



A NOTICE OF A BUSINESS MEETING OF **THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**  
to be held at 10:15 AM on Thursday, June 26, 2014 at the Women's Institute,  
476 South Road, Gabriola Island, BC

## AGENDA

|            |                                                                                                                                                                                                                                                         | <b>Page<br/>No.</b> | <b>*Approx.<br/>Time*</b> |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------|
| <b>1.</b>  | <b>CALL TO ORDER</b>                                                                                                                                                                                                                                    |                     | 10:15 am                  |
| <b>2.</b>  | <b>APPROVAL OF AGENDA</b>                                                                                                                                                                                                                               |                     |                           |
| <b>3.</b>  | <b>MINUTES</b>                                                                                                                                                                                                                                          |                     |                           |
| 3.1        | Local Trust Committee Meeting Minutes of May 14, 2014 – <i>for adoption</i>                                                                                                                                                                             | 1                   |                           |
| 3.2        | Section 26 Resolutions Without Meeting – <i>see attached.</i>                                                                                                                                                                                           | 13                  |                           |
| 3.3        | Gabriola Island Advisory Planning Commission Meeting Minutes - <i>none</i>                                                                                                                                                                              |                     |                           |
| 3.4        | Mudge Island Advisory Planning Commission Meeting Minutes of June 8, 2014<br>(draft) - <i>attached</i>                                                                                                                                                  | 14                  |                           |
| 3.5        | Gabriola Island Agricultural Advisory Commission Meeting Minutes - <i>none</i>                                                                                                                                                                          |                     |                           |
| <b>4.</b>  | <b>BUSINESS ARISING FROM MINUTES</b>                                                                                                                                                                                                                    |                     |                           |
| 4.1        | Follow-up Action List dated June 12, 2014 - <i>attached</i>                                                                                                                                                                                             | 16                  |                           |
| <b>5.</b>  | <b>CORRESPONDENCE</b><br><i>“Correspondence specific to an active development application and/or project will<br/>be received by the Gabriola Island Local Trust Committee when that application<br/>or project is on the Agenda for Consideration”</i> |                     |                           |
| <b>6.</b>  | <b>REPORTS</b>                                                                                                                                                                                                                                          |                     | 10:30 am                  |
| 6.1        | <b>Work Program Reports</b>                                                                                                                                                                                                                             |                     |                           |
| 6.1.1      | Top Priorities Report & Projects List dated June 12, 2014 - <i>attached</i>                                                                                                                                                                             | 17                  |                           |
| 6.2        | <b>Applications Log</b>                                                                                                                                                                                                                                 |                     |                           |
| 6.2.1      | Report dated June 12, 2014 - <i>attached</i>                                                                                                                                                                                                            | 21                  |                           |
| 6.3        | <b>Trustee and Local Expenses</b>                                                                                                                                                                                                                       |                     |                           |
| 6.3.1      | Expenses posted to month ending May 2014 - <i>attached</i>                                                                                                                                                                                              | 24                  |                           |
| <b>7.</b>  | <b>NEW BUSINESS</b>                                                                                                                                                                                                                                     |                     |                           |
| <b>8.</b>  | <b>TRUSTEES' REPORT</b>                                                                                                                                                                                                                                 |                     |                           |
| <b>9.</b>  | <b>CHAIR'S REPORT</b>                                                                                                                                                                                                                                   |                     |                           |
| <b>10.</b> | <b>REGIONAL DIRECTOR'S REPORT</b>                                                                                                                                                                                                                       |                     |                           |
| <b>11.</b> | <b>DELEGATIONS</b>                                                                                                                                                                                                                                      |                     |                           |
| <b>12.</b> | <b>TOWN HALL SESSION</b>                                                                                                                                                                                                                                |                     |                           |
| <b>13.</b> | <b>APPLICATIONS AND PERMITS</b>                                                                                                                                                                                                                         | 25                  | 10:45 am                  |
| 13.1       | GB-DVP-2014.1 (Vertlieb & Briscoe)                                                                                                                                                                                                                      |                     |                           |
| 13.1.1     | Staff Report dated May 23, 2014 - <i>attached</i>                                                                                                                                                                                                       |                     |                           |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                |    |          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------|
| <b>14.</b> | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                                                                                                                                                                                                                                                                                                                          |    | 11:00 am |
| 14.1       | Official Community Plan/Land Use Bylaw Review                                                                                                                                                                                                                                                                                                                                                                  |    |          |
| 14.1.1     | Climate Change Policy Implementation –<br>Staff Report dated June 3, 2014 - <i>attached</i>                                                                                                                                                                                                                                                                                                                    | 39 |          |
| 14.1.2     | Climate Change Policy Implementation –<br>Staff Report dated June 6, 2014 – <i>to be distributed.</i>                                                                                                                                                                                                                                                                                                          | 41 |          |
| 14.1.3     | Riparian Areas Regulation – fees bylaw amendment<br>Staff report dated June 3, 2014 – <i>attached</i>                                                                                                                                                                                                                                                                                                          | 51 |          |
|            | <b>BREAK</b>                                                                                                                                                                                                                                                                                                                                                                                                   |    | 11:30 am |
| <b>15.</b> | <b>BYLAWS</b>                                                                                                                                                                                                                                                                                                                                                                                                  |    | 11:45 am |
| 15.1       | Proposed Bylaw 276 cited as “Gabriola Island Official Community Plan<br>(Gabriola Island) Bylaw No. 166, 1997, Amendment No. 2, 2014” - <i>for<br/>consideration of first reading</i>                                                                                                                                                                                                                          | 53 |          |
| 15.2       | Proposed Bylaw 277 cited as “Gabriola Island Local Trust Committee Fees<br>Bylaw, 2007, Amendment No. 1, 2014” - <i>for consideration of first reading</i>                                                                                                                                                                                                                                                     | 55 |          |
| <b>16.</b> | <b>CLOSED MEETING:</b> The Gabriola Island Local Trust Committee closes the next<br>part of the June 26 , 2014 business meeting to discuss matters pursuant to<br>Section 90(1)(d) of the <i>Community Charter</i> to consider adoption of closed<br>meeting minutes and 90(1)(f) of the <i>Community Charter</i> to consider a Bylaw<br>Enforcement update; and that Staff be invited to attend this meeting. |    |          |
| <b>17.</b> | <b>RECALL TO ORDER:</b> The Gabriola Island Local Trust Committee re-opens this<br>meeting to the public subject to Section 89 of the Community Charter.<br>17.1 Rise and Report from Closed Meeting                                                                                                                                                                                                           |    |          |
| <b>18.</b> | <b>NEXT MEETING:</b><br>Thursday, July 17, 2014 at 10:15 a.m. at the Women’s Institute, 476 South<br>Road, Gabriola Island, BC                                                                                                                                                                                                                                                                                 |    |          |
| <b>19.</b> | <b>TOWN HALL SESSION – <i>time permitting</i></b>                                                                                                                                                                                                                                                                                                                                                              |    |          |
| <b>20.</b> | <b>ADJOURNMENT</b>                                                                                                                                                                                                                                                                                                                                                                                             |    | 12:30 pm |

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



## Gabriola Island Local Trust Committee Minutes of a Regular Meeting

**Date of Meeting:** Wednesday, May 14, 2014  
**Location:** Women's Institute  
 476 South Road, Gabriola Island, BC

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

**Staff Present:** Courtney Simpson, Regional Planning Manager  
 Sonja Zupanec, Planner  
 Jessie Sherk, Recorder

**Media and Others Present:** Two (2) local media representatives were in attendance

### 1. CALL TO ORDER

Chair Graham called the meeting to order at 10:15 am. Staff and trustees were introduced. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

#### 7.3 2013/14 Annual Report Submission for Gabriola Local Trust Committee

**By general consent** the agenda was approved, as amended.

### 3. MINUTES

#### 3.1 Local Trust Committee Special Meeting Minutes of April 3, 2014

**By general consent** the minutes were adopted as presented.

#### 3.2 Local Trust Committee Meeting Minutes of April 17, 2014

The following change to the minutes was presented for consideration:

- Chair's Report, third sentence be changed to read, "He stated they do not have policy direction from the Islands Trust Policy Statement to support an all-out ban..."

**By general consent** the minutes were adopted as amended.

**3.3 Section 26 Resolutions Without Meeting - None**

**3.4 Gabriola Advisory Planning Commission Meeting Minutes of May 5, 2014**

Received

**3.5 Mudge Island Advisory Planning Commission Meeting Minutes – None**

**3.6 Gabriola Island Agricultural Advisory Commission Meeting Minutes of April 17, 2014**

Received.

**4. BUSINESS ARISING FROM MINUTES**

**4.1 Follow-up Action List dated May 6, 2014**

Planning Manager Simpson had no updates. It was noted that the April 17 task assigned to Chair Graham regarding a response to correspondence should be marked as complete.

**4.2 Eelgrass Mapping – Memorandum dated February 19, 2014**

**GB-2014-084**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee add consideration of implementing eelgrass protection regulations to the Trust Committee's long list with reference to the February 19, 2014 staff report.

**CARRIED**

**5. CORRESPONDENCE - None**

**6. REPORTS**

**6.1 Work Program Reports**

**6.1.1 Top Priorities Report and Projects List dated May 6, 2014**

Planning Manager Simpson gave an update on what is next for the Riparian Areas Regulation stating that a fees bylaw amendment will be drafted.

6.1.2 Mudge and DeCourcy Greenhouse Gas Emissions Inventories – Memorandum

Planning Manager Simpson explained the memorandum. She noted that staff advice is that this can be removed from the Projects List. Discussion ensued.

**GB-2014-085**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee remove item number 2 “Mudge and Decourcy Island Greenhouse Gas Emission Inventories” from the Project List on the basis that an inventory is not necessary.

**CARRIED**

6.1.3 Top Priorities List Memorandum date January 17, 2014

The Top Priorities List was reviewed and discussed. An error was noted on page 29, second paragraph, second sentence; it should read, “Although there are only supposed to be **three** top priorities....”

**6.2 Applications Log**

6.2.1 Report dated May 6, 2014

The Applications Log was reviewed and discussed.

**6.3 Trustee and Local Expenses**

6.3.1 Expenses posted to year-end – March 2014

Reviewed for information.

**7. NEW BUSINESS**

**7.3 2013/14 Annual Report Submissions for Gabriola Local Trust Committee**

The following change to the submission was presented for consideration:

- In paragraph three, after the words “...required, and” insert the words “for Gabriola, ...”

**GB-2014-086**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee adopt the 2013/14 Annual Report Submission dated May 9, as amended.

**CARRIED**

**8. TRUTEE'S REPORT**

Trustee Malcolmson reported on the work that the Union of British Columbia Municipalities Select Committee has been doing with regard to an economic impact analysis of ferry fare hikes and service reductions, noting that it was approved at the Association of Vancouver Island Coastal Communities Convention, and that there have been meetings over the last couple of weeks to approve the terms of reference for the next phase of work. She stated that it is hoped that the work will be delivered in July and that the hired consultants will likely choose two ferry dependent communities that they would use as examples for the impacts. This information will be presented to the Union of British Columbia Municipalities Convention in September. Trustee Malcolmson stated that they continue to express Local Government's disappointment that the Province did not do this work itself, as it is its responsibility. She also noted that she is glad that the Union of British Columbia Municipalities is recognizing that this is a province-wide impact and not just a regional issue.

Trustee Rudischer did not present a report.

**9. CHAIR'S REPORT**

Chair Graham reported that work continues in preparation of Trust Council Meeting in September.

**7.1 New Federal Marihuana for Medical Purposes Regulation  
Staff Report dated May 6, 2014**

Planner Eggen introduced the report. She stated that it is difficult to predict how many producers will be licensed in the local trust areas and that it appears unlikely on islands where services are limited.

The summary of options for the Local Trust Committee to consider was reviewed and discussed. . The possibility of asking the Advisory Commissions on Mudge and DeCoursey for advice was discussed.

**GB-2014-087**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee specifically allow medical marihuana licensed under the Marihuana for Medical Purposes Regulation in the Agricultural Land Reserve and industrial zones and ask that staff advise on appropriate setbacks and parcel sizes.

**CARRIED**

Staff commented that they would be able to confer during the break and report back with advice so that amendments could be considered for the Agriculture Policies bylaws being considered later on the agenda.

**GB-2014-088**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee request that staff forward the Staff Report dated April 28 – New Federal Marihuana for Medical Purposes Regulation, to the Mudge Advisory Planning Commission and the DeCoursey Rate Payers group asking whether they recommend any bylaw changes to control medical marijuana licensed under the Marihuana for Medical Purposes Regulation.

**CARRIED**

**7.2 Referral from Thetis Island Local Trust Committee for Bylaw Nos. 93 and 94**

Discussion ensued. It was noted that the Trustees have not yet reviewed the bylaws.

**GB-2014-089**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee defer 7.2 until the bylaw language is available.

**CARRIED**

**10. REGIONAL DIRECTOR'S REPORT - None**

**11. DELEGATIONS - None**

**12. TOWN HALL SESSION - None**

**13. APPLICATIONS AND PERMITS**

**13.1 Dormant Applications Update - Staff Report dated April 28, 2014**

Planning Manager Simpson introduced the staff report noting that this has been a request of the Local Trust Committee for some time, so it was decided to give a formal update on these applications and receive some further direction from the Committee. The process she recommended was not to move too quickly and to give a lot of opportunity for the applicants to provide more information. Discussion ensued.

**GB-2014-090**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee direct staff to give applicants of dormant applications GB-RZ-2007.1 (Powell) and GB-RZ-2009.1 (Williamson & Associates) two months notice to advance their files, after which if the application remains dormant, the Local Trust Committee will consider closing them and direct staff to report back on subdivision referral file GB-SUB-2010.2 for consideration of closing it, after contacting the applicant to determine whether or not it is dormant.

**CARRIED**

**By general consent** the meeting was recessed at 11:06 am and reconvened at 11:15 am.

**16. CLOSED MEETING**

**GB-2014-091**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee close the next part of the May 14, 2014 business meeting to discuss matters pursuant to Section 90 (1) (d) of the *Community Charter* to consider adoption of closed meeting minutes and that Staff be invited to attend this meeting.

**CARRIED**

Committee closed the meeting at 11:15am.

**17. RECALL TO ORDER**

**By general consent** the Committee reconvened in open meeting at 11:17 am.

**18. ISLANDS TRUST WEBSITE - None**

**By general consent** the meeting was recessed at 11:20 am and reconvened at 11:30 am.

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Official Community Plan/Land Use Bylaw Review**

**14.1.1 Parks Rezoning – verbal update**

Planner Zupanec gave a verbal update. She stated that a Public Hearing is anticipated for July and that the Islands Trust Fund was the only agency who had responded to the referral so far. Discussion ensued.

14.1.2 Agriculture Policies  
Staff Report Dated April 25, 2014

Planner Zupanec explained the purpose of the report. Staff and Trustees then reviewed and discussed each suggested draft bylaw amendment in the report. Trustees agreed with all the suggested wording changes.

Next steps, staff recommendations, and public hearing scenarios were then discussed.

**GB-2014-092**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee request that staff develop print advertising for the upcoming public hearings in advance of the statutory notice.

**CARRIED**

Discussion resumed regarding the Planner's recommendations concerning medical marihuana licensed operations. Staff had time to consider the direction in resolution GB-2014-087 from earlier in the meeting, which asked for advice on setbacks and parcel size for the use of medical marihuana production in the Agriculture and Industrial zones. Staff recommended to allow the use in the Agriculture zone only and not include the single lot that is zoned industrial at this time.

**GB-2014-093**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee permit medical marijuana licensed under Marihuana for Medical Purposes Regulation in the Agricultural Land Reserve on lots 4 hectares or larger and any buildings or structures used for medical marihuana production under Marihuana for Medical Purposes Regulation be sited 30 meters from any property line.

**CARRIED**

It was noted that despite resolution GB-2014-087, the Trust Committee is not proposing this as an allowed use in the industrial zone.

Discussion ensued regarding possible errors in Bylaw No. 275 at the top of page 2 (page 131 of the agenda.)

**GB-2014-094**

It was **MOVED** and **SECONDED**, that the Gabriola Island Local Trust Committee revise Draft Bylaw Nos. 274 and 275 as described in the April 25 staff report.

**CARRIED**

**GB-2014-095**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee advise the Executive  
Committee that it has reviewed the Directives Only Policies Checklist and  
determined that Draft Bylaw Nos. 274 and 275 are not contrary to or at  
variance with the Islands Trust Policy Statement.

**CARRIED**

**GB-2014-096**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee give first reading to  
Proposed Bylaw No. 274 cited as “Gabriola Island Official Community  
Plan Bylaw 166, 1997, Amendment No. 1, 2014”.

**CARRIED**

**GB-2014-97**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee give first reading to  
Proposed Bylaw No. 275 cited as “Gabriola Island land Use Bylaw 177,  
1999, Amendment No. 1, 2014”.

**CARRIED**

**GB-2014-98**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee direct staff to refer  
Proposed Bylaw Nos. 274 and 275 to the following agencies and First  
Nations:

- Regional District of Nanaimo
- Agricultural Land Commission
- Ministry of Agriculture
- BC Assessment Authority
- Thetis Island LTC
- Penelakut Tribe
- Snaw’Naw’as Nation
- Snuneymuxw First Nation
- Cowichan Tribes
- Halalt First Nation
- H’ul’qumi’num Treaty Group
- Stz’uminus First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Te’Mexw Treaty Association
- Semiahmoo First Nation

**CARRIED**

**GB-2014-99**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee request that staff schedule  
a Public Hearing and associated Community Information Meeting for  
Proposed Bylaw Nos. 274 and 275.

**CARRIED**

14.1.3 Climate Change Policy Implementation  
Staff Report dated May 1, 2014

Planner Zupanec summarized the staff report. She explained the staff comments on floor area exclusions and the definition for sustainable energy system. Discussion ensued.

**GB-2014-100**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee amend Proposed Bylaw No. 273 in section F.3.7.8 to read "On-site integrated storm water management plans prepared by a qualified professional shall be required and implemented to reduce impervious cover, promote infiltration and capture and treat storm water runoff from 90% of the average annual rainfall using acceptable best management practices."

**CARRIED**

**GB-2014-101**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee amend Proposed Bylaw No. 273 in section F.3.7.10 to read "landscaping design and maintenance shall facilitate water retention, minimize the need for irrigation, and discourage the use of lawns unless for a gathering or play area."

**CARRIED**

Trustee Malcolmson exited the meeting at 12:21 pm.

**GB-2014-102**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee amend Development Permit Guideline No. 6 to read "the pedestrian requirements include accessible, safe and landscaped walkways connecting the street to the businesses".

**CARRIED**

Discussion about the intent to change the minimum parking requirements for the village core ensued. Concern about parking on the roadway being dangerous was noted. Trustee Rudischer expressed that she is not in favor of the changes proposed.

**GB-2014-103**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee request staff to bring back to the June meeting suggestions for including in Development Permit Area 7, a requirement for green-space.

**CARRIED**

14.1.4 Climate Change Policy Implementation  
Email from M. Walker, May 6, 2014

Planner Zupanec summarized the email. The comments in the email were reviewed and discussed.

**GB-2014-104**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee amend Section B.5.3.3 in  
Draft Bylaw No. 273 to change the minimum from 3.7 meters in width to  
3.9 meters in width.

**CARRIED**

Discussion regarding bio-swales ensued.

**GB-2014-105**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee advise the Executive  
Committee that it has reviewed the Directives Only Policies Checklist and  
determined that Draft Bylaw No. 273 is not contrary to or at variance with  
the Islands Trust Policy Statement.

**CARRIED**

**GB-2014-106**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee give first reading to  
Proposed Bylaw No. 273 cited as "Gabriola Island Land Use Bylaw 177,  
1999, Amendment No. 2, 2013".

**CARRIED**

**GB-2014-107**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee direct staff to refer  
Proposed Bylaw No. 273 to the following agencies and First Nations:

- |                                                                  |                              |
|------------------------------------------------------------------|------------------------------|
| • Regional District of<br>Nanaimo Building and<br>Sustainability | • Cowichan Tribes            |
| • Thetis Island LTC                                              | • Halalt First Nation        |
| • Penelakut Tribe                                                | • H'ul'qumi'num Treat Group  |
| • Snuneymuxw First Nation                                        | • Stz'uminus First Nation    |
|                                                                  | • Lake Cowichan First Nation |
|                                                                  | • Lyackson First Nation      |
|                                                                  | • Te'Mexw Treaty Association |

**CARRIED**

**GB-2014-108**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee direct staff to schedule a  
Community Information Meeting and Public Hearing for Proposed Bylaw  
No. 273.

**CARRIED**

Possible dates for the Community Information meetings and Public  
Hearings were discussed. It was noted that the Committee would make a  
decision on the Community Information Meeting date by Resolution  
Without Meeting.

**14.2 Development Approval Information Bylaw  
Memorandum dated April 24, 2014**

Planner Zupanec summarized the memorandum. She had no comments or  
changes to recommend.

Planning Manager Simpson stated that the purpose of the bylaw is to make it  
fairer, more transparent and to benefit the applicant and the community. She  
noted that although it is item four on the Top Priorities list, it is necessary to  
spend some staff time on this now to take it to Trust Council for approval.

**GB-2014-109**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee endorse Draft Bylaw No. 150 and  
refer it to Trust Council.

**CARRIED**

**15. BYLAWS**

**15.1 Proposed Bylaw No. 273 cited as “Gabriola Island Land Use Bylaw 177,  
1999, Amendment No. 2, 2013” – for consideration of first reading**

**15.2 Proposed Bylaw 274 cited as “Gabriola Island Official Community Plan  
(Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2014” – for  
consideration of first reading**

**15.3 Proposed Bylaw 275 cited as “Gabriola Island Land Use Bylaw 177, 1999,  
Amendment No. 1, 2014” – for consideration of first reading**

**19. NEXT MEETING**

The next meeting will take place on Thursday, June 26, 2014 at 10:15 am at the  
Women's Institute, 476 South Road, Gabriola Island, BC.

20. TOWN HALL SESSION – None

21. ADJOURNMENT

By general consent the meeting adjourned at 1:15 pm.

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David Graham, Chair

CERTIFIED CORRECT:

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Jessie Sherk, Recorder



# Islands Trust

## RWM From: May 14, 2014 To: June 26, 2014

### Gabriola Island

| Resolution # | Action    | Resolution Description                                                                                                                                                                                                                                                                                              | Resolution Date |
|--------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 2014-02      | In Favour | That the Gabriola Island Local Trust Committee response to the referral of Thetis Island Local Trust Committee Bylaw No. 93, cited as "Thetis Associated Islands Official Community Plan Bylaw, 2014" and Bylaw No. 94, cited as "Thetis Associated Islands Land Use Bylaw, 2014" is: Interests Unaffected by Bylaw | Jun 12, 2014    |
| 2014-01      | In Favour | That the Gabriola Island Trust Local Trust Committee request staff to schedule a Special Meeting for the purposes of holding a Community Information Meeting on Bylaw 273 (Climate Change) and Bylaws Nos. 274 and 275 (Agricultural Policies) on Wednesday, June 25, 2014.                                         | Jun 03, 2014    |

# DRAFT

## MUDGE ISLAND ADVISORY PLANNING COMMISSION MEETING

**Held on** June 8, 2014

At 546 Weathers Way, Mudge Island

### **PRESENT:**

APC Members:       David Laidlaw  
                               Verna Gregson  
                               Ian Cameron  
                               Jes Andersen

There were no members of the public present.

Meeting Called to Order at 10:05AM

### **AGENDA:**

1. Election of Chairperson, Deputy Chairperson and Secretary
2. New Business

#### **1. Election of Chairperson, Deputy Chairperson and Secretary**

Davis Laidlaw was elected by acclamation as Chairperson, having served in this position in the last APC term. Verna Gregson agreed to take the position of Deputy Chairperson. Jes Andersen volunteered to fill the remaining position as Secretary.

#### **2. New Business**

##### **Local Trust Committee Referral - Staff Report: New Medical Marihuana for Medical Purposes Regulation (MMPR)**

Specifically, the LTC wishes to obtain comment on whether the commission recommends any changes to the Mudge Island Land Use Bylaw No. 228 to control medical marihuana licensed under MMPR.

David Laidlaw distributed copies of the Staff Report and brought to the attention of commission members specific sections of that document. A round table discussion regarding the pros and

cons of MMPR as it could potentially impact Mudge Island. Concern was expressed regarding any consideration of prohibiting the production of medical marihuana and potential impact on other agricultural initiatives such as growing orchids or similar initiatives. Further discussion followed on other concerns such as power, water, access and impacts on neighbouring properties. The OCP Policies in Part 4 were discussed and decided that they did not support the type and scale of operations associated with the MMPR. After some further discussion it was agreed to support the Staff recommendation and the following motion was put forward:

“The Mudge Island APC recommends that the Local Trust Committee consider amending the Mudge Island Land Use Bylaw No. 228 to prohibit the production of medical marihuana in all zones, as supported by Part 4 - Area Use Designation Objectives And Policies of the Mudge Island OCP.”

**Moved by David Laidlaw**

**Seconded by Ian Cameron**

**Motion Carried, Unanimous**

**As this was the initial meeting of the APC term and no other items remained on the agenda,**

**The meeting was adjourned at 11:00 AM**

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Chair

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Secretary

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DATE



# Islands Trust

## Follow Up Action Report w/ Target Date

### Gabriola Island

|   |                                                                                                                                                                                                                                                                                |                     |             |          |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------|----------|
| 1 | Add "Roadside Aerial Pruning" with guest Johnathan Tillie, Operations Manager, Central Vancouver Island, Ministry of Transportation and Infrastructure to the July 17, 2014 LTC meeting agenda. Include the July 17, 2013 letter from the Chair to MoTI in the agenda package. | Lisa Webster-Gibson | Jul-17-2014 | On Going |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------|----------|

### Jul-18-2013

| No. | Activity                                                                                                                                                                                  | Responsibility | Target Date | Status   |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------|----------|
| 1   | Submit resolution to Trust Council to amend development application forms to include climate change considerations such as energy efficiency, renewable energy, and carbon sequestration. | Sonja Zupanec  | Jan-31-2014 | On Going |

### Mar-13-2014

| No. | Activity                                                                                                                                                                                                        | Responsibility   | Target Date | Status   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|----------|
| 1   | Staff to advise whether there are implementation measures the Local Trust Committee could adopt to lessen the financial impact and increase understanding of Riparian Areas Regulation when and if implemented. | Courtney Simpson | Jun-26-2014 | On Going |

### May-14-2014

| No. | Activity                                                                                                                              | Responsibility   | Target Date | Status   |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|----------|
| 1   | Staff to report back on for consideration of closing GB-RZ-2007.1, GB-RZ, 2009.1 and GB-SUB-2010.2 after having contacted applicants. | Courtney Simpson | Jul-17-2014 | On Going |



# Islands Trust

## Top Priorities

### Gabriola Island

| No. | Description                                                                                      | Activity                                                                                                                                                                                                         | Received/Initiated | Responsibility   | Target Date | Status   |
|-----|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|-------------|----------|
| 1   | <b>Gabriola Planning Area OCP Review:</b>                                                        | This a targeted OCP/LUB review and each topic is listed and described below in order of priority                                                                                                                 | Jan-19-2012        | Courtney Simpson | Sep-01-2014 | On Going |
| 1   | <i>1) Riparian Areas Regulation</i>                                                              | Implement the provincial Riparian Areas Regulation (RAR) and reduce fee for DP 3 application to \$200.<br><br>Bylaws 265 and 266 approved by EC, Bylaw 265 waiting for Ministerial approval (as of May 6, 2014). | Jun-28-2011        | Courtney Simpson | Sep-14-2014 | On Going |
| 1   | <i>2) Rezoning new RDN Parks and ITF nature reserves</i>                                         | First reading given Jan 16/14 to both bylaws with amendments as per resolution. Referrals to be sent to select agencies and First Nations.                                                                       | Nov-29-2012        | Sonja Zupanec    | Sep-01-2014 | On Going |
| 1   | <i>3) Review and amend OCP &amp; LUB to increase local food security and farmland protection</i> | LTC endorsed changes in March 2014 and early referral to AAC and ALC sent prior to consideration of first reading May 2014.                                                                                      | Jan-19-2012        | Sonja Zupanec    | Sep-01-2014 | On Going |
| 1   | <i>4) Implement OCP climate change policies into LUB</i>                                         | CIM held April 3 and LTC to consider possible revisions at April LTC meeting.                                                                                                                                    | Jan-07-2013        | Sonja Zupanec    | Sep-01-2014 | On Going |

|   |                                                                                                                                                                                                          |                                                                                                                                        |             |                                  |             |          |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------|-------------|----------|
| 1 | 5) Consider density transfer affordable housing policies for cottage densities                                                                                                                           | Not started                                                                                                                            |             |                                  |             | On Going |
| 1 | 6) Review DP-7 form and character guidelines for Village Core, and review OCP/LUB to make Village more pedestrian friendly, and to consider passive solar, renewable energy and energy efficient design. | Overlaps with implementing climate change policies into the LUB and partially addressed in those staff reports.                        | Jan-17-2013 | Sonja Zupanec                    | Sep-01-2014 | On Going |
| 1 | 7) Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)                 | Not started                                                                                                                            |             |                                  |             | On Going |
| 1 | 8) Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals                                                                                   | Not started                                                                                                                            |             |                                  |             | On Going |
| 2 | <b>Housekeeping Bylaw Amendments</b>                                                                                                                                                                     | Note: the priority for this item falls after #4 (climate change policies) in the OCP targeted review list.                             | Feb-20-2014 | Courtney Simpson                 | Sep-01-2014 | On Going |
| 3 | <b>Snuneymuxw First Nation Protocol Agreement Implementation</b>                                                                                                                                         | May 16, 2013 resolution to delay spending this budget until after top priority 1 (OCP/LUB review) topics have gone to public hearing.  |             | David Marlor<br>Courtney Simpson | Mar-31-2014 | On Going |
| 4 | <b>Development Approval Information bylaw</b>                                                                                                                                                            | Draft prepared. January 17, 2013 resolution to submit to EC. Draft will require review after bylaws 265 and 266 receive third reading. | Jun-28-2012 | Sonja Zupanec                    | Jun-30-2013 | On Going |



## Projects

### Gabriola Island

| No. | Description                                                                                                                                                                                                                             | Activity                                                                                                  | Received/Initiated | Status   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------|----------|
| 1   | Review OCP and LUB to include protective measures for biodiversity.                                                                                                                                                                     | Species and Ecosystems at Risk (SEAR) Local Government Working Group may have resources for this project. | Jan-19-2012        | On Going |
| 1   | Review OCP and LUB to improve protection of coastal areas.                                                                                                                                                                              |                                                                                                           | Jan-19-2012        | On Going |
| 1   | Review OCP and LUB to protect water quality and quantity.                                                                                                                                                                               |                                                                                                           | Jan-19-2012        | On Going |
| 1   | Bylaw enforcement staff requested to provide a report on methods of proactive enforcement on advertised unlawful dwellings, as that is the point they are most likely to be unoccupied.                                                 |                                                                                                           | Nov-01-2012        | On Going |
| 1   | Bylaw enforcement staff requested to provide an update on proactive enforcement of unlawful foreshore structures.                                                                                                                       |                                                                                                           | Nov-01-2012        | On Going |
| 2   | DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: <ul style="list-style-type: none"><li>• park areas without park zoning</li><li>• DAI Bylaw</li></ul>                      |                                                                                                           | Apr-21-2011        | On Going |
| 2   | Hazardous areas and steep slopes development permit area <ul style="list-style-type: none"><li>• also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain</li></ul> |                                                                                                           | Feb-21-2013        | On Going |
| 2   | Forage Fish Mapping Workshop                                                                                                                                                                                                            | March, 2013 resolution                                                                                    | Sep-05-2013        | On Going |

|   |                                                                                           |                                                                                                                                                                                         |             |          |
|---|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------|
| 3 | Land Based Aquaculture                                                                    | Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.                                                                     | Jan-16-2014 | On Going |
| 3 | 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. | Jan-27-2011 | On Going |
| 3 | Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum). |                                                                                                                                                                                         | May-14-2014 | On Going |



## Applications w/ Status - Gabriola Island Status: Open

### Applications

#### Development Permit

| File Number  | Applicant Name                                                  | Date Received | Purpose                                                                                                                                 |
|--------------|-----------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| GB-DP-2014.1 | Intrascap<br>Developments Inc.<br><b>Planner:</b> Sonja Zupanec | Jan-29-2014   | development of 6790 square feet of leasable area within one building -<br>addition of second building to phase 2 of Madrona Marketplace |

#### Planning Status

**Status Date:** Feb-05-2014

Planner reviewing file.

#### Development Variance Permit

| File Number   | Applicant Name                                  | Date Received | Purpose                                                                                                   |
|---------------|-------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------|
| GB-DVP-2014.1 | Bruce Yuile<br><b>Planner:</b> Torill Gillespie | Apr-08-2014   | Addition of single vehicle enclosed garage. require variance to build within 4<br>metres of property line |

#### Planning Status

**Status Date:** May-05-2014

Requested information received

#### Rezoning

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

#### Planning Status

**Status Date:** Jun-10-2014

Applicant contacted by staff. Applicant requested meeting to discuss next steps.

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

**Planner:** Courtney Simpson

### Planning Status

**Status Date:** Apr-23-2013

Nothing new - still waiting to hear from applicant

## Subdivision

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

**Planner:** Marnie Eggen

### Planning Status

**Status Date:** Apr-14-2014

parent lot is in transition of sale

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

**Planner:** Linda Prowse

### Planning Status

**Status Date:** Jun-02-2014

Contacted applicant to determine if file is dormant.

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

**Planner:** Marnie Eggen

### Planning Status

**Status Date:** Mar-14-2014

PLA received

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

**Planner:** Linda Prowse

### **Planning Status**

**Status Date:** Mar-18-2014

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. | Aug-09-2013   | Subdivision to 6 lots |
| <b>Planner:</b> Linda Prowse |                            |               |                       |

### **Planning Status**

**Status Date:** Sep-27-2013

Subdivision Referral Review Report sent to MOTI, applicant and LTC

| File Number                  | Applicant Name        | Date Received | Purpose                                        |
|------------------------------|-----------------------|---------------|------------------------------------------------|
| GB-SUB-2013.3                | Smythies & Associates | Oct-28-2013   | 411 Daniel Way subdivision to create 2 parcels |
| <b>Planner:</b> Linda Prowse |                       |               |                                                |

### **Planning Status**

**Status Date:** Mar-14-2014

MOTI did NOT give approval for this subdivision. The applicant has 1 year to overcome the two reasons for non-approval, and then the file will be closed.

| File Number                  | Applicant Name | Date Received | Purpose                                           |
|------------------------------|----------------|---------------|---------------------------------------------------|
| GB-SUB-2013.4                |                | Nov-13-2013   | Driftwood Drive, Mudge Island Boundary Adjustment |
| <b>Planner:</b> Marnie Eggen |                |               |                                                   |

### **Planning Status**

**Status Date:** Apr-23-2014

PLA issued

***Islands Trust***

LTC EXP SUMMARY REPORT F2015  
Invoices posted to Month ending May 2014

| 620 Gabriola                   | Invoices posted to Month ending May 2014 | Budget           | Spent         | Balance          |
|--------------------------------|------------------------------------------|------------------|---------------|------------------|
| 65000-620                      | LTC "Trustee Expenses"                   | 1,100.00         | 0.00          | 1,100.00         |
| <b>LTC Local</b>               |                                          |                  |               |                  |
| 65200-620                      | LTC - Local Exp - LTC Meeting Expenses   | 4,250.00         | 170.96        | 4,079.04         |
| 65210-620                      | LTC - Local Exp - APC Meeting Expenses   | 750.00           | 0.00          | 750.00           |
| 65220-620                      | LTC - Local Exp - Communications         | 750.00           | 304.97        | 445.03           |
| 65230-620                      | LTC - Local Exp - Special Projects       | 2,250.00         | 0.00          | 2,250.00         |
| <b>TOTAL LTC Local Expense</b> |                                          | <u>8,000.00</u>  | <u>475.93</u> | <u>7,524.07</u>  |
| <b>Projects</b>                |                                          |                  |               |                  |
| 73001-620-2001                 | Gabriola OCP/LUB                         | 10,000.00        | 150.00        | 9,850.00         |
| 73001-620-4026                 | Gabriola RDN/SFU Groudwater Mapping      | 6,250.00         | 0.00          | 6,250.00         |
| <b>TOTAL Project Expenses</b>  |                                          | <u>16,250.00</u> | <u>150.00</u> | <u>16,100.00</u> |



# STAFF REPORT

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**Date:** May 23, 2014

**File No.:** GB-DVP-2014.1

**To:** Gabriola Island Local Trust Committee  
For meeting June 26, 2014

**From:** Torill Gillespie, Planner 1

**CC:** Courtney Simpson, Regional Planning Manager

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**Re:** Development Variance Permit – Lot 7, Section 30, Gabriola Island,  
Nanaimo District, Plan VIP54635; PID 017-851-718

**Owner:** Beverley Briscoe and Arthur Vertlieb  
**Applicant:** Bruce Yuile  
**Location:** 2931 Dragon's Lane

## THE PROPOSAL:

The applicant is seeking a Development Variance Permit to vary Section D.1.2.3(a)(ii) of Gabriola Land Use Bylaw No. 177, which establishes minimum setback requirements for buildings and structures on lots 1.0 hectares (2.47 acres) or larger in the Large Rural Residential (LRR) zone. The applicant is seeking a reduction to a lot line setback from 10.0 metres to 4.0 metres (13.1 feet) in order to permit the construction of a 61 square metre (656 square foot) garage attached to an existing dwelling.

## SITE CONTEXT:

The subject property is a waterfront lot located on Dragon's Lane, Gabriola Island, as shown in Figure 1. The property is approximately 2.2 hectares (5.5 acres) in size. Dick Brook runs south-north through the property, approximately 35 metres east of the existing dwelling and proposed garage. The property is bordered by Dragon's Lane and a road dedication to the north, and by private property to the east and south. Highway access to the neighbouring private property is by a driveway located adjacent to the southern lot line of the subject property. A single-family dwelling and a cottage are currently located on the property, as shown in Figure 2. A site visit was conducted on May 29<sup>th</sup>.



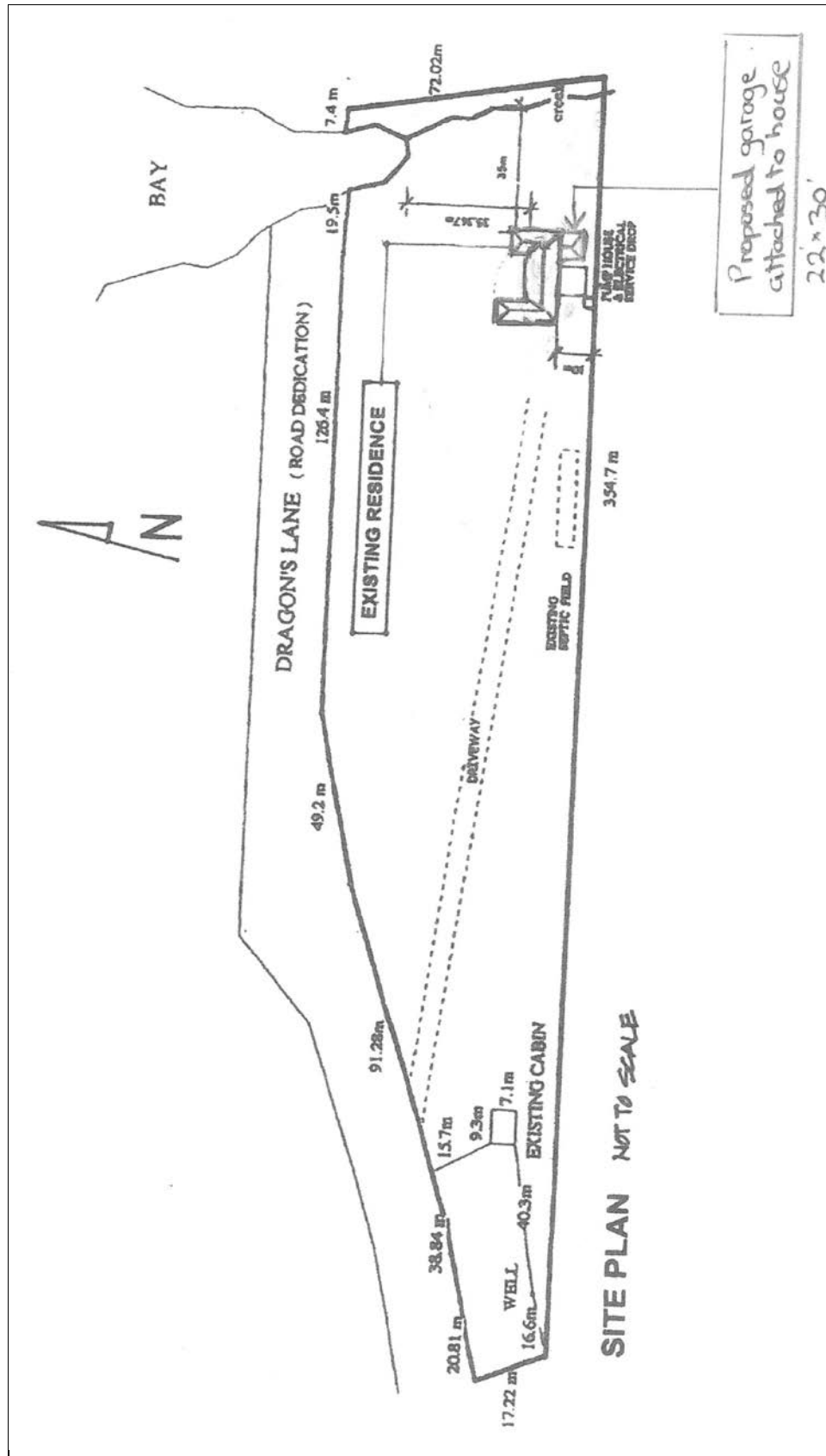


Figure 2: Site plan

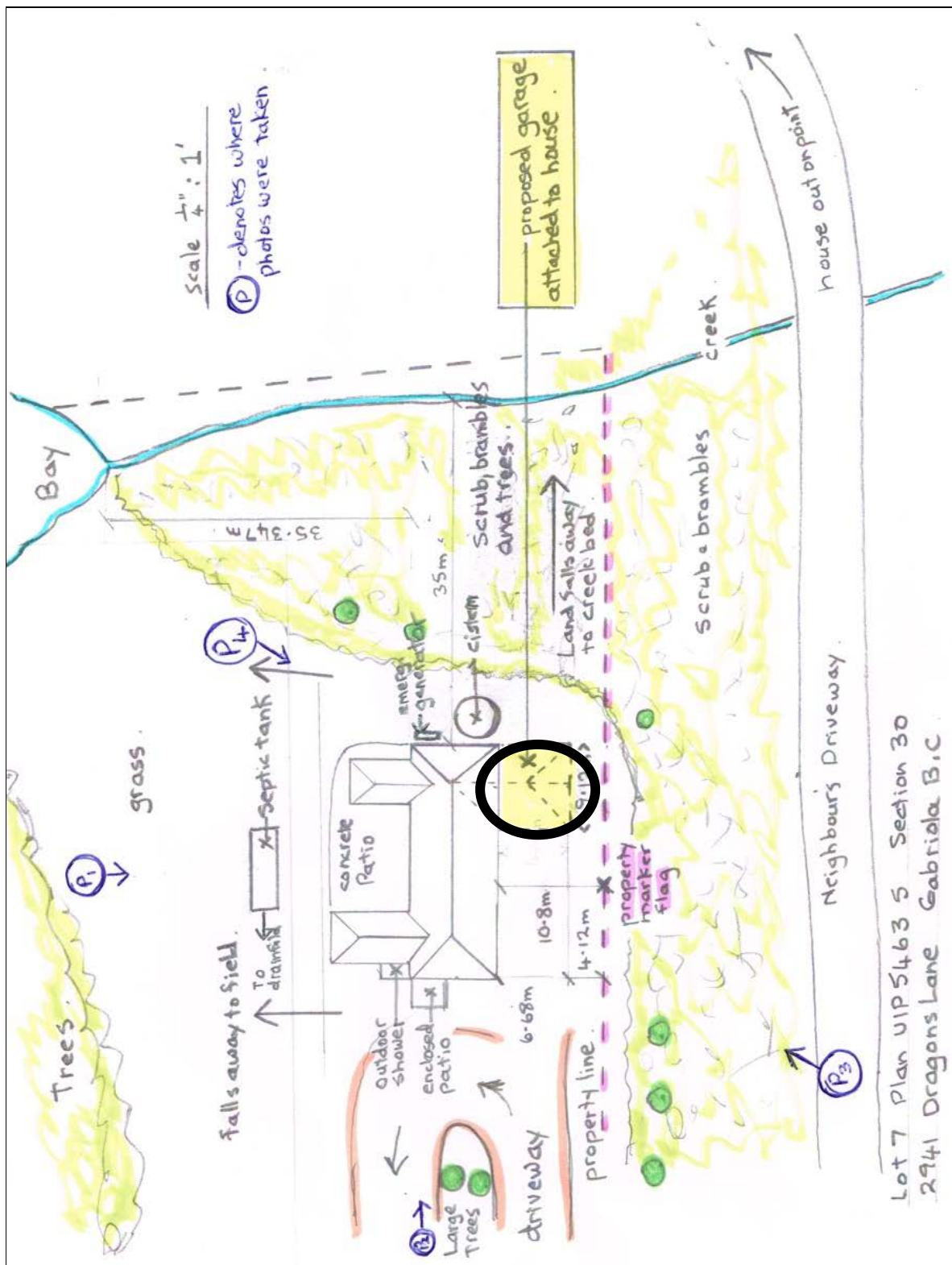


Figure 3: Detailed location of proposed garage (circled)



Figure 4: Photos of dwelling from each side. Approximate location of proposed garage in relation to neighbour's driveway shown in top right photo.

## CURRENT PLANNING STATUS OF SUBJECT LANDS:

### Islands Trust Policy Statement

The following policies pertain to this application:

#### 5.1 Aesthetic Qualities

##### *Commitments of Trust Council*

5.1.1 Trust Council holds that the overall visual quality of the Trust Area and its scenic values should be protected from disturbance, particularly those areas that have distinctive features or are highly visible.

##### *Directive Policy*

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

### *Directive Policies*

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.

### Official Community Plan

The property is designated Large Rural Residential (RR) in Gabriola Island Official Community Plan Bylaw No. 166. The objective of this designation is to permit a range of uses that will support the retention of unsubdivided land.

### Land Use Bylaw

The property is zoned Large Rural Residential (LRR) as per Gabriola Island Land Use Bylaw, No. 177. This zone permits single family residential, agriculture, and forestry as principal uses. The subject property is 2.2 hectares (5.5 acres) in area and, as such, a minimum setback of 10.0 metres (32.8 feet) for all buildings and structures is required from all property lines. The applicant is seeking to reduce this setback to 4.0 metres (13.1 feet) for the south interior property line, in order to permit the construction of a proposed garage attached to an existing dwelling.

### Islands Trust Fund

As per the Islands Trust Fund Policy Manual, this application does not directly affect Islands Trust Fund Board (TFB) interests as it does not directly affect TFB owned property or conservation covenants, and does not affect property directly adjacent to TFB owned property or conservation covenants.

### Regional Conservation Plan

There are no identified interests in the immediate area pertaining to the Islands Trust Fund Regional Conservation Plan.

### Sensitive Ecosystems and Hazard Areas

Islands Trust Sensitive Ecosystem Mapping does not identify any sensitive ecosystem areas on the subject property.

### Archaeological Sites

There is a recorded archaeological site located on the property, approximately 50 metres from the location of the proposed garage. The applicant has been in communication with staff at the BC Archaeology Branch, who have encouraged the proponent to have an archaeological study conducted for risk management purposes, but have not required that such a study be done (Attachment 3, BC Archaeology Branch, April 30, 2014). Should archaeological materials be encountered during development, activity must be halted and the Archaeology Branch must be contacted for direction.

### Covenants

Two covenants are registered on this property; both were registered at the time of subdivision in 1992:

- EF72282 - prohibits buildings and structures from being constructed within 30 metres of the natural boundary of the sea.
- EF86856 - protects eagle nesting sites and prohibits vegetation removal within 15 metres of the natural boundary of the sea and within 8.5 metres of the centerline of the watercourse on the property.

These covenants are not affected by this Development Variance Permit application.

### Climate Change Mitigation and Adaption

For waterfront properties, sea level rise is an important consideration to take into account when new development is proposed. In this case, the proposed garage is set back more than 30 metres from the sea, and is farther set back than the existing dwelling. The proposed variance would not place the garage any closer to the sea than without it, and in fact moves the garage farther from the sea. The elevation of the proposed garage is approximately 8 metres above sea level; based on current sea level rise projections, there is no risk of impact to the development due to sea level rise as a result of this variance.

There are no anticipated impacts on greenhouse gas emissions that would result varying this setback as proposed.

### Riparian Areas Regulation

According to the site plan provided by the applicant, the proposed garage is located approximately 35 metres west of Dick Creek, which is outside of the 30 metre provincial Riparian Assessment Area. This distance was confirmed by a site visit.

## **RESULTS OF CIRCULATION:**

Notification of this variance application was distributed to neighbouring property owners in accordance with statutory requirements. At the time of writing this report, staff had not received any submissions from neighbouring property owners or tenants regarding the application.

## **STAFF COMMENTS:**

Although some neighbouring properties may have been granted setback variances and others may apply in the future, each request for a variance is evaluated on its individual merits.

The impact on visual qualities and neighbouring properties of the proposed garage is expected to be minimal. On the adjacent property located nearest the proposed garage (south of the subject property), there is an access driveway on a 20 metre wide panhandle from which the proposed garage will be visible, but other infrastructure on the adjacent property appears to be located far enough away so as to not be visually impacted. Notification as required by the *Local Government Act* will allow surrounding property owners to comment on any potential impacts.

The location of the proposed garage has already been cleared and leveled, and is currently used as a parking area. Siting the garage in this location rather than elsewhere on the property may prevent additional vegetation clearing that might be required in another location.

Staff recommend approving the variance because the impact on visual qualities and the neighbouring property is expected to be minimal.

**RECOMMENDATION:**

**THAT** the Gabriola Island Local Trust Committee APPROVE issuance of Development Variance Permit GB-DVP-2014.1 to Beverley Briscoe and Arthur Vertlieb for Lot 7, Section 30, Gabriola Island, Nanaimo District, Plan VIP54635 (2931 Dragon's Lane).

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Prepared and Submitted by:

*Torill Gillespie*

May 30, 2014

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Torill Gillespie, Planner 1

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Date

Concurred in by:

*Courtney Simpson*

June 10, 2014

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Courtney Simpson, RPP MCIP  
Regional Planning Manager

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Date

**Attachments:**

Attachment 1: Proposed Development Variance Permit

Attachment 2: Notice

Attachment 3: BC Archaeology Branch, April 30, 2014.

# PROPOSED

|                                                                                   |                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p align="center"><b>GABRIOLA ISLAND LOCAL TRUST COMMITTEE</b></p> <p align="center"><b>DEVELOPMENT VARIANCE PERMIT</b></p> <p align="center"><b>GB-DVP-2014.1 (Vertlieb &amp; Briscoe)</b></p> |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**TO: Art Vertlieb and Bev Briscoe**

1. This Development Variance Permit applies to the land described below:

PID: 017-851-718

Lot 7, Section 30, Gabriola Island, Nanaimo District, Plan VIP54635;

2. Pursuant to Section 922 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw No. 177, 1999* is varied as follows:

Section D.1.1.3 Regulations “a. Buildings and Structures Siting Requirements, ii. On lots 1.0 hectares (2.47 acres) or larger, except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures” is varied to reduce the setback from 10.0 metres (32.8 feet) from any lot line to 4.0 metre (13.1 feet) to allow the proposed attached garage.

Such reductions apply only to the single family dwelling with attached garage as shown on Schedule “A” attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of *Gabriola Island Land Use Bylaw No. 177, 1999* and to obtain other appropriate approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.**

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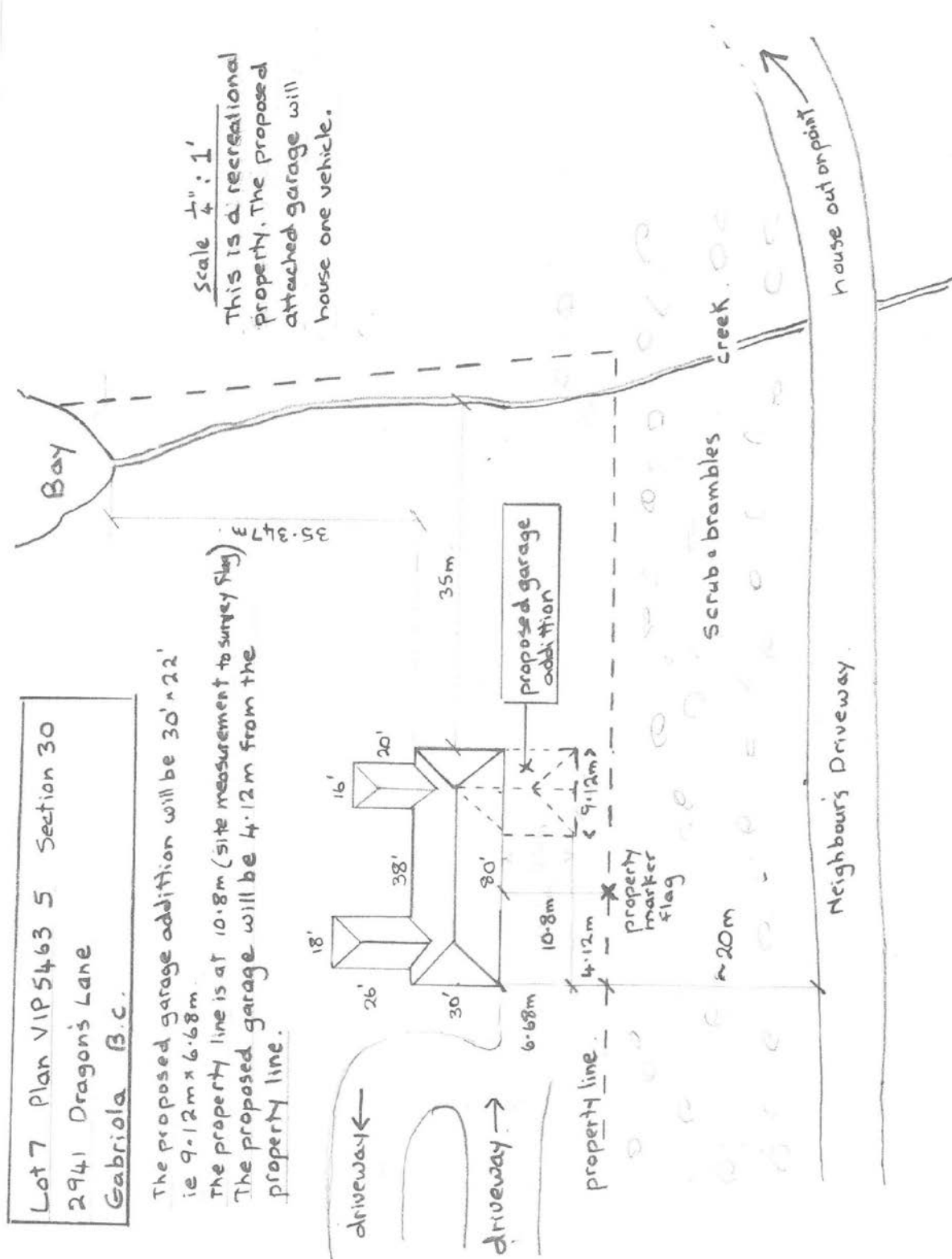
**Deputy Secretary, Islands Trust**

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**Date of Issuance**

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE \_\_\_\_ DAY OF \_\_\_\_, 2016, THIS PERMIT AUTOMATICALLY LAPSES.**

# SCHEDULE 'A'





Islands Trust

**NOTICE**  
**GB-DVP-2014.1**  
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE**

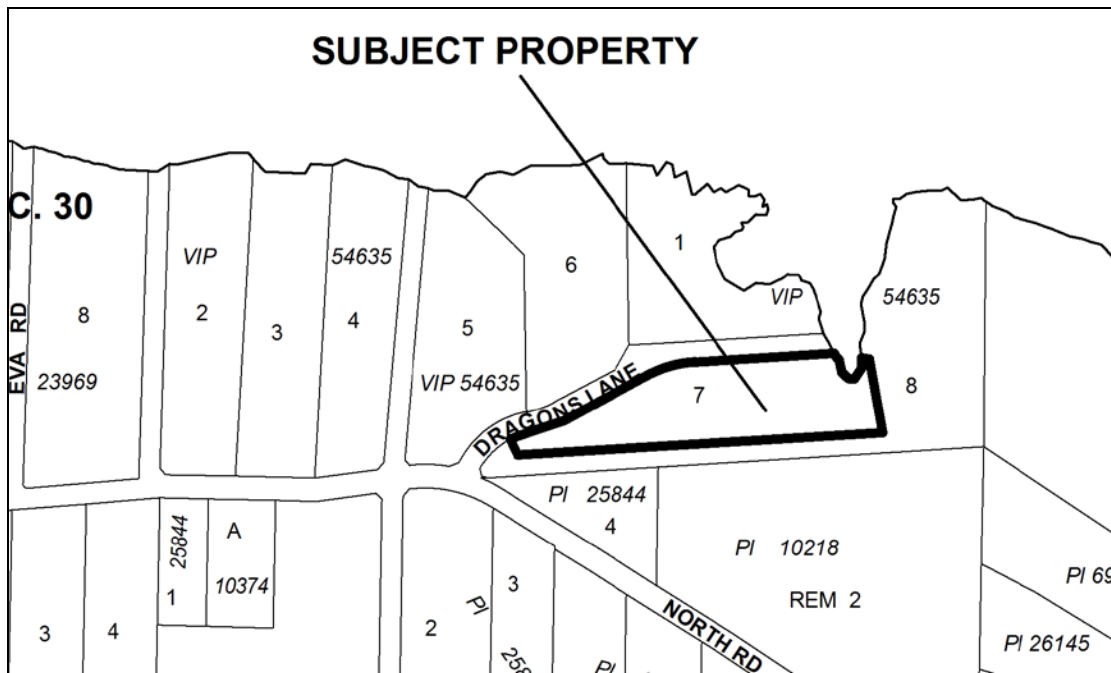
Notice is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*, varying the Gabriola Island Land Use Bylaw No. 177, 1999 as follows:

In general terms, the purpose of the proposed permit is to authorize the reduction of the minimum setback requirement to the interior side lot line from 10.0 metres (32.8 feet) to 4.0 metres (13.1 feet) to allow a proposed new garage on an existing dwelling.

The subject property is legally described as Lot 7, Section 30, Gabriola Island, Nanaimo District, Plan VIP54635; PID: 017-851-718 and is shown in the following sketch:

The subject property is located as shown in the sketch below.

**Sketch 1**



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing June 13, 2014 and continuing up to and including June 25, 2014.

Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed permit, please submit them before 4:00 pm, June 25, 2014 to:

**Mail:** Islands Trust,  
700 North Road,  
Gabriola Island, BC,  
V0R 1X3  
**Fax:** 250- 247-7514  
**Email:** meggen@islandstrust.bc.ca  
**Phone:** Marnie Eggen, Planner 2 at 250-247-2210; Toll-free via Enquiry BC in Vancouver: 604-660-2421; elsewhere in BC: 1-800-663-7867

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its meeting to be held at 10:15 am on June 26, 2014 at the Women's Institute Hall, 476 South Road, Gabriola Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

**Lisa Webster-Gibson**  
**Deputy Secretary**

## Torill Gillespie

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**From:** bruce <renovatorman@shaw.ca>  
**Sent:** May-26-14 10:31 AM  
**To:** Torill Gillespie  
**Subject:** Fw: 2931 Dragon Lane, Gabriola

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Torrill – As per your request, here is the email from Diana Cooper re: archaeological information for Dragon's Lane on Gabriola Island. Should you require any further info, please do not hesitate to contact me. Bruce

**From:** [Cooper, Diana FLNR:EX](#)  
**Sent:** Wednesday, April 30, 2014 1:26 PM  
**To:** [mailto:renovatorman@shaw.ca](mailto:mailto:renovatorman@shaw.ca)  
**Subject:** 2931 Dragon Lane, Gabriola

Hello Bruce,

Thank you for contacting the Archaeology Branch regarding proposed garage construction at 2931 Dragon Lane, Gabriola Island, PID 017-851-718, Lot 7 Section 30 Gabriola Island, Nanaimo District Plan VIP54635. Provincial records indicate archaeological site DgRw-115 is recorded on a portion of the property. DgRw-115 is protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. Given the subsurface nature of archaeological deposits, boundaries of archaeological sites are often difficult to determine without extensive subsurface testing. This site has never been subsurface tested. Therefore, any mapped boundaries are considered to be approximate and it is possible that the site is more extensive than currently mapped on the property.

Prior to any land-altering activities (e.g. addition to home, property redevelopment, extensive landscaping, service installation), an eligible (able to hold Provincial heritage permits through the Archaeology Branch) consulting archaeologist should be engaged to determine the steps in managing impacts to the archaeological site. If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required.

If a permit is required, proponents should be advised that the permit application and issuance process takes approximately 8-10 weeks and should plan their development schedule accordingly.

If you are working outside of the red area as shown in the screenshot below, the Archaeology Branch cannot require that the proponent conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent. However, given the boundaries of the site have never been subsurface tested, the Archaeology Branch strongly encourages engaging an archaeologist prior to development.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and face possible fines and likely experience development delays while the appropriate permits are obtained.

Archaeologists may be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca/](http://www.bcapa.ca/)) or through local yellow pages and online directories.

If you or your clients have questions, please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm> and the Property Owners and Developers web page at [http://www.for.gov.bc.ca/archaeology/property\\_owners\\_and\\_developers/index.htm](http://www.for.gov.bc.ca/archaeology/property_owners_and_developers/index.htm).

If you or your clients have further questions regarding the permitting process, please contact Steven Acheson (Supervisor of Permitting and Assessment, Archaeology Branch) at 250-953-3306 or [Steve.Acheson@gov.bc.ca](mailto:Steve.Acheson@gov.bc.ca).

Below is a screenshot showing the property (outlined in yellow) in relation to DgRw-115 (red area). If this is not the property as described in the data request, please contact me. Please feel free to contact me should you have any questions regarding this data request.

Kind regards,

Diana

**Diana Cooper** | Archaeologist/Archaeological Site Inventory Information and Data Administrator

**Archaeology Branch** | Ministry Forests, Lands and Natural Resource Operations  
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3  
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>



# STAFF REPORT

**Date:** June 3, 2014

**File No.:** 6500-20 Climate Change  
Policy Implementation

**To:** Gabriola Island Local Trust Committee  
For meeting of June 26, 2014

**From:** Sonja Zupanec, Island Planner

**Copy:** Courtney Simpson, Regional Planning Manager

**Re: Climate Change Policy Implementation – Proposed Bylaw No. 273**

## PURPOSE:

The purpose of this report is to provide advice to the Local Trust Committee (LTC) on a potential change to proposed bylaw 273 to include a requirement for public open space as a new Development Permit Area 7 guideline.

At the May 14, 2014 LTC meeting the LTC passed the following resolution:

### **GB-2014-106**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee request staff to bring back  
to the June meeting suggestions for including in Development Permit  
Area 7, a requirement for green-space.

**CARRIED**

## STAFF COMMENTS:

The definition of 'green-space' typically refers to an area that is maintained in a natural, undisturbed or re-vegetated condition. Open space on the other hand, as currently referenced in the Development Permit -7 guidelines, generally refers to a portion of a development site that is permanently set aside for public or private use and landscaped for use as outdoor space. Although the LTC resolution referenced above specifically refers to green-space, staff understands from previous LTC discussions that it is the creation of more public open space that is sought after in the village centre. Therefore the following recommendations pertain to public open space as defined above.

The LTC can, through a development permit guideline related to form and character, stipulate the general character of landscaping in the village centre DP-7 area. A percentage of land devoted to public open space can be required in the form of a new development permit guideline. There are currently no examples in the Trust area but select local governments across Canada have stipulated public open space requirements for non-residential development. Staff suggests the following as an example and starting point for discussion:

*"[Fifteen] percent of the land shall be devoted to public open space with [fifty] percent of that amount along the street frontage. Storm water retention areas or rain gardens may be used to meet this requirement"*

The LTC can also stipulate that a percentage of designated open space needs to be contiguous with no portion less than x # metres wide and connected to adjacent public open spaces. This could help avoid short, narrow "public open spaces" scattered around a development site, which technically meet the percentage requirement but are unusable or impractical. For example:

*"[Seventy-five] percent of the designated public open space shall be contiguous with no portion less than [2] metres in width and designated spaces shall be connected, where possible, to public pedestrian paths or access points on adjacent properties or roads."*

These DP guideline examples can strengthen the general character of landscaping as part of a development and could result in significant public open space considerations along road frontages in the form of walkways, seating areas or public art installations in the Village Centre.

Should the LTC wish to consider including a requirement for public open space in DP-7 guidelines, staff recommends the amendment be considered at second reading.

## **RECOMMENDATIONS:**

**THAT the Gabriola Island Local Trust Committee direct staff to bring back prior to consideration of second reading of Proposed Bylaw 273, draft guidelines for DP-7 requiring a percentage of public open space for LTC consideration.**

Prepared and Submitted by:

*Sonja Zupanec*

June 3, 2014

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Sonja Zupanec, RPP  
Island Planner

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Date

Concurred in by:

*Courtney Simpson*

June 6, 2014

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Courtney Simpson, RPP, MCIP  
Regional Planning Manager

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Date



# STAFF REPORT

**Date:** June 6, 2014

**File No.:** 6500-20 Climate Change  
Policy Implementation

**To:** Gabriola Island Local Trust Committee  
For meeting of June 26, 2014

**From:** Sonja Zupanec, Island Planner

**Copy:** Courtney Simpson, Regional Planning Manager

**Re: Climate Change Policy Implementation – Draft Bylaw No. 276**

## PURPOSE:

The purpose of this report is to: 1) advise the LTC that the current Official Community Plan designation and justification for Development Permit 7 - The Village Centre needs to be expanded in order to enact new guidelines being considered in Proposed Bylaw 273; and 2) recommend the LTC give first reading to draft bylaw 276 to amend the OCP to include appropriate justification and objectives for Development Permit 7.

## BACKGROUND:

The *Local Government Act* (LGA) section 919.1(1) identifies ten different purposes for, or types of, Development Permit Area (DPA) designations. An Official Community Plan may designate development permit areas for **one or more of the stipulated purposes**. Currently, Development Permit Area 7 – The Village Centre, is only designated to establish objectives and guidelines for the form and character of commercial development. Proposed Bylaw No. 273 contains new DP guidelines pertaining to water conservation and reduction of greenhouse gas emissions. The designation of the DPA needs to be expanded to include these purposes.

A requirement in the LGA section 919.1(2) is that an official community plan **must**

(a) **Describe the special conditions or objectives that justify the designation.**

Currently there are no stated conditions or objectives in DP -7 to justify form and character, water conservation or the reduction of greenhouse gas emissions of development in the Village Centre. Staff is recommending the LTC amend the OCP with draft bylaw 276 (attached) to expand the designation and justification for this development permit area.

## DRAFT BYLAW 276:

Draft Bylaw 276 proposes to amend the Gabriola Official Community Plan DP-7 by amending the title of the section that includes this DP area; providing a new justification for the expanded designation and outlining new objectives to support the expanded list of guidelines (found in the Proposed 273).

Draft Bylaw 276 would need to be adopted in conjunction with bylaw 273 in order to apply the guidelines to any Development Permit application received for this area.

### **STAFF COMMENTS:**

The proposed changes in DP-7 designation, justification and objectives are necessary to apply the guidelines of Proposed Bylaw 273 (if adopted). As consultation and referrals for Proposed Bylaw 273 have already been sent and no substantive changes to the DP guidelines are proposed under draft bylaw 276, additional referrals to agencies and First Nations are not required. If first reading is given to draft bylaw 276, staff will notify agencies and First Nations directly that the designation, justification and objectives are being included to reflect the proposed guidelines referred earlier in bylaw 273. Staff will invite further comment from agencies and First Nations and clarify that the LTC is not adhering to the traditional expectation of referral times for the amending bylaw due to the earlier referral of proposed bylaw 273.

### **ISLANDS TRUST POLICY STATEMENT:**

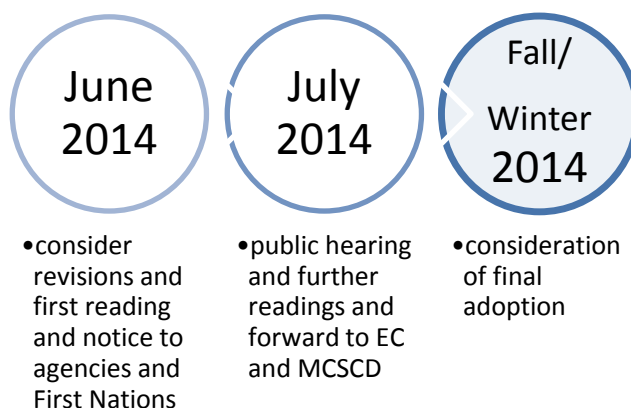
A copy of the Policy Statement Directives Only Checklist is attached for LTC review. The draft bylaw is consistent with the Policy Statement and therefore the bylaw can be considered for first reading.

### **AGENCY REFERRALS:**

If first reading is given, staff recommends that agencies and First Nations who were referred Proposed Bylaw 273 be notified of the changes and invited to provide further comment prior to the public hearing.

### **NEXT STEPS:**

The following schedule of next steps will ensure the draft bylaw is considered in conjunction with Proposed Bylaw 273:



## RECOMMENDATIONS:

### THAT the Gabriola Island Local Trust Committee:

1. Revise draft bylaw 276 as deemed appropriate;
2. Advise the Executive Committee that it has reviewed the Policy Statement Directives Only Checklist and determined that Draft Bylaw No. 276 is not contrary to or at variance with the Islands Trust Policy Statement;
3. Give first reading to Proposed Bylaw No. 276 cited as "Gabriola Island Official Community Plan Bylaw 166, 1997, Amendment No. 2, 2014";
4. Direct staff to follow up on notification pertaining to the changes proposed in Proposed Bylaw 276 that relate to the referral of Proposed Bylaw 273 with the following agencies and First Nations:
  - Regional District of Nanaimo Building and Sustainability
  - Thetis Island LTC
  - Penelakut Tribe
  - Snuneymuxw First Nation
  - Cowichan Tribes
  - Halalt First Nation
  - H'ul'qumi'num Treaty Group
  - Stz'uminus First Nation
  - Lake Cowichan First Nation
  - Lyackson First Nation
  - Te'Mexw Treaty Association

Prepared and Submitted by:

*Sonja Zupanec*

June 6, 2014

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Sonja Zupanec, RPP  
Island Planner

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Date

Concurred in by:

*Courtney Simpson*

June 10, 2014

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Courtney Simpson, RPP, MCIP  
Regional Planning Manager

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Date

Attachments:

1. Draft Bylaw No. 276
2. Islands Trust Policy Statement Checklist – Draft Bylaw No. 276

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**Gabriola Island Local Trust Committee**

**BYLAW NO. 276**

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

\*\*\*\*\*

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

1. Bylaw No 166, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 2, 2014"

|                                                                       |        |        |
|-----------------------------------------------------------------------|--------|--------|
| READ A FIRST TIME THIS                                                | DAY OF | , 2014 |
| PUBLIC HEARING HELD THIS                                              | DAY OF | , 2014 |
| READ A SECOND TIME THIS                                               | DAY OF | , 2014 |
| READ A THIRD TIME THIS                                                | DAY OF | , 2014 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST              |        |        |
| THIS                                                                  | DAY OF | , 2014 |
| APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT |        |        |
| THIS                                                                  | DAY OF | , 2014 |
| ADOPTED THIS                                                          | DAY OF | , 2014 |

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**SECRETARY**

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**CHAIRPERSON**

## **Gabriola Island Local Trust Committee**

### **Bylaw No. 276**

#### **Schedule 1**

The Gabriola Island Official Community Plan Bylaw No. 166 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997”, is amended by:

1. Schedule A – Section 9 – Development Permit Areas, is amended as follows:

a) Delete the Section 9.3 title and replace with the following:

**“9.3 Development Permits to establish objectives for the form and character of commercial development, to promote water conservation, and to promote the reduction of greenhouse gas emissions”**

b) Delete DP-7 The Village Centre and replace with the following:

#### **“DP-7 The Village Centre**

Development Permit Area 7 (Schedule C) is designated according to Section 919.1(1)(f),(i) and (j) of the *Local Government Act* and is located in the commercial Village Centre area.

#### **Justification**

The Gabriola village centre area is designated as a development permit area for the purposes of establishing objectives for form and character, water conservation and reduction of greenhouse gas emissions. This designation will help ensure that commercial development will be pedestrian oriented, landscaped to conserve water resources and encourage fuel efficient vehicles and alternative modes of transportation.

#### **Objectives**

The objectives of this development permit area are as follows:

1. To promote small scale building design in the Village Centre.
2. To promote development in the Village Centre that is pedestrian oriented with amenities such as public open spaces and walkways.
3. To promote water conservation.
4. To promote the reduction of greenhouse gas emissions.

*Information Note: Development Permit Area Guidelines for DP-7 The Village Centre are in the Gabriola Island Land Use Bylaw.”*

c) Insert a new section heading of 9.4 before DP-8 Multi-dwelling Affordable Housing Development Permit Areas as follows:

**“9.4 Development Permits to Establish Objectives for the Form and Character of Industrial and Multi-dwelling Residential Development”**



Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: Gabriola Bylaws 276**

### **PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and 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 CHECK LIST**

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 a 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                                                                                                                                                                                                                                                                                                  |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                                                                                                                                                 |
| n/a        | <b>3.1.3</b> | 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        | <b>3.1.4</b> | 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. |
| ✓          | <b>3.1.5</b> | 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.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                                                                                                                                          |
| n/a        | <b>3.2.2</b> | 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.                                |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                                                                                       |
| ✓          | <b>3.3.2</b> | 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.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                                                                                                                                              |
| n/a        | <b>3.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.                                                                                                                                               |
| n/a        | <b>3.4.5</b> | 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                                                                                                                                                                                                                                                        |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                                                                                                                                                |
| n/a        | <b>4.1.4</b> | 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        | <b>4.1.5</b> | 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        | <b>4.1.6</b> | 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    | <b>Forests</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 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.                                                                                                                                                                |
|            | 4.3    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|            | 4.4    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| 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    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| 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                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| n/a        | <b>5.1.3</b> | 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.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| ✓          | <b>5.2.3</b> | 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.                                                                                                                               |
| ✓          | <b>5.2.4</b> | 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. |
| ✓          | <b>5.2.5</b> | 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        | <b>5.2.6</b> | 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.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| n/a        | <b>5.3.4</b> | 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        | <b>5.3.5</b> | 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        | <b>5.3.6</b> | 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.                                                                                                                                                |
| ✓          | <b>5.3.7</b> | 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.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| n/a        | <b>5.4.4</b> | 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 |
|------------|-----|------------------|
|------------|-----|------------------|

|     |              |                                                                                                                                                                                                                                                                                                                                                                           |
|-----|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| n/a | <b>5.5.3</b> | 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 | <b>5.5.4</b> | 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 | <b>5.5.5</b> | 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 | <b>5.5.6</b> | 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 | <b>5.5.7</b> | 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.                                                                                                                                                                               |
|     | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| n/a | <b>5.6.2</b> | 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 | <b>5.6.3</b> | 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.                                                                                                                         |
|     | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| ✓   | <b>5.7.2</b> | 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.                                                                                                                                 |
|     | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| n/a | <b>5.8.6</b> | 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.     |

| <b>POLICY STATEMENT COMPLIANCE</b> |                                                                       |
|------------------------------------|-----------------------------------------------------------------------|
| ✓                                  | <b>COMPLIANCE WITH TRUST POLICY</b>                                   |
|                                    | <b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b> |



# STAFF REPORT

**Date:** June 3, 2014

**File No.:** 6500-20 (RAR)

**To:** Gabriola Local Trust Committee

**From:** Courtney Simpson, Regional Planning Manager

**Re: Development Permit Area 3 – Riparian Areas – Fees bylaw amendment**

## THE PROPOSAL:

The Local Trust Committee (LTC) proposes to reduce the fee for a development permit application for Development Permit Area 3 (DP3) – Riparian Areas, from \$450 to \$200.

## BACKGROUND:

As a component of the Top Priority project “Gabriola Planning Area OCP Review”, the LTC is seeking to implement the provincial *Riparian Areas Regulation* (RAR) through amendments to DP3. At their June 27, 2013 meeting the LTC directed that the fee for an application under DP3 be reduced to \$200. The fee is currently \$450 pursuant to Gabriola Bylaw 245 adopted in 2007.

Proposed bylaws Nos. 265 and 266 that would implement the RAR have been approved by the Islands Trust Executive Committee, and staff has now turned attention to the fees bylaw amendment.

## LEGISLATIVE AND POLICY CONTEXT

### Local Government Act

Section 931 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections.

### Islands Trust Act

Section 27 of the *Islands Trust Act* requires that a Local Trust Committee must, before adoption, submit its bylaws to the Executive Committee for approval.

### Islands Trust Policy

Islands Trust *Policy 5.6.1 Application Processing Services* provides policy direction on appropriate application fees that are to be based on the average cost of processing a particular type of application and that can be adjusted by up to 20% from a Trust Council Model Fee Schedule. At the time of adopting this policy Trust Council intended to adopt a model fees schedule. A Model Fee Bylaw including model fees was approved by Trust Council in 2004, but never formally adopted into policy. The model fee for a development permit in respect of a protection area is \$400.

### Gabriola Island Local Trust Committee Fees Bylaw, 2007

The current fees bylaw sets the fee for a development permit application in respect of a protection area at \$450. This fee was raised from \$400 in 2007. There are also separate fees for a development permit application with a companion application for a development variance permit in respect of a residential development of \$650. The fee for a development variance permit alone for a residential development is \$600.

### **COMMUNITY INFORMATION MEETING(S):**

Consultation and public hearing on amendments to a fees bylaw is not a requirement. As this proposed was initiated by the LTC in response to public concern about the cost of the application, staff does not consider consultation to be necessary.

### **STAFF COMMENTS:**

Members of the community expressed concern over the cost of developing within DP3 due to the provincial requirement for a report from a Qualified Environmental Professional which can be costly. The LTC was asked to subsidize that cost, but there is no mechanism for the LTC to subsidize the cost of a professional report required as part of a land use application. The LTC can, however, reduce the fee for a development permit.

The average cost of processing a development permit for DP3 is likely greater than \$200, but reducing fees for applications aimed at preserving and protecting sensitive natural areas is a concept that has been used in other jurisdictions to encourage compliance and good stewardship.

Staff does not recommend any other related fees be changed; the fee for a “development permit in combination with a companion application for a development variance permit in respect of a residential development” is \$650, but as the cost of a development variance permit alone is \$600, there only an additional \$50 fee for the development permit component.

### **RECOMMENDATIONS:**

**THAT** the Gabriola Island Local Trust Committee gives first, second and third readings to Bylaw No. 277 cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2014” and refer it to the Executive Committee.

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Prepared and Submitted by:

*Courtney Simpson*

Courtney Simpson RPP, MCIP  
Regional Planning Manager

June 10, 2014

Date

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**Gabriola Island Local Trust Committee**

**BYLAW NO. 276**

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

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

1. Bylaw No 166, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 2, 2014"

|                                                                       |        |        |
|-----------------------------------------------------------------------|--------|--------|
| READ A FIRST TIME THIS                                                | DAY OF | , 2014 |
| PUBLIC HEARING HELD THIS                                              | DAY OF | , 2014 |
| READ A SECOND TIME THIS                                               | DAY OF | , 2014 |
| READ A THIRD TIME THIS                                                | DAY OF | , 2014 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST              |        |        |
| THIS                                                                  | DAY OF | , 2014 |
| APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT |        |        |
| THIS                                                                  | DAY OF | , 2014 |
| ADOPTED THIS                                                          | DAY OF | , 2014 |

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**SECRETARY**

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**CHAIRPERSON**

## **Gabriola Island Local Trust Committee**

### **Bylaw No. 276**

#### **Schedule 1**

The Gabriola Island Official Community Plan Bylaw No. 166 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997”, is amended by:

1. Schedule A – Section 9 – Development Permit Areas, is amended as follows:

a) Delete the Section 9.3 title and replace with the following:

**“9.3 Development Permits to establish objectives for the form and character of commercial development, to promote water conservation, and to promote the reduction of greenhouse gas emissions”**

b) Delete DP-7 The Village Centre and replace with the following:

#### **“DP-7 The Village Centre**

Development Permit Area 7 (Schedule C) is designated according to Section 919.1(1)(f),(i) and (j) of the *Local Government Act* and is located in the commercial Village Centre area.

#### **Justification**

The Gabriola village centre area is designated as a development permit area for the purposes of establishing objectives for form and character, water conservation and reduction of greenhouse gas emissions. This designation will help ensure that commercial development will be pedestrian oriented, landscaped to conserve water resources and encourage fuel efficient vehicles and alternative modes of transportation.

#### **Objectives**

The objectives of this development permit area are as follows:

1. To promote small scale building design in the Village Centre.
2. To promote development in the Village Centre that is pedestrian oriented with amenities such as public open spaces and walkways.
3. To promote water conservation.
4. To promote the reduction of greenhouse gas emissions.

*Information Note: Development Permit Area Guidelines for DP-7 The Village Centre are in the Gabriola Island Land Use Bylaw.”*

c) Insert a new section heading of 9.4 before DP-8 Multi-dwelling Affordable Housing Development Permit Areas as follows:

**“9.4 Development Permits to Establish Objectives for the Form and Character of Industrial and Multi-dwelling Residential Development”**

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**Gabriola Island Local Trust Committee**

**BYLAW NO. 277**

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**A BYLAW TO AMEND THE GABRIOLA ISLAND FEES BYLAW, NO. 245**

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

1. Bylaw No 245, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2007" is amended as follows:
  - a. To TABLE 2 – Permits, line "1. Development permit in respect of a protection area", the word "a" is deleted and replaced with "the following"; the word "area" is changed to "areas"; and the following is added after the word "areas":
 

" : DP-1, DP-2, DP-4, and DP-5"
  - b. To TABLE 2 – Permits, a new line 2 is inserted to read "2. Development permit in respect of the following protection area: DP-3"; the remaining lines renumbered accordingly; and in Column 2, \$200 is inserted.
2. This bylaw may be cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2014".

|                                                          |        |        |
|----------------------------------------------------------|--------|--------|
| READ A FIRST TIME THIS                                   | DAY OF | , 2014 |
| PUBLIC HEARING HELD THIS                                 | DAY OF | , 2014 |
| READ A SECOND TIME THIS                                  | DAY OF | , 2014 |
| READ A THIRD TIME THIS                                   | DAY OF | , 2014 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST |        |        |
| THIS                                                     | DAY OF | , 2014 |
| ADOPTED THIS                                             | DAY OF | , 2014 |

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**SECRETARY**

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**CHAIRPERSON**