning Committee with respect

to the possibility of the Society donating land to the Trust Fund Board as a nature reserve, TFB reconfirmed its agreement to hold a covenant on approximately 18 hectares of the lands owned by Crystal Mountain Society and indicated a willingness to consider a Conservation Proposal with respect to transferring of some or all of the land to the Board.

A successful restoration project was carried out at the Trincomali Nature Sanctuary involving new planting and weeding of last year's planting. Thanks to the volunteers involved!

Gambier

Restoration work at the Long Bay Wetlands Nature Reserve was successfully carried out involving volunteers from Gambier Island Conservancy and Camp Suzuki.

Keats

Islands Trust Fund has indicated support for provisions in proposed Bylaws 143 and 144 that pertain to dedicating an area as a nature reserve. If the bylaws are approved, ITF will continue to work with the owners to secure the transfer of land.

Lasqueti

TFB has approved a revised management plan for the Kwel Nature Reserve. The plan will be posted to our website soon.

Mayne

TFB has approved an Opportunity Fund grant of \$5,000 towards the costs of an ecological assessment and legal fees in conjunction with Mayne Island Conservancy Society's project to acquire and conserve a property at St John Point.

North Pender

An arborist limbed a danger tree that fell over the trail at Medicine Beach Nature Sanctuary.

Salt Spring

A representative of Salt Spring Trail and Nature Club presented a proposal to Trust Fund Board members requesting the Islands Trust Fund consider releasing or amending the covenant on Lot 31, Salt Spring Island, to allow BC Parks to acquire the land as an expansion of Mount Erskine Provincial Park. Board members identified a number of issues that would have to be addressed once a formal proposal is received, including the board's over-riding responsibility to maintain ecological protection, limited staff, time and financial resources and possible legal issues.

A conservation covenant, co-held with the Salt Spring Island Conservancy, has been registered on Isabella Point. The covenant protects 2.15 hectares of forest, woodland and rocky bluffs along the shoreline.

Thetis

A covenant held by the Cowichan Community Land Trust Society is now registered on the property recently acquired on Moore Hill. Management planning will begin in the next few months.

The campaign to protect Fairyslipper Forest is in its last few months, and the push is on to raise the funds required.

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

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

DATE OF MEETING: April 28, 2017

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Local Planning Services

SUBJECT: 2016/17 Islands Trust Annual Report

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the annual report submission as follows:
<insert annual report text>.

Purpose

In preparation for the 2016 Islands Trust Annual Report, each Local Trust Committee (LTC) is asked to review and endorse draft text for inclusion in the report. The Annual Report is a status report on the period April 1, 2016 – March 31, 2017 describing how Islands Trust Council and committees further the Strategic Plan and implement the Islands Trust Policy Statement.

Each LTC is requested to formally endorse the annual report submission by resolution. Please review the following draft text and indicate any changes or additions you wish to submit for the 2016/17 Annual Report.

Draft Annual Report Text

“In 2016/2017 the Gabriola Island Local Trust Committee (LTC) initiated a ‘Roadside Signage Project’ (Strategic Plan 5.1), which included a review and update of Gabriola Island Land Use Bylaw signage regulations. The LTC also commenced a ‘Housing Options Review Project’ (Strategic Plan 5.2), which included implementation of regulations to permit secondary suites in a number of configurations on residential lots which are 2.0 hectares or larger. The LTC spent considerable effort evaluating a complex rezoning and density transfer application on Gabriola Island and a public hearing was held in March 2017 for the proposed bylaws, which if approved would permit a 25-lot subdivision and dedication of more than 136 hectares of new parkland. The LTC also continued to explore ways to establish a mutually respectful relationship with First Nations (Strategic Plan 6.1, 6.2) through topical community events and formal referrals on community planning initiatives.”

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	April 28, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 1, 2017