



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: September 8, 2016
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

	Pages
1. CALL TO ORDER	10:15 AM - 10:20 AM
<i>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</i>	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	10:20 AM - 10:40 AM
4. COMMUNITY INFORMATION MEETING - None	
5. PUBLIC HEARING - None	
6. MINUTES	10:40 AM - 10:45 AM
6.1 Local Trust Committee Minutes dated July 14, 2016 – for adoption	4 - 12
6.2 Local Trust Committee Special Meeting Minutes dated July 21, 2016 - for adoption	13 - 22
6.3 Section 26 Resolutions-Without-Meeting Report dated August 30, 2016	23 - 23
6.4 Advisory Planning Commission DRAFT Minutes dated July 26, 2016 - for receipt	24 - 29
6.5 Mudge Island Advisory Planning Commission Minutes - none	
6.6 Agricultural Advisory Commission Minutes - none	
6.7 Transportation Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	10:45 AM - 10:50 AM
7.1 Follow-up Action List dated August 30, 2016	30 - 32
8. DELEGATIONS	10:50 AM - 11:00 AM
8.1 Andrew Deggan regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition	
8.2 Rob Lumgair regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition	

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

9. CORRESPONDENCE

11:00 AM - 11:05 AM

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

- 9.1 Email dated May 24, 2016 from J Burroughs and K Dennison regarding Mobile Milling on Gabriola Island 33 - 33
- 9.2 Email dated July 15, 2016 regarding Farm Animals on SSR Zoned Properties 34 - 34

10. APPLICATIONS AND REFERRALS

- 10.1 GB-DVP-2016.1 (Skinner) 11:05 AM - 11:25 AM
- 10.1.1 Staff Report dated August 15, 2016 35 - 53
- 10.2 GB-DVP-206.2 (German - Mudge Island) 11:25 AM - 11:55 AM
- 10.2.1 Staff Report dated August 12, 2016 54 - 58

-----BREAK-----11:55 AM TO 12:15 PM

- 10.3 GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) 12:15 PM - 1:15 PM
- 10.3.1 Staff Report dated August 13, 2016 59 - 70
- 10.4 Bylaw No. 280 1:15 PM - 1:20 PM 71 - 71
- That the Gabriola Local Trust Committee Bylaw No. 280, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2015", be adopted.
- 10.5 GB-SUB-2016.3 (Roundtuit Farms - Rogers) 1:20 PM - 1:25 PM
- 10.5.1 Staff Report dated September 8, 2016 72 - 80

11. LOCAL TRUST COMMITTEE PROJECTS

- 11.1 Roadside Signage - Regulations Review 1:25 PM - 1:55 PM
- 11.1.1 Staff Report dated September 8, 2016 81 - 96
- 11.2 Housing Options Review Project 1:55 PM - 2:55 PM
- 11.2.1 Staff Report dated September 8, 2016 97 - 102

12. REPORTS

2:55 PM - 3:10 PM

- 12.1 Work Program Reports
- 12.1.1 Top Priorities Report dated August 30, 2016 103 - 103
- 12.1.2 Projects List Report dated August 30, 2016 104 - 105
- 12.2 Applications Report dated August 30, 2016 106 - 112
- 12.3 Trustee and Local Expense Report dated July, 2016 113 - 113

12.4 Adopted Policies and Standing Resolutions

114 - 114

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Reports

12.8 Electoral Area Director's Report

12.9 Trust Fund Board Report

13. NEW BUSINESS

14. UPCOMING MEETINGS

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

15. TOWN HALL 3:10 PM - 3:20 PM

16. CLOSED MEETING 3:20 PM - 3:40 PM

16.1 Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) adoption of Closed Meeting Minutes dated July 21, 2016 and (i) receipt of advice that is subject to solicitor-client privilege and that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 3:40 PM - 3:40 PM



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: July 14, 2016
Location: Ministry of Transportation Right-of-Way Intersection
 Intersection of Lover's Loop and Weather's Way
 Mudge Island, BC

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

Staff Present Sonja Zupanec, Island Planner
 Ann Kjerulf, Regional Planning Manager
 Lisa Millard, Recorder

Others Present There were 19 (nineteen) members of the public and 1 (one) member of the media present.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.1 Email dated May 24, 2016 from Kathy Dennison regarding Mobile Milling was deferred to the next Regular Scheduled Meeting of the Gabriola Island Local Trust Committee (LTC) on September 8, 2016.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Joaquim Da Fonseca submitted a copy of "Riparian Rights and Public Foreshore Use in the Administration of Aquatic Crown Land" (March, 1995). He read an excerpt from page 6 of the document which, in part, highlighted the rights of shore land property owners to protect their land from erosion.

John Mallett inquired about an email he had sent to Trustee Mamoser regarding proposed legislation that will disallow the recycling of unregistered vehicles. He indicated this might become a problem as many derelict vehicles on Mudge Island are missing registration paperwork. Trustee Mamoser stated she forwarded the email to the Ministry of Transportation and Infrastructure (MoTI) with a notation to follow up on the subject the next time the LTC meets with MoTI.

4. **COMMUNITY INFORMATION MEETING - none**

5. **PUBLIC HEARING - none**

6. **MINUTES**

6.1 Local Trust Committee Meeting Minutes dated May 26, 2016 – for adoption

The following amendments to the minutes were presented for consideration:

10.1 GB-RZ-2016.1 (Potlach Properties and Pilot Bay Holdings) on page 6 in response to Trustee O’Sullivan’s question regarding the bare land strata development approach, it should be noted that the Applicant responded that only the proposed road that comes off of Taylor Bay Road would be considered common property not all roads within the proposed development.

13.1.1 On page 14, it should be clarified that the addition of a review of water taxi service had previously been added to the Projects List and was being moved to the Top Priorities list and that this was not a new item.

13.7 On page 15, the term *Gabriola Island Local Planning Committee Sub-Committee* should be replaced with *Trust Council Local Planning Sub-Committee*.

14.1 On page 16 the term *Local Planning Committee’s Sub-Committee* should be replaced with *Village Vision Sub-Committee*.

By general consent the minutes were adopted as amended.

6.2 Local Trust Committee Special Meeting Minutes dated June 23, 2016 - for adoption

The following amendments to the minutes were presented for consideration:

On page 3, fifth bulleted item on page, in the Staff response to the question whereby it is stated that *This particular OCP was developed for the purpose of...* should read *This particular provision of the OCP was developed for the purpose of...*

On page 4, in which public comments were summarized the term *Those not in favour of the proposal stated the following reasons* should be replaced with *Those with concerns regarding the proposal stated the following reasons*.

On page 4 in the section outlining those with concerns about the proposal, fourth bulleted item should read *The development does not seem to have rural character because it appears to potentially look like a gated community*.

On page 4 in the section outlining those with concerns about the proposal, fifth bulleted item should also include the statement *and some residents do not want the through road at all*.

On page 4 in the section outlining those with concerns about the proposal, an additional bulleted item should be added that reads *We do not need more density clustered near the Village.*

On page 5, in which public comments were summarized, the term *Those in favour of the proposal stated the following reasons* should be replaced with *Potential benefits of the proposal were stated as follows.*

On page 5, the fourth bulleted item should read *More trails increase the connectivity of neighborhoods, improve walkability of the Island and also reduce the carbon footprint.*

On page 5, the fifth bulleted item should begin with the statement *Currently the Gabriola Local Trust Area has the third lowest amount of protected land in the trust area...*

On page 5, in the section outlining the potential benefits of the proposal, an additional bulleted item should be added that reads *If the lots zoned Forestry were logged it would create a fire break.*

On page 5, an additional bulleted item should be added that reads *There is a clear difference between land zoned forestry and that which is zoned park land and because Mr. Rooks currently allows free access to the land in question, which could be lost at any time, there is a perception that the community has more park land than it actually does.*

On page 5, an additional bulleted item should be added that reads *The Fire Chief believes that increased traffic in the area would average out and the Ministry of Transportation and Infrastructure monitors road use and would upgrade accordingly.*

By general consent the minutes were adopted as amended.

6.3 Section 26 Resolutions-Without-Meeting - none

6.4 Advisory Planning Commission Minutes dated - none

6.5 Mudge Island Advisory Planning Commission Minutes - none

6.6 Transportation Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 5, 2016

Received for information.

7.2 Transportation Advisory Commission - for discussion

Planner Zupanec reported that the members of the Transportation Advisory Commission term had expired. The Local Trust Committee had placed

advertisements seeking expressions of interest for new members and had invited previous members to consider reappointment. There were no new expressions of interest but two previous members stated they would like to be reappointed. Discussion ensued regarding the possibility of consolidating the Transportation Advisory Commission with the Advisory Planning Commission and the possibility of increasing the number of members on the Advisory Planning Commission. Planner Zupanec indicated that any application or project could be referred to the Advisory Planning Commission regardless of the topic. It was determined the Trustees would seek additional members for the Transportation Advisory Commission and that no further advertising budget would be allocated at this time.

8. DELEGATIONS – none

9. CORRESPONDENCE

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

9.1 Email dated May 24, 2016 from Kathy Dennison regarding Mobile Milling

This item was deferred to the next Regular Scheduled Meeting of the Gabriola Island Local Trust Committee on September 8, 2016.

10. APPLICATIONS AND REFERRALS

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

10.1.1 Staff Report dated June 27, 2016

Planner Zupanec summarized the Staff Report as follows:

- As a result of a bylaw enforcement file regarding existing structures on Lot 10, Section 26, Mudge Island, Nanaimo District, Plan 15752 the Applicant has requested 3 development variances to the Mudge Island Land Use Bylaw (LUB) No. 228 as follows:
 - To permit the existing siting of two accessory buildings to be located 0.0 metres from the interior side lot line.
 - To permit the existing siting of a compost structure to be located 0.0 metres from the exterior lot line, and accessory building (studio) to be located 0.2 metres from the exterior side lot line.
 - To permit a maximum lot coverage of 14.4% for existing buildings and structures.
- New information received by email from the Archaeology Branch regarding the deck states that due to the known archaeological sites located on the property any future excavation on the site would require a permit.
- Staff have received written submissions from the public in which 8 opposed the approval of any variances to the LUB and 1 submission was presented as neutral.

- She advised the LTC that their options are to approve the variance permit as presented, deny it, or request Staff to redraft it.

Discussion ensued regarding the archaeological site and the following points were made:

- The Archaeology Branch's concerns were specific to the deck and did not address the movement of any accessory buildings.
- The Archaeology Branch map is to be considered accurate while the Islands Trust map is a generalized overview of the site.
- The onus is on private property owners to consult with the Archaeology Branch regarding any excavation work done on the foreshore within the specified region.

Planner Zupanec clarified that when a determination of compliance with land use bylaws is required staff considers the bylaws that were in affect at the time the buildings were constructed.

The Applicant noted the difficulties she has experienced in dealing with the bylaw complaint due in part, to the conflicting information received from the various government agencies involved in the file. She noted that she inherited the property as is and therefore she had not been involved in any construction that was not in compliance with the land use bylaws.

Further discussion ensued and the following points were made:

- Concerns regarding 0.0 metre setback.
- Concern regarding bylaw enforcement as a complaint driven process.
- Questions regarding the 10% maximum lot coverage allowance on Mudge Island.

Planner Zupanec clarified that septic fields and tanks are not considered part of the 10% allowance. She also stated that the community can request an amendment to the Official Community Plan (OCP) and once the LTC prioritizes a request as a project then a review could be undertaken.

- Concern regarding the difference in maps between the Islands Trust and the map issued by the Archaeological Branch.

Planner Zupanec indicated archaeological sites are provincially protected, that specific locations are not disclosed, and that the Archaeological Branch is in possession of specific mapping details.

Discussion ensued regarding:

- Each of the sections of the LUB that were being considered for variance.
- The Trustees indicated that they had visited the property and viewed the existing buildings and had heard the comments and concerns of neighbors and members of the community.

- It was acknowledged that MoTI also has an interest in portions of the application for variance, as some buildings are encroaching on the road.
- It was further clarified that the LTC is considering an application to move the setback at the road to 0 and not beyond the property line, which would create a negative setback.

GB-2016-063

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to amend Draft Development Variance Permit GB-DVP-2016.2 for reconsideration by the Local Trust Committee by

- 1) removing the variance completely for the interior side setback;
- 2) excluding the compost structure from the variance to the exterior side setback;
- 3) revising, if necessary, lot coverage percentage based on the applicant's confirmation of intent to retain or remove all accessory buildings as shown on Schedule A.

CARRIED

11. BREAK

By general consent the meeting was recessed at 12:05 pm and reconvened at 12:25 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated July 5, 2016

Regional Planning Manager Kjerulf noted that Top Priority No. 1 was near completion.

Discussion ensued regarding the lack of a water taxi service on Gabriola and that the community has expressed concern regarding the inability to get on or off the island outside of scheduled ferry crossings. Due to community interest, the feasibility of water taxi service and locations for said service should be explored.

GB-2016-064

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee review Official Community Plan and Land Use Bylaw provisions to encourage water taxi service near Descanso Bay be moved to the Top Priorities List.

CARRIED

GB-2016-065

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add a review of maximum lot coverage requirements in the Mudge Island Official Community Plan and Land Use Bylaws to the Projects List.

CARRIED

In response to a question from a member of the public, Regional Planning Manager Kjerulf stated that in order for staff to review and work on an item on the Projects List, it has to be moved to the Top Priorities List by the Local Trust Committee.

13.1.2 Projects List Report dated July 5, 2016

Received for information.

13.2 Applications Report dated July 5, 2016

Received for information.

13.3 Trustee and Local Expense Report dated May, 2016

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

No comments.

13.6 Chair's Report

Chair Busheikin reported on the following:

- At the June, 2016 meeting the Executive Committee resolved to ask if someone from Islands Trust could participate with the Southern Gulf Islands Working Group on Anchorages and be invited to their next meeting.
- The Executive Committee is discussing an adaptation plan in the event Salt Spring Island residents vote to incorporate as a municipality.
- A half day facilitated visioning session is being planned to take place at the September, 2016 Trust Council meeting.
- A representative from the San Juan Islands has been invited to attend the September, 2016 Trust Council meeting.
- She met the senior intergovernmental policy advisor. This new position will focus on marine environment issues and First Nations relationship issues across the Trust Area.

13.7 Trustee Reports

Trustee O'Sullivan thanked those in attendance for hosting the LTC meeting and noted the importance of Trustees coming to Mudge Island and building community relationships. She invited the community to let Trustees know if there are other roles they might play in community building or local government representation within the community.

Trustee Mamoser reported on the following:

- During the recent Trust Council meeting it became evident that there is a need to reinvigorate Island residents on the uniqueness of the Islands and perhaps revisit how they can expand on the Islands Trust preserve and protect mandate and this will be done at the upcoming visioning session at the September, 2016 Trust Council meeting.
- She, along with Trustee O'Sullivan, put a motion forward at Trust Council to put a moratorium on any new anchorages in the Trust Area which passed unanimously.
- A Natural Areas Protection Tax Exemption Program (NAPTEP) was created and Link Island is now protected under covenant.
- Trust Council is looking at amending procedural bylaws to allow electronic meeting attendance and she would like to focus on the possibility of having residents as well as Trustees attend meetings electronically.

13.8 Electoral Area Director's Report - none**13.9 Trust Fund Board Report - none****14. NEW BUSINESS - none****15. UPCOMING MEETINGS**

15.1 Special Meeting Scheduled for Thursday, July 21, 2016 at 10:15 am at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

15.2 Next Regular Meeting Scheduled for Thursday, September 8, 2016 at 10:15 am at Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

16. TOWN HALL

Jess Anderson noted that the maximum lot coverage bylaw was drafted, and went to first reading, in 2007. He questioned if it might be appropriate to review the Mudge Island OCP and LUB at this time. Regional Planning Manager Kjerulf indicated that staff could reference the bylaw review maintenance schedule and provide feedback at the next regular LTC meeting. It was also noted that any anomalies could be put onto the Mudge Island housekeeping list. Chair Busheikin encouraged Mr. Anderson to send an email outlining his concerns in point form so that they will be on record. Planner Zupanec further stated that any bylaw concerns can also be addressed through a Bylaw Variance request.

Sam Isaacs noted that some items on the Projects List had been there for some time and he appreciated that the maximum lot coverage review had been added to the list. He asked how an item gets moved from the Projects List to the Top Priorities List. Trustee Mamoser replied that when an item gets put onto the Projects list there is an intent to move it to the Top Priorities List and community interest and urgency become part of the consideration process.

GB-2016-066

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add a targeted review of an Official Community Plan review for Mudge Island to the Projects List.

CARRIED

17. CLOSED MEETING - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:07 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder



Gabriola Island Local Trust Committee Minutes of Special Meeting

Date: July 21, 2016
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

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

Staff Present Sonja Zupanec, Island Planner
 Rob Milne, Island Planner
 Ann Kjerulf, Regional Planning Manager
 Lisa Millard, Recorder

Others Present There were approximately eight (8) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

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

Chair Busheikin explained what a Special Local Trust Committee Meeting is and stated that this meeting is not a Community Information Meeting. Discussion ensued about adding a Town Hall to the agenda. It was decided that prior to the Trustee's discussion on Item Nos. 3, 6 and 7, an invitation to receive comments from the public would be made.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

3.1.2 Email dated July 20, 2016 from Ryan Anderson GB-RZ-2016.2 (OTG Developments – James, Dempsey Rd).

By general consent the agenda was approved as amended.

3. APPLICATIONS AND REFERRALS

3.1 GB-RZ-2016.2 (OTG Developments - James, Dempsey Road)

3.1.1 Staff Report dated May 26, 2016

Planner Zupanec noted that the Applicant was not in attendance but would be available by phone if necessary. She reviewed the Staff Report and summarized the Applicant's proposal to rezone the subject property from Resource to Resource Residential in order to facilitate the subdivision of a 10.7 hectare lot into two lots. She noted that the late correspondence received from the Applicant did not change staff recommendations for the proposal.

Discussion ensued and the following points were considered:

- The proposal was inconsistent with some Official Community Plan (OCP) policies.
- There are a limited number of properties zoned Resource and these properties were zoned as such for the purpose of protecting larger tracts of land.
- Residential build out comparisons.

GB-2016-067

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee proceed no further with application GB-RZ-2016.2

CARRIED

GB-2016-068

It was MOVED and SECONDED

that the Applicant for GB-RZ-2016.2 be issued a refund in the amount of \$1300 as per Gabriola Fees Bylaw No.245.

CARRIED

GB-2016-069

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to advise OTG Developments that they may reapply only after one year from this date.

CARRIED

3.1.2 Email dated July 20, 2016 from Ryan Anderson, OTG Developments

Received for information.

4. CLOSED MEETING

4.1 Motion to Close the Meeting

GB-2016-070

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(l)(a) consideration of appointments to Board of Variance, (d) adoption of Closed Meeting Minutes dated February 11, 2016 and (i) receipt of advice that is subject to solicitor-client privilege and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 10:46 am.

4.2 Recall to Order

The meeting was re-opened to the public at 12:22 pm.

By general consent Item 4.3 was re-ordered to take place after Item 5.

5. BREAK

By general consent the meeting was recessed at 12:22 pm and reconvened at 12:45 pm.

Approximately twenty-five (25) members of the public joined the meeting and Chair Busheikin reiterated that this was not a Community Information Meeting, nor was there a Town Hall on the agenda. However, prior to the Trustee's discussion on Item Nos. 6 and 7, an invitation to receive comments from the public would be made.

4.3 Rise and Report

Chair Busheikin reported that in the closed meeting

- The Local Trust Committee (LTC) appointed Sheila Ray, Jack Woodward and Laurie Jackson to the Board of Variance for the Gabriola Island Local Trust Area.
- Legal advice was requested and received on the interpretation and application of density transfer policies in the Gabriola Island Official Community Plan in relation to the Potlach Proposal. The legal opinion was prepared by Islands Trust Solicitor Bill Buholzer who wrote the publication *British Columbia Planning Law and Practice* which is the acknowledged authority on interpreting and using the *BC Local Government Act*.

- The Local Trust Committee may consider density transfer proposals that do not fit the literal scope of the density transfer policies set out in the Official Community Plan in regard to the current zoning of the receiver site (in this case, Forestry rather than Resource).
- With respect to density calculations, it is feasible to apply Resource zoning to the entire receiving site, despite that some of it is currently in the Forestry zone, to illustrate that the proposed density of 25 lots on the receiving lands meets the intent of the Official Community Plan density transfer policies.
- Generally speaking, density transfers under Part 14 of the *Local Government Act* involve concurrent rezoning of donor and receiver sites in the manner reflected in proposed Bylaw Nos. 289 and 290, and there is no legal need to undertake a two-step rezoning process.

6. APPLICATIONS AND REFERRALS CONTINUED

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

The following comments were received from members of the public:

- Written comments received from the public did not seem to be addressed in the July 11, 2016 Staff Report.
- Affordable housing, roads, septic issues, environmental impact, and riparian concerns have not been fully addressed to date.
- There is concern about the impact on aquifer recharge areas and that tree loss will continue, or occur, with the proposed development.
- The Gabriola Land and Trails Trust (GaLTT) is in support of the proposal due to the park lands that will be received through the donor lands, and if the Regional District of Nanaimo (RDN) does not accept the lands then GaLTT is willing to help explore other options for land maintenance.
- It was suggested that trail connections in the receiver parcels be established and protected by means of creating linear parks or trail licenses held by GaLTT and then subsequently transferred to a strata group.
- Decisions regarding trail licenses might better be made by elected officials.
- It was suggested that the LTC consult with individuals that were affected by the density transfer that resulted in the creation of the 707 Community Park.
- Added population in the Taylor Bay Road area is a concern.
- Secondary dwelling cottages, where allowed, could partially address the affordable housing issue.

6.1.1 Staff Report dated July 11, 2016

Planner Milne summarized the report and addressed the following concerns that were raised at the June 18, 2016 Community Information Meeting as follows:

- That the rezoning of the receiving properties directly to the proposed Residential Resource 2 zone without first rezoning the Forestry parcel to Resource was determined to be acceptable as per the legal opinion received.
- The method of calculating the density of the receiving areas was done in alignment with, and within the context, of the OCP and that this method has been legally confirmed.
- That upon review it was confirmed that it had previously been determined that there was not a requirement for a covenant between Lots 6 and 7 of Plan VIP86742.
- The concern about the use of using rainwater as a potable source of water was addressed through the publication “Rainwater Harvesting, Best Practices Guide”, which is posted on the RDN website. Planner Milne also indicated that the installation of cisterns could be placed as a condition of approval for this proposal.
- That the existing Forestry designation on some of the lands does not provide environmental protections.
- That there are seven potential lots in the proposed subdivision that allow an accessory cottage building which could be recognized as providing affordable housing options.
- The Mallett Creek area is protected through the provincial Riparian Areas Regulation (RAR).
- Trail locations, connections and access agreements will be addressed through the receiving organization of these donated lands and that the RDN has expressed interest in engaging in discussion regarding said trails and parks.

Planner Milne stated that the application was in the early referral process and that any concerns brought forward through the referral process will be addressed. He also noted that the Advisory Planning Commission will be giving consideration to the Application during a July 26, 2016 meeting.

Discussion ensued regarding the following topics:

- The designation of Small Rural Residential versus Resource.
- The size of the parkland donated in relation to average lot size calculations and if the parkland is decreased would lot size, and thereby densities, increase. Planner Milne stated that the intent is not to increase densities beyond the current proposed number.
- There are discrepancies in the sizes of the lots when comparing BC Assessment information and actual survey sizes. It was noted that the smaller sizes were used for the purpose of density calculations.
- The importance of communicating that the areas zoned Large Rural Residential and Agriculture are excluded from the rezoning proposal.

- There are Large Rural Residential and Agriculture zoned areas of parts of receiving parcels which are outside of the receiving area making these split zoned lots. Each portion of a split zoned lot is regulated by the bylaws related to each specific zoning designation which includes the number of residences allowed.
- The portion of the lot that includes some Agriculture zoned land would require Agricultural Land Commission approval to subdivide.
- Clarification on the benefits and drawbacks of amending the Riparian Areas Regulation to include Mallett Creek and what protections might be allotted to the area based on a Qualified Environmental Professional's (QEP) assessment.
- Trails and trail connections have been identified as a public concern and options such as linear parks, access agreements, easements and covenants are options to be considered. It was suggested that these be included in the Applicant's proposal and a more detailed conceptual lot layout showing trails and accesses be provided.
- The Ministry of Transportation and Infrastructure (MoTI) evaluates the roads based on anticipated traffic volumes. MoTI is responsible for road access off of the bare land strata common driveway but the driveway itself would not be under the Ministry's jurisdiction. MoTI's primary concern regarding bare land strata roads are public health and safety, emergency access, and the potential for accidents.
- Perceptions that the bare land strata common road denotes a gated community which would restrict access. While the proposal does not include provisions for a gate, public access agreements can be considered and put into place.
- Ensuring the public knows that in this proposal the term bare land strata means a common driveway maintained by property owners and that the connector road is the Spruce – Church connection which would be maintained by MoTI.
- What are the differences between re-designating donor lands as Park, Forestry / Wilderness Recreation or Resource Conservation?
- The task facing the community is to weigh the concerns about the impact of the development versus the increased park land that is being offered in exchange.
- The possibility of including issues such as maximum dwelling size, rain water catchment, water conservation, and gray water use in the community conversation at upcoming Community Information Meetings.

By general consent the meeting was recessed at 2:29 pm and reconvened at 2:41 pm.

GB-2016-071

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to send Bylaw Nos. 289 and 290 to the Ministry of Transportation and Infrastructure for early referral.

CARRIED

GB-2016-072

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to prepare an updated report addressing the following:

1. Designation to Resource (R), instead of Small Rural Residential (SRR).
2. The calculation of the average lot size based on the full receiver parcel size.
3. More detailed information on lot and zone sizes in donor and receiver parcels.
4. Clarity on what is being done with the Large Rural Residential (LRR) zoned portion of the lots, the Agricultural zoned portion of the lots, and the remainder of the lots in the donor parcel.
5. Benefits and drawbacks of amending the Riparian Areas Regulation Development Permit Area versus Park protection on Mallett Creek.
6. Options for designating and rezoning the donor lands.
7. Bike trail provisions on the Spruce – Church connector.
8. A communication plan including Town Hall sessions addressing specific issues such as, but not limited to, public green space and water.
9. Adding clear language around water catchment and conservation covenants and trail access agreements and / or easements.
10. The impact on proposal of having the common driveway be a dedicated road instead.

CARRIED

Planner Milne and Regional Planning Manager Kjerulf left the meeting at 2:49 pm.

7. LOCAL TRUST COMMITTEE PROJECTS

7.1 Gabriola Housing Options Review Project

Chair Busheikin asked if any members of the public wished to speak and the following comments were noted:

- The project calls for reviewing the possibility of permitting secondary suites or accessory cottages on lots larger than 2.0 hectares versus smaller lots and this provision might minimize the impact of extra water use for those with neighboring properties.
- Why were trailers not considered permanent housing? Planner Zupanec stated that manufactured homes attached to concrete rail foundations are considered a permanent dwelling but if on a chassis they are considered a temporary dwelling.
- Clustered housing is typically needed for affordable housing and if it were to be developed then infrastructure such as sewer systems, common water systems, and solar systems would be needed.
- Shipping containers could be considered as an affordable housing option as part of the tiny home and temporary dwelling review.
- Smaller housing requires less expensive building permits.
- Attracting and maintaining young families who will support the businesses required for an aging population needs to be considered.
- Bylaw No. 250, which states toilets are not allowed in secondary buildings, should be reviewed.
- There are also limited options for senior citizens wishing to downsize.
- The existing land use bylaws restrict the possibility of affordable housing. There are allowances for increased densities for multi-family buildings for seniors but not for those with special needs.

7.1.1 Supplemental Staff Report dated July 5, 2016

Planner Zupanec summarized the Staff Report and highlighted the following:

- The refined objectives of the project.
- The scope of the project in Phase 1 and the proposed scope for Phase 2 which could occur in the 2017 / 2018 Islands Trust fiscal year.
- The 2016 Census Data is anticipated to provide information that can further define the scope of Phase 2.
- The proposed project timeline and work plan overview.
- The Advisory Planning Commission was identified as a key group to engage and work with.
- The budget allocated to the project.

Discussion ensued and it was noted that:

- Most properties that were 2.0 hectares in size or larger were further removed from the village core and ferry services, therefore properties of this size might not be ideal for affordable housing.
- Is it possible to determine how many cottages have been built and are currently being used as an affordable housing option?

- Is it known why commercial building owners are not constructing apartments on the upper level of their buildings as is allowed?
- There is potential to develop a survey to attempt to determine what is currently in use and working based on what is currently allowed in terms of secondary dwelling buildings.

Further discussion ensued regarding items that might be included in Phase 2 of the project, specifically, a review of Bylaw No. 250, as well as items that might be added to the out of scope list for consideration in Phase 2 of the project.

GB-2016-073

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the Gabriola Housing Options Review Project Charter (as revised).

CARRIED

8. NEW BUSINESS

8.1 Local Trust Committee Budget Request for 2017-2018

8.1.1 Staff Report dated July 12, 2016

Planner Zupanec summarized the Staff Report and the proposed LTC project budgets for the 2017 / 2018 fiscal year.

GB-2016-074

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve and forward the draft 2017-18 budget submission to the Financial Planning Committee as presented.

CARRIED

9. UPCOMING MEETINGS

9.1 Next Regular Business Meeting Scheduled for Thursday, September 8, 2016 at 10:15 am at Gabriola Arts & Heritage Centre, 476 South Road, Gabriola Island, BC

10. ADJOURNMENT

By general consent the meeting was adjourned at 3:52 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder

Resolutions Without Meeting

Gabriola Island

Resolution #	Action	Resolution Description	Resolution Date
2016-08	In Favour	"THAT the Gabriola Island Local Trust Committee authorize the release of \$350 from the Gabriola Local Trust Committee Special Projects budget for the purposes of hosting a lunch for the VIU Village Design Charrette on Wednesday September 7th and that the organizers of the event be given permission to name the Gabriola Island Local Trust Committee as an event sponsor."	03-Aug-2016



Gabriola Island Advisory Planning Commission Minutes

Date of Meeting: Tuesday July 26, 2016
Location: Gabriola Arts Centre
476 South Road, Gabriola, BC

APC Members Present: Madeleine Ani, Chair
Stuart Denholm, Secretary
Bob Andrew
Anne Landry
Kees Langereis
Jim Prunty

Staff Present: Rob Milne, Island Planner
Lisa Millard, Recorder

Others Present: Heather O'Sullivan, Local Trustee
Melanie Mamoser, Local Trustee
There were 14 members of the public and 1 member of the media present

1. CALL TO ORDER

Chair Ani called the meeting to order at 5:35 pm. She introduced the members of the Gabriola Island Advisory Planning Commission (APC), Planner Rob Milne, and the Local Trustees in attendance. She stated that the Applicant was present and was available to answer questions. She advised members of the public the meeting was for observation only.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

APPLICANT STATEMENT

The opportunity for the Applicant to make a statement was added to the Agenda and replaced previous Item No. 4.

ELECT NEW SECRETARY

Previous Item No. 4 was reordered and became Item No. 6.

ADJOURNMENT

Previous Item No. 6 was re-ordered and became Item No. 7.

By general consent the agenda was approved as amended.

3. MINUTES

3.1 Gabriola Advisory Planning Commission Draft Minutes dated February 25, 2016

By general consent the minutes of February 25, 2016 were adopted.

4. APPLICANT STATEMENT

The Applicants stated that their intent was to create a development that featured clustered homes while including as much protected park land and trails as possible. They mentioned the various community groups they had met with, including local Trustees, during the conceptual stages of the process for the purpose of designing a development that suited what the public might want.

5. REVIEW & COMMENT ON PROPOSED BYLAWS NOS. 289 & 290

Chair Ani stated that both she and APC Member Landry are on the Board of the Gabriola Island Land and Trails Trust (GaLTT) and that GaLTT has publicly noted their support for the proposal. She indicated that neither she, nor APC Member Landry, were in conflict of interest in regard to this Application. APC Member Bob Andrew stated that he is on the Board of the Gabriola Island Stream Keepers and the organization has declared itself a non-political body and he is not in conflict of interest.

5.1 Comment on Proposed Bylaws arising from Application GB-RZ-2016.1, the intent of which is to:

- 1. Transfer densities from three properties between Coats Marsh Regional Park and the 707 Community Park to an area near the Island's Village Core.**
- 2. The density transfer would result in the creation of 25 lots with an average lot area of 1.9 ha (4.7 acres) on four receiving properties.**

5.2 Planner Rob Milne Presentation, Q & A

Planner Milne conducted a Powerpoint presentation and highlighted the following:

- The purpose and intent of the proposal.
- The density transfer is allowed under the Official Community Plan (OCP) policy 5.2(i).
- A recent legal opinion obtained by Islands Trust states that the Local Trust Committee (LTC) has legislated authority to allow for the number of densities proposed.
- Maps of donor lands, receiving lands, current and proposed zoning for all parcels, and the proposed subdivision were shown.
- A review of proposed Bylaw Nos. 289 and 290 was given.
- The proposed Church - Spruce road connection would be maintained by the Ministry of Transportation and Infrastructure (MOTI) and the bare land strata

driveway which is proposed to provide pedestrian access would be common property.

- Possible trail connection locations were featured and the use of covenants and easements to protect public access to parks and trails was discussed.
- Key aspects of the application are that it is density neutral, provides an addition of 136 ha (hectares) of land to the 707 Community Park and a further dedication of 19.3 ha of park land adjacent to the Cox Community Park and Mallett Creek.
- A timeline for the project was reviewed.

Planner Milne provided copies of a May 27, 2005 press release regarding a density transfer application as prepared by the LTC members at that time and he highlighted key aspects of the decision.

APC Member Jim Prunty arrived at 6:05pm.

APC members asked Planner Milne the following questions and his responses follow:

- If the Ministry does not approve the change to the OCP would any covenants put in place still apply?
 - The Ministry's role is to review the subdivision design and ensure it is statutorily compliant.
- How long will it take for the timeline to be completed?
 - A minimum of 18 months, dependent on how quickly referrals come back and how long it takes to develop solutions to concerns.
- If the Regional District of Nanaimo (RDN) accepts the donor area parklands and trails in the receiving area, then would the RDN also do the trail and park mapping?
 - Yes, in consultation with the community.
- What is the timing for the covenants and easements to be put in place in regard to the park and trail access?
 - After connector locations are identified and before the bylaws are adopted.
- When might the RDN determine if they will accept the park lands?
 - Potentially by the end of October. They have received early referral so they can begin the review process.
- Is the calculation that obtains an average lot size of 4.7 acres correct? The calculation for density transfers in the OCP and the Land Use Bylaws (LUB) differ. It appears there could be 33 lots by removing some of the proposed parkland.
 - The proposal is for 25 lots and a covenant can be applied to guarantee what is being proposed. The Rural Residential 2 (RR2) zoning sets a minimum lot size and the LUB will be amended to represent this.
- The developer could choose to design a different subdivision than what is proposed. At what point can the plan not be changed if the covenants get added to the lands after the public hearing process?
 - If, at the end of the public process, the community is still not happy then the proposal can go back to consultation.
- If there is a significant change to the application after the public hearing, would it go back to a public hearing again?

- Yes, the LTC ensures that the public process is due process.
- How many lots will be exiting onto Taylor Bay Road?
 - There are 16 lots that share the common driveway that exits onto Taylor Bay Road. The proposal has been referred to MOTI and the LTC anticipates further discussion regarding the road.
- If the RDN does not accept the lands are there other bodies that might be interested in it?
 - The RDN has expressed interest, however, if they do not accept it then appropriate stewards would be identified and approached.
- The current bylaw allows for an average lot size of 1.9 acres and this proposal conflicts with the OCP.
 - The OCP is intended to be a policy document that lays out intent rather than a regulatory document. It is up to the community to determine if they want to move the bylaw forward or not.
- Is the RR2 zone designation limited to this proposal?
 - It is a new zone being created for the receiving parcels.

APC Member Langereis would like the Minutes to reflect that a discrepancy exists between the current OCP language and the proposal.

- The Applicant was asked if they had spoken to MOTI regarding Taylor Bay Road access and the Spruce – Church Connector.
 - The Applicant responded that there has not been an approving officer at MOTI for some time, however, once MOTI received the referral a file would be opened and they could then begin to look at what is necessary regarding road improvements.

5.3 Consider, at a broad level, whether the proposal taken as a whole is positive, negative, or neutral for Gabriola and Gabriolans

A round table was conducted and the following comments were made:

- Benefits of the proposal include increased park land, Mallett Creek protections, ecosystem protections, additional trails, road connection reduces emissions by creating a shorter route to the village and increases public safety, strata roads allow for narrower roads and more flexibility, larger 4 to 5 acre lots enhance the rural aspect of the community, trail connections encourage walking and cycling and decreases traffic to the village, and a protected helicopter route to the Medical Clinic will be ensured.
- Concerns about the proposal include the potential impact on water supply, increased sewage, an increase in the parks budget, increased traffic in the Spruce – Church neighborhood, loss of forestry land and therefore loss of harvestable timber, affordable housing is not addressed, there will likely be expensive homes and no opportunity for a mix of social structure.
- APC Member Langereis maintains there is an increased density of two and therefore the transfer is not neutral.
- There is no clear description of actual lots in the plan such as how the split lots will be treated.
- Some disagree with having a one-step bylaw approval process instead of two steps, while others support the one-step process.

- If the community does not want this to happen then the density transfer provision in the OCP might need to be repealed.
- The recommendation that cisterns be required should be enforced and minimum capacity should be specified.
- Due to loss of forestry land, an analysis should be undertaken to determine what the community thinks should be a base for harvestable timber in the long term.
- What is the environmental impact?
- Is there any mechanism to ensure property owners do not strip their lots of trees? Can the LTC prevent clear cutting?
- The common road access at Taylor Bay Road is at an area of existing traffic concerns.
- Some parkland should be left wild without trail systems and public access.
- Park dedications, access and easements should be established before the process gets too far along.
- There is nothing preventing the Applicant from doing something else with the excess proposed parkland that is above the 5% required as per the density transfer policy.
- There is liability in the riparian area in regard to maintaining the dam.
- There should be further discussion regarding the Spruce – Church connector and if it should be an open or gated road.
- Can the Mallett Creek setback be increased?
- The scale of the proposal, with 25 lots over a large tract of land, is not that large.

Trustee O’Sullivan arrived at the meeting at 7:10 pm and Trustee Mamoser left the meeting at 7:10 pm.

5.4 Note points for Trustees to consider in evaluating the proposal

Discussion ensued regarding points for Trustees to consider.

GB-APC-2016-04

It was MOVED AND SECONDED

that the Gabriola Island Advisory Planning Commission requests that the Gabriola Island Local Trust Committee review the minutes of the July 26, 2016 APC meeting.

CARRIED

5.5 Discuss the possibility of a subsequent Advisory Planning Commission meeting on the proposal if / when more information becomes available

Discussion ensued regarding further referral.

It was MOVED

that the Gabriola Island Advisory Planning Commission neither recommends proceeding or not proceeding with the bylaw application and that the Gabriola Island Local Trust Committee refers the application to the Gabriola Island Advisory Planning Commission again when more information is available.

Chair Ani announced that there being no Seconder the motion did not move forward.

GB-APC-2016-05

It was MOVED AND SECONDED

that the Gabriola Island Advisory Planning Commission give a recommendation to the Gabriola Island Local Trust Committee to proceed with the next steps in the proposed bylaw evaluation process on a conditional basis and the condition being that the bylaws are referred back to the Gabriola Island Advisory Planning Commission for further consideration once more information is available.

CARRIED

APC Member Denholm would like the Minutes to reflect that he appreciated that the Chair listened to each of the Member's input into making recommendations to the LTC.

By general consent the meeting was recessed at 8:02 pm and reconvened at 8:11 pm.

6. ELECT NEW SECRETARY

APC Member Stuart Denholm advised that he was stepping down as Secretary but would remain on the Advisory Planning Commission for the duration of his term.

Chair Ani reviewed the duties of the APC Secretary and asked for expressions of interest. APC Member Langereis stated that he was interested. No other expressions of interest were forthcoming.

GB-APC-2016-06

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Commission appoints Kees Langereis as Secretary.

CARRIED

7. ADJOURNMENT

By general consent, the meeting was adjourned at 8:19 pm.

Madeleine Ani, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gabriola Island

07-May-2015

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

14-Jan-2016

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

10-Mar-2016

Activity	Responsibility	Target Date	Status
Add the following to the Resources webpage: -Coastal Douglas-fir partnership info -ungulate feeding factsheet -eagle nest inventory -Building Sustainably Guide	Aleksandra Brzozowski	31-Mar-2016	On Going

Follow Up Action Report

26-May-2016

Activity	Responsibility	Target Date	Status
Roadside signage review: GB resolution requesting staff prepare LUB amendments to support multiparty directional signage; definitions for obsolete and derelict signs; change definition of third party signage; and enable temporary signs similar to real estate signage.	Teresa Rittemann	08-Sep-2016	Done
GB Proposed Bylaw 280 - given second and third reading; forward to EC for approval.	Becky McErlean Aleksandra Brzozowski	31-May-2016	Done

14-Jul-2016

Activity	Responsibility	Target Date	Status
Defer correspondence item 9.1 from July 14/16 LTC agenda to September 8 LTC meeting.	Becky McErlean	29-Jul-2016	Done
GB-DVP-2016.2 - Staff to amend the draft DVP and return to LTC for re-consideration with the following changes: 1. remove the variance for the interior side setback; 2. exclude the compost structure from the variance to the exterior side setback; and 3. revise (if necessary) the lot coverage variance % based on applicants confirmation of intent to retain, remove or reduce accessory buildings as shown on Schedule A.	Teresa Rittemann	31-Aug-2016	Done

21-Jul-2016

Activity	Responsibility	Target Date	Status
GB-RZ-2016.2 Close file and issue refund to applicant as per LTC resolution.	Penny Hawley	29-Jul-2016	On Going

Follow Up Action Report

GB-RZ-2016.1 (Potlatch) - staff to prepare a report clarifying the issues identified by the LTC for Sept 8 LTC meeting; refer proposed bylaws only to the Ministry of Transportation and Infrastructure as an early referral at this time. Referral has been sent out - BM.

Becky McErlean
Rob Milne

08-Sep-2016

On Going

Housing Options Review Project - LTC resolution to endorse the project charter as amended. Post to website. Return a draft community survey to LTC in September for review on in-scope housing considerations.

Sonja Zupanec

08-Sep-2016

On Going

2017/2018 Budget - LTC resolution to approve and forward the draft budget submission to FPC as presented.

Ann Kjerulf

31-Aug-2016

On Going

From: Kathy Dennison [REDACTED]
Date: May 24, 2016 at 12:13:27 PDT
To: mmamoser@islandstrust.bc.ca
Cc: hosullivan@islandstrust.bc.ca, lbusheikin@islandstrust.bc.ca
Subject: Mobile Milling on Gabriola

May 23, 2016
Island Trust Office

Please add this to your Current Agenda.

Dear Islands Trust:

We have an issue that is of utmost importance to a great number of Gabriolans. It has come to our attention that the operation of a private mobile mill on this island is an infringement of the local bylaws. We have been informed that there are only two places designated on Gabriola where the operation of a mill is legal. This is not common knowledge to most Gabriolans and there are probably 20 to possibly 50 personally owned mills on private property in our community, some owned by leaders of our community, that are not able to operate within legal parameters.

Apparently, on almost all the other Gulf Islands, personal mobile milling is allowed - except for Gabriola and one other island. This is a travesty as it is so much more eco friendly and economical to be able to mill and clear your own land and prepare the timber/lumber on your own property rather than to have it trucked many miles away to have it cut. Also, it is folly to think that the owners of the 2 designated milling areas would allow others to bring their mills to those spots and utilize the property for personal cutting.

Cutting and milling our own lumber from our own logs has been a time honoured tradition for many on the West Coast of B.C., and it is a responsible way in which to create our own homes on our local island. Please do not let this very logical activity slip away from the grasp of all Gabriolans.

We are asking that the Islands Trust committee place this on their current agenda and review this bylaw at their next meeting and amend it to allow private milling with personal mills on our own property, year long except perhaps for seasonal fire bans and shut downs.

Thank You,
Sincerely,

Joseph Burroughs and Kathy Dennison
[REDACTED]

[REDACTED], Gabriola, B.C., V0R 1X3

From: Merry Shannon [REDACTED]
Sent: Friday, July 15, 2016 10:08 AM
To: Melanie Mamoser; Heather O'Sullivan
Cc: Becky McErlean
Subject: Fwd: farm animals on SRR lots

Hi Heather and Melanie,
Here is my request for an agenda item for the Sept 8 meeting. Thank you. I would like to attend this meeting if possible. I don't need to speak to it, unless you advise me to.
I have a question - do you require supportive letters or emails for this issue at this time? I know there is support for control of animal noises on SRR lots.

Thanks,
Merry.

Please consider the impact of noisy, foul-smelling farm animals on neighbourhoods in SRR zoned properties.

Animals like sheep, goats, and especially roosters are noisy and disturb the peace that we have enjoyed and expect in our SRR neighbourhoods. These animals are extremely loud, sometimes through the night, always in the early morning, and at any other time they are disturbed. When there are too many of them, they smell bad, and potentiate health hazards.

On SSR lots, certain animals should be disallowed, limited in number, or contained to reduce the noise they make.

These considerations fit in with the vision of Islands Trust – to “preserve Island communities, culture and environment.”

The following is from Sonja Zupanec, Island Planner, Islands Trust: (personal communication, June 7, 2016)

- A few years ago the Local Trust Committee initiated the [Gabriola Food Security and Farmland Protection Project](#) to encourage agriculture on the island but maintained the provision for horticulture NOT agriculture on the SRR zoned lots. They decided to keep the provision for residents or landowners to keep animals (of any kind) for personal use only. This includes the keeping of chickens (including roosters); peacocks, donkeys, dogs, turkeys, guinea fowl, parrots etc...which would all have potential for nuisance/noise complaints but would be addressed through the RDN Noise Bylaw. It is not unrealistic for a small lot rural neighbourhood to involve a limited amount of disturbance from things such as rural living activities and animals kept for personal use. But outside of that the Noise Bylaw would be applicable.

Can we address these issues, outlined above by Sonja Zupanec, more specifically, in order to contain the proliferation of noisy, bad-smelling animals in SRR zoned lots? Specifically, we should disallow roosters, as other municipalities and cities do when they allow ownership of fowl.

Sincerely,
Merry Shannon
[REDACTED]
Gabriola
[REDACTED]



File No.: GB-DVP-2016.1 (SKINNER)

DATE OF MEETING: September 8, 2016

TO: Gabriola Island Local Trust Committee

FROM: Teresa Ritemann, Planner 1
Northern Office

SUBJECT: Development Variance Permit for GB-DVP-2016.1 (SKINNER)

Applicant: Elaine (Lou) and Hugh Skinner

Location: 57 Malaspina Drive, Gabriola Island
Lot 10, Section 24, Gabriola Island, Nanaimo District, Plan 13535
PID 004-503-252

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2016.1 at 57 Malaspina Drive with the following variances to Gabriola Island Land Use Bylaw No. 177, 1999:
 - (a) To reduce the natural boundary setback from 7.5 m to 5.2 m for the existing west fence;
 - (b) To reduce the natural boundary setback from 7.5 m to 5.1 m for the existing east fence;
 - (c) To reduce the natural boundary setback from 7.5 m to 6.7 m for the existing principal dwelling roof overhang;
 - (d) To reduce the front lot line setback from 6.0 m to 3.2 m for the existing plastic cisterns;
 - (e) To reduce the front lot line setback from 6.0 m to 1.8 m for the existing shed;
 - (f) To reduce the interior lot line setback from 1.5 m to 1.4 m for the existing accessory shop building;
 - (g) To reduce the interior lot line setback from 1.5 m to 0.0 m for the existing house and roof overhang;
 - (h) To reduce the interior lot line setback from 1.5 m to 0.9 m for the existing concrete cisterns; and
 - (i) To increase the maximum allowable lot coverage from 20% to 21.5%.

REPORT SUMMARY

This application requests multiple variances to Gabriola Island Land Use Bylaw in order to legalize the siting and setbacks of existing buildings and structures. The variances include:

- Variances to B.2.1.1.a (Setbacks from the natural boundary of the sea) in order to permit the siting of existing fences, decks, and a portion of the house roof overhang where they currently exist within the required 7.5 m setback to the natural boundary of the sea.

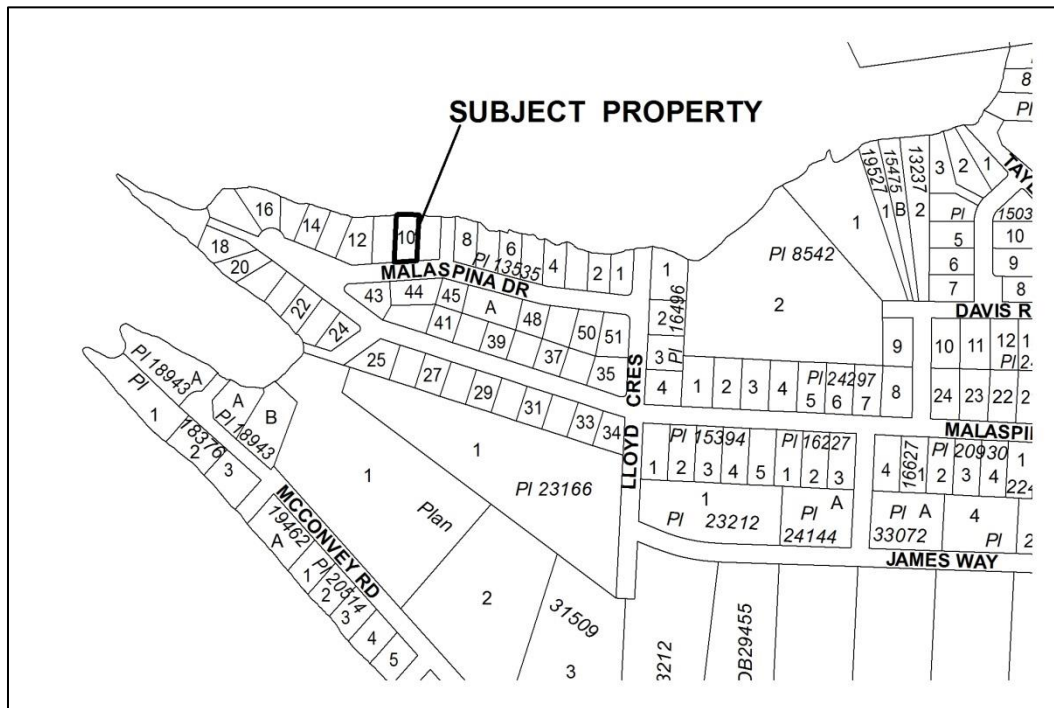
- Variances to D.1.1.3.a (Setbacks from lot lines) in order to permit the siting of an existing shed, a portion of accessory shop building, a portion of a house and roof overhang, and portions of two plastic cistern structures where they currently exist within the required 6.0 m front setback and required 1.5 m interior setback; and
- Variances to D.1.1.3.b.i. (Lot coverage limitations) in order to permit an increase in the maximum lot coverage from 20% to 25.4% for the existing buildings and structures on the lot.

Staff have completed an analysis of the variance requests and are recommending approval of the variances noted on page 1, including a lesser lot coverage variance (21.5%) than requested by the applicant (25.4%).

BACKGROUND

The location of the subject property is shown in figure 1 below.

Figure 1: Subject Property Map



The applicants, who are the current owners, acquired this property on February 26, 2016, and have provided the following history and summary table (see figure 2) of the property improvements, and rationale for this DVP:

- This application is a result of a complaint being registered with the Regional District of Nanaimo (RDN) regarding construction on the property by previous owners without an RDN Building Permit.
- The RDN Building Inspector visited the property, when under previous ownership, and upon review of historical building permit files, noted three (3) areas where construction had occurred without a permit including: two additions to the main residence; a deck addition to the accessory building; and ground level decks between the main residence and the natural boundary of the sea.
- The RDN Building Inspector required the previous owners to submit a building permit application to cover these deficiencies, and the current owners had no knowledge of the details of the deficiencies until they had purchased the property earlier this year.

Figure 2: Summary Table of Improvements (Buildings and Structures) and Lot Coverage (Confirmed by applicant)

<u>Building/ Structure</u>	<u>Square Metres</u>	<u>Constructi on Date</u>	<u>Has a BP?</u>	<u>Notes</u>
House	122.0	1970	No	
+ 2 Additions	0.0	Unknown		Area part of 122.0 house total. Area of additions unknown. Existing when previous owners took possession (2004).
+ Covered patio	7.0	Unknown	No	Existing when previous owners took possession (2004).
Accessory Building (Hobby Shop)	67.2	1981	Yes	
+ Shop Deck (19) + Shop stairs (1.9)	20.9	Unknown	No	Existing when previous owners took possession (2004).
Storage Shed	9.7	2008	No	
+ Covered area	5.3	2008	No	
Concrete cistern	4.4	Unknown	No	Existing when previous owners took possession (2004).
Two concrete cisterns	9.0	Unknown	No	Existing when previous owners took possession (2004).
Two plastic cisterns	9.8	2008	No	Previous Owners Comments: "Two plastic cisterns behind shop installed in 2008 as the 2 existent were not enough."
North (waterfront) Fence	0.8	2007-2008	No	Previous Owners Comments: "Wood deck & railings (glass railings) done 2007-2008 as per our insurance requested that we have a safe waterfront or insurance would not cover any incidents."
West Fence	4.6	Unknown	No	
East Fence (portion near waterfront)	0.8	Unknown	No	Constructed by neighbour. Fence on angle to property line.
Waterfront deck (wood)	29.8	2007-2008	No	Previous Owners Comments: "Wood deck & railings (glass railings) done 2007-2008 as per our insurance requested that we have a safe waterfront or insurance would not cover any incidents."
Ground level concrete pad	10.9	2007-2008	No	
Ground level connecting wood deck	6.5	2007-2008	No	
Total Lot Coverage	308.7			
Lot Size	1214.1			0.30 acres (13,068 sq. ft.) 20% coverage = 242.82 square metres
Percentage of Lot Coverage	25.4%			

Although the applicant initially only requested variances to satisfy RDN Building Permit requirements, during review of this application planning staff identified additional issues, which must also be addressed for land use bylaw compliance, and therefore form part of this Development Variance Permit (DVP) application. Photos from the site visit by staff on April 28, 2016 appear in Attachment 4.

ANALYSIS

Policy/Regulatory:

The subject property is designated Small Rural Residential by the Gabriola Island Official Community Plan Bylaw No. 166, 1997 (OCP) and zoned Small Rural Residential under Gabriola Island Land Use Bylaw No. 177, 1999 (LUB).

The Gabriola Island Official Community Plan has the following statements which may be used as a guide to the consideration of the requested variances:

General Land Use Objective:

- (3). To ensure development is undertaken in a manner which minimizes negative community and environmental impact;

Environmentally Sensitive Area Policies:

- (e). To protect against hazardous conditions and to protect environmentally sensitive areas a setback shall apply from the high water mark of the sea; and

Marine Resource Objective:

- (3). To protect the natural and scenic values of the coastline which provide the Island with its rural marine character;

Based on this general policy guidance, staff provide the following analysis of the requested variances:

Variances to the Setback from the Natural Boundary of the Sea

A number of encroachments exist within the required 7.5 m setback to the natural boundary of the sea.

- **House roof overhang:** The roof overhang of the house which projects into the setback of the natural boundary of the sea appears to be minimal and does not appear to affect viewpoints of neighbouring properties. **Staff are recommending that this portion be granted a variance.**
- **Portions of fences:** The portions of the fences along the side lot lines of the property are likely providing privacy between the neighbouring lots and appear to be of minimal impact to the setback from the natural boundary. **Staff are recommending that the portions of the fence along the side lot lines be granted a variance for their current location, but that the northern, glass, waterfront fence (see Figure 3) be removed,** particularly in respect of OCP statements concerning environmental sensitive areas and marine resources.
- **Ground level “connecting” deck:** A small portion of this 6.5 square metre deck is within the 7.5 metre setback from the natural boundary of the sea. **Staff are recommending that this “connecting” deck be removed so that the waterfront deck and concrete pad become “detached” from the house (with additional rationale below).**
- **Waterfront “wood deck”:** The waterfront deck (constructed without a building permit in 2007/2008) appears to be on solid rock (noted by Islands Trust mapping as hard shoreline with low rock/boulder), between a 2m and 4m contour line (Attachment 3), some portions of the waterfront deck are raised on footings above ground level. **Staff are recommending that any portions of the deck that are not at ground level be removed, in order to create a completely ground level deck.** If done in conjunction with

the removal of the “connecting” wood deck, the waterfront deck and ground level concrete pad would then be considered a “detached, ground level deck”. This would decrease the encroachment of structures into the natural boundary of the sea, and would likely negate the need for the glass railings around the deck which currently address potential safety concerns and property owner liability, yet appear to collide with the OCP Marine Resource Objective 3, *“to protect the natural and scenic values of the coastline which provide the island with its rural marine character”*. As a detached ground level deck, this would also affect the lot coverage calculation (see lot coverage analysis below).

Variances to the Front Lot Line Setback

Within the required 6 metre front lot line setback exists a portion of one plastic cistern and an entire second plastic cistern (to a minimum of 3.2 metres from front lot line), as exists the majority of the shed building including its roof overhang (to a minimum of 1.8 metres from front lot line). The front portion of the property is sloped so that the shed and cisterns are lower in elevation and difficult to see from the road, and MOTI has issued a setback permit for the current location of the shed to be located within 4.5 metres of the public road right-of-way. Although the topography and dimensions of the property do not restrict the locations of buildings and structures so much that they could not be located elsewhere on the lot, the variances requested are minor in nature, and **staff are recommending that these variances be granted.**

Variances to the Setback from the Interior Lot Lines

- **Western property line:** Within the required 1.5 metre setback from the interior lot line exists a portion of the accessory shop building which has a wall located only 1.4 metres from the lot line plus a roof overhang that projects further than that to only 1.1 metres from the lot line. Roof overhangs which project into a side lot line setback are permitted under regulation B.2.2.2.a of the LUB provided that they do not project more than 0.5 metres into the setback, which this roof overhang is compliant with. Additionally, the area between the two properties is currently treed (see Attachment 4) and therefore does not affect the privacy of neighbouring lot 11. **Staff are recommending that this variance be granted.**
- **Eastern property line:** within the 1.5 metre setback from the interior lot line exists a portion of the house which has a corner wall located only 0.2 metres from the lot line, plus a roof overhang which actually projects across the property line. This variance request would permit the roof overhang to be a minimum of 0.0 metres from the lot line, and any portion that overhangs would need to either:
 - a) be removed by the owner/applicant;
 - b) have a property line adjustment done in the future by the owner/applicant; or
 - c) have an encroachment agreement between the owners of this property and adjacent Lot 9, in addition to a separate DVP request for any portion of the roof that overhangs and encroaches into the interior lot line setback of Lot 9.

Staff are recommending that this variance be granted.

Variance to Maximum Lot Coverage

The specified maximum lot coverage is intended to limit development, minimize environmental and social impacts, and maintain the rural character of Gabriola Island. The bylaw permits a maximum 20% lot coverage in the SRR zone, which for this 1214.1 square metre lot would be a maximum of 242.82 square metre coverage. If the 6.5 square metre “ground level connecting wood deck” was removed so that it was no longer attached to the main house, and any raised portions of the “waterfront deck (wood)” were removed so that it was completely at ground level, then planning staff and bylaw enforcement staff would agree that the waterfront deck and

concrete pad would be considered a “detached ground level deck” and would no longer be considered “structures” under that definition in the LUB:

*“structure means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, **excluding** vehicles, floating vessels, paving for vehicle parking, sidewalks, sewage absorption fields, and **detached ground level decks**; for clarity, swimming pools, dugouts, cisterns and above ground septic tanks are considered structures”*

As detached ground level decks are not considered structures in the Gabriola LUB, they also:

- are not required to meet the minimum setback for structures from the natural boundary of the sea; and
- would not contribute to total lot coverage.

Therefore, without counting any portions of any of the decks as structures for lot coverage, plus the recommended removal of the northern, glass waterfront fence, the requested variance for lot coverage would drop about 4%, and total lot coverage would be 260.7 square metres (21.5%). **With this assumption, staff are recommending that a variance be granted for a total lot coverage of 21.5% instead of 25.4% as was originally requested.**

The table in Figure 3 summarizes the requested variances, as analysed above.

Figure 3: Summary Table of Variance Requests			
Building/ Structure	Bylaw Requirement	Variance Requested	Notes
Variances to the Setback from the Natural Boundary of the Sea:			
House (roof overhang into NB of Sea)	Minimum 7.5 m	Minimum 6.7 m	Staff recommends this variance be granted.
North (waterfront) Fence	Minimum 7.5 m	Minimum 3.4 m	Staff recommends this fence be removed.
West Fence	Minimum 7.5 m	Minimum 5.2 m	Staff recommends this variance be granted.
East Fence (portion near waterfront)	Minimum 7.5 m	Minimum 5.1 m	Staff recommends this variance be granted.
Ground level connecting wood deck	Minimum 7.5 m	Minimum 6.8 m	Staff recommends removal of this “connecting” deck.
Waterfront deck (wood)	Minimum 7.5 m	Minimum 0.0 m	Staff recommends removal of any portions of this deck that are not at ground level.
Ground level concrete pad	Minimum 7.5 m	Minimum 3.4 m	If “connecting” deck is removed, this portion would be a detached, ground level deck; therefore not a structure and exempt from setback from the NB of the Sea
Variances to the Setback from the Front Lot Line:			
Storage Shed	6.0 m from front lot line	Minimum 1.8 m	Staff recommends this variance be granted.

Two Plastic Cisterns	6.0 m from front lot line	Minimum 3.2 m	Staff recommends this variance be granted.
Variances to the Setback from Interior Lot Lines:			
Accessory Building (Hobby Shop) (west lot line)	1.5 m from interior lot line (roof may overhang up to 0.5 m into setback)	Minimum 1.4 m	Staff recommends this variance be granted. <i>(Roof projection exempt)</i>
House (east lot line)	1.5 m from interior lot line	Minimum 0.0 m	Staff recommends this variance be granted.
Two concrete cisterns (east lot line)	1.5 m from interior lot line	Minimum 0.9 m	Staff recommends this variance be granted.
Variance to Maximum Lot Coverage			
Maximum lot coverage	20% of lot area	25.4%	Staff recommends that with amendments to the decks as noted, a variance be granted for a maximum lot coverage of 21.5%.

CONSULTATION:

No Community Information Meeting is recommended for this application. Notification of this DVP application will be distributed to neighbouring property owners on August 29, 2016 in accordance with statutory requirements. At the time of writing this report, staff had received no submissions from neighbouring property owners or tenants regarding this application.

RATIONALE FOR RECOMMENDATION:

Staff have interpreted the intent of the regulations to which variances are requested, in relation to the overarching policy context described by the Islands Trust Policy Statement and Gabriola Island bylaws. Staff are recommending approval of variances as detailed in Figure 3. The staff recommendation is found on page 1 of the staff report.

ALTERNATIVES

1. Request further information

The Gabriola Island Local Trust Committee may request that the applicant provided further information prior to making a decision.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Resolution:

That the Gabriola Island Local Trust Committee deny Development Variance Permit for GB-DVP-2016.1.

Submitted By:	Teresa Ritemann Planner 1	August 11, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	August 15, 2016

ATTACHMENTS

1. Copy of Public Notice
2. Copy of Proposed Permit (including Schedule A – Site Plan)
3. Site Context
4. Site and Building Photos



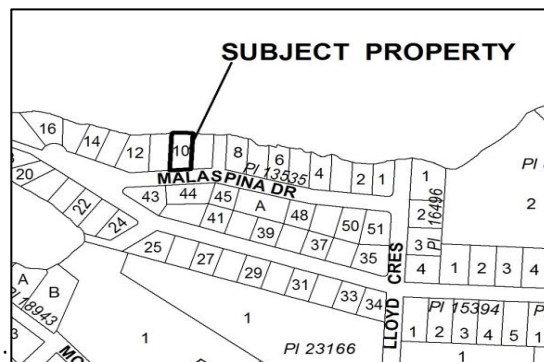
NOTICE
GB-DVP-2016.1 (SKINNER)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

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 498 of the *Local Government Act*, varying the Gabriola Island Land Use Bylaw No. 177, 1999, in general terms, as follows:

- 1) The minimum setback from the natural boundary of the sea would be varied to permit the siting of existing portions of fences, decks, and the house roof overhang where they exist in the present setback;
- 2) The minimum setbacks from lot lines would be varied to permit the siting of existing portions of a shed, an accessory shop building, a house and roof overhang, and two plastic cistern structures where they exist in the present setback; and
- 3) The maximum lot coverage would be increased from 20% to 25.4% for the existing buildings and structures on the lot.

The property is legally described as: PID 004-503-252: Lot 10, Section 24, Gabriola Island, Nanaimo District, Plan 13535;

The general location of the subject area is shown in the following sketch:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing August 26, 2016 and continuing up to and including September 7, 2016. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Teresa Rittemann, Planner 1, at 250-247-2200; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola Island, BC V0R 1X3
Fax: 250-247-7514 **Email:** trittermann@islandstrust.bc.ca

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its Regular Business Meeting to be held at 10:15 am, Thursday, September 8, 2016, at the Gabriola Arts & Heritage Centre, 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.

Becky McErlean
Deputy Secretary

PROPOSED

	GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GB-DVP-2016.1 (SKINNER)
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TO: Elaine (Lou) and Hugh Skinner

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

PID 004-503-252

Lot 10, Section 24, Gabriola Island, Nanaimo District, Plan 13535;

2. Pursuant to Section 498 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw No. 177, 1999* is varied as follows:

- a) **PART B GENERAL REGULATIONS**, Section B.2 **General Siting and Height Provisions**, Subsection B.2.1 **Special Setbacks and Elevations**, Article B.2.1.1 **Setbacks and Elevations from Watercourses and the Sea**, Clause B.2.1.1.a: “Despite all other siting references in this Bylaw, third party signs, fences, pump/utility houses, retaining walls, *structures* and *buildings*, excepting *boathouses*, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream, or wetland. Where the *frontage* on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, *buildings* and *structures* must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea”;

- Is varied in order to reduce the setback from the natural boundary of the sea:

- i. From 7.5 m to 5.2 m for the existing west fence;
- ii. From 7.5 m to 5.1 m for the existing east fence;
- iii. From 7.5 m to 6.7 m for the existing principal dwelling roof overhang;

as shown in hatched lines on Schedule “A” – Site Plan attached to and forming part of this permit.

- b) **PART D ZONES**, Section D.1 **Residential Zones**, Subsection D.1.1 **Small Rural Residential (SRR)**, Article D.1.1.3 **Regulations**, Clause D.1.1.3.a **Buildings and Structures Siting Requirements**, Item D.1.1.3.a.i.: “On *lots* less than 1.0 hectares (2.47 acres), except for a sign, *fence*, or *pump/utility house*, the minimum *setback* of *buildings* or *structures* is: 6.0 metres (19.7 feet) from the *front lot line*; 4.5 metres (14.8) from any *exterior side lot line*; and 1.5 metres (4.9 feet) from any *interior lot line*”;

- Is varied in order to reduce the:

- i. Front lot line setback from 6.0 m to 3.2 m for the existing plastic cisterns;
- ii. Front lot line setback from 6.0 m to 1.8 m for the existing shed;
- iii. Interior lot line setback from 1.5 m to 1.4 m for the existing accessory shop building;
- iv. Interior lot line setback from 1.5 m to 0.0 m for the existing house and roof overhang;
- v. Interior lot line setback from 1.5 m to 0.9 m for the existing concrete cisterns; and

as shown in hatched lines on Schedule "A" – Site Plan attached to and forming part of this permit.

- c) PART D **ZONES**, Section D.1 **Residential Zones**, Subsection D.1.1 **Small Rural Residential (SRR)**, Article D.1.1.3 **Regulations**, Clause D.1.1.3.b **Lot Coverage Limitations**, Item D.1.1.3.b.i.: "The maximum combined lot coverage by buildings and structures is 20 percent of the *lot* area"

- Is varied in order to permit a maximum lot coverage of 21.5% for the existing buildings and structures, as shown in Schedule "A" – Site Plan attached to and forming part of this permit.

3. All buildings and structures shall be consistent with Schedule "A" which is attached to and forms part of this permit. 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 the Gabriola Island Land Use Bylaw No. 177, including use and density, 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 ____, 2016.**

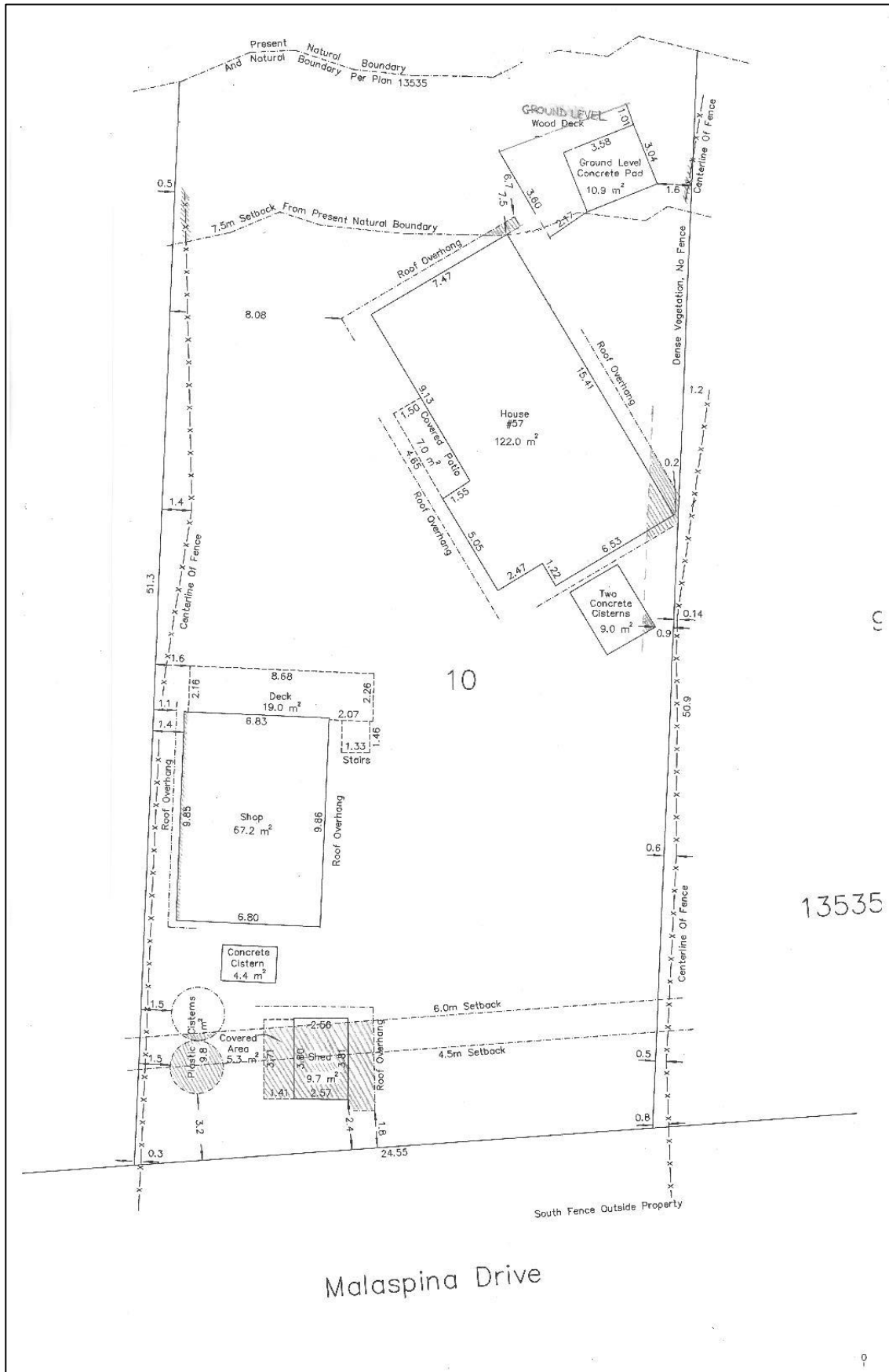
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF 2018,
THIS PERMIT AUTOMATICALLY LAPSES.**

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2016.1 (SKINNER)**

Schedule "A" – Site Plan



**LOCATION**

Legal Description	Lot 10, Section 24, Gabriola Island, Nanaimo District, Plan 13535
PID	004-503-252
Civic Address	57 Malaspina Drive, Gabriola Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	The subject property is a north-facing, rectangular-shaped, waterfront property. It is approximately 0.12 hectares (0.3 acres) in size, and is bordered by the natural boundary of the sea to the north, residential lots on all other sides, and road access to the property is via Malaspina Drive to the south.

HISTORICAL ACTIVITY

File No.	Purpose
None	n/a

POLICY/REGULATORY

Official Community Plan & Land Use Designation	- Schedule B of the Gabriola Island Official Community Plan No. 166 designates this property as SRR – Small Rural Residential - Property is not within a Development Permit Area
Land Use Bylaw	Gabriola Island Land Use Bylaw No. 177 (LUB) is intended to implement guiding policies found in the Islands Trust Policy Statement and Official Community Plan. In the LUB, the property is zoned Small Rural Residential (SRR), which permits single family residential as a principal use. The most relevant sections from the LUB include (emphasis added): “B.2.1.1 <i>Setbacks and Elevations from Watercourses and the Sea</i> a. Despite all other siting references in this Bylaw, third party signs, fences, pump/utility houses, retaining walls, structures and buildings, excepting <i>boathouses</i>, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of any lake, stream, or wetland.” B.2.2.2 The following features may project into the <i>setback areas</i>: “a. steps, roof overhangs including eaves or gutters, cornices, sills, bay windows collectively not comprising more than 50 percent of the length of wall measured from corner to corner, balconies, awnings, and chimneys provided they do not project more than 1.0 metre (3.3 feet) into the required setback area or in the case of a setback area requirement less than 3.0 metres (9.9 feet), not more than 0.5 metre (1.7 feet)” D.1.1.3. Regulations



	a. <i>Buildings and Structures</i> Siting Requirements i On <i>lots</i> less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum <i>setback</i> of <i>buildings or structures</i> is: • 6.0 metres (19.7 feet) from the front lot line; • 4.5 metres (14.8) from any <i>exterior side lot line</i>; and • 1.5 metres (4.9 feet) from any interior lot line. b. Lot Coverage Limitations i The maximum combined lot coverage by buildings and structures is 20 percent of the <i>lot</i> area. From section G.1 Definitions: • <i>fence</i> means a structure used as an enclosure or separation. • <i>structure</i> means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, excluding vehicles, floating vessels, paving for vehicle parking, sidewalks, sewage absorption fields, and detached ground level decks; for clarity, swimming pools, dugouts, cisterns and above ground septic tanks are considered structures.
Other Regulations	• Islands Trust Policy Statement: The proposed development variance permit is not contrary to or at variance with the Islands Trust Policy Statement. • MOTI: Buildings and structures located within 4.5 m of a highway right-of-way require a permit from MOTI. On July 22, 2016, MOTI issued a permit to the applicant for the current location of the “Shed” building to reduce the setback to a minimum of 1.6m from the front lot line.
Covenants	There are no covenants or other instruments registered on title for this property.
Bylaw Enforcement	No outstanding Islands Trust Bylaw Enforcement files regarding this property. This DVP application intends to address existing bylaw concerns from the Regional District of Nanaimo and bring these bylaw issues into compliance to mitigate any possible future Islands Trust bylaw enforcement concerns.

SITE INFLUENCES

Islands Trust Fund	As per the Islands Trust Fund and Local Planning Services Coordination Policy Manual, this application does not directly affect Islands Trust Fund Board (TFB) interests as it does not directly affect a TFB owned property or conservation covenant or a property adjacent to a TFB owned property or conservation covenant.
Regional Conservation Strategy	Map 8 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is between low and medium for this property.
Species at Risk	None mapped.
Sensitive Ecosystems	Sensitive Ecosystem mapping indicates some young forest and sparsely vegetated rock on the property (SEI/SEM), and a mix of rural and herbaceous ecosystems (ITEM).
Hazard Areas	Low risk steep slope in northwest corner of the property, along the waterfront.



Archaeological Sites	Remote Access to Archaeological Data (RAAD) maps potential archaeological sites located on the waterfront portion of the property where some land development/alteration has already occurred for the waterfront deck (see Figure 2 below). Figure 2.  Thus, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	According to the 2008 document “<i>Projected Sea Level Changes for British Columbia in the 21st Century</i>”¹, the relative sea level rise by 2100 for the Nanaimo area ranges between - 0.04 m to a rise of 0.8 m. Based on this number and looking at the contour map in Figure 3 below, the maximum projection of a 0.8 m sea level rise would be below the 2.0 m elevation line of the property, for which a majority of the property, buildings and structures are above. There are no anticipated impacts on greenhouse gas emissions that would result from this DVP application as proposed. Figure 3.

¹ Source: <http://www2.gov.bc.ca/assets/gov/environment/climate-change/policy-legislation-and-responses/adaptation/sea-level-rise/sea-level-changes-08.pdf>



	
Shoreline Classification	Islands Trust mapping indicates that this property has a hard shore line consisting of low rock/ boulder.
Shoreline Data in TAPIS	Mapping also indicates that there is a Rockfish Conservation Area in the water adjacent to this property, though as the development is land-based, this DVP application is not likely to affect the marine-based conservation area. No eelgrass, forage fish, or bull kelp habitat mapped near the subject property.



Figure 1





Figure 2





Figure 3



View of wooden waterfront deck from various angles





DATE OF MEETING: September 8, 2016

TO: Gabriola Island Local Trust Committee

FROM: Teresa Rittemann, Planner 1
Northern Office

SUBJECT: Development Variance Permit GB-DVP-2016.2 to permit siting and lot coverage variances to the Mudge Island Land Use Bylaw (Supplemental Report)

Applicant: Louise German

Location: Lot 10, Section 26, Mudge Island, Nanaimo District, Plan 15752
PID 004-536-584

RECOMMENDATION

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

REPORT SUMMARY

Further to Local Trust Committee (LTC) consideration of this Development Variance Permit (DVP) application at the July 14, 2016 meeting, the LTC requested staff to amend the draft DVP and return to the LTC for re-consideration with the following changes:

1. Remove the variance for the interior side setback;
2. Exclude the compost structure from the variance to the exterior side setback; and
3. Revise (if necessary) the lot coverage variance request based on the applicant's confirmation of intent to retain, remove or reduce accessory buildings as shown on Schedule A.

Staff have prepared a revised draft permit for LTC consideration, which addresses these requested changes (Attachment 1).

BACKGROUND

With regards to number 3 above, the applicant confirmed the following decisions via email:

- To remove the entire "wood shed" (19.5 square metres), but keep the "carport" (30.66 square metres) for the purpose of winter firewood storage;
- To reduce the "garden shed" to 19.8 square metres, and ensure that it is at least 1.5 meters away from the interior lot line;
- The front deck of the house facing the waterfront has now been reduced back to the size of the original deck, without ground disturbance as per the Archaeology Branch's comments;
- The side "cabin" deck has also been reduced without ground disturbance, as per the Archaeology Branch's comments. The applicant has obtained a "set-back" permit from MOTI (dated August 11, 2016)

now that the deck no longer extends into the lane access, but is still within the 4.5 metres setback that MOTI requires for buildings and structures adjacent to public roadways; and

- To remove the compost bin (6.8 square metres).

Table 1: Buildings and Structures to Remain on the Lot

Building/Structure	Area (square metres)
House + attached decks	228.9
Accessory “cabin” building + attached deck (has MOTI setback permit)	70.9
Accessory studio building (has MOTI setback permit)	74.0
Carport	30.66
Garden Shed	19.8
Pump House	11.7
Fences and Gates	1.4
Lot Coverage	437.36
Lot Area	3,118.0
Total Lot Coverage (%)	14.0%

ANALYSIS

Policy/Regulatory:

The following variances to the Mudge Island Land Use Bylaw (LUB) No. 228 are requested:

- 5.1(6)(c): “On lots 0.4 hectares (1 acre) or less the minimum setback of buildings and structures, except for a sign, fence or pump/utility house, is: (c) 4.5 metres (14.7 feet) from any exterior side lot line”
 - To permit the existing siting of an accessory building (studio) to be located within a minimum of 0.2 metres from the exterior side lot line, and another accessory building (with attached deck) to be located within a minimum of 0.3 metres from the exterior side lot line, as shown on Schedule “A” – Site Plan attached to and forming part of the permit.
- 5.1(4): The maximum lot coverage is 10%”.
 - To permit a maximum lot coverage of 14.0% for existing buildings and structures, as shown on Schedule “A” – Site Plan attached to and forming part of the permit.

As noted in a previous staff report, the maximum lot coverage for the RR – Rural Residential Zone in the Mudge LUB is currently 10.0%. With the applicant’s proposed amendments, the maximum lot coverage is now proposed to be 14.0% instead of 14.4% as was originally requested and publicly advertised.

Consultation:

No further consultation or public notice is required.

Rationale for Recommendation:

Staff are recommending that the application be approved as amended, with the removal of the entire woodshed and retention of the carport. The carport is larger in area than the woodshed, but the difference in size is offset by the removal of the compost bin and a portion of the garden shed, so that maximum lot coverage will be less than originally proposed. The carport does not encroach into any required lot line setbacks.

ALTERNATIVES

1. Approve the Development Variance Permit as amended

The LTC may decide to approve any or all of the requested variances to a lesser extent than proposed. For instance, removal of the entire carport building, in addition to the other amendments as proposed, would result in an overall lot coverage of 13.0%, thus reducing the lot coverage variance. Should the LTC choose to approve lesser variances than requested, the resolution to approve the DVP will need to note the required amendments to the draft permit. If significant changes are required, staff would need to be directed to revise the draft permit for consideration at a subsequent LTC meeting.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Resolution:

That the Gabriola Island Local Trust Committee deny application GB-DVP-2016.2.

NEXT STEPS

Upon final decision of the Gabriola Island Local Trust Committee, Islands Trust Bylaw Enforcement staff will continue to work with the owner/applicant to address any outstanding bylaw compliance issues for file GB-BE-2015.17.

Submitted By:	Teresa Rittemann Planner 1	August 12, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	August 12, 2016

ATTACHMENTS

1. Proposed Permit (including Schedule A – Site Plan)

PROPOSED



Islands Trust

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GB-DVP-2016.2 (GERMAN)**

TO: Louise German

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

PID 004-536-584

Lot 10, Section 26, Mudge Island, Nanaimo District, Plan 15752

2. Pursuant to Section 498 of the *Local Government Act*, the *Mudge Island Land Use Bylaw No. 228* is varied as follows:

a) **PART 5 ZONE PROVISIONS**, Section **5.1 Rural Residential (RR)**, Subsection **Siting and Size**, Article 5.1(6)(c): "On lots 0.4 hectares (1 acre) or less the minimum setback of buildings and structures, except for a sign, fence or pump/utility house, is: (c) 4.5 metres (14.7 feet) from any exterior side lot line";

- Is varied in order to permit the existing siting of an accessory building (studio) to be located a minimum of 0.2 metres from the exterior side lot line, and another accessory building (with attached deck) to be located a minimum of 0.3 metres from the exterior side lot line, as shown on Schedule "A" – Site Plan attached to and forming part of this permit.

b) **PART 5 ZONE PROVISIONS**, Section **5.1 Rural Residential (RR)**, Subsection **Lot coverage (4)**: "The maximum lot coverage is 10%";

- Is varied to permit a maximum lot coverage of 14.0% for existing buildings and structures, as shown on Schedule "A" – Site Plan attached to and forming part of this permit.

5. All buildings and structures shall be consistent with Schedule "A" which is attached to and forms part of this permit. 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 the *Mudge Island Land Use Bylaw No. 228*, including use and density, 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 ____, 2016.

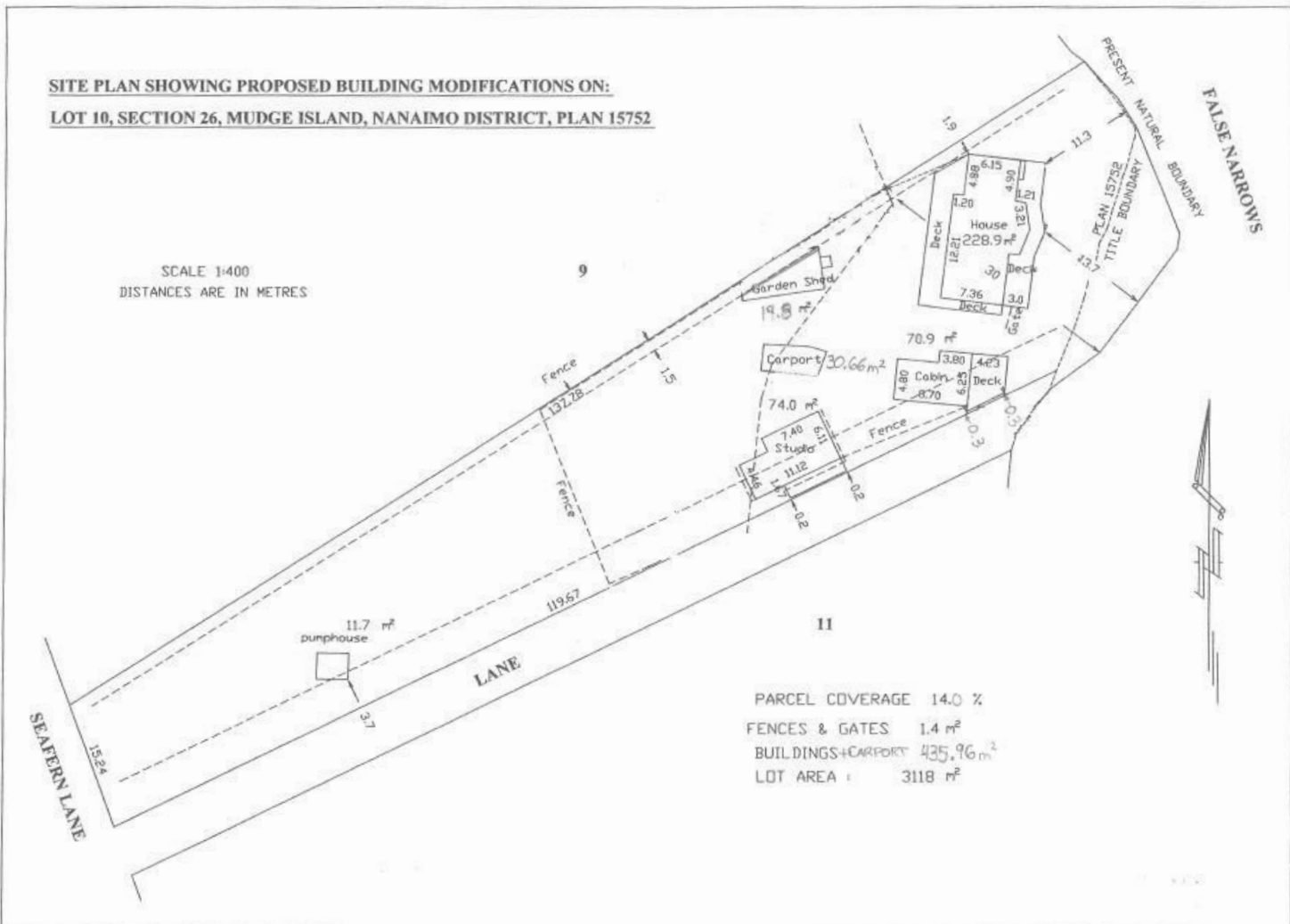
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF 2018, THIS PERMIT AUTOMATICALLY LAPSES.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2016.2 (GERMAN)

Schedule "A" – Site Plan





DATE OF MEETING: September 8, 2016
TO: Gabriola Island Local Trust Committee
FROM: Rob Milne, Island Planner
Northern Office
SUBJECT: **Application to Redesignate and Rezone Lands to Facilitate Density Transfer and Parkland Donation**

Donor Lands

Owners: Potlatch Properties Ltd & Pilot Bay Holdings Ltd.
Applicant: Williamson and Associates
Location: (1) The South East $\frac{1}{4}$ of Section 13, Gabriola Island, Nanaimo District Except The South West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of The Said South East $\frac{1}{4}$;
(2) The South West $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District ; and
(3) The West $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District

Receiving Lands

Owners: Potlatch Properties Ltd
Applicant: Williamson and Associates
Location: (1) The South $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396
(2) Lot 7, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742; and
(3) Lot 6, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742

Owners: Timothy and Viginia Wright
Applicant: Williamson and Associates
Location: Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to refer application GB-RZ-2016.1 to remaining agencies.
2. That the Gabriola Island Local Trust Committee request that the applicant provide a hydrogeological assessment, prepared by a Professional Engineer with experience preparing hydrogeological studies, of the proposed development on groundwater quantity and quality, and surface water affected by the proposed development, including options for collection, storage and drainage of surface water .

REPORT SUMMARY

The purpose of this report is to provide to the Gabriola Island Local Trust Committee (LTC) additional information and background related to the subject application, and to present recommendations for next steps in the application review process.

BACKGROUND

At the Special Meeting of the LTC held on July 21, 2016 consideration was given to a staff report dated July 11, 2016. Subsequent to that consideration the LTC adopted the following resolution. This report is intended to respond to the direction of that resolution.

GB-2016-072

That the Gabriola Island Local Trust Committee request staff to prepare an updated report addressing the following:

- 1. Designation to Resource (R), instead of Small Rural Residential (SRR).*
- 2. The calculation of the average lot size based on the full receiver parcel size.*
- 3. More detailed information on lot and zone sizes in donor and receiver parcels.*
- 4. Clarity on what is being done with the Large Rural Residential (LRR) zoned portion of the lots, the Agricultural zoned portion of the lots, and the remainder of the lots in the donor parcel.*
- 5. Benefits and drawbacks of amending the Riparian Area Regulations Development Permit Area versus Park protection on Mallett Creek.*
- 6. Options for designating and rezoning the donor lands.*
- 7. Bike trail provisions on the Spruce – Church connector.*
- 8. A communication plan including Town Hall sessions addressing specific issues such as, but not limited to, public green space and water.*
- 9. Adding clear language around water catchment and conservation covenants and trail access agreements and / or easements.*

In addition to these items which staff have been asked to provide further information, staff will also provide clarification regarding the applicant's intent to create a common property driveway, which would be maintained by a strata corporation, vs. a public road right-of-way which could otherwise be dedicated.

ANALYSIS

At the July 21, 2016 meeting, the LTC requested further information on a number of topic areas and items. These are addressed in order below.

1. Resource vs Small Rural Residential OCP Land Use Designation

Concerns have been heard regarding the choice of official community plan (OCP) designation for the receiving lands which are the subject of the density transfer application. Bylaw No. 289 currently proposes to designate the lands as "Small Resource Residential" (SRR). It has been suggested that the more appropriate designation would be "Resource".

The SRR designation was chosen using a "planning" lens which indicates the lands are potentially transitioning from Resource to Residential character. It is the opinion of staff that the proposal does not align as well with Resource designation objectives, which include:

- 1. To preserve large parcels of land in a largely unsubdivided state;*

2. *To maintain representative areas of rural landscape on Gabriola; and*
3. *To provide transitional areas between the residential and forestry and agricultural parts of the community.*

Further to this, OCP (Resource) policy 5.1(a) stipulates that “The average parcel size in the Resource zone shall be 8.0 hectares (19.76 acres) and the minimum parcel size shall be 2.0 hectares (4.94 acres).” The minimum parcel size for the subject proposal is 1.9 hectares. While the SRR designation has been recommended, staff are of the view that the Resource designation could also be employed.

2. Calculation of Average Lot Size

At the July 21, 2016 LTC meeting, staff was asked to explore how regulation E.1.2.1 of the Gabriola Island Land Use Bylaw (LUB), shown below, might apply to the subject application.

E.1.2.1 For the purposes of determining compliance with average lot area regulations set out in Part D of this Bylaw, land dedicated in excess of the maximum amount of parkland required to be dedicated under Section 941 of the “Municipal Act” may be included in the in the area used to calculate the number of lots permitted and their average area.

This regulation deals with those instances where an applicant voluntarily opts to dedicate more parkland than is required by the *Local Government Act* (LGA) under s. 941 (now s. 510). The intent appears to be to avoid penalizing an applicant by subtracting the “extra” parkland dedication from the area that would otherwise be available for the density calculation.

In the case of this application the property is proposed to be rezoned to a new Resource Residential 2 (RR 2) zone modelled upon the RR 1 zone, which was created under OCP Policy 5.2(i) and established the original 707 Community Park.

Land Use Bylaw Regulation E.1.1.2 is also relevant:

E.1.1.2 Every subdivision must comply with applicable minimum and average lot areas specified by this Bylaw and for that purpose the average lot area of the proposed subdivision is the sum of the areas of the proposed lots divided by the number of proposed lots, as follows:

*Total Area of Lots to be Subdivided
divided by
Number of Proposed Lots
must equal or exceed
Applicable Minimum Average Lot Area*

As may be seen from the lot size tables in the following section, the “receiving” area totals 67.3 ha of which only 3.4 ha is required by the LGA to be dedicated as parkland and which, under regulation E.1.1.2, leaves a potential of 63.9 ha to be used to calculate the number of permitted lots and their average area. If 63.9 ha is divided by the proposed 25 lots this results in a value of 2.56 ha which, based upon Regulation E.1.1.2, represents the “minimum average lot area” of the lots. Proposed zoning bylaw No. 290 could be amended in Section D.2.6(A).3(c)(i) to read as follows:

- i. *The minimum average lot area is 2.56 hectares (6.32 acres), and for calculation purposes the minimum average includes roads within this zone.*

To provide further certainty that the number of developable lots permitted on the receiving lands would be limited to 25 and that the minimum parcel size would be 1.9 hectares, consistent with what has been proposed by the applicant, the Local Trust Committee may achieve greater certainty through one or both of the following mechanisms:

- Including prescriptive language within the proposed bylaw which stipulates that not more than 25 developable lots may be created on the receiving lands and that the minimum permissible parcel size would be 1.9 acres (the receiving lands would be identified on a Schedule); and
- Entering into a restrictive covenant to ensure that development on the receiving lands would be consistent with the proposed plan of subdivision, which would be limited to 25 lots with a minimum parcel size of 1.9 ha.

In submissions received regarding this application, it has been suggested that the 2.56 ha value represents a factor for parcel averaging provisions and would not represent the actual size of the parcels to be created. This may be a reasonable approach to interpreting this provision of the LUB but that document does not provide clear guidance on this matter. The use of a restrictive covenant registered on title, which specifically references the proposed plan of subdivision, would provide a higher level of certainty to both the community and the applicant as to what would be developed on the basis of the enabling bylaws and the proposed development plan.

As has been confirmed by the Islands Trust legal counsel, a restrictive covenant is a legally binding and frequently used tool to ensure that any future subdivision and agreed upon amenities, i.e., “conditions of approval”, are realized by the community. The registration of a similar restrictive covenant was used as part of the final approval of the 2005 rezoning application, which resulted in the creation of the 707 Community Park and featured a proposed subdivision layout plan with a condition that the subsequent approval of any survey must be in substantial compliance with that plan. This approach provides assurance that the applicants must meet all conditions of approval in order to proceed with development, as well as legally defining the nature, extent and location of the amenities that have been promised to the community. Final wording on a covenant would be subject to the approval of the LTC.

The approach suggested by staff, as currently represented in proposed Bylaw No. 290, seeks to address the potential disconnect between what the zoning bylaw identifies as the average area of the lots and the actual subdivision plan by recognizing the actual proposed average lot areas within the bylaw and using a restrictive covenant to ensure compliance with that plan.

In any event, whether the LTC decides to amend the bylaw to reflect a larger average lot area or proceed with the bylaw as currently proposed, the registration of a restrictive covenant on the receiving area, requiring future development to be in compliance with an approved conceptual plan, provides a significant guarantee to both the applicant and the community as to what would be approved and what the community benefit would be. The application may also move forward in the absence of a covenant should that be the direction of the LTC.

3. Donor and Receiver Lot Sizes and Zoning

The area of the donor parcels and the area of parcels within the “receiving area” are shown in the tables below. It has become apparent that some confusion was created by a map of the donor parcels, which was included with the application materials, which showed two area values in acres and one value in hectares for each of the parcels. As was explained at the July 21st LTC meeting, each value shown in hectares is correct and corresponds with the smaller acreage value directly below. The larger values derived from BC Assessment Authority data were incorrect. This discrepancy was confirmed by survey.

Table 1- Donor Lands

Donor Property	Parcel Area	Current Zoning
The South East ¼ of Section 13, Gabriola Island, Nanaimo District Except The South West ¼ of the South West ¼ of The Said South East ¼;	51.7 ha	Forestry
The South West ¼ of Section 14, Gabriola Island, Nanaimo District	56.4 ha	Forestry
The West ½ of the North East ¼ of Section 10, Gabriola Island, Nanaimo District	31.4 ha	Forestry
Total Area	139.5 ha	(136 ha to be donated)

Table 2- Receiving Lands

Property in Receiving Area	Area zoned “Resource” (Min parcel size 8 ha)
Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354	6.5ha
Lot 6, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742	14.9ha
Lot 7, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742	15.9ha
The South ½ of the North West ¼ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP1339	30.5ha Based upon Policy 5.2(i) Current zoning Forestry
Total Area	67.3ha

4. LRR/ALR portions and Remainder of Donor Lands

This topic relates to the three areas shown in Figures 1, 2 and 3 below. Figure 1 shows those portions of Lots 6 and 7 which are outside of the receiving area. The areas outside of the receiving area are currently zoned Large Rural Residential (LRR), which allows a minimum average lot area of 4.0 ha and a minimum lot area of 2.0 ha. Those portions of Lots 6 and 7 have a combined area of 10.6 ha, which allows for a subdivision to reallocate the areas between the two lots and the donation of the Mallet Creek corridor. The re-subdivision of those areas is proposed to occur in a manner which allows for the continuation of the proposed Mallet Creek park dedication as well as for pedestrian and vehicle access to the receiving lands as part of the proposed development application, notwithstanding they are not part of the development of those lands and no park dedication would be otherwise required for the subdivision.

Figure 1

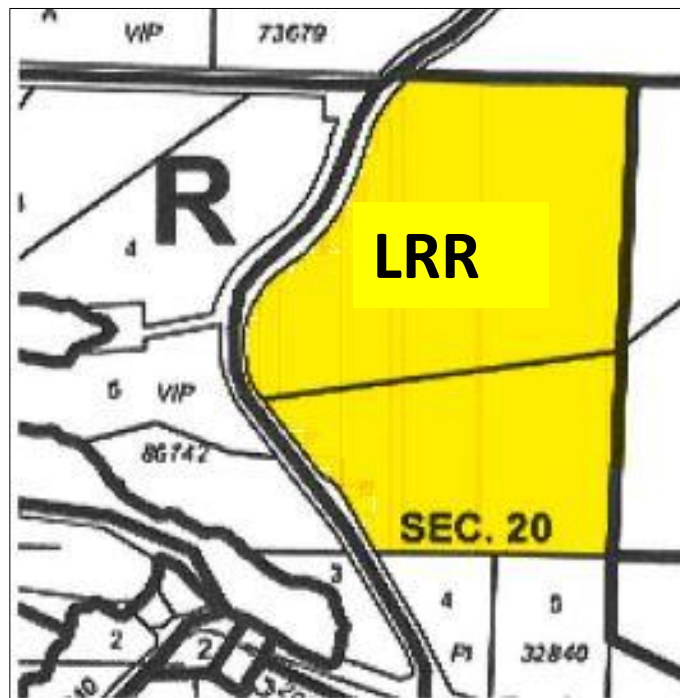


Figure 2 shows the most easterly parcel, which is affected by the development proposal. The area within the “Resource” zone is within the receiving area but the easterly portion of the lot which extends to Horseshoe Road is within the ALR, is zoned as Agriculture, and is not part of the development application. Any subdivision of lands within the Agricultural Land Reserve (ALR) would require the approval of the Agricultural Land Commission (ALC).

5. Riparian Protection for Mallet Creek

It was observed at the July 21st Special Meeting of the LTC, that Mallet Creek and its reaches, including the retention pond, are not part of the Gabriola OCP Development Permit Area 3 (DP-3 “Riparian Areas”). The fact that the creek and watershed features have not been designated as a development permit area (DPA) has led to the suggestion that the creek and its features are not protected. However, this is incorrect. The area is afforded protection through the provincial *Riparian Areas Regulation* (RAR) and the conditions of the filed RAR report can be made directly applicable to future subdivision and development through a reference in a restrictive covenant for any future approval of the application. The watercourse and pond can be designated as a DPA at a point in the future either through an amendment to the current draft OCP bylaw, which would see the area’s inclusion in DP-3, or designation as a separate environmental DPA. The area could also be the subject of a conservation covenant which limits activities within and adjacent to the riparian features. This could occur regardless of whether or not the Mallet Creek area is added to the Regional District of Nanaimo Parks function.

6. Donor Lands OCP Designation and Zoning Options

The current OCP designation of the “donor” lands is “Forestry”. Section 5.2 of the OCP describes the objectives of the Forestry designation as follows:

Forestry Objectives

1. *To preserve large contiguous areas of forested land;*
2. *To support forestry practices which are compatible with and complementary to the values of conservation and sustainability;*
3. *To support timber production while retaining the environmental and recreational values of forested land;*
4. *To protect the groundwater resource and recharge areas; and*
5. *To encourage the use of forested land for purposes of recreation, wildlife habitat and maintaining the island’s biological diversity.*

It is the stated intent of the applicants to dedicate the donor lands, which are adjacent to the 707 Community Park, as public parkland which would be owned and maintained by the Regional District of Nanaimo (RDN). The lands within the 707 Community Park are currently designated Parks and Outdoor Recreation by the OCP. That designation provides the following objectives:

Parks and Outdoor Recreation Objectives

The objectives of this section are:

1. *To work co-operatively with provincial ministries and agencies in acquiring and managing provincial parkland on Gabriola;*
2. *To acquire parkland that is representative of the bioregion (i.e. wetlands, first growth forest);*
3. *To involve the community in parks planning;*
4. *To limit development within Provincial parks; and*
5. *To work in cooperation with the Regional District of Nanaimo in acquiring and managing community parks.*

Given that the stated intent of the applicants aligns with the Parks objectives, the draft OCP bylaw was written to recognize that intent by designating the donor lands as “Parks”. The LTC is, of course, at liberty to consider other options should that be their decision. Viable alternatives for OCP designation are found in “Section 4 - Institutional, Parks and Outdoor Recreational Uses”, “Section 5 - Resource Lands”, and “Section 6 - Environmental, Marine and Heritage Resources”.

- Section 4 includes only “Institutional Uses” and “Parks and Outdoors Recreational Use”. The Institutional designation, which focuses on community infrastructure such as health care, recreational facilities, and schools, does not seem to be an appropriate fit.
- Section 5 includes “Resource”, “Forestry”, “Agriculture” and “Aggregate Resources”. The Resource designation which allows for lots with an average parcel size of 8.0 hectares (19.76 acres) and the minimum parcel size of 2.0 hectare (4.94 acres) similarly does not seem like a good fit given the stated intent of the applicant to dedicate the donor lands for addition to the 707 Community Park. The Forestry designation, which is the current designation of the donor lands, also does not seem to be the best fit, notwithstanding the conservation objectives, given the allowance for active forestry operations. The remaining designation options of Agriculture and Aggregate Resources do not align with the proposed park use.
- Section 6, Environmental, Marine and Heritage Resources” does offer the “Environmentally Sensitive Areas” designation as an option but it is notable that this was not chosen for the 707 Community Park.

The donor lands are proposed to be rezoned to Forestry/Wilderness Recreation as per OCP policy 5.2(i).

7. Spruce Church Street Connector Bike Trail Provisions

Should it be the decision of the LTC to approve this application, a statutory road right-of-way (R.O.W.) or “road allowance” would be required to connect Church Street and Spruce Road as a part of the subdivision survey plan, which would be registered with the Land Title Office. This R.O.W. would be under the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI). As such, the construction or development of a bike trail within the road corridor would require the approval of MOTI. As is the case with the proposed Village trail in the core area along North Road, the decision to construct a trail, including the location, design and funding for that project, would require collaboration between the Regional District of Nanaimo and MOTI.

It is also possible that a bike trail could be constructed within the lands proposed to be dedicated as park land. Assuming that the RDN would accept the proposed park land dedication, details regarding trail alignment and design would be guided by the RDN in consultation with the community.

8. Communication Plan

As a general rule, local government consultation requirements with respect to the development of an OCP are prescribed in Section 475 of the LGA, while Section 466 governs public hearings. Public consultation beyond these requirements is subject to local government discretion. However, local government has a duty to ensure that the process of adopting bylaws is open, transparent, and fair to all parties involved.

With respect to the application at hand, all staff reports, minutes and correspondence related to the application are posted on the Gabriola Island LTC webpage. As well, a community information meeting (CIM) was conducted on June 23rd and the results of that meeting were reviewed at the July 21st special meeting of the LTC. The proposal was also reviewed by the Advisory Planning Commission (APC) at their July 26th meeting.

Looking forward, the Gabriola Island LTC webpage will continue to be updated. It is the view of staff that one or two additional CIMs should be held as the process moves forward. A CIM should be conducted following the referrals process and bylaw amendments made by the LTC to reflect input received from the public and referrals agencies. A second CIM could also be held prior to the public hearing to review the content of any draft covenants, so that both the LTC and the community would have a clear understanding of what the proposal would entail prior to a public hearing being held.

9. Clear Language Regarding Water Catchment, Conservation and Trails Access in Legal Documents

The requirement for water catchment and the instruments necessary to achieve conservation goals and secure ongoing legal access for trail corridors and connections can be addressed as part of the development approval process. However, there is a need to establish the location, nature and goals for those interests. Such items as cisterns can be readily addressed subject to the identification of desired minimum storage requirements. Others, such as the preparation of conservation covenants, if deemed necessary or desirable, would require the identification of the specific areas of concern and the intended goals (conditions) of the covenant(s). Progress toward greater understanding of water catchment could be achieved through a hydrogeological assessment of the receiving lands.

In the case of trail corridors and connections it first needs to be established as to whether the RDN is willing to accept the proposed park land dedication in the receiving lands. If the RDN is willing there will be a need for the RDN to identify their interests with respect to trails or linear (dedicated) parks so that they can be addressed in the legal documents, which could include transfer of title, covenants, easements or registered rights-of way.

10. Common Property vs Road Dedication

Some discussion has occurred regarding the choice between the use of a common property driveway or a MOTI road right-of-way to provide public pedestrian access from Taylor Bay Road to the proposed park land dedication near the Church Street medical clinic. As previously noted, a bare land strata is a common tool for the subdivision of land. As with a subdivision registered pursuant to the provisions of the *Land Title Act* (LTA), the lots created through a bare land strata are “fee simple” real estate entities which can be freely bought and sold. The significant difference is that the *Strata Property Act* (SPA) requires the creation of shared or “common” property, and with a bare land strata, this typically occurs through the provision of a shared common driveway. The SPA also requires the creation of a strata corporation which exists for the life of the strata plan and which is responsible for the management of the common property of the strata plan (i.e., snow clearing and maintenance).

When common property is used as a driveway to access individual lots, this common property is not required to meet MOTI road construction standards; strata roads or driveways are typically narrower and more rustic in nature (Figure 4) as there is no need to clear a 20 metre corridor as would be the case with a standard MOTI public road right-of-way (Figure 5).

The other question at issue is that of utilizing an easement to ensure ongoing access and egress along the common property as described above. Two definitions of the term easement are provided below to assist in considering this issue.

- “a right held by one property owner to make use of the land of another for a limited purpose, as right of passage” (*Dictionary.com*)
- “an easement entitling a person to do something affecting the land of another that would constitute trespass or a nuisance if not for the easement” (*Merriam-Webster(legal)*)

There appears to be some unease regarding easements despite their routine use in land development. They are commonly used to purvey such community services such as water, hydro, stormwater and sewer lines. In a rural context, they are often used to establish ongoing access to shared community water systems. They are also frequently used to provide access to property through a shared driveway.

Easements are, as well, a common and fundamental tool for the creation of trail networks. The use of easements and rights-of-way, registered on the properties of willing participants, allows local governments to avoid using public money to acquire park land and instead allows available funding to be utilized for trail development, facilities and maintenance. It should be noted that easements are a legally enforceable agreement that can only be amended by the agreement of all signatories to the agreement.



Figure 4



Figure 5

CONSULTATION:

The application was referred to the APC for comment and APC has recommended that the proposed bylaws be referred and that any subsequent changes be referred back to the APC for consideration.

RATIONALE FOR RECOMMENDATION:

The staff recommendation is noted on page 1 of the staff report. Staff has endeavoured to clarify the issues raised by the Local Trust Committee in relation to the proposal. It is the opinion of staff that concerns raised to date, and concerns which may arise as a result of the referrals process and through continued community consultation, will necessitate changes to the bylaws as they are proposed. At this point, there are information gaps which cannot be dealt with until the referrals process has progressed. For instance, further information about proposed potable water and sewage infrastructure may be provided in response to direction from Island Health and the Ministry of Environment. First Nations may have specific concerns that necessitate bylaw changes. Input from MOTI may also lead to further recommended changes to the proposed bylaws. It is the opinion of staff that the bylaws should be referred to all remaining agencies to ensure that broad input can be achieved and that the application can advance in a fair and timely manner.

Staff is also of the opinion that greater information could be provided by the applicant at this stage regarding the hydrogeological conditions of the receiving lands as noted earlier. This also responds to concerns expressed by community members about the availability of water and potential impacts to groundwater resulting from the proposed development. In respect of these concerns, staff recommends that the LTC request the applicant to undertake a hydrogeological assessment of the receiving lands.

ALTERNATIVES

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Proceed to second reading of the bylaws

The LTC may give second reading to the proposed bylaws, with or without amendments, and also to request staff schedule a public hearing.

3. Deny the application

The LTC may choose to deny the application. If this alternative is selected, the LTC should state the reasons for its decision.

NEXT STEPS

Upon direction from the LTC, referrals would be sent to those referral agencies noted in the July 14, 2016 staff report which have not yet received referrals (agencies other than the RDN, MOTI, First Nations, and the Advisory Planning Commission). Staff would report back to LTC once the referrals process has been substantially completed.

Submitted By:	Rob Milne, MCIP, RPP Island Planner	August 13, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	August 13, 2016

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 280

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2015”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as follows:

2.1 Subsection B.2.3 – *Height*, Article B.2.3.2 is amended by adding clause (e.) as follows:

- e) 15.0 metres (49 feet) for *buildings* in the *Agricultural Land Reserve* used exclusively for a Medical Marihuana Production Facility licenced under the *Marihuana for Medical Purposes Regulation*.

2.2 Subsection D.2.1- *Agriculture* (AG), Article D.2.1.1 – Permitted Uses, Clause a) – Permitted *Principal* Uses, Item vi, is amended by deleting the words “that are 4.0 hectares (9.88 acres) or larger”.

2.3 Subsection D.2.1- *Agriculture* (AG), Article D.2.1.3 – Regulations, Clause a) – *Buildings and Structures* Siting Requirements, Item iii, is amended by adding the words “and 150 metres (492.13 feet) from any school or park” to the following bullet point: “the minimum setback for buildings, structures and fencing used for the indoor production of medical marihuana licenced under the *Marihuana for Medical Purposes Regulation* is 30 metres (98.4 feet) from any lot line.”

READ A FIRST TIME THIS 10TH DAY OF SEPTEMBER , 2015

PUBLIC HEARING HELD THIS 10TH DAY OF MARCH , 2016

READ A SECOND TIME THIS 26TH DAY OF MAY , 2016

READ A THIRD TIME THIS 26TH DAY OF MAY , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

27TH DAY OF JULY , 2016

ADOPTED THIS _____ DAY OF _____ , 20__

Chair

Secretary

File No.: GB-SUB-2016.3 Rogers
(Roundtuit Farms Ltd.)

DATE OF MEETING: September 8, 2016

TO: Gabriola Island Local Trust Committee

FROM: Marnie Eggen, Planner 2
Northern Office

SUBJECT: Entering into a Cost Recovery Agreement for Legal Review of a Covenant for a proposed one lot subdivision on DeCourcy Island, PID 000-991-694; Block F, Sections 10, 23, 24, Nanaimo District, Plan 41970

Applicant: Murray Rogers for Roundtuit Farms Ltd.

Location: 303 Flewett Drive, Decourcy Island

RECOMMENDATION

1. THAT the Gabriola Island Local Trust Committee enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant limiting further subdivision of the proposed remainder lot, and limiting use of the proposed new lot for subdivision application GB-SUB-2016.3 (Rogers (Roundtuit Farms Ltd.)).

REPORT SUMMARY

Pursuant to the DeCourcy Official Community Plan Bylaw No. 16, DeCourcy Zoning Bylaw No. 44; and DeCourcy Subdivision Bylaw No. 18, the owner of the above noted property is required to enter into a covenant with the Local Trust Committee that limits further subdivision of the proposed remainder lot, and limits the use of the proposed new lot in order to protect the use for a fire hall.

A copy of the subdivision referral report prepared by staff (dated April 16, 2016) is attached for background information about the proposed subdivision and Islands Trust recommended conditions of subdivision.

For the Islands Trust to enter into a cost recovery agreement with the applicant, a Local Trust Committee resolution is required.

Submitted By:	Marnie Eggen, Planner 2	August 30, 2016
Concurrence:	Stefan Cermak, Regional Planning Manager	August 31, 2016

ATTACHMENTS

1. Subdivision Referral Report, April 16, 2016



Islands Trust

SUBDIVISION REFERRAL REPORT

700 North Road
Gabriola Island, B. C., V0R 1X3
Phone: (250) 247-2063
Fax: (250) 247-7514
E-mail: northinfo@islandstrust.bc.ca
Website: www.islandstrust.bc.ca

SENT VIA EMAIL

Date: April 16, 2016

To: Kirsten Fajervik
District Development Technician

MOTI File #: 2016-00408
IT File #: GB-SUB-2016.3

MOTI District Office: Vancouver Island District

From: Lisa Webster-Gibson, A/Planner 1

Re: Proposed Conventional Subdivision Application for: Block F, Sections 10, 23, and 24,
Nanaimo District, PLAN VIP70935

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Approval, based on the *Decourcy Island Zoning Bylaw No. 44, 1987*, in addition to any requirements of the *Local Government Act*:

1. Approval from the Vancouver Island Health Authority that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels.

Section 6 of the *Decourcy Island Official Community Plan* contains the following recommendations:

6. WATER AND SEWAGE DISPOSAL

Public health requires adequate supplies of potable water but it is also essential that disposal of water related waste be carried out with minimum pollution of the environment.

- 1) *Proof of potable water supply should be established as a condition of subdivision taking into account the island as a whole.*
 - 2) *Septic fields should be situated to minimize impact on groundwater supplies.*
 - 3) *Septic fields should be well set back from the sea.*
 - 4) *Alternate sewage disposal methods should be encouraged.*
 - 5) *Groundwater should be monitored to determine the effects of septic tank fields.*
2. No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision.

Prior to final approval, the applicant must obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Gabriola Island Local Trust Committee Bylaws.



Islands Trust

SUBDIVISION REFERRAL REPORT

700 North Road
Gabriola Island, B. C., V0R 1X3
Phone: (250) 247-2063
Fax: (250) 247-7514
E-mail: northinfo@islandstrust.bc.ca
Website: www.islandstrust.bc.ca

This referral response is based upon the attached Subdivision Layout Plan (Attachment 1). Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the following pages.



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1. General Information:

Applicant:	Murray Rogers
Land Owner:	Same as above.
Legal Description:	PID: 000-991-694 BLOCK F, SECTIONS 10, 23 AND 24, NANAIMO DISTRICT, PLAN 41970
Area:	42.2 hectares / 104.29 acres
Details of Proposal:	Conventional sub-division resulting in two lots. The purpose of the subdivision is to create a lot which contains the existing community fire hall from the large farm property. By removing the fire hall from the farm, it can be sold with no encumbrances and the fire hall is protected for the community.

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

Legal Notations:	None.
Charges, Liens and Interests:	Two easements exist on the property, EP50554 for a driveway and M75836 for a well. Neither will be affected by the subdivision. OK.

3. OCP Information:

OCP Designation:	N/A; however, the subject property is located in Subdivision District F of the <i>Decourcy Island Subdivision Control Bylaw NO. 18, 1982</i> .
Development Permit Area:	No
Development Permit Required:	No
Comments:	<i>Decourcy Island Subdivision Control Bylaw No. 18, 1982</i> regulates subdivision on Decourcy Island and sets out minimum lots sizes and other property requirements.



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4. Zoning Information:

Zone Classification:	R – Rural / Subdivision District F
Average Minimum lot area:	10.82 ha
Minimum lot area:	0.6 ha
Comments:	<i>Decourcy Island Subdivision Control Bylaw No. 18, 1982 regulates subdivision on Decourcy Island and sets out minimum lots sizes and other property requirements.</i>

5. Lot Sizes and Density:

Proposed lot areas:	Proposed Lot 1 = 1. 525 ha Proposed Lot 2 (remainder) = 40.475 ha
Compliance with lot area:	Yes – see comments below.
Compliance with lot density:	Yes – see comments below.
Covenant required:	Yes – the undivided remainder will require a covenant which would limit the maximum number of potential subdivided lots to three (3) as per <i>Decourcy Island Subdivision Control Bylaw NO 18, 1982</i>. It is also recommended that this covenant consider the requirements of Section 7 <i>Subdivision Policy of the Decourcy Island Official Community Plan (OCP) Bylaw No. 16</i> as it speaks directly to the further subdivision of the subject property.
Comments:	Yes – it is recommended by the OCP that a covenant be put in place to protect the use of the Proposed Lot 1 for the fire hall . <i>Decourcy Island Subdivision Control Bylaw NO 18, 1982, Sec 4.5: The minimum standards specified in Section 4.3 (Minimum Lot Size; Minimum Average Lot Size; and Maximum Number of Lots) above shall not apply where the parcel being created is to be used solely for: (viii) any other similar public service or quasi-public service facility or utility.</i>



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6. Section 514, Subdivision for a Relative:

Local Government Act requirements:	n/a
Comments:	n/a

7. Depth/Width Ratio:

Depth/width ratios of new lots:	Sec 6.6 Lot Frontage and Lot Shape, Land Use Bylaw (1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the Local Government Act. (2) No lot in a proposed subdivision may have a depth greater than three times its width, excluding the width of any panhandle access strip.
Comments:	OK.

8. Park Dedication:

Park dedication required:	No.
If Yes, Amount required:	n/a
Comments:	This subdivision is exempt from park dedication under subsection 510(3)(b) of the <i>Local Government Act</i>: b) a subdivision by which fewer than 3 additional lots would be created, except as provided in subsection (5.1). However, at the time of further subdivision of the remainder of the property, a parkland dedication will be required.

9. Ten Percent Waiver:

Lots Requiring Exemption:	None
Comments:	

10. Agricultural Land Reserve:

Proposed Lots within ALR:	No
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Comments: | **None**

11. Servicing Requirements:

Proof of Potable Water and
Sewage Disposal:

Contact the Vancouver Island Health Authority for information.

Comments: | **See Referral Response Summary above for more detail.**

12. Road Standards:

Roads to be Constructed:

None.

Road Classification:

n/a

Heritage Designated Road in
vicinity:

n/a

Comments:

None

13. Buildings and Structures:

Does subdivision create non-
conformity with Bylaws:

No.

Existing non-conforming buildings
or structures

None.

Comments:

The firehall is located on Proposed Lot 1. As per the Section 6 of the *Decourcy Island Zoning Bylaw No. 44*, residential uses of the area surrounding the firehall are prohibited. Discussions with the property owner, indicated that he is aware of this stipulation and does not intended to utilize the property for residential uses. He is also aware that should he wish to use the property for residential uses that a re-zoning application will be required for the decision of the Local Trust Committee.

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified:

No

Raptor/Heron Nests identified:

None mapped.

Watercourses:

None mapped.

Riparian Areas Regulation –
applicable stream or watershed:

n/a



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Islands Trust

Steep Slope Hazard | **None mapped.**

Classification:

Comments: | **None.**

15. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:

Comments: | **None.**

16. Cultural Features:

Archaeological Sites Identified:

None mapped on or within 50.0 m of the property.

Comments: | **None.**

17. Boundary Adjustments Only:

Complies with regulations: | **n/a**

Comments: | **n/a**

18. Panhandle Lots Only:

Complies with regulations: | **n/a**

Comments: | **n/a**

19. Split (Hooked) Lots Only:

Complies with regulations: | **n/a**

Comments: | **n/a**

Name: Lisa Webster-Gibson

Title: A/Planner 1

Signature: Lisa Webster-Gibson

Date: April 16, 2015

Attachment 1: Subdivision Layout Plan

cc: Hornby Island Local Trust Committee
Evelyn and Jonathan Blanchard (owner/applicant)



Islands Trust

SUBDIVISION REFERRAL REPORT

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Attachment 1: Subdivision Layout Plan





File No.: GB-6500-20 – Roadside Signs

DATE OF MEETING: September 8, 2016
TO: Gabriola Island Local Trust Committee
FROM: Teresa Ritemann, Planner 1
Northern Office
SUBJECT: GB-6500-20 – Roadside Signage Project – Draft Bylaw No. 291

RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee review the Directives Only Policy Checklist and confirm by resolution that Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016 is not contrary to or at variance with the Islands Trust Policy Statement;
2. That the Gabriola Island Local Trust Committee give first reading to amendment Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”;
3. That the Gabriola Local Trust Committee refer Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016” to the Ministry of Transportation and Infrastructure and the Nanaimo Economic Development Corporation; and
4. That the Gabriola Local Trust Committee direct staff to arrange a Public Hearing to consider Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”.

REPORT SUMMARY

During their regular LTC meeting on May 26, 2016, the Gabriola Island LTC passed the following resolution:

GB-2016-055

that the Gabriola Island Local Trust Committee request Staff to provide draft language to amend the Land Use Bylaw to include support for multi-party event and directional signs for specific locations and definitions for obsolete, derelict, third party and temporary signs.

During the drafting of Bylaw No. 291, Staff also identified a number of housekeeping amendments related to signage, and have included them in this draft bylaw as well.

BACKGROUND

With consideration of the previous staff report dated May 3, 2016, which contained a detailed discussion of the core issues arising from community feedback and suggested staff solutions/guidelines for moving forward with a bylaw amendment, the Gabriola LTC gave further direction to staff to draft amendments to the land use bylaw with respect to signage. Thus, the purpose of this report is to summarize and present a draft version of Bylaw No. 291 for the consideration of the LTC. The draft bylaw is included as Attachment 1, and for comparison, the sign regulations in the current land use bylaw are included as Attachment 2. In addition, the Policy Directives Checklist (Attachment 3) has been reviewed by staff to ensure compliance with the Islands Trust Policy Statement. This standard checklist is presented to the LTC for confirmation at the time of first reading. Version 3.0 of the Project Charter (endorsed May 26, 2016) is included as Attachment 4 for reference.

ANALYSIS

Policy/Regulatory:

Staff has reviewed draft Bylaw No. 291 in conjunction with the Islands Trust Policy Statement Directives Only Checklist , and are satisfied that the bylaw is compliant with Islands Trust Policy. Comments on the details of the attached draft bylaw follow below.

New Section B.4 - SIGNS

The first portion of draft Bylaw No. 291 proposes to delete and replace Section B.4 – “SIGNS” in its entirety. The current Section B.4 includes only language and information on the issues of the number and total areas of signs, and prohibited signs. The new Section B.4 proposed in the draft bylaw also includes housekeeping amendments, and language which addresses temporary signs, obsolete and derelict signs, multi-party directional signs and third party signs. These additions and changes are addressed in more detail below.

B.4.1.1

Housekeeping item:

- References to exemptions in Subsection B.4.2 were removed. Staff removed Subsection B.4.2 in its entirety, as it was identified as unnecessary. Local land use bylaws cannot regulate things that are under the authority of a senior level of government. As such, staff feels that this subsection can be omitted without losing the meaning or function of the original intent of the sign regulations.

Table 1: Sign Regulations

Housekeeping items:

- To Column 1, add the following to regulate signs in the following resource zones:
 - FWR1 (Forestry/Wilderness Recreation 1),
 - GC (Gabriola Commons),
 - RC (Resource Conservation); and
 - RR1 (Resource Residential 1).
- To Column 1, add the following to regulate signs in the following institutional zone:
 - YC (Yacht Club Outstation – Upland).

- To Column 1, add the following to regulate signs in the following water zone:
 - WYC (Water Yacht Club Outstation).
- To Column 1, remove the WC4 water zone, as it is not actually a zone within the LUB or identified on Schedule B – Zoning Sheets.

B.4.1.2

- This article was renumbered from B.4.1.4, and text changed to say “Notwithstanding B.4.1.1” instead of referring back to Column 1, Table 3.

B.4.2 Temporary Signs

Under the LTC direction to create amendments for temporary signs, the following articles were drafted:

B.4.2.1

- No significant changes to real estate signage regulations. Language added “Notwithstanding B.4.1.1”, and the three “subject to’s” were renumbered as clauses.

B.4.2.2

- Regulations for temporary event signs were added, as community feedback from the CIMs and the community outreach survey suggested that special events may be a livelihood for some businesses, sandwich board-type signs should be for non-permanent events only, and that event holders should be responsible for removing their signs after the event.
- Clauses were added with suggested size limitations, time limits for duration that a temporary event sign can be displayed, and clarification that if the sign is on the road instead of a lot, that consent is first obtained from MOTI.

B.4.3 Obsolete Signs & Derelict Signs

- Regulations for obsolete and derelict signs were added, with an article to state that the LTC would have the discretion to remove these types of signs.

B.4.4 Multi-Party Directional Signs

- Community feedback from the community information meetings (CIMs) and community outreach survey noted that signs are effective advertising, and suggested that to help keep the signs simple, safe and less likely to distract drivers, to group a number of signs together as one larger sign. Thus, an article was added to suggest a larger maximum sign area for these types of signs which consolidate directions to multiple businesses.

B.4.5 Third Party Signs

- The maximum sign area for third party signs remains unchanged, and an article was added to permit only one of these types of signs per *lot*.

B.4.6 Prohibited Signs

- Illuminated signs are not permitted under the current version of the bylaw, and so this regulation was renumbered from current regulation B.4.1.3 to an article under “prohibited signs” instead.

G.1 Definitions

Housekeeping items:

“Third Party Sign”

- Replace the current definition of “third party sign” with a new definition which clarifies that it includes signs that convey information about *any other location* than where the sign is located (i.e. whether on a *lot* or otherwise).

“Sign” & “Sign Area”

- Similar to the land use bylaw definitions of other islands (e.g. Salt Spring Island), specific definitions for “sign” and “sign area” were added.

New definitions:

- As per LTC direction to staff, definitions were added for the following types of signs: “derelict sign”, “directional sign”, “obsolete sign”, and “temporary event sign”.

Issues and Opportunities:

Community feedback from the CIMs and an outreach survey suggested that Gabriolans wanted a solution to roadside signage that was simple, fair, and easy for everyone to adhere to. Thus, the overall number of *existing* sandwich boards and suggestions to limit them to specific locations was not addressed by this draft bylaw. Rather, third party signage and temporary event signs were given new regulations. Where they are located on a road, signs will first need permission from MOTI and, when they are located on a lot, signs will be limited to one per lot and will, of course, continue to require the permission of the property owner.

Consultation:

Two CIMs and one community outreach survey were completed earlier this year. If the LTC wishes to continue with the bylaw amendment process, the next step would be to have a public hearing to consider draft Bylaw No. 291 (see below).

Rationale for Recommendation:

The suggested changes in draft Bylaw No. 291 are in response to community feedback and LTC input received to date. Staff recommends giving Bylaw No. 291 first reading, referring the bylaw to two agencies due to the minor nature of the amendments, and subsequently proceeding to public hearing.

ALTERNATIVES

1. Amend the Draft Bylaw

Subsequent to the referral process, the LTC may wish to amend the draft bylaw prior to giving it first reading. If this alternative is selected, the LTC should note the desired amendments and direct staff to amend the draft bylaw accordingly.

Next Steps

Should the LTC decide to give this draft bylaw first reading, staff have also recommended that a public hearing be arranged in order to receive community feedback before any further readings of draft Bylaw No. 291.

Submitted By:	Teresa Ritemann Planner 1	August 22, 2016
Concurrence:	Rob Milne, RPP, MCIP Island Planner; A/Regional Planning Manager	August 24, 2016

ATTACHMENTS

1. Draft Bylaw No. 291
2. Existing Sign Regulations from current Gabriola LUB No. 177
3. Islands Trust Policy Statement Directives Only Checklist
4. Project Charter Version 3.0, endorsed by the LTC on May 26, 2016

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 291

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999

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

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016”.

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

READ A FIRST TIME THIS _____ DAY OF _____ 2016

PUBLIC HEARING HELD THIS _____ DAY OF _____ 2016

READ A SECOND TIME THIS _____ DAY OF _____ 2016

READ A THIRD TIME THIS _____ DAY OF _____ 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 2016

ADOPTED THIS _____ DAY OF _____ 2016

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 291

Schedule 1

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

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

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

- B.4.1.1 Every *sign* must comply with the provisions in Table 1.

Table 1: <i>Sign Regulations</i>		
Column 1	Column 2	Column 3
Zone	Maximum Number of <i>Signs</i> Permitted	Maximum Total <i>Sign Area</i> Permitted
Residential Zones		
SRR, LRR	n/a	1.5 sq.m (16.1 sq.ft) per <i>lot</i>
SSN	2 per <i>lot</i>	4.0 sq.m (43.0 sq.ft) per <i>lot</i>
Resource Zones		
AG, F, FWR1, GC, GP, R, RC, RR1	n/a	1.5 sq.m (16.1 sq.ft) per <i>lot</i>
Commercial and Industrial Zones		
VC1, VC2, DC1	2 per business	4.0 sq.m (43.0 sq.ft) per business
LC1, LC2, LC3, FP	2 per business	4.0 sq.m (43.0 sq.ft) per business
TC1, TC2	2 per <i>lot</i>	4.0 sq.m (43.0 sq.ft) per <i>lot</i>
I	2 per business	4.0 sq.m (43.0 sq.ft) per business
Recreation and Institutional Zones		
IN1, IN2, IN3, IN4, YC	2 per <i>lot</i>	4.0 sq.m (43.0 sq.ft) per <i>lot</i>
P1, P2, P3	n/a	2.5 sq.m (27.0 sq.ft) per park entrance
Water Zones		
WG, WP1, WP2, WP3	n/a	n/a
WC1, WC2, WC3, WC4, WI1, WI2, WI3, WYC	2 per water <i>lot</i> or lease	4.0 sq.m (43.0 sq.ft) per water <i>lot</i> or lease

- B.4.1.2 Notwithstanding B.4.1.1, home occupations are permitted one *sign* per *lot* up to a maximum sign area of 0.3 square metres (3.2 square feet).

B.4.2 Temporary signs

- B.4.2.1 Notwithstanding B.4.1.1, real estate *signs* on individual properties for sale may be temporarily displayed in any *zone*, subject to:

- a. the *sign* not exceeding 1.1 square metres (12.0 square feet) in *sign area*;
- b. the *sign* being located on the subject property that is for sale; and
- c. the *sign* being removed within two weeks of sale

- B.4.2.2 Notwithstanding B.4.1.1, *temporary event signs* may be temporarily displayed in any *zone*, subject to:

- a. the *sign* not exceeding 0.55 square metres (6.0 square feet) in *sign area*;
- b. the *sign* being displayed for a maximum of two weeks prior to the event
- c. the *sign* being removed within 72 hours of the conclusion of the event; and
- d. where such a *sign* is to be located on a highway (as defined in the *Transportation Act*), that prior consent is obtained from the Ministry of Transportation and Infrastructure.

B.4.3 Obsolete Signs & Derelict Signs

- B.4.3.1 *Obsolete signs* and *derelict signs* must be removed within thirty days after the *sign* becomes *obsolete* or *derelict*.
- B.4.3.2 *Obsolete signs* and *derelict signs* may be removed at the discretion of the Gabriola Island Local Trust Committee.

B.4.4 Multi-Party Directional Signs

- B.4.4.1 Despite all other references in this Bylaw, *directional signs* which consolidate the direction of traffic to multiple businesses shall be limited in *sign area* to 0.2 square metres (2.15 square feet) per business, to a maximum *sign area* of 2.0 square metres (21.5 square feet).

B.4.5 Third Party Signs

- B.4.5.1 Notwithstanding B.4.1.1, *third party signs* shall have a maximum *sign area* of 0.3 square metres (3.2 square feet).
- B.4.5.2 A maximum of one *third party sign* is permitted per lot.

B.4.6 Prohibited Signs

- B.4.6.1 Illuminated *signs* are prohibited.

2. **PART G – DEFINITIONS**, Section **G.1 DEFINITIONS** is amended by deleting the existing definition of “third party signage” and replacing it with the following definition:

“*third party sign* means a sign that advertises or directs attention to an occupancy of land, a use, product, location, or other matter at a location other than where the sign is located, erected, or displayed.”

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

- i. “*sign* means any device or medium, including its supporting *structure*, which is used to attract attention for advertising, direction, information, or identification purposes.”
- ii. “*sign area* means the entire area within a continuous perimeter, enclosing the extreme limits of a *sign* display, including any frame or border; and for these purposes, the area of a double-faced *sign* is considered to be the area of one face only.”

- iii. “*sign, derelict* means any sign which has been abandoned, discarded, or otherwise neglectfully maintained to such an extent that it has fallen into disrepair”
- iv. “*sign, directional* means any sign which directs pedestrians, cyclists, vehicles, or other traffic.”
- v. “*sign, obsolete* means any sign which is no longer relevant because of the discontinuance of the business, service, activity or event which it advertises or directs attention to”
- vi. “*sign, temporary event* means any sign which is portable in nature, and which advertises a special community event”

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

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

Table 1: Sign Regulations		
Column 1	Column 2	Column 3
Zone	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
Residential Zones		
SRR, LRR	n/a	1.5 sq.m (16.1 sq.ft) per lot
SSN	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
Resource Zones		
AG, F, R, GP	n/a	1.5 sq.m (16.1 sq.ft) per lot
Commercial and Industrial Zones		
VC1, VC2, DC1	2 per business	4.0 sq.m (43.0 sq.ft) per business
LC1, LC2, LC3, FP	2 per business	4.0 sq.m (43.0 sq.ft) per business
TC1, TC2	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
I	2 per business	4.0 sq.m (43.0 sq.ft) per business
Recreation and Institutional Zones		
IN1, IN2, IN3, IN4	2 per lot	4.0 sq.m (43.0 sq.ft) per lot
P1, P2, P3	n/a	2.5 sq.m (27.0 sq.ft) per park entrance
Water Zones		
WG, WP1, WP2, WP3	n/a	n/a
WC1, WC2, WC3, WC4, WI1, WI2, WI3	2 per water lot or lease	4.0 sq.m (43.0 sq.ft) per water lot or lease

B.4.1.2 Real estate signs on individual properties for sale may be temporarily displayed in any zone, subject to the sign not exceeding 1.1 square metres (12.0 square feet) in area and being located on the subject property. Such signs are to be removed within two weeks of sale.

B.4.1.3 Illuminated signs are not permitted.

B.4.1.4 Home occupations are permitted one sign per lot up to a maximum sign area of 0.3 square metres (3.2 square feet). This area is included within, and not in addition to, the areas noted in Column 3, "Maximum Total Sign Area Permitted", of Table 1.

B.4.2 Exempted Signs

B.4.2.1 Signs exempted from the provisions of Subsection B.4.1 are:

- directional, traffic and marine navigational signs sited and maintained by government agencies; and
- interpretive and directional signs sited and maintained by government agencies in the P1, P2 and P3 zones.

B.4.3 Prohibited Signs

B.4.3.1 Third party signs exceeding 0.3 square metres (3.2 square feet) in area are prohibited.



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: LUB Amendment Bylaw No. 291 (GB-6500-20 Roadside Signage)

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 matters in their official community plans in a way that implements the policy of Trust Council.

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

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

Part III: Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
4.1 Agricultural Land		
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
4.2 Forests		
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
4.3 Wildlife and Vegetation		
4.4 Freshwater Resources		
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
4.5 Coastal Areas and Marine Shorelands		
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
4.6 Soils and Other Resources		
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
5.1 Aesthetic Qualities		
✓	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		
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
5.3 Transportation and Utilities		
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
5.4 Disposal of Waste		
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
5.5 Recreation		
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
5.6 Cultural and Natural Heritage		
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
5.7 Economic Opportunities		
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
5.8 Health and Well-being		
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Purpose To review Gabriola Island’s Land Use Bylaw No. 177 (and, where appropriate, Gabriola Island’s Official Community Plan No. 166) with respect to the issue of roadside signage regulations.

Background The issue of roadside signage on Gabriola has been discussed since at least 2010. Staff had initial discussions with the Ministry of Transportation and Infrastructure (MOTI) in 2010; the Local Trust Committee revised the Official Community Plan in 2011; the Gabriola Island Chamber of Commerce (GICC) completed a Tourism Signage Audit report in 2011; Bylaw Enforcement followed up with various public complaints (2012-2015); and in May 2015, the Local Trust Committee resolved to add roadside signage as a Top Priority (resolution GB-2015-058).

Objectives

- To meet with MOTI to discuss the ongoing roadside signage issue;
- To hold CIMs and a public survey to hear from GICC and other stakeholders (e.g. Gabriola businesses) regarding roadside signage; and
- To develop a roadside signage strategy for Gabriola (including a Terms of Reference)

In Scope

- One Staff meeting with MOTI as per 1992/1996 Letter of Agreement
- Two CIMs and one public survey for public consultation
- Develop a strategy for roadside signage on Gabriola (including a Terms of Reference)
- Review and revise Project Charter as necessary

Out of Scope

- Meeting with MOTI on behalf of GICC and other stakeholders
- IT acting as a liaison for the GICC to solve signage concerns for businesses
- Public consultation beyond two Open Houses/CIMs and one survey

Workplan Overview	
Deliverable/Milestone	Date
Adoption of Project Charter	October 22, 2015
Planning Staff meeting with MOTI staff (as per Interagency Task Force in the 1996 Letter of Understanding) to discuss roadside signage issues on Gabriola	Nov. or Dec. 2015
Open House/CIM to meet with GICC and other stakeholders to follow up with info and discussion regarding meeting with MOTI, as well as hearing public concerns around signage	January 2016
Presentation of public findings from Open House/CIM to the LTC during the regular business meeting. LTC to provide feedback and direction to Staff	February 2016
Planning staff to hold second Open House/CIM to get additional public feedback on roadside signage issues on Gabriola and work to develop a roadside signage strategy for the island	April 2016
Planning Staff presentation of final recommendations and roadside signage strategy to the LTC during the regular business meeting	May 2016
Planning Staff presentation of proposed Land Use Bylaw amendments to the LTC during the regular business meeting (scheduled on Mudge Island)	July 2016
Continuation of the bylaw amendment process	September 2016

Project Team	
Teresa Ritemann, Planner 1	Project Manager
Ann Kjerulf, Regional Planning Manager	Project Supervisor
Rob Milne, Island Planner	Project Support
Penny Hawley, Planning Team Assistant	Mail-outs / Support
Islands Trust Bylaw Enforcement Department	Bylaw Support

RPM Approval:	LTC Endorsement:
Date:	Resolution #: GB-2016-056
	Date: May 26, 2016

Budget		
Budget Source: Special Projects		
Fiscal	Item	Cost
2015/16	Communications (e.g. advertising for Open Houses/Community Information Meetings)	\$900
2015/16	Two Open Houses (venue rental, refreshments, other associated costs etc.)	\$1,000
2016/17	Land Use Bylaw amendment process	\$600
	Total	\$2,500



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

DATE OF MEETING: September 8, 2016
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Office
SUBJECT: Housing Options Review Project – Community Survey on Phase 1 Scope Topics

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to proceed with a community outreach survey on the Housing Options Review Project Phase 1; and
2. That the Gabriola Island Local Trust Committee request staff to invite the Advisory Planning Commission Members to participate in a working group session in October 2016 with planning staff to develop draft parameters for regulatory changes consistent with the scope of the Phase 1 Housing Options Review Project Charter.

REPORT SUMMARY

The purpose of this report is to: 1) present the draft community outreach survey questions for discussion regarding the housing options review project; and 2) outline next steps in the release of the survey and Advisory Planning Commission (APC) working group.

BACKGROUND

At the July 21, 2016 Local Trust Committee (LTC) meeting the LTC endorsed the Housing Options Review Project Charter and requested staff to prepare a draft community survey on the Phase 1 project topics for discussion at the September LTC meeting.

GB-2016-073

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the Gabriola Housing Options Review Project Charter (as revised).

CARRIED

ANALYSIS

Draft community survey

The draft community survey questions are intended to establish a starting point of discussion within the community for the regulatory options being considered in the first phase of this housing project. Nine targeted questions on the scope of the project will assist the APC working group and staff in developing the draft parameters for any future bylaw amendments and identify topic areas where more information may be required.

The survey will be advertised and administered electronically as well as included as a hard copy insert in the Sounder. The closing date for the survey is proposed to be Friday October 7, 2016. The estimated cost of including the survey as a hard copy in the Sounder is \$500. These costs have been factored into the overall project budget for 2016/17 as reflected in the Project Charter.

Advisory Planning Commission

The APC will be invited to participate as a working group with staff in mid October to review survey responses and develop draft parameters for any proposed regulatory changes to the Land Use Bylaw. This information will be presented back to the LTC for the November 10, 2016 regular business meeting.

Rationale for Recommendation:

Staff is requesting LTC input on the draft survey questions so that the survey can be finalized and released by mid September. A resolution to proceed with the distribution of the survey, collection of results and discussion with the APC about the parameters of any regulatory changes to the LUB is also being requested, consistent with the work program in the project charter. A formal recommendation is included on Page 1 of the report.

NEXT STEPS

- LTC to give direction to staff on community survey questions.
- Staff to distribute survey electronically and via hard copy by mid September for a two-week period and then compile and analyse responses.
- Staff to arrange a date and engagement process for APC to meet as a working group in mid October to provide analysis of survey responses and parameters of amending bylaws.
- Staff to report back to the LTC in November with draft bylaws for discussion.

Submitted By:	Sonja Zupanec, RPP Island Planner	July 28, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	August 11, 2016

ATTACHMENTS

1. Draft Community Survey Questions – September 2016



Housing Options Review Project

GABRIOLA ISLAND HOUSING OPTIONS REVIEW PROJECT COMMUNITY SURVEY

Phase 1 of the Housing Options Review Project includes conducting a survey for the Gabriola Island Local Trust Committee (LTC) to gather input from Gabriola Island property owners, tenants and prospective residents on the following topic areas in the Gabriola Island Land Use Bylaw :

1. Providing the option for secondary suites on lots where accessory cottages are permitted (permit one secondary suite or one accessory cottage);
2. For lands in the Agricultural Land Reserve (ALR), providing the option for a secondary suite over a non-residential building (garage, barn, workshop etc.) instead of within the principal dwelling;
3. Reviewing the temporary dwelling regulations to permit the permanent use of recreational vehicles, travel trailers, tiny homes on a chassis, on lots where a single family dwelling use is permitted.

This survey contains nine questions and should take 5-10 minutes to complete. Planning staff will present your feedback to the Local Trust Committee in the fall of 2016, which will help inform any recommended changes to the Land Use Bylaw or Official Community Plan on these three specific topic areas.

For more information on the scope, budget and workplan for the Housing Options Review Project please visit our [project website](#) or contact planning staff at housing@islandstrust.bc.ca.

Thank you for your participation!

Melanie Mamoser and Heather O'Sullivan
Trustees, Gabriola Island Local Trust Committee





Housing Options Review Project

Question 1:

Please select all the statements which are applicable to you:

- ☐ I own vacant land on Gabriola Island
- ☐ I own a home on Gabriola Island which is my primary residence.
- ☐ I own a home on Gabriola Island which is my temporary/seasonal residence.
- ☐ I rent a home/suite/cottage on Gabriola Island as my permanent residence
- ☐ I am currently seeking permanent accommodation on Gabriola Island
- ☐ Other:

Question 2:

The Gabriola Island Land Use Bylaw only permits secondary suites within a principal dwelling in the 'Agriculture' (AG) zone within the Agricultural Land Reserve (ALR), whereas the Agricultural Land Commission allows suites to be located either within a principal dwelling or above an existing accessory (non-residential) building.

Do you support amending the bylaw to permit the option for a secondary suite to either be located above a non-residential building (e.g. garage, barn, workshop etc.), OR within a principal dwelling in the ALR/AG zone?

- ☐ Yes
- ☐ No
- ☐ Other:

Question 3:

If you answered yes to Q2 above, what is the maximum floor area that should be allowed for a suite above a non-residential building on lands in the ALR? (Note the BC Building Code has a maximum floor area of 90 m² or 968 square feet for secondary suites within dwellings).

- ☐ 700 square feet maximum floor area which is the same for accessory cottages in other zones
- ☐ 968 square feet maximum floor area which is the same for secondary suites in the ALR
- ☐ No maximum floor area
- ☐ Other:

Question 4:

The Gabriola Island Land Use Bylaw permits accessory cottages (up to a maximum of 700 square feet) on lots over 2 hectares (5 acres) in size in several residential zones. **Do you support amending the bylaw to permit either a secondary suite within the principal dwelling OR an accessory cottage on the lot?**

- ☐ Yes
- ☐ No
- ☐ Other:



Housing Options Review Project

Question 5:

The Gabriola Island Land Use Bylaw defines a secondary suite as: *“an accessory, self-contained dwelling unit on land in the Agriculture Land Reserve located wholly within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a floor area no greater than 90 square metres (968 square feet) or 40% of the habitable floor area of the dwelling, whichever is less.”* **Do you support amending this definition in the bylaw so that it is not limited to land in the ALR?**

- ☐ Yes
- ☐ No

Question 6:

What other provisions should be considered if secondary suites are to be allowed in lieu of accessory cottages on residential lots outside of the ALR? Check all that apply:

- ☐ Specify a minimum floor area not just a maximum floor area
- ☐ Require written verification that septic system can handle extra occupants
- ☐ Require specific water conservation measures
- ☐ Require proof of potable water
- ☐ Compliance with BC Building, Fire and Safety Codes
- ☐ Compliance with other Land Use Bylaw regulations (ie. siting, setbacks, height, and lot coverage)
- ☐ Specify what is required for the suite to be considered attached (e.g. shared wall space)
- ☐ Other:

Question 7:

The Gabriola Island Land Use Bylaw does not permit travel trailers, recreational vehicles, or custom-built tiny homes on a chassis to be used as a permanent dwelling EXCEPT for temporary use with a valid RDN building permit to build a permanent residence. **Do you support amending the bylaw to permit permanent use of these structures as dwellings on any lot where single family dwelling use is permitted?**

- ☐ Yes, but only as an accessory cottage where permitted
- ☐ Yes, either as a primary residence or an accessory dwelling
- ☐ No
- ☐ Other:

Question 8:

If you answered yes to Question 8, which of the following should be addressed to permit travel trailers, recreational vehicles or other unique dwellings for permanent residential use (check all that apply):

- ☐ Require written verification of septic system capacity and connectivity
- ☐ Require specific water conservation measures
- ☐ Require proof of potable water



Housing Options Review Project

- Compliance with BC Building, Fire and Safety Codes or equivalent standards (i.e. CSA)
- Compliance with other Land Use Bylaw regulations (ie. siting, setbacks, height, and lot coverage)
- Require screening or other measures to address appearance/aesthetic concerns.
- Require registration of a restrictive covenant on title to ensure that a travel trailer, recreational vehicle or other movable dwelling is removed once the residential use ceases
- Other:

Question 9:

The Gabriola Island Local Trust Committee is interested in building and strengthening relationships with community groups and government agencies to support affordable and attainable housing options on Gabriola.

On a scale of 1 to 5 (1=least and 5=most), how familiar are you with the following:

Group/Agency/Program	1	2	3	4	5
Gabriola Affordable Housing Society					
People for a Healthy Community (PHC Gabriola)					
Gabriola Health Care Auxiliary					
GERTIE Community Bus (Gabriola Environmentally Responsible Trans-Island Express)					
Regional District of Nanaimo Affordable Housing Action Plan					
Nanaimo Association of Community Living					
BC Housing – Home Adaptation for Independence					
BC Housing – Rental Assistance Program					
BC Housing – Subsidized Housing					
BC Hydro Energy Conservation Assistance Program					
BC Tenant Resource and Advisory Centre					
CMHC Mortgage Loan Insurance					
Canada Revenue Agency Home Buyer Tax Credit					
Habitat for Humanity					
Other:					

Please share any other comments:

THANK YOU FOR YOUR PARTICIPATION!



Top Priorities

Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Compliance with new Ministry of Agriculture bylaw standards regarding Medical Marihuana Production Facilities in the Agricultural Land Reserve		23-Jul-2015	Aleksandra Brzozow	31-Dec-2015
2	Review of roadside signage regulations on Gabriola Island	Develop a roadside signage strategy.	07-May-2015	Teresa Ritemann	
3	Housing Options Review Project	To be further scoped by LTC	07-May-2015	Sonja Zupanec	
4	Review of water taxi feasibility at or near Descanso Bay, Gabriola Island		14-Jul-2016		

**Projects****Gabriola Island**

Description	Activity	R/Initiated
DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: · park areas without park zoning · DAI Bylaw		21-Apr-2011
Hazardous areas and steep slopes development permit area · also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		21-Feb-2013
Forage Fish Mapping Workshop	March, 2013 resolution	05-Sep-2013
Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	16-Jan-2014
Review OCP and LUB to include protective measures for biodiversity.	Species and Ecosystems at Risk (SEAR) Local Government Working Group may have resources for this project.	19-Jan-2012
Review OCP and LUB to improve protection of coastal areas.		19-Jan-2012
Review OCP and LUB to protect water quality and quantity.		19-Jan-2012
First Nations cultural references in land use planning	Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola.	27-Jan-2011
Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).		14-May-2014
Snuneymuxw First Nation Protocol Agreement Implementation		22-Jan-2015
Village Core Review		02-Apr-2015

**Projects****Gabriola Island**

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



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.1	SKINNER, Hugh & Elaine	21-Mar-2016	variance to natural boundary of the sea; interior lot line; possible front property line to bring into compliance

Planner: Teresa Rittemann

Planning Status

Status Date: 29-Aug-2016

Survey received. Planner completed review and staff report to appear on the 8-Sept-2016 LTC meeting agenda.

Status Date: 30-Jun-2016

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

Status Date: 05-May-2016

Applicant emailed to say we can expect a new survey in June and hope to have their application on the September 8 LTC meeting agenda.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.2	GERMAN, LOUISE	31-May-2016	PID: 004-536-584 To vary the set-back to the natural boundary of the sea due to erosion. 1046 Sea Fern Lane, Mudge Island.

Planner: Teresa Rittemann

Planning Status

Status Date: 29-Aug-2016

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

Status Date: 30-Jun-2016

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

Status Date: 24-Jun-2016

Revised survey received.

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

Planner: Marnie Eggen

Applications

Planning Status

Status Date:

Rezoning

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

Planner: Rob Milne

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2016.2	OTG Developments	07-Apr-2016	PID: 025-674-170 Application to rezone lot to allow for a two lot residential subdivision.

Planner: Sonja Zupanec

Planning Status

Status Date: 21-Jul-2016

LTC resolution to proceed no further; issue refund and advise applicant they may only re-apply after one year.

Status Date: 27-Jun-2016

Preliminary staff report deferred to LTC meeting July 21 2016. Applicant notified of new LTC meeting date/time/location.

Subdivision

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

Planner: Marnie Eggen

Planning Status

Applications

Status Date: 08-Jan-2016

PLA extension

Status Date: 14-Apr-2014

parent lot is in transition of sale

Status Date: 25-Oct-2013

PLA extension

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

Planning Status

Status Date: 29-Aug-2016

No change in status.

Status Date: 30-Jun-2016

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

Status Date: 05-May-2016

Staff awaiting a response from the RDN

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

Planning Status

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

Applications

Status Date: 14-Mar-2014

PLA received

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

Planner: Teresa Ritemann

Planning Status

Status Date: 29-Aug-2016

No change in status.

Status Date: 03-Sep-2014

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

Status Date: 18-Mar-2014

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

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

Planner: Teresa Ritemann

Planning Status

Status Date: 29-Aug-2016

No change in status.

Status Date: 07-May-2016

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

Status Date: 05-May-2016

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

File Number	Applicant Name	Date Received	Purpose
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**Applications**

GB-SUB-2013.3

Smythies &
Associates

28-Oct-2013

411 Daniel Way
subdivision to create 2 parcels**Planner:** Teresa Ritemann**Planning Status**

Status Date: 29-Aug-2016

No change in status.

Status Date: 01-Apr-2016

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

Status Date: 29-Feb-2016

No change in status.

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

Planner: Teresa Ritemann**Planning Status**

Status Date: 29-Aug-2016

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 03-Feb-2016

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

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

Planner: Teresa Ritemann**Planning Status**

Status Date: 29-Aug-2016

No change in status.

Applications

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

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

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

Planner: Lisa Webster-Gibson

Planning Status

Status Date:

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

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Jun-2016

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

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.5	SCOTT, DOUGLAS	04-Jul-2016	PID: 006-982-255 and 006-982-247 Civic address: 790 Seagirt Road. Lot line adjustment.

Planner: Teresa Ritemann

Planning Status

Status Date: 29-Aug-2016

No change in status.

Status Date: 03-Aug-2016

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

Applications

Status Date: 29-Jul-2016

Revised plan received.

Temporary and Industrial Use Permit

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

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

620 Gabriola	Invoices posted to Month ending July 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	501.13	998.87
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	1,550.40	3,199.60
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	439.48	160.52
65220-620	LTC - Local Exp - Communications	1,250.00	0.00	1,250.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	501.86	498.14
TOTAL LTC Local Expense		<u>7,600.00</u>	<u>2,491.74</u>	<u>5,108.26</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	1,500.00	32.10	1,467.90
73001-620-4063	Gabriola First Nations Relations	1,500.00	0.00	1,500.00
73001-620-4064	Gabriola Attainable Housing	3,500.00	0.00	3,500.00
TOTAL Project Expenses		<u>6,500.00</u>	<u>32.10</u>	<u>6,467.90</u>

Gabriola Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: February 2, 2016

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