



Gabriola Island Local Trust Committee

Regular Meeting Revised Agenda

Date: March 1, 2018
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Pages

1. **CALL TO ORDER** 10:15 AM - 10:15 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **TOWN HALL AND QUESTIONS**
4. **COMMUNITY INFORMATION MEETING** 10:25 AM - 11:00 AM
 - 4.1 Housing Options Review Project (Bylaw No. 293) 4 - 10
 - 4.1.1 Planner Presentation
 - 4.1.2 Question and Answer Session
5. **PUBLIC HEARING - To begin at 11:00**
 - 5.1 Recess for Public Hearing
Public Hearing - Bylaw No. 293 (Housing Options Review Project)
 - 5.2 Recall to Order

REMINDER: NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE, OR ITS INDIVIDUAL MEMBERS AS THE PUBLIC HEARING FOR BYLAW NO. 293 HAS CONCLUDED.
6. **LOCAL TRUST COMMITTEE PROJECTS**
 - 6.1 Housing Options Review Project Bylaw 293 (LUB) for consideration of 2nd and 3rd readings - Staff Report 11 - 19
 - 6.1.1 Memorandum 20 - 27

7.	MINUTES	
7.1	Local Trust Committee Minutes dated January 18, 2018 – for Adoption	28 - 36
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7.3	Mudge Island Advisory Planning Commission Adopted Minutes dated January 19, 2018 - for Receipt	38 - 43
7.4	Mudge Island Advisory Planning Commission Draft Minutes dated February 18, 2018 - for Receipt	44 - 46
8.	BUSINESS ARISING FROM MINUTES	
8.1	Follow-up Action List dated February 21, 2018	47 - 51
9.	DELEGATIONS - none	
10.	CORRESPONDENCE - none	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
11.	APPLICATIONS AND REFERRALS	
11.1	GB-TUP-2016.1 (McAfee & Loerzer - 1070 Chappel Place, Gabriola) - Staff Report	52 - 76
12.	LOCAL TRUST COMMITTEE PROJECTS - CONTINUED	
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13.1.1	Top Priorities Report dated February 21, 2018	94 - 94
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14.	NEW BUSINESS	
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15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Thursday, April 12, 2018 at Gabriola Island Agricultural Hall, 465 South Road, Gabriola Island, BC	
16.	TOWN HALL	
17.	CLOSED MEETING - cancelled previously scheduled meeting	
18.	ADJOURNMENT	

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 293

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation:

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

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

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

PUBLIC HEARING HELD THIS DAY OF , 2017

READ A SECOND TIME THIS DAY OF , 2018

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 201X

ADOPTED THIS _____ DAY OF _____ , 201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 293

Schedule 1

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

- 2.1 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses, Clause a. is amended by deleting the words “an *accessory cottage*” and replacing it with the words “a *secondary suite*”.

- 2.2 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause a. text is deleted in its entirety and replaced with:

“The construction, placement, or use of more than one *dwelling unit* on a *lot* is prohibited, unless specifically permitted in the *zone*.”

- 2.3 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings-is deleted in its entirety and replaced with:

“B.1.2.3 Additional Buildings

- a. The construction, placement, or use of more than one *dwelling unit* on a *lot* is prohibited, unless specifically permitted in the *zone*.
- b. Only one *building* accessory to a *dwelling unit* on a *lot* is permitted to contain a toilet, bathroom, or areas, equipment or infrastructure designed, used or intended to be used for the preparation and cooking of food.”

- 2.4 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause a. is amended by deleting the word “*principal*”.

- 2.5 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause b. text is deleted in its entirety and replaced with:

“*Home occupations* must be entirely enclosed within a *building*, providing the combined total floor area for *home occupation* uses on a *lot* do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95 acres), where the total combined floor area of *home occupation* uses may not exceed 150 square metres (1,615 square feet).”

- 2.6 Part B – GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1,

Table 2: Parking Requirements is amended by replacing the word “cottage” with “secondary suite”.

- 2.7 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals, Article B.6.3.1 is deleted in its entirety and replaced with:

“B.6.3.1 All *dwelling units*, including *secondary suites*, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.”

- 2.8 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, is amended by adding the following:

“B.6.6 Secondary Suite Regulations

Secondary Suites are subject to the following requirements:

- B.6.6.1 *Secondary suites* are a permitted *accessory use* on *lots* in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1) and Agriculture (AG) zones on *lots* 2.0 hectares (4.94 acres) or larger;
- B.6.6.2 One (1) *secondary suite* is permitted per *lot*.
- B.6.6.3 On *lots* outside the Agriculture Land Reserve a *secondary suite* may be located within or attached to a *single family dwelling* or within an accessory building as shown in Figure 1, examples A, B, C, D, E, and F.
- B.6.6.4 On *lots* within the Agricultural Land Reserve a *secondary suite* must be located wholly within a *single family dwelling* as shown in Figure 1, example A or B.

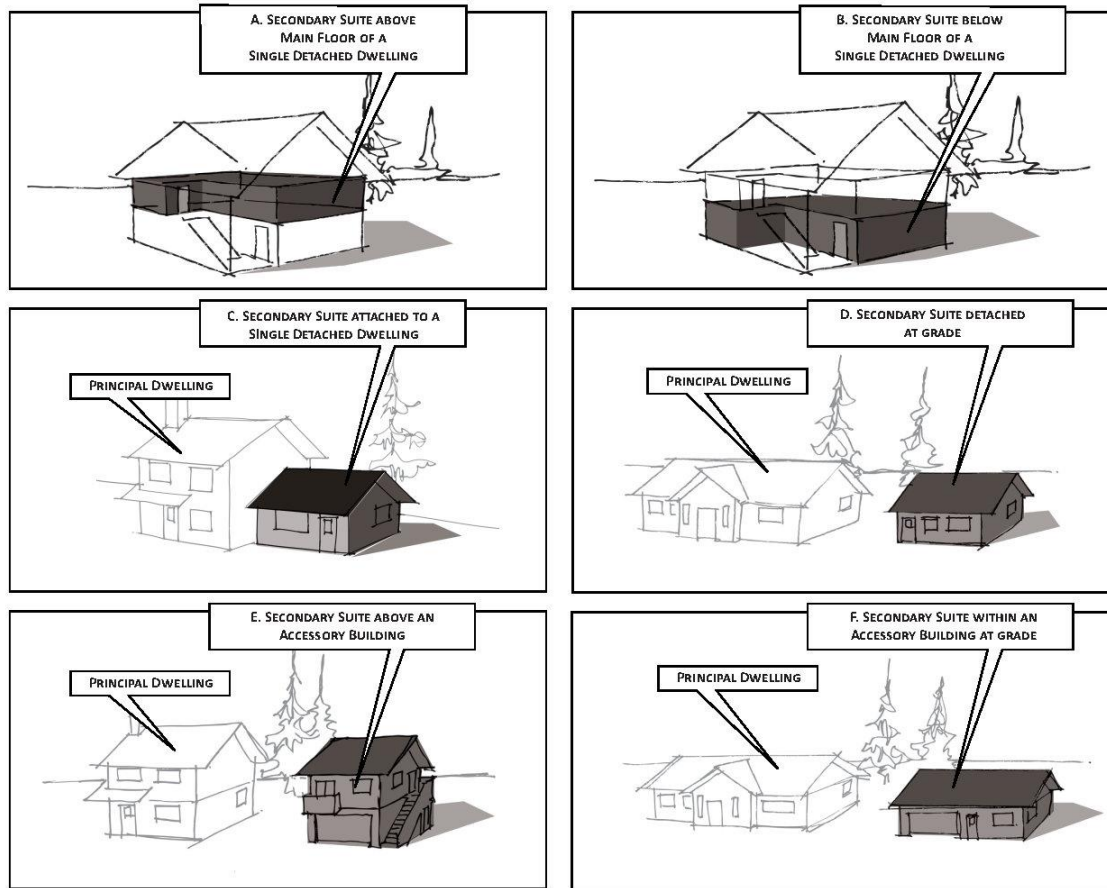


Figure 1. Examples of configurations for a permitted *secondary suite*

- B.6.6.5 The maximum permitted *floor area* for a *secondary suite* located within or attached to a *single family dwelling* is 90 square metres (968 square feet) or 40% of the *floor area* of the *dwelling*, whichever is less;
- B.6.6.6 The maximum permitted *floor area* for a *secondary suite* located within an *accessory building* is 90 square metres (968 square feet);
- B.6.6.7 A *secondary suite* must not be located within a *manufactured home*;
- B.6.6.8 For lands outside of the ALR, a *secondary suite* shall not be permitted on a *lot* unless the owner of the *lot* has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the *secondary suite* being a separate *lot*.

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

- “c. the travel trailer, recreational vehicle or *accessory building* is connected to an approved sewage disposal system.”
- 2.10 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.11 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and third bullets are deleted and replaced with:
- “-one *secondary suite* per lot;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*; and”
- 2.12 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.13 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “-one *secondary suite* per lot;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*; and”
- 2.14 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by deleting the words “or *cottage*”.
- 2.15 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third and fourth bullets are deleted and replaced with:
- “-one *secondary suite* per lot;
-for *lots* in the Agricultural Land Reserve, one *secondary suite* AND one *manufactured home* for immediate family or *farm worker housing*;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*; ”
- 2.16 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item ii text prefacing the bullets is deleted and replaced with:
- “On lands in the Agriculture Land Reserve where a *manufactured home* is permitted on a *lot* 2.0 hectares (4.94 acres) or larger for immediate family or *farm worker housing*, the following conditions apply.”

- 2.17 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item i, first bullet is amended by replacing the word “cottage” with “secondary suite”.
- 2.18 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii, first bullet is amended by replacing the word “cottage” with “secondary suite”.
- 2.19 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.
- 2.20 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- one *secondary suite* per lot;
 - three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*; and”
- 2.21 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.
- 2.22 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- one *secondary suite* per lot;
 - three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*; and”
- 2.23 Part D – , ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii text is deleted in its entirety and replaced with:
- “*secondary suite* residential.”
- 2.24 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second bullet text is deleted in its entirety and replaced with:
- three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and *woodshed* and that are *accessory* to all *dwellings*;
- 2.25 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted

Buildings and Structures, Item i, fourth bullet text is deleted in its entirety and replaced with

“- one *secondary suite* per *lot*.”

- 2.26 Part E – SUBDIVISION, Section E.1 GENERAL, Subsection E.1.3 Covenant Against Further Subdivision and Development, Article E.1.3.3 is amended by deleting the words “ or *cottage*” in each instance it appears and replacing the words “and in a form complying with Appendix E” with “under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee,”.
- 2.27 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “*cottage*” and definition.
- 2.28 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “*two*” with “*three*”.
- 2.29 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*secondary suite*” is amended by replacing the definition with the following text:

“a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot.”
- 2.30 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “*means*” from the beginning of each definition in the section.
- 2.31 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*floor area*” is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.32 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “sustainable energy systems utility room” is amended by removing the words “in a *cottage*”.
- 2.33 Schedule C – Map 14 is deleted.
- 2.34 PART C – Establishment of Zones, Sections C.3 Interpretation of Zone Boundaries, Subsection C.3.1.2 b. *Lots* in more than One *Zone* is amended by replacing the word “*cottage*” in each instance it appears with “*secondary suite*”.



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

DATE OF MEETING: March 1, 2018
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Housing Options Review Project – Proposed Bylaw No. 293 (LUB)

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be amended as per Attachment 1 of the staff report dated March 1, 2018.
2. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be read a second time as amended.
3. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be read a third time.
4. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
5. That the Gabriola Island Local Trust Committee request staff to update the ‘Housing Options Review Project – Frequently Asked Questions’ document to reflect changes made to Proposed Bylaw No. 293, including adding the pictorial examples of secondary suite configurations.

REPORT SUMMARY

The purpose of this report is to recommend that, following the close of the Public Hearing, Proposed Bylaw No. 293 be amended, given second and third readings, and forwarded to the Executive Committee for consideration.

BACKGROUND

Proposed Bylaw No. 292 (OCP) has been approved by the Islands Trust Executive Committee and has been forwarded to the Minister of Municipal Affairs and Housing for approval. At the January 18, 2018 regular Local Trust Committee (LTC) meeting, the LTC rescinded second reading of Bylaw No. 293 and made specific amendments based on staff recommendations. A second Community Information Meeting (CIM) and public hearing are to be held for Proposed Bylaw No. 293 (LUB) on March 1, 2018 to allow additional opportunity for public input.

The following resolutions were passed by the LTC on January 18, 2018:

GB-2018-006

It was MOVED and SECONDED

that second reading of Gabriola Island Local Trust Committee Bylaw No. 293, cited as "Gabriola Island Land Uses Bylaw No. 177, 1999, Amendment No. 1, 2017", be rescinded.

CARRIED

GB-2018-007

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 293, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017", be amended as per Attachment 1 of the memorandum dated January 18, 2018 with the following addition to B.6.3.1 under Item 2.7 part b add the words "except where a temporary use permit has been issued by the Local Trust Committee" after the phrase "is prohibited".

CARRIED

Proposed Bylaw 293 has been amended to reflect these changes.

GB-2018-008

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee waive the holding of a public hearing for Gabriola Island Local Trust Committee Bylaw No. 293, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017", and request staff to undertake the required public notification process pursuant to Sections 464(2) and 467 of the *Local Government Act* to waive the public hearing.

CARRIED

There was no action on resolution 2018-008 as it was replaced with the following resolution:

GB-RWM-2018-O2

It was MOVED and SECONDED

that the Gabriola Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 293, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017".

CARRIED

GB-2018-010

It was MOVED and SECONDED

that the phrase Draft Project Charter for Phase 2 be added to the list of activities under the Housing Options Review Project on the Top Priorities List.

CARRIED

The Gabriola LTC Top Priorities List has been updated as per the LTC's request.

ANALYSIS

Proposed Amendments to Bylaw No. 293

Attachment 1 includes recommended amendments to Proposed Bylaw No. 293 summarized as follows:

- **Removing Figure 1 Examples of Secondary Suite Configurations:** Figure 1 was included to help visualize the various secondary suite configurations possible under the LUB. Based on public input regarding the interpretation of this figure and further analysis, staff recommend that this figure be removed from the bylaw in order to eliminate any interpretive ambiguity. The figure can instead be inserted into the Frequently Asked Questions (FAQ) document for the Housing Options Review Project. The removal of Figure 1 from Bylaw No. 293 (LUB) requires two corresponding text amendments in section 2.8 to remove references to Figure 1.
- **Typographical corrections:** Replacing the references to “Agriculture Land Reserve” in B.6.6.3 and “ALR” in B.6.6.8 with “Agricultural Land Reserve”, and replacing two semicolons with periods.

Agency Referrals

Bylaw No. 293 (LUB) was re-referred to the Agricultural Land Commission in February 2018 for comment. At the time of report preparation, the Agricultural Land Commission had still not responded to the Islands Trust, and no further referral responses had been received from any other agencies.

First Nations Referrals

Bylaw No. 293 (LUB) was re-referred to the Snuneymuxw Nation in February 2018 for comment. No additional First Nation referral responses have been received up to the time of report preparation.

Rationale for Recommendation

Staff recommends that Proposed Bylaw No. 293 (LUB) be amended, given second and third reading and forwarded to the Executive Committee as per the staff recommendation on page 1 of the staff report.

ALTERNATIVES

1. Make additional changes to the bylaw or request additional information.

Upon the close of the public hearing, the LTC may further amend Proposed Bylaw No. 293. Please note, any amendments to alter use or density would necessitate a subsequent public hearing.

NEXT STEPS

Subject to LTC concurrence with the recommendations, and subsequent approval of Proposed Bylaw No. 293 by the Executive Committee, Proposed Bylaw Nos. 292 (OCP) and 293 (LUB) will be returned to the LTC for consideration of final reading (adoption).

Submitted By:	Sonja Zupanec, MCIP, RPP, Island Planner	February 15, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP, Regional Planning Manager	February 16, 2018

ATTACHMENTS

1. Proposed Bylaw No. 293 – track changes version

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 293

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 201X

ADOPTED THIS _____ DAY OF _____ , 201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 293

Schedule 1

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

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- 2.2 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause a. text is deleted in its entirety and replaced with:

“The construction, placement, or use of more than one *dwelling unit* on a *lot* is prohibited, unless specifically permitted in the *zone*.”

- 2.3 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings-is deleted in its entirety and replaced with:

“B.1.2.3 Additional Buildings

- a. The construction, placement, or use of more than one *dwelling unit* on a *lot* is prohibited, unless specifically permitted in the *zone*.
- b. Only one *building* accessory to a *dwelling unit* on a *lot* is permitted to contain a toilet, bathroom, or areas, equipment or infrastructure designed, used or intended to be used for the preparation and cooking of food.”

- 2.4 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause a. is amended by deleting the word “*principal*”.

- 2.5 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause b. text is deleted in its entirety and replaced with:

“*Home occupations* must be entirely enclosed within a *building*, providing the combined total floor area for *home occupation* uses on a *lot* do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95 acres), where the total combined floor area of *home occupation* uses may not exceed 150 square metres (1,615 square feet).”

- 2.6 Part B – GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1,

Table 2: Parking Requirements is amended by replacing the word “cottage” with “secondary suite”.

- 2.7 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals, Article B.6.3.1 is deleted in its entirety and replaced with:

“B.6.3.1 All *dwelling units*, including *secondary suites*, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.”

- 2.8 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, is amended by adding the following:

“B.6.6 Secondary Suite Regulations

Secondary Suites are subject to the following requirements:

- B.6.6.1 *Secondary suites* are a permitted *accessory use* on *lots* in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1) and Agriculture (AG) zones on *lots* 2.0 hectares (4.94 acres) or larger;
- B.6.6.2 One (1) *secondary suite* is permitted per *lot*.
- B.6.6.3 On *lots* outside the Agricultural Land Reserve a *secondary suite* may be located within or attached to a *single family dwelling* or within an accessory building.
- B.6.6.4 On *lots* within the Agricultural Land Reserve a *secondary suite* must be located wholly within a *single family dwelling*.
- B.6.6.5 The maximum permitted *floor area* for a *secondary suite* located within or attached to a *single family dwelling* is 90 square metres (968 square feet) or 40% of the *floor area* of the *dwelling*, whichever is less.
- B.6.6.6 The maximum permitted *floor area* for a *secondary suite* located within an *accessory building* is 90 square metres (968 square feet).
- B.6.6.7 A *secondary suite* must not be located within a *manufactured home*.
- B.6.6.8 For lands outside of the Agricultural Land Reserve, a *secondary suite* shall not be permitted on a *lot* unless the owner of the *lot* has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the *secondary suite* being a separate *lot*.

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

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

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

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

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

- 2.12 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.

- 2.13 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

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

- 2.14 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by deleting the words “or *cottage*”.

- 2.15 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third and fourth bullets are deleted and replaced with:

“-one *secondary suite* per lot;
-for *lots* in the Agricultural Land Reserve, one *secondary suite* AND one *manufactured home* for immediate family or *farm worker housing*;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; ”

- 2.16 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item ii text prefacing the bullets is deleted and replaced with:
- “On lands in the Agriculture Land Reserve where a *manufactured home* is permitted on a *lot* 2.0 hectares (4.94 acres) or larger for immediate family or *farm worker housing*, the following conditions apply:”
- 2.17 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item i, first bullet is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.18 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii, first bullet is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.19 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.20 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “- one *secondary suite* per *lot*;
- three *buildings* per *lot* excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; and”
- 2.21 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.22 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:
- “- one *secondary suite* per *lot*;
- three *buildings* per *lot* excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*; and”
- 2.23 Part D – , ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii text is deleted in its entirety and replaced with:
- “*secondary suite* residential.”
- 2.24 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second bullet text is deleted in its entirety and replaced with:

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

- 2.25 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, fourth bullet text is deleted in its entirety and replaced with

“- one *secondary suite* per *lot*.”

- 2.26 Part E – SUBDIVISION, Section E.1 GENERAL, Subsection E.1.3 Covenant Against Further Subdivision and Development, Article E.1.3.3 is amended by deleting the words “ or *cottage*” in each instance it appears and replacing the words “and in a form complying with Appendix E” with “under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee,”.
- 2.27 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “*cottage*” and definition.
- 2.28 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “*two*” with “*three*”.
- 2.29 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*secondary suite*” is amended by replacing the definition with the following text:
- “a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot.”
- 2.30 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “*means*” from the beginning of each definition in the section.
- 2.31 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*floor area*” is amended by replacing the word “*cottage*” with “*secondary suite*”.
- 2.32 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “sustainable energy systems utility room” is amended by removing the words “in a *cottage*”.
- 2.33 Schedule C – Map 14 is deleted.
- 2.34 PART C – Establishment of Zones, Sections C.3 Interpretation of Zone Boundaries, Subsection C.3.1.2 b. *Lots* in more than One *Zone* is amended by replacing the word “*cottage*” in each instance it appears with “*secondary suite*”.

MEMORANDUM

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

DATE OF MEETING: March 1, 2018
 TO: Gabriola Island Local Trust Committee
 FROM: Sonja Zupanec, Island Planner
 Northern Team
 COPY: Ann Kjerulf, Regional Planning Manager
 SUBJECT: Proposed Amendments to Bylaw No. 293 (LUB)

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be amended as per Attachment 1 of the memorandum dated March 1, 2018.

PURPOSE

Staff are recommending five additional minor revisions to Bylaw No. 293 shown as tracked changes in Attachment 1 based on public input received prior to the public hearing. This replaces recommendation #1 in the staff report included in the March 1, 2018 Gabriola Island Local Trust Committee (LTC) meeting agenda package.

The recommended changes are intended to correct and bring clarity to:

- Article B.1.2.1 a) Clarifying that use of an accessory building for cooking may be permitted if it complies with proposed article B.1.2.3.b;
- Removal of Section 2.2 in Proposed Bylaw No. 293 as it is duplicated in Section 2.3;
- Amendment of Article B.1.2.3 b) to so it reads “*Only one building accessory to all permitted dwelling units on a lot is permitted to contain a bathroom or areas, equipment or infrastructure designed, used or intended to be used for the preparation and cooking of food.*”
- B.6.6.3 and B.6.6.4 Removing the words “On lots” from the beginning of each article.

Staff are of the opinion that as these additional changes are not changes to use or density and the LTC can consider the amendments and staff recommendations #2, #3, #4 and #5 of the Staff Report dated March 1, 2018.

Submitted By:	Sonja Zupanec, RPP Island Planner	February 28, 2018
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ATTACHMENT:

1. PROPOSED BYLAW NO. 293 (LUB) –TRACKED CHANGES

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 293

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation:

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

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

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

PUBLIC HEARING HELD THIS DAY OF , 2018

READ A SECOND TIME THIS DAY OF , 2018

READ A THIRD TIME THIS DAY OF , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

Gabriola Island Local Trust Committee

Bylaw No. 293

Schedule 1

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

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

"use of an accessory building or structure, other than a secondary suite or accessory single family dwelling, for human habitation, including cooking and/or overnight accommodation, except as permitted in Article B.1.2.3.b and B.6.4.1;"

- ~~2.2 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause a. text is deleted in its entirety and replaced with:~~

~~"The construction, placement, or use of more than one dwelling unit on a lot is prohibited, unless specifically permitted in the zone."~~

- ~~2.23~~ Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings-is deleted in its entirety and replaced with:

"B.1.2.3 Additional Buildings

- a. The construction, placement, or use of more than one *dwelling unit* on a *lot* is prohibited, unless specifically permitted in the *zone*.
- b. Only one *building* accessory to all permitted dwelling units on a *lot* is permitted to contain a ~~toilet~~, bathroom, or areas, equipment or infrastructure designed, used or intended to be used for the preparation and cooking of food."

- ~~2.34~~ Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause a. is amended by deleting the word "*principal*".

- ~~2.45~~ Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause b. text is deleted in its entirety and replaced with:

"*Home occupations* must be entirely enclosed within a *building*, providing the combined total floor area for *home occupation* uses on a lot do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95

acres), where the total combined floor area of *home occupation* uses may not exceed 150 square metres (1,615 square feet)."

2.56 Part B – GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1, Table 2: Parking Requirements is amended by replacing the word "*cottage*" with "*secondary suite*".

2.67 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals, Article B.6.3.1 is deleted in its entirety and replaced with:

"B.6.3.1 All *dwelling units*, including *secondary suites*, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee."

2.78 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, is amended by adding the following:

"B.6.6 Secondary Suite Regulations

Secondary Suites are subject to the following requirements:

B.6.6.1 *Secondary suites* are a permitted *accessory use* on *lots* in the Small Rural Residential (SRR), Large Rural Residential (LRR), Forestry (F), Resource (R), Resource Residential (RR1) and Agriculture (AG) zones on *lots* 2.0 hectares (4.94 acres) or larger;

B.6.6.2 One (1) *secondary suite* is permitted per *lot*.

B.6.6.3 ~~On lots~~ Outside the Agriculture Land Reserve a *secondary suite* may be located within or attached to a *single family dwelling* or within an accessory building ~~as shown in Figure 1, examples A, B, C, D, E, and F.~~

B.6.6.4 ~~On lots~~ Within the Agricultural Land Reserve a *secondary suite* must be located wholly within a *single family dwelling* ~~as shown in Figure 1, example A or B.~~

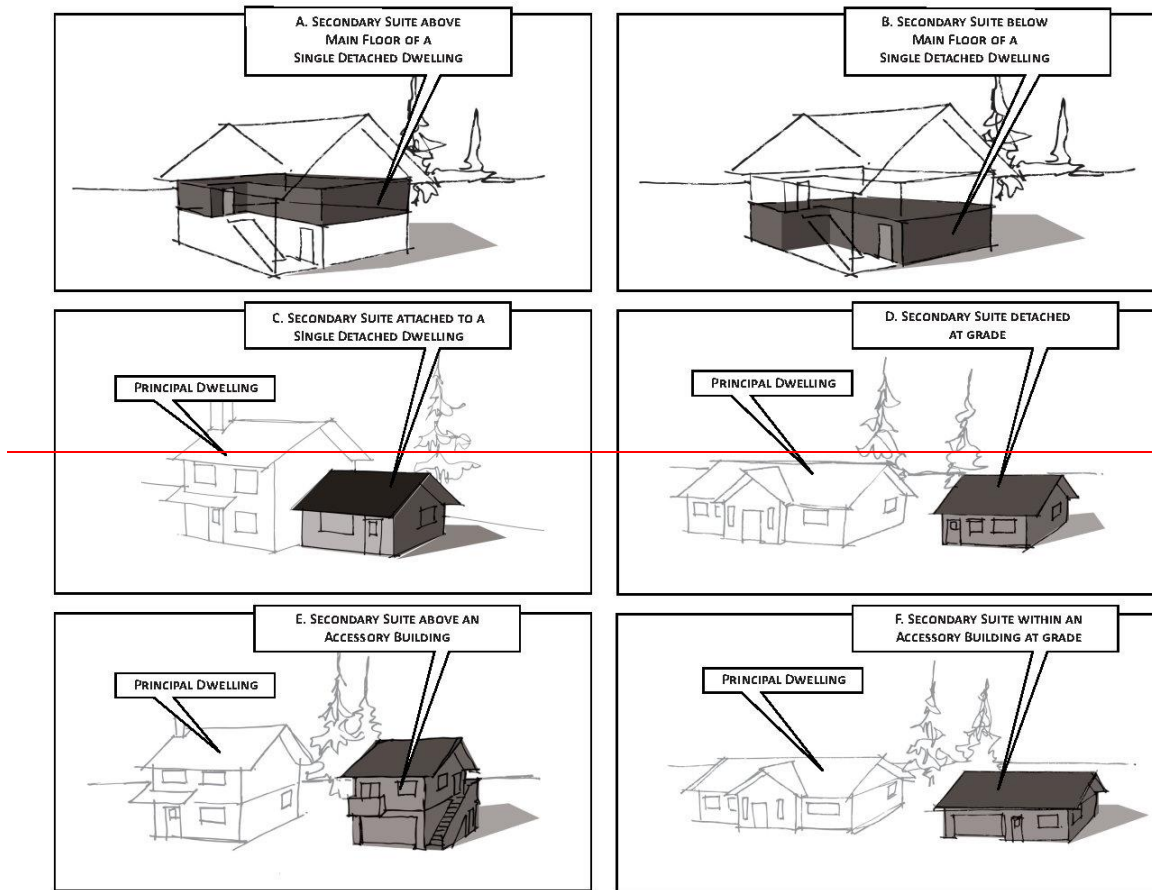


Figure 1. Examples of configurations for a permitted secondary suite

- B.6.6.5 The maximum permitted *floor area* for a *secondary suite* located within or attached to a *single family dwelling* is 90 square metres (968 square feet) or 40% of the *floor area* of the *dwelling*, whichever is less;
- B.6.6.6 The maximum permitted *floor area* for a *secondary suite* located within an *accessory building* is 90 square metres (968 square feet);
- B.6.6.7 A *secondary suite* must not be located within a *manufactured home*;
- B.6.6.8 For lands outside of the ALR, a *secondary suite* shall not be permitted on a *lot* unless the owner of the *lot* has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the *secondary suite* being a separate *lot*.

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

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

2.~~910~~ Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word "*cottage*" with "*secondary suite*".

2.~~1011~~ Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and third bullets are deleted and replaced with:

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

2.~~1112~~ Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word "*cottage*" with "*secondary suite*".

2.~~1213~~ Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

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

2.~~1314~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by deleting the words "or *cottage*".

2.~~1415~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third and fourth bullets are deleted and replaced with:

"-one *secondary suite* per lot;
-for *lots* in the Agricultural Land Reserve, one *secondary suite* AND one *manufactured home* for immediate family or *farm worker housing*;
-three *buildings* per lot excluding a *secondary suite*, *pump/utility house* and woodshed and that are *accessory* to all *dwellings*;"

2.~~1516~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item ii text prefacing the bullets is deleted and replaced with:

“On lands in the Agriculture Land Reserve where a *manufactured home* is permitted on a *lot* 2.0 hectares (4.94 acres) or larger for immediate family or *farm worker housing*, the following conditions apply.”

2.1617 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item i, first bullet is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.1718 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii, first bullet is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.1819 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.1920 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

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

2.2021 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “*cottage*” with “*secondary suite*”.

2.2122 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

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

2.2223 Part D – , ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii text is deleted in its entirety and replaced with:

“*secondary suite* residential.”

2.2324 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second bullet text is deleted in its entirety and replaced with:

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

- 2.2425 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, fourth bullet text is deleted in its entirety and replaced with

“- one *secondary suite* per *lot*.”

- 2.2526 Part E – SUBDIVISION, Section E.1 GENERAL, Subsection E.1.3 Covenant Against Further Subdivision and Development, Article E.1.3.3 is amended by deleting the words “ or *cottage*” in each instance it appears and replacing the words “and in a form complying with Appendix E” with “under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee,”.

- 2.2627 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “*cottage*” and definition.

- 2.2728 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “*two*” with “*three*”.

- 2.2829 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*secondary suite*” is amended by replacing the definition with the following text:

“a self-contained *dwelling unit* consisting of one or more *habitable rooms* and a *cooking facility* for residential occupancy accessory to a *principal dwelling unit* located on the same *lot*.”

- 2.2930 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “*means*” from the beginning of each definition in the section.

- 2.3031 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*floor area*” is amended by replacing the word “*cottage*” with “*secondary suite*”.

- 2.3132 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*sustainable energy systems utility room*” is amended by removing the words “in a *cottage*”.

- 2.3233 Schedule C – Map 14 is deleted.

- 2.3334 PART C – Establishment of Zones, Sections C.3 Interpretation of Zone Boundaries, Subsection C.3.1.2 b. *Lots* in more than One *Zone* is amended by replacing the word “*cottage*” in each instance it appears with “*secondary suite*”.

Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: January 18, 2018
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

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

Staff Present: Ann Kjerulf, Regional Planning Manager
Lisa Millard, Recorder

Others Present: There were approximately twelve members of the public and one member of the media in attendance.

Regrets: Melanie Mamoser, Local Trustee

1. CALL TO ORDER

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

Chair Busheikin noted that Trustee Mamoser was not in attendance due to illness.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

7.3 Commercial Vacation Rentals – Memorandum (Revised)

11.1.1 Housing Options Review Project (Proposed Bylaw No. 293) – Memorandum

13.2 Housing Agreement Administration – Briefing

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Reminder: Bylaw Nos. 292 and 293, Housing Options Review Project - NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE, OR ITS INDIVIDUAL MEMBERS AS THE PUBLIC HEARING HAS CONCLUDED.

A member of the public spoke regarding the Islands Trust's Derelict Vessel Advocacy program and noted that there is a form that can be filled out on the Islands Trust website to add to the inventory of derelict vessels. She expressed her appreciation that the Islands Trust is working with other agencies to protect the marine environment.

A member of the public asked for the definition of the term “briefing” in reference to Item 13.2. Regional Planning Manager Kjerulf indicated that the term is used for an information report that is presented to the Islands Trust Council or a Committee while the term memorandum is used for a short report to a Local Trust Committee (LTC) which might, or might not, request that a decision be made.

A member of the public asked if he could increase the size of his accessory building from 700 square feet to 960 square feet on his five-acre lot. He was advised by the Chair to contact a planner with the local Islands Trust office to discuss issues related to his private property.

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes dated December 14, 2017 – for adoption

Amendments to the Minutes dated December 14, 2017 were made as follows:

On page 1 of the minutes, in the Members Present section, beside Heather O’Sullivan, Local Trustee, add in brackets “attended by telephone conference call”.

On page 3 of the minutes strike the first bullet point that begins with “A short-term vacation rental is considered a home occupation.”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 11, 2018

Regional Planning Manager Kjerulf summarized the report and made the following comments:

- Staff had requested a meeting with the Regional District of Nanaimo (RDN) and are awaiting a response.
- Staff had completed an informational document titled “Commercial Vacation Rentals”.
- An Advisory Planning Commission meeting for the Mudge Island Official Community Plan (OCP) and Land Use Bylaw (LUB) has been scheduled for January 19, 2018.

7.2 Allocation of Northern Office Staff Resources – Memorandum

Regional Planning Manager Kjerulf indicated that the Gabriola Island LTC generally receives a higher proportion of planning and administrative staff resources as Gabriola is a larger island with more complex regulations compared to other islands in the Trust Area.

Trustee O’Sullivan noted that there is a relatively new method being used to track the allocation of staff working hours and she would like to have further review of the topic once more data is available for comparison purposes.

It was observed that Trustee Mamoser requested the report and she was not in attendance at the meeting to provide feedback. Regional Planning Manager Kjerulf stated she would ask Trustee Mamoser if she would like the memorandum included on the agenda of the next LTC regular meeting.

7.3 Commercial Vacation Rentals – Memorandum (REVISED)

Discussion ensued and the following points were made:

- To aid in readability the text on the first page should not be justified
- Trustees would like a clarification included in the document stating that AirBnB is an internet marketing platform and not a classification of vacation rental on Gabriola.
- The document was designed to be distributed as an educational tool for public information and therefore should be distributed to the public directly through the local newspaper.

GB-2018-001

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee authorize the expenditure of \$620.80 from the 2017/18 Local Trust Committee communications budget for the purpose of distributing the Commercial Vacation Rentals handout through the Gabriola Sounder.

CARRIED

8. DELEGATIONS

8.1 Village Vision Planning Committee - Presentation and Report

Dyan Dunsmoor-Farley, a member of the Village Vision Committee, read a written statement which asked the LTC to consider the following:

- That the findings and strategies in the Village Vision Report be analyzed in regard to their implications for the development of a housing strategy when developing terms of reference for Phase 2 of the Housing Options Review.
- That the terms of reference explore potential for mixed use buildings and examine the implications of increasing density in the village core.
- Consider if the scope identified in the OCP for potential rezoning applications for multi-dwelling affordable housing is in alignment with the principles of the report.
- That specific issues, as outlined in the statement, be prioritized for discussion at an upcoming annual cross-governmental meeting.
- That the existing letter of agreement with the Ministry of Transportation and Infrastructure (MOTI) be updated and renegotiated to address the standards of road safety and drainage.
- That the LTC work with the RDN, MOTI and the Vancouver Island Heath Authority (VIHA) to create a master plan to develop accessible, safe routes in the village and to the ferry.

GB-2018-002

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee refer point 1 in the Village Vision Delegation's submission, "Amend the Letter of Agreement between the Ministry of Transportation and the Islands Trust to include specific standards for village area streetscapes as rural complete multi-modal streets", to the Executive Committee with the inclusion of a supporting letter to be received from Village Vision: .

CARRIED

GB-2018-003

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to add points 2a and 2b of the Village Vision Delegation's submission to the agenda of the upcoming Regional District of Nanaimo and Islands Trust joint meeting:

"Adopt a co-ordinated inter-agency (Islands Trust, RDN and MOTI) approach to:

- a) the development of a Master Plan for the development of accessible, safe, pedestrian friendly routes not only in the village core but also down North Road to the ferry; and
- b) the development of standards, processes and shared funding programs to allow rural community Regional Districts to more efficiently and successfully collaborate with MOTI on rural village complete street improvements".

CARRIED

GB-2018-004

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee refer point 2c of the Village Vision Delegation's submission to the Trust Programs Committee for consideration:

"Adopt a co-ordinated inter-agency (Islands Trust, RDN and MOTI) approach to:

- c) the development of standards that would allow for the safe rainwater harvesting for potable use in multi-family, commercial and institutional settings."

CARRIED

Discussion ensued about creating a Project Charter for Phase 2 of the Housing Options Review prior to Phase 2 being designated as a project.

GB-2018-005

It was MOVED and SECONDED

that the following considerations be incorporated into a Project Charter for the second phase of the Housing Options Review Project:

- 1) examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing;
- 2) examining the potential for increasing density in the Village core multi-dwelling housing; and
- 3) exploring opportunities for mixed use buildings in the Village core.

CARRIED

9. CORRESPONDENCE - None

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

10. APPLICATIONS AND REFERRALS - None

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Housing Options Review Project and Proposed Bylaw No. 293 - Staff Report

11.1.1 Housing Options Review Project (Proposed Bylaw No. 293) – Memorandum

Regional Planning Manager Kjerulf noted that the Staff Memorandum and recommendations in the addendum package replace the Staff Report and recommendations in the original agenda package. She recommended amending the bylaw and giving the public further opportunity to comment on the changes. Discussion ensued regarding the options of holding a public hearing and waiving a public hearing with public notification; it was explained that a public notice is a notice published in the local newspaper, similar to a public hearing notice, stating that the LTC will consider subsequent readings of the bylaw at an upcoming meeting which results in giving members of the public the option of providing further input and comments but does not require that a public hearing be held.

GB-2018-006

It was MOVED and SECONDED

that second reading of Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Uses Bylaw No. 177, 1999, Amendment No. 1, 2017”, be rescinded.

CARRIED

GB-2018-007**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be amended as per Attachment 1 of the memorandum dated January 18, 2018 with the following addition to B.6.3.1 under Item 2.7 part b add the words “except where a temporary use permit has been issued by the Local Trust Committee” after the phrase “is prohibited”.

CARRIED**GB-2018-008****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee waive the holding of a public hearing for Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, and request staff to undertake the required public notification process pursuant to Sections 464(2) and 467 of the *Local Government Act* to waive the public hearing.

CARRIED**GB-2018-009****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to provide plain language wording in the public notice to support the solicitation of further public comments on the Housing Options Review Project.

CARRIED**11.2 First Nations Engagement – Memorandum**

Fiona MacRaid, Senior Intergovernmental Policy Advisor, joined the meeting by telephone conference call at 11:30 am and gave a verbal report highlighting recent activities and interactions between various First Nations and LTCs within the Trust area.

Trustee O’Sullivan stated that the Truth and Reconciliation Steering Committee continues to be active and will soon welcome Bev Sellars, who will be accompanied by her husband, Hereditary Chief Bill Wilson, and that there continues to be significant community interest in the events. She also noted that she attended a Vancouver Island University (VIU) protocol session led by Elder Gary Manson and supported by local First Nations and faculty members in the VIU Indigenous Studies Program.

12. REPORTS**12.1 Work Program Reports****12.1.1 Top Priorities Report dated January 11, 2018**

GB-2018-010

It was MOVED and SECONDED

that the phrase Draft Project Charter for Phase 2 be added to the list of activities under the Housing Options Review Project on the Top Priorities List.

CARRIED

12.1.2 Projects List Report dated January 11, 2018

Received for information.

12.2 Applications Report dated January 11, 2018

Regional Planning Manager Kjerulf stated that GB-DVP-2016.1 Bylaw No. 289 had been approved by the Minister of Municipal Affairs and Housing.

12.3 Trustee and Local Expense Report dated November, 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

The Commercial Vacation Rental information brochure will be added to the website.

12.6 Chair's Report

Chair Busheikin reported the following:

- She recently attended Financial Planning Committee and Executive Committee meetings.
- The budget for the upcoming fiscal year will be going out for public consultation and a survey will be used to encourage public feedback.
- The Freshwater Forum will be held on March 22, 2018.
- There will be a forum in May or June, 2018 regarding Baynes Sound and Lambert Channel.
- The Executive Committee had discussions about advocating against anchorages relevant to the Ocean's Protection Plan.
- Reports on derelict vessels are being collected and an inventory will be created.
- The Executive Committee will be meeting with the Minister of Municipal Affairs and Housing to discuss the following topics: to request a name change for the Trust Fund, to ask for funding for affordable housing specific to small rural, or island, communities for individual suites or a renovation grant for small non-profit community groups to pay for infrastructure on properties, to ask if there is interest in opening up the *Island Trust Act* giving the Trust more powers, to ask for support for work on improving governance models, and to discuss issues related to outer boundaries of the Trust area where there is not currently full legal clarity about the limits of zoning authority.

12.7 Trustee Reports

Trustee O’Sullivan reported on the following:

- She will be attending the upcoming From Truth to Reconciliation event.
- She attended a protocol session at VIU and met incoming Snuneymuxw Councillor Elect Emmy Manson.
- She had been invited to speak to Sustainable Gabriola regarding the idea of a Gulf Island’s Regional District in which over 30 individuals attended and shared ideas.
- The Ferry Advisory Committee, of which she is a member, wrote a letter to the Minister in anticipation of an upcoming review requesting that previous service levels be reinstated and that the days in which senior’s discounts are in effect be flexible so that communities can individually determine discount specific routes to lessen impact on high volume sailings.
- She will be attending a Trust Programs Committee meeting next week which will focus on area wide service and operations integration.
- BC Ferries is beginning to review Gabriola ferry terminal development and as a member of the Ferry Advisory Committee, she is looking forward to participating in the community consultation process.
- She hopes to attend an upcoming Gabriola Against Freighter Anchorages meeting.

12.8 Electoral Area Director's Report - None

12.9 Trust Fund Board Report - None

13. NEW BUSINESS – None

13.1 Summer Meeting Date for Local Trust Committee Meeting on Mudge Island – for discussion

Discussion was deferred to the next LTC regular meeting.

13.2 Housing Agreement Administration – Briefing (see addendum)

Discussion ensued about the briefing.

A member of the public asked about the time frame for producing the templates, procedures, and information brochure mentioned in the briefing and Regional Planning Manager Kjerulf indicated that the contractor working on the project will likely have it completed by the end of the current fiscal year.

Chair Busheikin noted that there are two housing agreements on Denman Island and not one as stated in the briefing.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, March 1, 2018 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

15. TOWN HALL

A member of public asked if there was an update on when the Housing Needs Assessment would be published. Regional Planning Manager Kjerulf noted that a draft assessment should be completed by end of January and it will be made available to the public when it goes to the Islands Trust Council Local Planning Committee.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2018-011

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of adoption of In-Camera Meeting Minutes dated September 7, 2017 and that the recorder and staff attend the meeting.

CARRIED

Chair Busheikin recessed the regular meeting at 12:48pm.

16.2 Recall to Order

Chair Busheikin reconvened the regular meeting at 12:52pm.

16.3 Rise and Report

Chair Busheikin reported that the minutes of the September 7, 2017 In Camera Meeting were adopted.

A further amendment to the minutes dated December 14, 2017 was made as follows:

Remove all contents under 12.7 - Trustee Reports

By general consent the minutes dated December 14, 2017 were adopted as amended.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:59 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder



Islands Trust

Print Date: February 21, 2018

Resolutions Without Meeting

Gabriola Island

Resolution #	Action	Resolution Description	Resolution Date
2018-01	In Favour	"THAT resolution GB-2018-008, that the Gabriola Island Local Trust Committee waive the holding of a public hearing for Gabriola Island Local Trust Committee Bylaw No. 293, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017", and request staff to undertake the required public notification process pursuant to Sections 464(2) and 467 of the Local Government Act to waive the public hearing, be rescinded."	27-Jan-2018
2018-02	In Favour	"THAT the Gabriola Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 293, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017"."	30-Jan-2018
2018-03	In Favour	"That the Gabriola Island Local Trust Committee forward Bylaw No. 292, cited as "Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2017", to the Ministry of Municipal Affairs and Housing for approval."	08-Feb-2018



Minutes of the Mudge Island Advisory Planning Commission

Date of Meeting: Friday, January 19, 2018

Location: Islands Trust Office
700 North Road, Gabriola, BC

APC Members Present: Susanne Jakobsen, Chair
Linda Carroll, Deputy Chair
Douglas MacDonald, Secretary
John Mallett (by conference call)

APC Members Absent: Dale Erickson unable to call in via conference call

Staff Present: Teresa Ritemann, Planner
Wil Cottingham, Recorder

Others Present: Heather O'Sullivan, Local Trustee
Melanie Mamoser, Local Trustee
Three (3) members of the public

1. CALL TO ORDER & WELCOME

Planner Ritemann called the meeting to order at 1:00 pm. John Mallett joined the meeting by conference call.

2. VOTING IN OF CHAIR, DEPUTY CHAIR & SECRETARY

By general consent, Susanne Jakobsen was elected as Chair; Linda Carroll was elected as Deputy Chair, and Douglas MacDonald was elected as Secretary.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved.

4. MINUTES

3.1 Mudge Island Advisory Planning Commission Draft Minutes for adoption

There were no previous minutes to adopt.

5. REFERRAL FROM THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE 6500-20-MUDGE ISLAND OCP/LUB REVIEW PROJECT FOR LOT COVERAGE

5.1 Planner Ritemann – brief background/presentation

Planner Ritemann gave a PowerPoint presentation regarding the Mudge Island Lot Coverage Referral with a brief overview of the following:

- The history of Mudge Island OCP/LUB versus the Gabriola Island OCP/LUB
- The Islands Trust Regional Conservation Plan
- Habitat Loss “Thresholds” and Risks for Ecosystem Collapse
- Ecological Community at Risk – Coastal Douglas Fir Ecosystem
- Comparison with City of Nanaimo’s “Protection Island”
- Comparison between Mudge RR zone and Gabriola’s SRR/LRR zones
- Advisory Planning Commission’s (APC) tasks for discussion/recommendations to Local Trust Committee (LTC)

APC members had the following comments/questions regarding Planner Ritemann’s presentation:

- Damage from deer has a greater impact on the Mudge Island ecosystem than development.
- Mudge Island ecosystem is better compared to Vancouver Island north of Nanaimo than to the more complex ecosystem of Burns Bog.
 - Planner Ritemann said comparison to Burns Bog was drawn because both are the same biogeoclimactic zone which is Coastal Douglas Fir.
- Is Mudge Island being kept at current lot coverage to limit overall ecological impact across the Gabriola Island Local Trust Area (LTA)?
 - Planner Ritemann responded that the map on page seven (7) of the presentation shows the current state of ecological community at risk. Potential ecological impact of increased lot coverage on Mudge Island is unclear. She agreed that any changes on Mudge Island would not change the ecosystem already impacted on Gabriola Island.

5.2 APC discussion to provide recommendations to the Local Trust Committee on potential amendments to the Mudge Island Official Community Plan and Land Use Bylaw in relation to Lot Coverage including:

- a) **Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation.**
- b) **Modifying maximum lot coverage in the rural residential zone.**
- c) **Regulating the size of dwellings and accessory buildings and structures.**
- d) **Regulating impermeable surface coverage.**
- e) **Incorporating Mudge Island as a “Special Area” under the Gabriola Island Official Community Plan and Land Use Bylaw.**

APC members had the following comments:

- Thanked the Planner and Islands Trust staff for information in the staff report.
- They found the rules of not discussing the referral outside the meeting burdensome.
- The following notes/questions are from their one-on-one discussions and email conversations.

A summary of pre-determined APC questions/comments regarding the staff report dated December 14, 2017 was presented by APC Secretary, Douglas MacDonald:

- 1) Statement at top of P. 2 “This project responds to community concerns regarding the number of Development Variance Permit applications...”
 - Where does the statement come from since the dominant opinion on Mudge Island is that lot coverage has been kept artificially low?
 - Planner Rittemann responded that her initial understanding was that the Mudge community was concerned about the number of DVPs, but deferred to the Trustees for further response as she was not at the initial Local Trust Committee meeting for this project.
 - Trustee O’Sullivan indicated that the number of DVPs was not the issue, but simply that there was concern on Mudge regarding lot coverage and it should be reviewed.
 - Doug clarified that Mudge Island residents want greater than 10% coverage and Trustee O’Sullivan concurred that this was her understanding as well.
- 2) Policies item 3 – bottom of P.2
 - Questioned why emphasis was placed on Policy 3.
 - Planner Rittemann responded that Policy 3 was highlighted simply because it referred to lot coverage, which is what this project is about.
- 3) Page 3 – Staff report states since implementation of Mudge Island LUB only two (2) applications to increase lot coverage have been approved.
 - The APC questioned how many Development Variance Permit applications in total have been made and wondered why these DVPs would be a factor in discussion regarding lot size when those were brought forward due to bylaw enforcement action and lot coverage only came to light after the enforcement action on other issues?
 - Planner Rittemann indicated the applications were relevant because this project concerns lot coverage and the two DVP applications were given variances for lot coverage.
- 4) The APC expressed concern regarding the accuracy of using GIS mapping to determine current lot coverage on Mudge Island. The following issues were outlined:
 - Limitations on overhead view due to tree coverage makes data questionable even with information from BC Assessment showing vacant properties.
 - The APC pointed out that there was an assumption made that most Islanders had cisterns, when in fact most had wells.
 - If system of GIS mapping is flawed then assumption of average lot coverage is flawed, which is the basis of the recommendation for rejection of increase from 10% to 20%. If the system itself is flawed, the foundation of the recommendation is flawed.
 - GIS system does not identify septic tanks, septic fields, absorption fields or any other non-building structure which means the data used to calculate average lot coverage of 5.17% is incorrect.
 - Regional District of Nanaimo information indicates that the size of septic fields are dependent upon area percolation. In areas of good percolation an average would be around 450 square feet, where in an area of poor percolation you could see a field of around 1000 sq ft. This averaging based upon an average home size. Based on these statistics, Mudge Island, with areas of very poor percolation would have a large portion of their maximum lot coverage used by the septic field.

- Averaging creates a false sense of density because derelict building lots, which are essentially vacant, artificially lower the average lot coverage. If derelict/vacant properties are removed from the calculation the average lot coverage increases to 15-20% if all structures are included (driveway, pump house, etc).
- 5) What “interim” is referenced in the staff report statement *“In the interim, it may make the most sense to continue considering Development Variance Permit applications on a case-by-case basis.”*
- Planner Rittemann responded that this refers to the interim until the end of the current project charter.
- 6) The APC asked if Planning Staff had any idea how many DVP’s might be needed to maintain the status quo and if the Islands Trust has the resources, time and budget to process as many as 100 DVP’s if an increase in maximum lot coverage on Mudge was not approved.
- 7) The APC had several questions regarding the origin of the concept of harmonizing Gabriola Island and Mudge Island land use bylaws as well as the implications of being designated a “Special Area” as cited in the staff report. The Planner clarified as follows:
- Historically Gabriola Island Trustees considered listing Mudge, Link and Decourcy Islands as a Special Area within the Gabriola Official Community Plan (OCP) and Land Use Bylaw (LUB). The current OCP/LUB review has revived this idea as an option which could result in more timely policy and regulatory bylaw amendments.
 - Autonomy of zoning on Mudge Island could be maintained and unique aspects of Mudge Island’s OCP/LUB would be outlined in a preamble to the Special Area portion for Mudge Island within the Gabriola OCP/LUB.
 - Using the Special Area designation, a zoning on Mudge Island could be the same or different than the SRR zone on Gabriola Island even if the OCPs and LUBs were harmonized. Zoning could remain as it is currently on Mudge Island or with different regulations in the bylaw specific to that zone.
 - Being a Special Area within the Gabriola OCP/LUB would allow amendment of the Mudge Special Area at the same time as when the Gabriola OCP/LUB is amended rather than having two separate projects. This simplifies the process rather than having two top priorities for the LTC to address the two areas separately.
 - The APC asked Planner Rittemann specifically, were Mudge Islanders to agree to relinquishing their own OCP/LUB and be folded into a Special Area” within the Gabriola OCP/LUB, would Mudge Island automatically fall under the Gabriola Island LUB with respect to maximum lot coverage. Planner Rittemann responded, no.

A concern was raised by an APC member that if Mudge Island becomes a Special Area within the Gabriola OCP/LUB they may lose the flexibility to control their own fate. Mudge could become a part of the average on Gabriola and could be denied a zoning change due to an overall objective of the Islands Trust to limit certain zones for the entire Gabriola LTA.

- 8) The APC questioned whether the Planner stands by the recommendation to reject increasing maximum lot coverage on Mudge given their assessment of the quality of the data used to calculate the 5.17% average lot coverage.

- Planner Ritemann clarified that the Staff Report did not reject increasing lot coverage, and that due to the limitations of the mapping data (noted on page 4 of the Staff Report) Staff could not recommend increasing the lot coverage at this time, and that Staff's recommendation to the LTC was to refer the matter to the APC for further consideration and comment because of the limitations to the mapping data. Planner Ritemann clarified that "not recommending" is not the same as "rejecting", and based on analysis and mapping limitations at the time, staff did not have sufficient rationale to recommend that the LTC increase Mudge's lot coverage above 10%. The APC did not agree with the distinction between "not recommending" and "rejecting".

Discussion followed and the APC suggested that their recommendation to the LTC should be that, given the concerns expressed by the APC, the Staff Report be reviewed. It was also noted that more consultation with the community was needed before the APC could provide final recommendations to the LTC on the matters that the LTC had referred to them.

- 9) The APC requested clarification on the definition of structure in the Mudge Island LUB and indicated that they considered inclusion of human made land alterations of such things as driveways (concrete, asphalt or gravel), septic tanks and fields, fences and perhaps raised garden beds as unreasonable and burdensome. It was noted that septic tanks and fields were not included in the two previously-approved variances on Mudge Island and that this may have been due to confusion of the bylaw by Planning Staff. There was also confusion as to why an attached deck is considered a structure when a detached ground level deck or concrete patio is exempt from the definition. It was viewed that there is inconsistency regarding what is and is not considered a structure in the LUB.
- 10) The APC provided those in attendance a Zoning Map taken from the Gabriola Island Planning Area By-law 7 enacted in 1980. The zoning map showed a portion of False Narrows that highlighted the zoning differences between Mudge and Gabriola Islands. Equal sized lots on each Island were zoned differently. Mudge zoned R1 (Resource Protection) with a 10% maximum lot coverage. The same size lots on Gabriola Island zoned RR (Rural Residential) with a maximum lot coverage of 20%. The APC asked if there was any explanation as to why this would be the case. Planner Ritemann explained that it was her understanding from people with some historical knowledge that there wasn't buy-in from Mudge Islanders.
- 11) An itemized calculation of the square footage of typical structures found on Mudge Island properties was presented by the APC to demonstrate how easily 10% lot coverage can be exceeded. It was noted that there is a private covenant on Coho Estates subdivision waterfront properties which requires minimum inside measurement of 1000-1200 sq ft.

Members of the public who attended the meeting voiced the following opinions:

- Banks will not issue mortgages for homes under 750 sq ft or without a septic system so lot coverage limitations may impede the ability to get a mortgage.
- Cisterns, septic fields and gravel driveways should be excluded from lot coverage
- There is confusion regarding the regulations and many properties are likely over the 10% coverage limit with driveways alone due to the terrain of the properties and long steep driveways to provide access.

- On the smallest size lot on Mudge Island, even without septic, a modest home size, woodshed and powerhouse, the addition of a cistern will exceed 10% coverage. The APC invited Trustees to visit Mudge Island to see the actual average lot coverage to help understand why 10% coverage is onerous.
- It was noted that owners are compelled to disclose that they are over the lot coverage limit when selling a property, so this will likely lead to hundreds of aging owners submitting DVP applications before they sell.

The general consensus of the APC was that increases to lot coverage should be made now to bring the majority of residents into compliance and avoid a flood of DVP applications to Island Trust.

The APC asked if they could delay making recommendations to the Local Trust Committee until the April 12 or May 3 business meeting. Discussion ensued and it was suggested that the draft minutes from the meeting be made available to the LTC for consideration at their March 1 meeting.

MD-APC-2018-001

It was MOVED and SECONDED,

that the Mudge Island Advisory Planning Commission recommend that the Gabriola Island Local Trust Committee review and consider the APC's draft meeting minutes for January 19.

CARRIED

Further discussion ensued, with a summary of points as follows:

- When scheduling a Community Information Meeting, APC members will be consulted regarding timing.
- Comments from the community should be sent to LTC and the Gabriola Island Planner so that all comments are on the public record for consideration.
- As public submits comments, staff will review for redaction of any private information or defamatory comments and then the submissions will be uploaded to the website for this project. Submissions then form part of the public record.
- For the purpose of taking minutes which also form part of the public record, all public meetings may be recorded, including by audio recording.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 2:38 pm.

Susanne Jakobsen, Chair

Certified Correct:

Wil Cottingham, Recorder



Minutes of the Mudge Island Advisory Planning Commission

Date of Meeting: February 18, 2018

Location: MICS Property
595 View Ridge Rd., Mudge Island, BC

APC Members Present: Susanne Jakobsen, Chair
Linda Carroll, Deputy Chair
Doug MacDonald, Secretary
John Mallett, joined by phone
Dale Erickson, joined by phone

Staff Present: None

Others Present: 12 members of the public.
LTC Trustees Mamoser and O'Sullivan sent regrets.

1. CALL TO ORDER

Chair Jakobsen called the meeting to order at 1:00 pm and welcomed those who have braved the weather to attend this afternoon's meeting.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as adjusted by adding a Town Hall segment at the end of the meeting.

3. MINUTES

3.1 Mudge Island Advisory Planning Commission Draft Minutes dated January 19, 2018 for adoption

By general consent, the minutes were adopted as presented.

4. REFERRAL FROM THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE 6500-20 - MUDGE ISLAND OCP/LUB REVIEW PROJECT FOR LOT COVERAGE.

4.1 APC discussion to provide recommendations to the Local Trust Committee on potential amendments to the Mudge Island Official Community Plan and Land Use Bylaw in relation to Lot Coverage including:

- a) Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation;**

MD-APC-2018-002

It was MOVED and SECONDED,

that the Mudge Island Advisory Planning Commission recommend that the definition of “Structure” contained in the Mudge Island LUB (2007) Part 1, be amended to read: STRUCTURE means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, excluding gravel driveways for vehicle parking, sewage absorption fields, below ground septic tanks and cisterns. For clarity, concrete and/or asphalt paving are considered structures.

The following points were raised by the APC:

- This definition followed the standard definition of most Local Trust Areas.
- That the words “human made alteration” have been removed as it was felt that those words in the definition were too broad and far reaching.
- That it was felt adding gravel driveways and excluding cement and paving, fit within the communities wishes to keep to a rural character.

CARRIED

b) Modifying maximum lot coverage in the rural residential zone;

MD-APC-2018-003

It was MOVED and SECONDED,

that the Mudge Island Advisory Planning Commission recommend that Mudge Island LUB Part 5, section 5.1-4 be amended to read: The maximum lot coverage is 20%.

The following points were raised by the APC:

- This increase to 20% mimics that of Gabriola Island for SRR (small rural residential).
- That even with the increase to 20% Mudge Island would still be on the low end of the spectrum of other Local Trust Areas.

CARRIED

c) Regulating the size of dwellings and accessory buildings and structures;

MD-APC-2018-004

It was MOVED and SECONDED,

that the Mudge Island Advisory Planning Commission recommends against regulating the size of dwellings and accessory buildings and structures.

The following points were raised by the APC:

- If the first two recommendations are adopted by the LTC there is no need for this option.
- The Mudge LUB already has rules in place limiting the number of buildings as well as maximum height.

CARRIED

d) Regulating impermeable surface coverage;

MD-APC-2018-005

It was MOVED and SECONDED,

that the Mudge Island Advisory Planning Commission recommends against regulating impermeable surface coverage.

The following points were raised by the APC:

- As with point c), if the LTC adopts our first two recommendations there really isn't a need for another regulation.

CARRIED

e) Incorporating Mudge Island as a "Special Area" under the Gabriola Official Community Plan and Land Use Bylaw.

MD-APC-2018-006

It was MOVED and SECONDED,

that the Mudge Island Advisory Planning Commission recommends against incorporating Mudge Island as a "Special Area" under the Gabriola Island Official Community Plan and Land Use Bylaw.

The following points were raised by the APC:

- There didn't seem to be any real benefit to Mudge Island in this proposal.
- That we could potentially lose standing and voice in future issues.
- We are proud of having our own OCP/LUB

CARRIED

5. TOWN HALL

5.1. Chair Jakobsen thanked fellow Mudge Islanders for braving the elements to attend this meeting. Once again Mudge Islanders proving themselves to be hardy folk. The public was invited to comment on the Land Use Bylaw Referral. They were reminded that as this is a Targeted Review that was the only issue open for discussion at this meeting.

Members of the public who attended the meeting voiced the following opinions:

- Thanks were given to the committee for all of the work that they have done for our community in moving this initiative forward.
- One member, who was on a previous APC spoke about how progressive the current process appears, compared to his past experience.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 1:40 pm.

Susanne Jakobsen, Chair

Certified Correct:

Doug MacDonald, Secretary

Follow Up Action Report

Gabriola Island

07-May-2015

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

08-Sep-2016

Activity	Responsibility	Target Date	Status
For RDN annual meeting agenda for 2017 - ADD:	David Marlor		On Going
1. Enforcement of RDN Noise Bylaw;	Ann Kjerulf		
2. Mudge Island Public Dock;			
3. Regulations for temporary dwellings being connected to a sewage disposal system			
4. Village/North Road street improvements (ref. 2a+b) of Village Vision submission to the LTC dated Jan. 3, 2018)			
Staff are waiting for a response from the RDN regarding a possible meeting date in 2018.			

30-Mar-2017

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

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

Becky McErlean
Sonja Zupanec

11-May-2017

On Going

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

08-Jun-2017

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

13-Jul-2017

Activity	Responsibility	Target Date	Status
First Nations Relationship with Snuneymuxw Nation: LTC resolution to endorse the project charter and commit to hosting one or two public events on Gabriola and/or Mudge. Request staff draft an amendment to the introduction of the OCPs as per staff recommendation.	Ann Kjerulf Fiona MacRaid	31-Jul-2017	On Going
Event #1: Mudge Island (August 8th)			
Dec. 2017/Delayed due to Snuneymuxw elections process			

07-Sep-2017

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Request staff to prepare a FAQ document on the use of (commercial vacation rentals) on Gabriola for posting to the web and potential press release on the legal use of CVRs. Dec. 14/17 - LTC requested revisions to CVR handout Jan. 18/18 - LTC authorized communications budget expenditure for distribution of the CVR handout (with requested changes) to Gabriola households via the Gabriola Sounder	Ann Kjerulf	29-Sep-2017	Done
GB-DVP-2017.1 - LTC resolution to defer consideration of the applications until First Nation and Arch Branch input are received. Enter into cost recovery agreement with the applicant for preparation of restrictive covenant. See minutes of Sept 8 for LTC requested changes to covenant restrictions.	Teresa Rittemann	29-Sep-2017	On Going

14-Dec-2017

Activity	Responsibility	Target Date	Status
GB Resolution requesting staff prepare a draft letter congratulating incoming First Nation Chief Mike Wyse and council when they take office early 2018 - under chairs signature.	Ann Kjerulf Wil Cottingham	31-Jan-2018	Done
Bylaw 292 given third reading. Update and post. - done , Forward to EC for approval and then Minister MAH.	Becky McErlean Sonja Zupanec	18-Jan-2018	Done

18-Jan-2018

Activity	Responsibility	Target Date	Status
GB request that Village Vision delegation request, "amend the MOTI/Islands Trust letter of agreement to include specific standards for village area streetscapes as rural complete multi-modal streets", be referred to the Executive Committee along with a submission from the Village Vision group.	Ann Kjerulf		On Going

Follow Up Action Report

Request that the Village Vision housing-related recommendations be included in the draft project charter for Phase 2 - Housing Options Review Project.
that the following considerations be incorporated into a Project Charter for the second phase of the Housing Options Review Project:

- 1) examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing;
- 2) examining the potential for increasing density in the Village core multi-dwelling housing; and
- 3) exploring opportunities for mixed use buildings in the Village core.

Sonja Zupanec

On Going

That second reading of Bylaw No. 293 be rescinded; Bylaw No. 293 be amended as per attachment 1 of the memorandum dated January 18, 2018 with the addition to B.6.3.1 adding the phrase after prohibited: "except where a temporary use permit has been issued by the local trust committee".

Becky McErlean
Sonja Zupanec

Done

Commercial Vacation Rental handout to be distributed to Gabriola households via the Gabriola Sounder

Ann Kjerulf

On Going

Staff to add points 2a and 2b of the Village Vision Delegation's submission to the agenda of the upcoming Regional District of Nanaimo and Islands Trust joint meeting:
"Adopt a co-ordinated inter-agency (Islands Trust, RDN and MOTI) approach to:

- a) the development of a Master Plan for the development of accessible, safe, pedestrian friendly routes not only in the village core but also down North Road to the ferry; and
- b) the development of standards, processes and shared funding programs to allow rural community Regional Districts to more efficiently and successfully collaborate with MOTI on rural village complete street improvements".

Ann Kjerulf

On Going

Follow Up Action Report

Request 2c of the Village Vision Delegation""s submission to the Trust Programs Committee for consideration: a) the development of standards that would allow for the safe rainwater harvesting for potable use in multi-family, commercial and institutional settings."	Ann Kjerulf	On Going
Staff to schedule a Community Information Meeting and Public Hearing for Gabriola Island Local Trust Committee Bylaw No. 293, cited as Gabriola Island Local Trust Committee Bylaw No. 293, cited as "Gabriola Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017".	Becky McErlean Sonja Zupanec	Done
Commercial Vacation Rental handout to be posted to the Gabriola Island LTC website.	Ann Kjerulf	Done



File No.: **GB-TUP-2016.1 (McAfee & Loerzer)**

DATE OF MEETING: March 1, 2018

TO: Gabriola Island Local Trust Committee

FROM: Teresa Rittemann, Planner 2
Northern Team

SUBJECT: RE: GP-TUP-2016.1 – Temporary Use Permit: Commercial Vacation Rental
Applicant: Ian McAfee (and Sharon Loerzer)
Location: 1070 Chappel Place, Gabriola Island (PID 003-135-276)
Lot 53, Section 12, Gabriola Island, Nanaimo District, Plan 23619

RECOMMENDATION

THAT the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2016.1 for a commercial vacation rental for a period of three (3) years from date of issuance, subject to the following conditions:

- a) the landowner must hold valid home insurance and liability insurance for the commercial vacation rental use;
- b) the landowner or an operations manager must reside on Gabriola and be available by telephone 24 hours/day, seven days per week, at 250-619-5419. Any changes to this phone number must be provided to the Islands Trust within seven (7) working days;
- c) the landowner or an operations manager must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
- d) the landowner or an operations manager must post for guests: information on noise bylaws, water conservation, fire safety, storage of garbage, septic care, and control of pets (if pets are permitted), and information to remind guests that they are in a residential area, not a commercial area, and to be aware of and sensitive to First Nation sites and artifacts;
- e) the landowner or an operations manager must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
- f) the landowner or an operations manager must provide accommodation for a minimum of two vehicles for the commercial vacation rental use on the property;
- g) the maximum number of signs advertising the commercial vacation rental is restricted to one sign, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
- h) the rental or provision of motorized personal watercraft to rental clients is prohibited;
- i) the maximum number of bedrooms for the commercial vacation rental is 3;
- j) the maximum number of people that can stay in the commercial vacation rental is a maximum of 2 guests per bedroom;
- k) recreational vehicles and camping are prohibited; and
- l) the holder of the Permit, landowner, operations manager, or management company will be held accountable for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner, operations manager, management company or commercial vacation renter.

REPORT SUMMARY:

This application is to obtain a Temporary Use Permit (TUP), as permitted under Section 3.8 of the Gabriola Island Official Community Plan, to permit the owner to temporarily operate a commercial vacation rental within the single family dwelling on their property.

BACKGROUND:

The unpermitted use of this property as a short-term vacation rental has been the subject of a bylaw violation file since January 8, 2014. The dwelling on the property has been rented contrary to the zoning provisions for the property. The *Local Government Act* permits the designation of TUP areas in an Official Community Plan (OCP) or a Land Use Bylaw, and Section 493 of the *Local Government Act* authorizes the issuance of TUPs.

The Gabriola Island Local Trust Committee (LTC) may issue a permit by resolution that allows commercial activities to take place under the conditions specified in the permit, **including the posting of a security to ensure compliance with the terms of the permit**. Notice of the intent to consider the issuance of a TUP must be given. Under a TUP, the specified uses may be carried out for a period of up to three years and the permit may be renewed for up to a further three years. Issuance of a TUP should not be interpreted as eventually leading to permanent zoning.

The subject property is located at 1070 Chappel Place on Gabriola Island, as shown in Figure 1. The property is a corner lot approximately 0.17 hectares (0.42 acres) in size, and is surrounded by residential properties, including a second property the applicant owns to the southeast.

Figure 1: Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

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

Gabriola Island Official Community Plan No. 166, 1997 (OCP):

The subject property is designated as Small Rural Residential in the OCP, and is not within any Development Permit Areas. The OCP has a list of Guidelines for consideration of Temporary Use Permit (TUP) applications. All Guidelines specific to this commercial vacation rental TUP application, and correspondence staff comments, are noted in Attachment 2.

Staff note that no other TUPs have been issued for a Commercial Vacation Rental in this neighbourhood. Staff are of the opinion that compliance with the TUP Guidelines may be achieved based on the information provided by the applicant and through issuance of the TUP subject to conditions (as noted on page 1).

Gabriola Island Land Use Bylaw No. 177, 1999 (LUB):

The subject property is zoned Small Rural Residential in the LUB. The applicant's proposal for use as a commercial vacation rental does not comply with the LUB Bed & Breakfast Home Occupation regulations (see Attachment 1), thus the applicant is applying for a Temporary Use Permit to permit a Commercial Vacation Rental.

Issues and Opportunities

Bylaw Enforcement

This TUP application is a result of Bylaw Enforcement file GB-BE-2014.5, for an unlawful commercial vacation rental use on the property, and the Bylaw Enforcement team is aware that the applicant is applying for a TUP under GB-TUP-2016.1. Bylaw Enforcement has advised the applicant that he is not permitted to sleep in an accessory building on his property if his house is being rented out to visitors; thus, the applicant is aware that he must make other arrangements for his own accommodation.

Consultation

No Community Information Meeting is required or recommended for this application.

Statutory Requirements

Under section 494 of the *Local Government Act*, neighbours must be notified of the TUP application. The application was circulated to property owners within 100 metre radius of the applicant's property beginning on February 19 and continuing up until February 28, 2018. A notice was also published in *The Gabriola Sounder* on February 20, 2018. No correspondence has been received at the time of preparing this report, but may be received before or during the LTC meeting.

Correspondence may be sent to GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca.

Rationale for Recommendation

As noted on Page 1 of this report, Staff are recommending that the LTC approve issuance of this TUP application for a period of three years, subject to a number of conditions. Recommended conditions of the Permit were included in order to address OCP Guidelines for commercial vacation rentals. As an Occupancy Permit is not available from the RDN Building Permit department, and in the absence of a professional home inspection report, Staff are recommending approval of this temporary permit, with the condition that the landowner hold valid home insurance and liability insurance for this type of use.

ALTERNATIVES

1. Request further information

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

2. Deny the application

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

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	February 13, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 21, 2018

ATTACHMENTS

1. Site Context
2. TUP Guidelines in the Gabriola OCP
3. Copy of Public Notice
4. Draft Permit
5. Sample of Guest Information Provided
6. Water Well Supply – Flow Test
7. Septic System Compliance Letter dated December 11, 2017
8. Fire Inspection Letter dated November 15, 2017
9. Site Plan

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 53, Section 12, Gabriola Island, Nanaimo District, Plan 23619
PID	003-135-276
Civic Address	1070 Chappel Place
Lot Area	0.87 acres (0.35 hectares)

LAND USE

Current Land Use	Residential; plus occasional commercial vacation rental
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GB-BE-2014.5	Ongoing Commercial Vacation Rental occurring without a TUP (see below).

POLICY/REGULATORY

Official Community Plan No. 166, 1997	SRR – Small Rural Residential Not within any Development Permit Areas
Land Use Bylaw No. 177, 1999	SRR – Small Rural Residential Single family residential permitted; home occupations (including Bed and Breakfasts) are permitted as accessory uses, subject to regulations in B.3 – Home Occupations, including specific regulations for B&Bs: B.3.6 Bed and Breakfast B.3.6.1. The following additional regulations apply to bed and breakfast home occupations: a. On lots: i less than 0.5 hectares (1.24 acres), a maximum number of two bedrooms may be used for bed and breakfast accommodation; ... b. Where boarding in a dwelling unit is provided, the number of bedrooms permitted for temporary overnight accommodation, including bed and breakfast use, must be reduced by one for every bedroom used for boarding; c. The bed and breakfast use must be in the principal single family dwelling and not in any accessory building; d. Breakfast is to be the only meal served; e. No additional set of cooking facilities may be provided for the bed and breakfast use. As the commercial rental for short term visitor accommodation does not comply with the bolded regulations above, the applicant is requesting a Temporary Use Permit.

Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants, Parks/Protected Areas, Steep Slopes, or Watercourses
Covenants	n/a
Bylaw Enforcement	GB-BE-2014.5 – File is currently OPEN Bylaw Enforcement file opened January 8, 2014 regarding unlawful commercial vacation rental use on the property. Bylaw Enforcement is aware that the applicant is applying for a TUP under GB-TUP-2016.1.

SITE INFLUENCES

Islands Trust Fund	This proposal does not directly affect an Islands Trust Fund Board (TFB) owned property or conservation covenant, nor directly affects a property adjacent to a TFB owned property or conservation covenant. It also does not pertain to Crown Land. Therefore referral to TFB for comment is not required.
Islands Trust Fund Regional Conservation Plan	Map 8 of the Regional Conservation Plan estimated importance of habitat composition as medium.
Species at Risk	None mapped.
Sensitive Ecosystems	Primary = Woodland Conifer More information at: http://www.islandstrustfund.bc.ca/initiatives/mapping-our-ecosystems/types-of-sensitive-ecosystems.aspx#wd
Hazard Areas	None mapped.
Archaeological Sites	No archaeological sites mapped on or within 100 metres of the property. Notwithstanding the foregoing, and 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> . 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	n/a
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a
Groundwater Vulnerability	Mapped as “High”

PARKING SPACE PHOTOS (FROM SITE VISIT OCTOBER 20, 2016)



ATTACHMENT 2 – TUP GUIDELINES IN THE GABRIOLA OCP

OCP Subsection 3.8(h)

For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:

Guideline	Submitted	Compliant?	Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals			<i>TBD by LTC</i> <i>Note: there are currently no other active TUPs for this type of use in this neighbourhood.</i>
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood			<i>TBD by LTC</i> <i>In order to address the residential appearance of the neighbourhood, Staff are recommending that the permit include a condition to say that: the owner must not alter the exterior appearance of the residence.</i> <i>See condition included in draft permit.</i>
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues			<i>TBD by LTC</i> <i>In order to address any potential impacts or privacy issues with neighbours, Staff are recommending that the permit include a condition to say that: the owner must not remove any existing vegetative screening.</i> <i>See condition included in draft permit.</i>
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>n/a</i>	<i>n/a</i>	<i>Not in the ALR</i>

v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest	Yes.	Yes. Confirmed by Brian Strachan, BC Registered Pump Installer.	At a maximum of 6 guests , the applicant is required to generate 300 gallons/day. A flow test conducted by Brian Strachan, BC Registered Pump Installer on April 10, 2017 indicates that the well's flow rate is at least 5 gallons/minute and he confirmed with Staff that the current well could supply 300 gallons/day for the intended max. 120 days/year for this Permit (Attachment 6).
vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes.	Yes.	Staff conducted a site visit and are satisfied that parking requirements can be met, as shown on the site plan (Attachment 9) which indicates enough parking for three vehicles. See photos in Attachment 1 – Site Context Included as a condition of the permit.
vii. the landowner should be required to provide documentation from a qualified professional that the septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load.	Yes.	Yes.	Van Isle Septic assessed the septic system on March 21, 2017. The report recommended a number of repairs and maintenance issues, which were subsequently conducted. Van Isle Septic provided an addendum letter dated December 11, 2017 (Attachment 7) to assure compliance of the Septic System is capable of supporting the proposed occupancy load.
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;	(See guideline xix below)	Yes.	Applicant has submitted a letter dated November 15, 2017 (Attachment 8) from Fire Chief Rick Jackson from the Gabriola Fire Department indicating that the home meets the requirements of the B.C. Fire Code for the purpose of short term rental accommodations.
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	<i>Not a submission requirement . See condition in draft permit</i>	-----	Included as a condition of the permit.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and	<i>Not a submission requirement . See condition in</i>	-----	Included as a condition of the permit.

a copy of the temporary use permit	<i>draft permit</i>		
xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care, and control of pets (if pets are permitted)	Yes.	-----	Included as a condition of the permit. A sample letter submitted to staff provides all the required information for guests. There is also a list of important contacts (see Attachment 5).
xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	-----	Included as a condition of the permit.
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	-----	Included as a condition of the permit.
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	-----	Included as a condition of the permit.
xv. a condition of the permit should limit the number of bedrooms to: • a maximum of 3 on lots smaller than 2.0 hectares; and • a maximum of 4 on lots of 2.0 hectares or larger	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	-----	Included as a condition of the permit.
xvi. a condition of the permit should prohibit recreational vehicles or camping	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	-----	Included as a condition of the permit.

xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application	<i>TBD by LTC</i> <i>Staff are recommending that, as a condition of the Permit, that the landowner is responsible for ensuring that they hold valid home insurance and liability insurance for this type of use.</i> <i>See condition included in draft permit.</i>
xviii. the Local Trust Committee may require water metering	<i>TBD by LTC</i>
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available , indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities.	<i>TBD by LTC</i> <i>The applicant submitted a professional home inspection report dated August 2, 2017, as an occupancy permit was not available at the RDN. However, the home inspection report notes that “A standard home inspection does not include evaluation of a property for compliance with building or health codes, zoning regulations or other local codes or ordinances.”</i> <i>Thus, Staff are recommending that the Permit include a condition stating that the landowner is responsible for ensuring that they hold valid home insurance and liability insurance for this type of use.</i> <i>(See comments for Guideline xvii above)</i>
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	<i>TBD by LTC</i> <i>Staff are recommending this be included in the guest information package.</i> <i>See condition included in draft permit.</i>



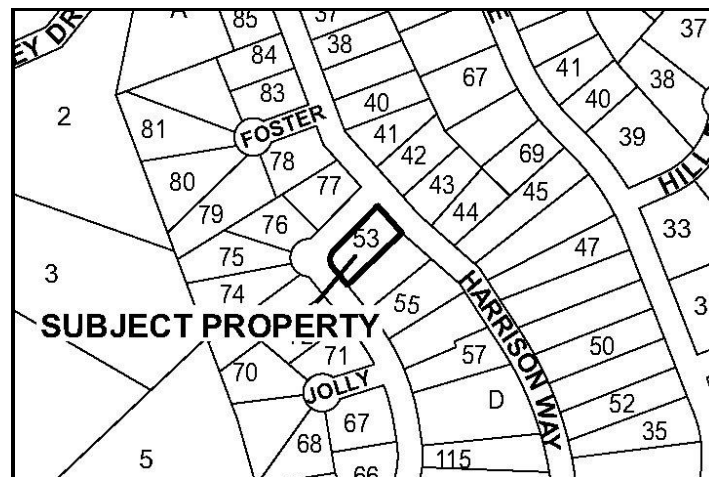
NOTICE
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2016.1 (McAfee & Loerzer)

NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing the issuance of a Temporary Use Permit, pursuant to Section 493 of the *Local Government Act*.

The purpose of this Permit is to allow the owner to operate a **commercial vacation rental** on their property legally described as:

PID: 003-135-276 Lot 53, Section 12, Gabriola Island, Nanaimo District, Plan 23619.

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



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing **February 19, 2018** and continuing up to and including **February 28, 2018**.

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

Enquiries or comments should be directed to Teresa Rittemann, Planner 2 at 250-247-2200, or by fax (250) 247-7514; or by email to: trittermann@islandstrust.bc.ca, before **4:00 p.m., February 28, 2018**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:15 a.m., March 1, 2018**, at the Gabriola Arts & Heritage Centre, located at 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

	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2016.1 (McAfee & Loerzer) 1070 Chappel Place, Gabriola Island
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To: Ian McAfee and Sharon Loerzer

1. This Permit applies to the land described below:

PID 003-135-276

Lot 53, Section 12, Gabriola Island, Nanaimo District, Plan VIP23619, and shown in Schedules "A" and "B", which are attached to and form part of this Permit.

2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the owner to operate a commercial vacation rental within the single family dwelling on their property and is subject to the following conditions:
 - a) the landowner must hold valid home insurance and liability insurance for the commercial vacation rental use;
 - b) the landowner or an operations manager must reside on Gabriola and be available by telephone 24 hours/day, seven days per week, at 250-619-5419. Any changes to this phone number must be provided to the Islands Trust within seven (7) working days;
 - c) the landowner or an operations manager must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
 - d) the landowner or an operations manager must post for guests: information on noise bylaws, water conservation, fire safety, storage of garbage, septic care, and control of pets (if pets are permitted), and information to remind guests that they are in a residential area, not a commercial area, and to be aware of and sensitive to First Nation sites and artifacts;
 - e) the landowner or an operations manager must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
 - f) the landowner or an operations manager must provide accommodation for a minimum of two vehicles for the commercial vacation rental use on the property;
 - g) the maximum number of signs advertising the commercial vacation rental is restricted to one sign, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - h) the rental or provision of motorized personal watercraft to rental clients is prohibited;
 - i) the maximum number of bedrooms for the commercial vacation rental is 3;
 - j) the maximum number of people that can stay in the commercial vacation rental is a maximum of 2 guests per bedroom;
 - k) recreational vehicles and camping are prohibited; and
 - l) the holder of the Permit, landowner, operations manager, or management company will be held accountable for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner, operations manager, management company or commercial vacation renter.

3. This Permit expires three years from date of issuance.
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

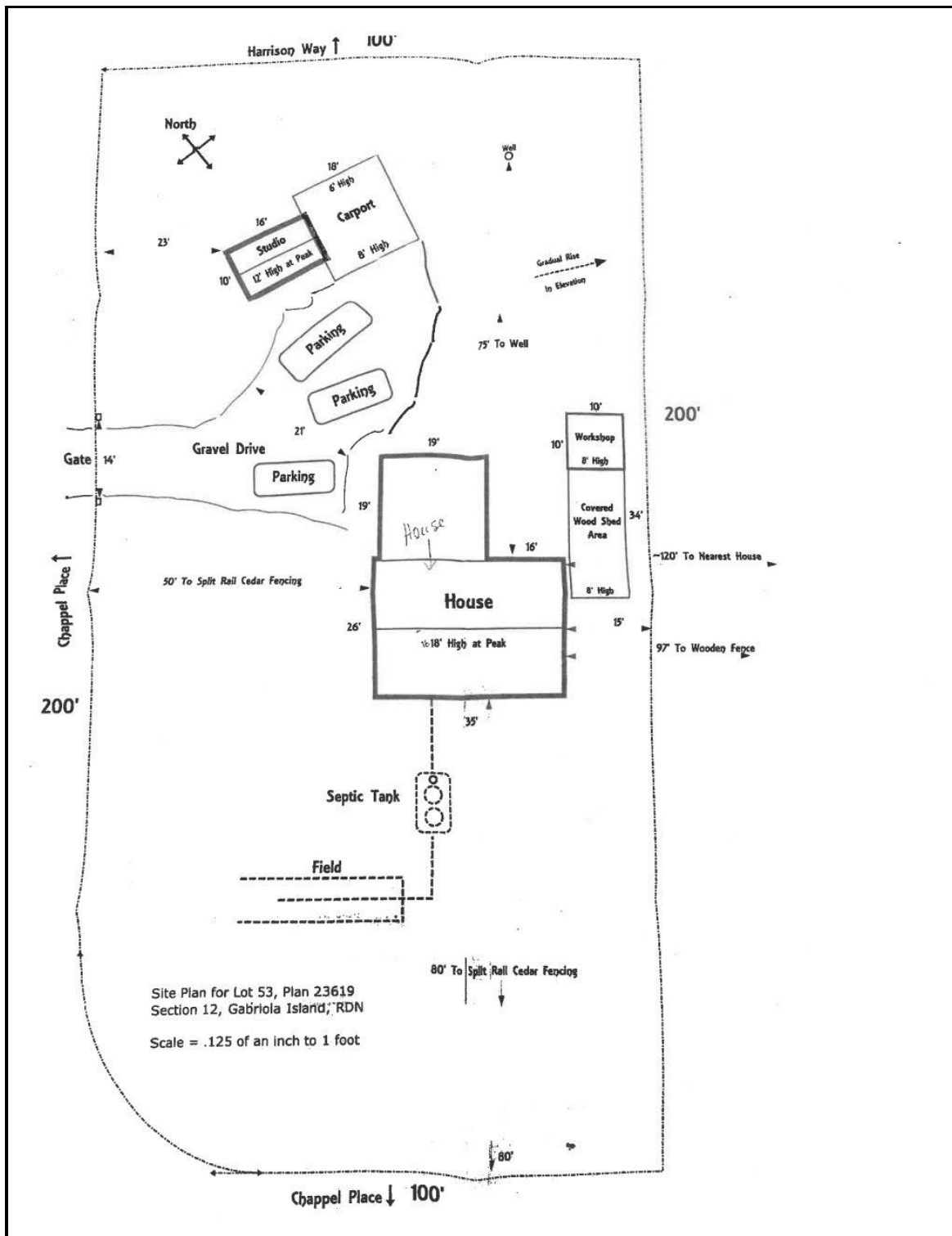
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 2018.

Deputy Secretary, Islands Trust

Date Issued

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2016.1 – McAfee & Loerzer

SCHEDULE "B"



Welcome to Gabriola Island's

Stunning Sunny Island Log Home

You are at:
1070 Chappel Place
Gabriola, B.C.
Canada V0R 1X2

Please read the following to make your stay both safe and enjoyable.

Noise Bylaw: Please remember that you are in a residential area. Gabriola Island falls under the Regional District of Nanaimo bylaw No. 1082 to regulate noise which states:

“No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.”

This bylaw applies to all persons (owners and renters) and is subject to fines ranging from \$100 to \$2,000. The bylaw clarifies that persistent yelling and shouting, and electronic devices that can be heard beyond the property line are prohibited. Please be respectful of our neighbour's peace and quiet.

Water: The water is supplied by a well on the property. Water use is a real concern on Gabriola so please practice water conservation such as avoiding long showers or letting faucets and taps run unnecessarily.

Fire Safety: No open fires are permitted. Gabriola Island is a 911 community for fire, police and ambulance service. There are fire extinguishers located in both the kitchen (in the lower cupboard to the right of the oven) and hanging to the right of the front door (near the bathroom as you exit the main room). There are smoke detectors in every room except for the bathroom.

Beach fires are not permitted without permits. Please check with the Gabriola Fire Department between 9am and noon at 250-247-9677.

Garbage: The garbage bin under the kitchen sink can be emptied into the large Rubbermaid garbage can that is kept outside under the countertop that is down the steps to the left of the sliding doors that open out onto the patio. The lid is kept upside down so it fits underneath behind the door until removed when sufficiently full.

Compost: I compost my kitchen waste and you can too by collecting all food waste in the stainless steel container with the clear lid sitting on the kitchen island counter. When you are ready, it can be carried out and emptied into the compost bin (the middle one) beside the small building that you will be able to see by going out onto the patio and looking for the large erratic (boulder) up to the left, which sits at the top corner of the property.

Recycling: A blue bin for collecting recycling materials is located in the cupboard under the dish rack.

Laundry: Feel free to use the washer and dryer, however, please use the minimum amount needed of the detergent provided. I try to limit the amount of soaps and detergents entering the septic field.

Septic System: As a precaution against blockages, it is important that no non-organic material is flushed down the toilet. All non-organic materials can be deposited in the bin provided next to the toilet beside the clawfoot tub. Please also ensure that no grease products from kitchen waste are introduced into the system such as bacon fat. Excess fats may be placed in the stainless steel compost container and taken out to the compost bin.

The septic field is located in the grassy area that lies in front and just to the right of the swing that hangs on the South West side of the house.

Control of Pets: Gabriola Island is within the Regional District of Nanaimo (RDN) and therefore, regulated by the RDN Electoral B (Gabriola) Animal Control Bylaw No. 1066. According to this bylaw, dogs on Gabriola are not regulated on breed nor do they require a dog license. With a few exceptions, dogs on Gabriola are generally permitted off leash (including rural roads, trails, community and regional parks), but they must be “under the immediate charge and control of a responsible person”.

The exceptions where dogs must be leashed include: **Descanso Bay Regional Park/Campground, the Elder Cedar Nature Reserve and the three Provincial Parks: - Gabriola Sands Provincial Park (known locally as Twin Beaches), Sandwell Provincial Park and Drumbeg Provincial Park.**

Dogs may roam freely on this property. I only ask that you please try to keep barking to a minimum and that you pick up after your pet.

Wi-Fi/TV: The wi-fi router's name is [REDACTED] and the password is [REDACTED]. The Shaw TV cable remote is ready to go and the TV remote can be used to access a Netflix Guest profile.

Gabriola's Heritage and Archaeological Resources:

"Coast Salish First Nations people lived on Gabriola prior to European settlement. Sites of First Nations' cultural activity have been documented by the B.C. Archaeology Branch and include shell middens, burial caves, petroglyphs and other site types. Areas where archaeological features have been found include the north end of Gabriola, the Southwest area of the Island (across the channel from Mudge Island) and at the south end of the Island. The government-to-government relationship between the Snuneymuxw First Nation and the Islands Trust provides guidance for the establishment of specific measures for protecting Snuneymuxw First Nation heritage sites."

Please be aware and sensitive to the fact that there are First Nations artifacts on this island.

"European settlement of Gabriola occurred in the mid-1800s. Some remaining heritage features from earlier times include houses, churches, schools, the millstone and brick factory sites, and the Pioneer cemetery. The Province protects archaeological sites, whether known or unrecorded, through the Heritage Conservation Act. This protection applies to both private and Crown land and means that landowners must have a provincial heritage permit to alter or develop within an archaeological site."

Some Important Phone Numbers:

Police (non emergency)	250-247-8333
Medical Clinic	250-247-9922
Island Taxi	250-247-0049

Please see the local telephone book kept in the top drawer of the side table beside the couch nearest the stairs for a complete list of Gabriola businesses and services.

In an emergency call 911. You are at 1070 Chappel Place.

Thank you and enjoy your stay!

Ian McAfee

I can be reached at 

Teresa Rittemann

From: BRIAN STRACHAN
Sent: Thursday, May 04, 2017 8:44 AM
To: Teresa Rittemann
Subject: RE: Confirming Well Flow Rates for 1070 Chappel Place, Gabriola (Ian McAfee)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Morning, yes that would be no problem to achieve that amount of water for that property.

Brian Strachan

Sent from Mail for Windows 10

From: Teresa Rittemann
Sent: May 4, 2017 8:33 AM
To:
Cc: Ian McAfee
Subject: Confirming Well Flow Rates for 1070 Chappel Place, Gabriola (Ian McAfee)

Good morning Brian,

I am the Planner responsible for reviewing Mr. Ian McAfee's application, for which you conducted a well flow test at his home at 1070 Chappel Place, Gabriola on April 10 (copy of your email to him, attached)

Just to confirm, based on your professional experience/assessment, would that well (including daily recharge rates) be able to supply 300 gallons/day for a maximum of 120 days/year?

Thanks very much,

Teresa Rittemann
Planner 2
Northern Office, Islands Trust
700 North Road
Gabriola, BC V0R 1X3
Phone: 250-247-2200
Enquiry BC Toll-free: 1-800-663-7867
Or from the Lower Mainland: 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca
Preserving Island communities, culture and environment since 1974

Subject: Flow Test
From: BRIAN STRACHAN
Date: 2017-04-11 11:03 AM
To: Ian McAfee

To Ian McAfee

April 10th, 2017

I was hired to preform an flow test at 1070 Chappel Place, here on Gabriola Island. Here is the results of the flow test.

The well is 182 feet deep and the rest water level was measured to be 25 feet below top of casing on March 29th, 2017, which gives a saturated thickness of 157 feet in the well.

The well was tested at 5 imperial gallons per minute for a duration of 3 hours (180 minutes), the well ran for the stated period of time with no interruptions and the water was clear throughout the testing period.

The 157 feet of water in the well equivalent to 157 gallons of water, and at a pumping rate of 5 gallons per minute the well water would be evacuated in 31.5 minutes. The well was pumped for 180 minutes , there fore the test ran 148.5 minutes with fresh recharged water at the stated 5 gallons per minute.

I am reporting that the well had a yield at least 5 gallons per minute flow at the time of testing. The well log stated that the yield was 10 gallons per minute, but my experience here on Gabriola is that the drillers' estimate is always higher than the actual flow.

Brian Strachan
Registered Pump Installer BC

Sent from [Mail](#) for Windows 10

Van Isle Septic

3635 Allsop Road, Nanaimo B.C., V9R 6X3

Office (250) 741-1222 Fax (250) 585-5223

Your Friend In The Business!

Assurance of Compliance (Addendum)

Date: December 11, 2017

Property: 1070 Chappel Place.
Gabriola Island, BC V0R 1X2

Legal Description: LT 53, PL 23619, SEC 12, GABRIOLA ISLAND

Dear Ian McAfee & Sharon Loerzer,

Having completed the recommended repairs and maintenance issues as outlined in our septic system inspection, dated March 16, 2017, I am confident that the system at the above-noted property is capable of functioning as per its intended design, based on expected flows resulting from the 3-bedroom residence, provided that the system is maintained on an annual basis by a licensed ROWP (Registered On-site Wastewater Practitioner).

Sincerely,



Brad Butler
ROWP - PL, IN, MP, PIR
Van Isle Septic Systems



GABRIOLA VOLUNTEER FIRE DEPARTMENT

Rick Jackson~Fire Chief

Box 89, Gabriola, B.C., VOR 1X0

Telephone: (250) 247-9677

Fax: (250) 247-9850

E-mail: gabfire@shaw.ca

November 15, 2017

To Whom It May Concern:

I have inspected the main house located at 1070 Chappel Place, Gabriola, B.C. The owner Ian McAfee wishes to use it for short term rental accommodations. I find this house meets the requirements of the B.C. Fire Code for this purpose.

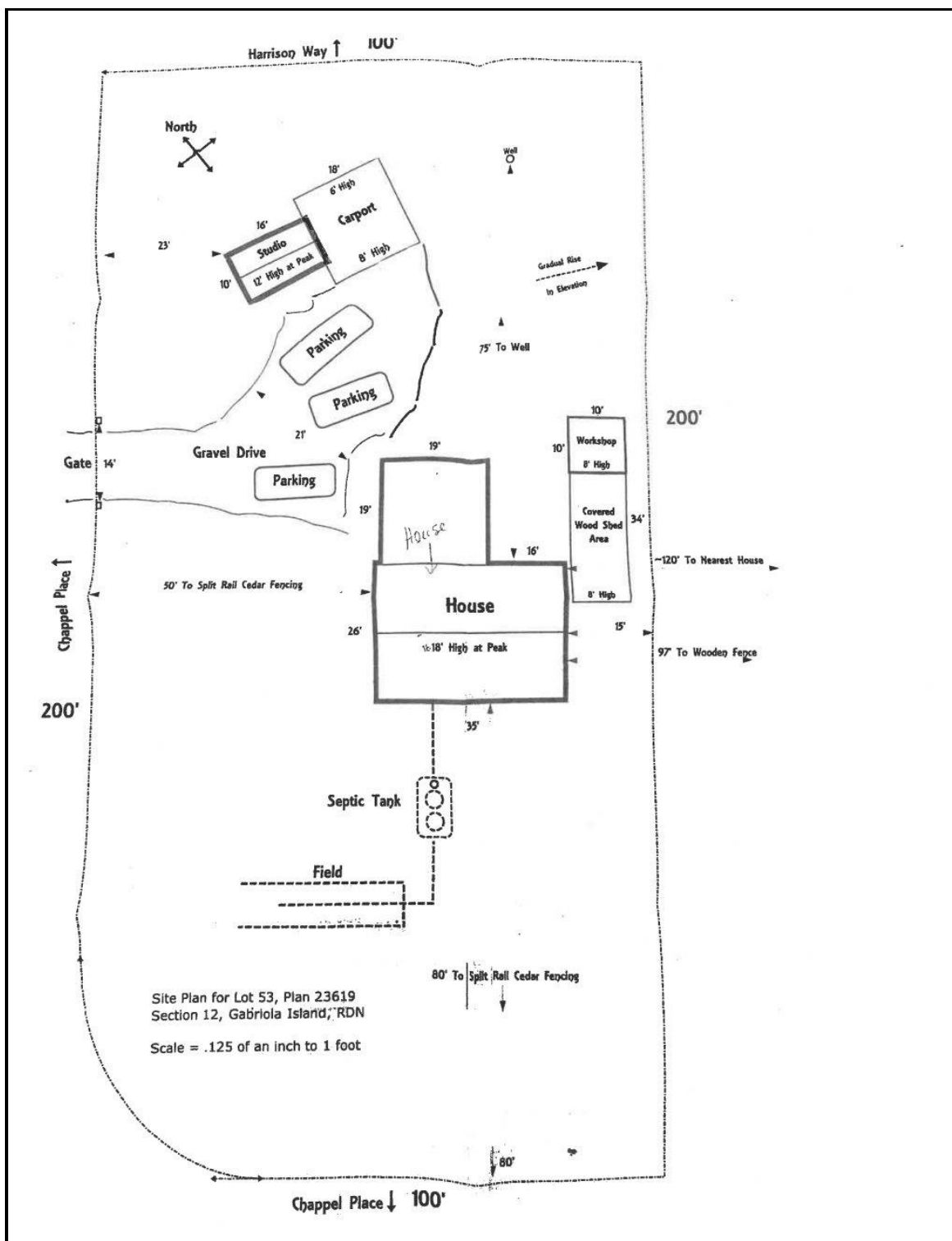
Yours truly,

A handwritten signature in black ink, appearing to read 'Rick Jackson', with a stylized flourish at the end.

Mr. Rick Jackson,
Fire Chief

RDJ:pm

ATTACHMENT 9 – SITE PLAN





File No.: 6500-20 LTC Projects
(Gabriola Water Taxi
Feasibility)

DATE OF MEETING: March 1, 2018
TO: Gabriola Island Local Trust Committee
FROM: Jaime Dubyna, Planner 1
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Top Priority Project: Water Taxi Zoning Review Project Charter

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the Project Charter *Gabriola Island Water Taxi Zoning Review*, dated February 21, 2018.
2. That the Gabriola Island Local Trust Committee request staff to prepare a draft survey regarding water taxi zoning for Local Trust Committee consideration.

REPORT SUMMARY

This Preliminary Report provides background information about the Gabriola Island Local Trust Committee (LTC) top priority project to review Official Community Plan (OCP) and Land Use Bylaw (LUB) provisions for water taxi service near Descanso Bay. This report includes an outline of relevant policy and land use considerations and offers recommendations in proceeding with the project, including developing a community survey and stakeholder consultation.

This report also presents a draft Project Charter for the LTC's review (Attachment 1).

BACKGROUND

On July 14, 2016, the Gabriola Island Local Trust Committee (LTC) passed resolution GB-2016-064:

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

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff have identified the Islands Trust Policy Statement (ITPS) Directive Policies that are applicable to this LTC-initiated top priority project (Attachment 2).

Official Community Plan:

Staff have highlighted the most pertinent Gabriola Island Official Community Plan Bylaw No. 166 (OCP) policies to this project (Attachment 2) including notably:

- Policy 7.2 (a) recommends that passenger commuter-type service (e.g. water taxi) be permitted based on appropriate upland and water zoning, and provided that adequate parking and pedestrian facilities are provided, and that noise disturbance is minimized. As well, a development permit may be required depending on the location and nature of the proposed use.

Land Use Bylaw:

The current Gabriola Island Land Use Bylaw No. 177 (LUB) only permits “*moorage and dockage for water taxis*” in the Water Commercial 1 – Marine (WC1) zone. At present, there are four WC1 zoned locations on Gabriola Island, three of which are in Silva Bay, and one located west of Mudge Island on Northumberland Channel. The WC1 zoned locations are shown on Figure 1.

Descanso Bay is zoned Water Commercial 3 – Marine Transportation (WC3), shown on Figure 2. Permitted uses in the WC3 zone include: Ferry dock; Public moorage and dockage; Public wharves; and Marine navigation tools.

The LUB currently provides the following definitions, applicable to this project:

- “**dockage**” means securing of a *vessel* to a dock.
- “**moorage**” means the tying of a boat to a buoy or similar object that is in turn anchored to the bed of the sea.



Figure 1. Location of WC1 zone on Gabriola Island



Figure 2. Zoning map for Descanso Bay

Issues and Opportunities

Should the LTC recommend that staff proceed with the work plan proposed in the draft project charter, staff would undertake a detailed review of relevant OCP policies and LUB regulations that support and/or pertain to water taxi use in marine zone(s), and consider potential amendments. Potential amendments include:

- *Text amendment:* A Land Use Bylaw text amendment would amend permitted uses within specified marine zones to include water taxi use and specify siting requirements for this use;
- *Map amendment, or rezoning:* The zoning designation of specified areas could be amended to a new zoning designation that permits water taxi use (i.e. the WC1 zone).

Issues such as marine and shoreline environmental impacts of the proposed use, upland traffic and parking, pedestrian access and safety, and the siting of a public waiting room in the adjacent upland area are flagged for consideration.

Staff note that while the LTC has the authority to zone land (including the surface of water) for specified uses, the implementation of a water taxi service would be the responsibility of other agencies – regional, provincial, and federal – and potential service operators. Implementation would involve:

- Studying/determining the market feasibility of operating a water taxi service;
- Consultation with stakeholders including agencies and First Nations;
- Securing a license agreement for the use of Crown land (adjacent to Gabriola Island) through the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; should there be a desire to operate a water taxi service via the Regional District of Nanaimo (RDN) dock, the RDN dock service establishment bylaw would need to be amended and there would likely be an associated tax

implication requiring the RDN to administer an Alternative Approval Process or referendum regarding taxation for this service; a private operator would then also need to enter into an agreement with the RDN, subject to FLNRORD authorization of commercial use of the dock tenure area;

- Securing a license agreement with either the Nanaimo Port Authority or City of Nanaimo to address dock access, parking, and vehicular and pedestrian access on the Nanaimo side; and
- Transport Canada vessel certification.

Staff note that the timeline in the draft project charter is such that deliverables and milestones may not be completed during the current LTC term.

Staff also note that the expenditure of project funds would likely not occur until the next (2018/19) fiscal year. Project budgets will be considered in accordance with Islands Trust Council Procedure C.4.2.1.3 (Local Trust Committees Projects Procedure).

Consultation

Protocols

The following are pertinent to this proposed project:

- There is a Protocol Agreement and Letter of Understanding between the Islands Trust and the Regional District of Nanaimo (RDN) regarding each local government's jurisdictions and responsibilities, and coordination between the Islands Trust and the RDN.
- There is a Protocol Agreement between Snuneymuxw First Nation and the Island Trust Council that identifies the matters in which the Islands Trust Council will consult with Snuneymuxw First Nation.
- There is a Protocol Agreement and Letter of Understanding between the Islands Trust and the BC Ferry Corp. regarding inter-agency coordination that includes referral to BC Ferries for bylaw amendments.

Staff recommend developing a community survey to solicit input on amendments to the Land Use Bylaw that would regulate water taxi use near Descanso Bay. Staff note that community surveys are typically distributed online and in paper form, and note that a survey could be distributed via the Gabriola Sounder. Staff would seek input from the LTC on a draft survey at a subsequent LTC meeting.

Agencies

Staff recommends that consultation be carried out with affected public agencies and community groups, including but not limited to the following:

- | | |
|---|---|
| • Gabriola Island Advisory Planning Commission | • Ministry of Environment and Climate Change Strategy |
| • Regional District of Nanaimo | • Fisheries and Oceans Canada |
| • City of Nanaimo | • Transport Canada |
| • Nanaimo Port Authority | • Gabriola Ferry Advisory Committee |
| • BC Ferry Services Inc. | • Gabriola Chamber of Commerce |
| • Ministry of Forests, Lands, Natural Resource Operations and Rural Development | • Gabriola Power Squadron |
| • Ministry of Transportation and Infrastructure | • Village Vision Group. |

First Nations

As per the Protocol Agreement between Snuneymuxw First Nation and Islands Trust Council, consultation with Snuneymuxw First Nation is recommended. The Provincial First Nations Consultative Areas Database (CAD) indicates there are other First Nations who may have interest in the Gabriola Local Trust Area, and consultation with those identified below is also recommended:

- Halalt First Nation
- Stz'uminus First Nation
- Cowichan Tribes
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe.

ALTERNATIVES

1. Amend the project charter.

The LTC may wish to consider amending the project charter. Should the LTC request staff to amend the project charter, recommended amendments would be provided by the LTC. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to amend the Water Taxi Zoning Review project charter, timeline, and budget to include... (specific details to be provided by the LTC).

2. Proceed no further.

The LTC may wish to not proceed with the project. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to remove the Water Taxi project from the Top Priorities List and Projects List.

NEXT STEPS

The LTC is being asked to consider the draft project charter. Should the LTC endorse the project charter and provide direction to proceed in general accordance with the project charter, staff will proceed with a community survey and stakeholder consultations.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 1	February 21, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 21, 2018

ATTACHMENTS

1. Appendix 1 – Draft Project Charter
2. Appendix 2 – Policy Checklist

Gabriola Island Water Taxi Zoning Review— Project Charter, **Draft** v1

Gabriola Island Local Trust Committee

Date: February 21, 2018

Purpose: To review the Gabriola Island Official Community Plan (OCP) and Land Use Bylaw (LUB) provisions to enable water taxi use near Descanso Bay.

Background: At their July 14, 2016 meeting, the Gabriola Island Local Trust Committee (LTC) moved the “Gabriola Water Taxi Feasibility Project” from their Projects List to their Top Priorities list.

Objectives

- To review OCP policies and LUB regulations that support and/or pertain to water taxi use in marine zone(s) and consider potential amendments.
- To develop a community survey to solicit input on amendments that would regulate water taxi use near Descanso Bay.

In Scope

- Review of current Gabriola Island OCP policies and LUB regulations.
- Community consultation (i.e. survey).
- Identification of regulatory and policy options.
- Referral to the Gabriola Island Advisory Planning Commission.
- Staff analysis and subsequent Staff Report(s) with recommendations to the LTC.

Out of Scope

- Economic feasibility study for water taxi services.
- Review of other geographic locations for zoning for water taxi use.
- Review of the Gabriola Island OCP and LUB that is unrelated to the objectives identified in this Project Charter.

Workplan Overview

Deliverable/Milestone	Date
Preliminary staff report and draft Project Charter to LTC for consideration	March 1, 2018
Planning research and review; Develop public survey for LTC approval	April 2018
Community engagement and consultation	Spring 2018
Stakeholder consultation	Ongoing
Report to LTC with recommendations/options	Fall 2018
Refer to the Gabriola Island Advisory Planning Commission	Fall 2018
Bylaw Drafting; Legal Review and Referral	Winter 2019
Legislative Process (Bylaw Readings, Public Hearing, LTC Approval)	Spring 2019
Adoption of Bylaw; Final Communications	Spring 2019

Project Team

Jaime Dubyna, Planner 1	Project Manager
Sonja Zupanec, Island Planner	Project Support
Islands Trust GIS Technician	Mapping Support
Becky McErlean, Legislative Clerk	Clerk Support

RPM Approval:

Date:

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source: 2018/2019 Gabriola Island Local Trust Committee Special Projects Budget

Fiscal	Item	Cost
2018	Community engagement and consultation	\$500
2018	APC Referral (APC meeting)	\$300
2018	Legislative Process (community information meeting; public hearing; advertising)	\$1,500
	Total	\$2,300 82

ATTACHMENT 2 – POLICIES

Islands Trust Policy Statement

ITPS Policy
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.
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.
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.

Gabriola Island Official Community Plan No. 177

OCP Objective/Policy
Objective 6.2.4 To provide opportunities for the commercial uses of the foreshore and coastal waters provided that such uses do not detract from the marine waters' environmental integrity.
Objective 6.2.7 To encourage the sharing of docks and wharves.
Policy 6.2 (a) Except as specifically provided for, the surface of the water in the Gabriola Planning Area shall be zoned Water General wherein the permitted uses shall include boat moorage and boat launching facilities (where suitable), associated with single-dwelling residential uses located on the adjacent upland, public parks, ecological reserves, marine navigational aids and publicly funded and operated boat launching facilities.
Policy 6.2 (b) The zoning bylaw shall include provision for zones for each of the following foreshore use categories: log storage; log dumping; aquaculture rearing and harvesting; commercial marina operations; and, marine transportation.
Policy 6.2 (g) The following foreshore sites shall be zoned marine transportation: - BC Ferry Corporations water lease lot and ferry slip in Descanso Bay; and - Green Wharf, situation in Percy Anchorage, at the end of Wharf Road. The former provides ferry access to Nanaimo, the latter provides water connection to Mudge Island.
Policy 6.2 (j) So as to regulate form and character, development permit designations may be considered for commercial and industrial sites adjacent to the natural boundary of the sea.
Objective 7.2.3 To provide for water transportation facilities which satisfy local requirements.
Policy 7.2 (a) Passenger commuter-type service (e.g. water taxi) shall be permitted based on appropriate upland and water zoning and provided the operator provides adequate parking and pedestrian facilities and minimizes noise disturbance. Depending on location and the nature of the use a development permit may be required.



File No.: 6500-20 - Mudge Island OCP/LUB
Review Project for Lot Coverage

DATE OF MEETING: March 1, 2018
TO: Gabriola Island Local Trust Committee
FROM: Teresa Rittemann, Planner 2
Northern Team
SUBJECT: Mudge Island Targeted OCP/LUB Review Project for Lot Coverage

PURPOSE

Further to the staff report dated December 14, 2017, the purpose of this interim memorandum is to provide the Gabriola Island Local Trust Committee (LTC) with an update on the status of this project.

DISCUSSION

At the December 14, 2017 LTC meeting, the LTC passed the following resolution:

GB-2017-149

“that the Gabriola Island Local Trust Committee request staff to schedule a meeting for the Mudge Island Advisory Planning Commission to discuss and provide recommendations to the Local Trust Committee on potential amendments to the Mudge Island Official Community Plan and Land Use Bylaw in relation to Lot Coverage including:

- a. Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation;**
- b. Modifying maximum lot coverage in the rural residential zone;**
- c. Regulating the size of dwellings and accessory buildings and structures;**
- d. Regulating impermeable surface coverage;**
- e. Incorporating Mudge Island as a “Special Area” under the Gabriola Official Community Plan and Land Use Bylaw.”**

The Mudge Island Advisory Planning Commission (APC) met on January 19, 2018 at the Islands Trust Office to discuss the LTC’s referral of the five potential amendments above. The APC passed the following resolution:

GB-APC-2018-001:

“that the Mudge Island Advisory Planning Commission recommend that the Gabriola Island Local Trust Committee review and consider the APC’s draft meeting minutes for January 19.”

The minutes of the APC’s January 19 meeting address one of the potential amendments above: (b) modifying maximum lot coverage in the rural residential zone. The APC concluded at their January 19 meeting that increasing the maximum lot coverage from 10% to 20% to mimic Gabriola’s Small Rural Residential (SRR) zone would solve most of the current lot coverage issues on Mudge Island.

The APC held another meeting (on Sunday, February 18) on Mudge Island to adopt the January 19 meeting minutes and further address the referral; Staff were unable to attend. Adopted minutes of the January 19 meeting and draft minutes of the February 18 meeting are included in the March 1, 2018 LTC meeting agenda package.

Given the deadline for LTC agenda preparation, Staff have had inadequate time to review the minutes of the February 18 APC meeting. Thus, this memorandum does not comment further on potential amendments in relation to items a, c, d, and e of the LTC's resolution.

Lot Coverage Regulation

It is the view of Staff that, with respect to this project, amendments to the Mudge Island Land Use Bylaw are warranted; however, a blanket increase in lot coverage from 10% to 20% across Mudge Island is not a viable solution to address the community's concerns. The key reason is that this would increase the lot coverage for all lots, regardless of their size; Staff believe further investigation is needed to determine to what extent the definition of structure could be amended to alleviate concerns and whether or not a lot coverage increase should only apply to lots under a certain size. Applying a 20% lot coverage to large lots (e.g. greater than 1 acre enabling building footprints in excess of 8,700 square feet) seems to be excessive in the context of the Islands Trust which has an environmental protection mandate, nor would this be supportable under the current Islands Trust Policy Statement (ITPS) or OCP policy framework.

Private Building Schemes

At their January 19 meeting, the APC commented on a private covenant on Coho Estates' 1970 subdivision properties (185 out of 358 lots on Mudge Island are in this subdivision) which required a minimum inside floor area of 1000-1200 square feet for the dwelling. The APC Secretary emailed a copy of this Building Scheme (C12394) for Staff review. The Building Scheme specifies that *"No building shall be erected on any of the lots for use as a permanent dwelling house, unless the same shall have a minimum living area within walls, exclusive of garages, carports, and other annexures, of 1,000 square feet for non-waterfront lots, and 1,200 square feet for waterfront lots."*

Figure 1: 17 Lots with the 1971 Building Scheme C12394 Registered on Title



Staff note that the Building Scheme was registered in 1971 and applies to 17 of the 185 properties (see Figure 1 above) in the Coho Estates development (Subdivision Plan 23697), namely Lots 6, 11, 12, 13, 28, 29, 33, 39, 41, 52, 66, 69, 116, 141, 146, 150, and 176. Approximately half of the 17 lots have constructed dwellings, and half are currently vacant.

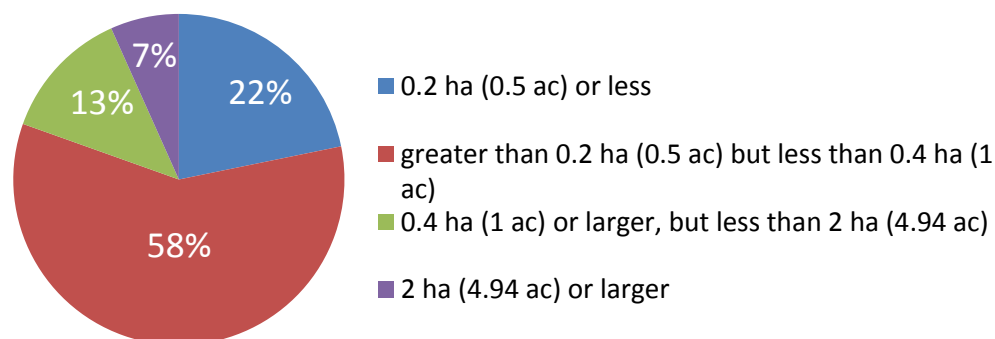
To clarify, although residents may have previously constructed dwellings (which may be either one- or two-storeys in height) consistent with the 1971 private Building Scheme, the provisions of this building scheme do not take precedence over LTC bylaws. The LTC is the land use authority having the power to regulate the size and siting of buildings, structures and uses. This authority cannot be superseded by a private entity.

Lot Sizes and Distribution

To aid in the analysis of lot sizes and distribution on Mudge Island (and the creation of Figure 2 below), Planning Staff requested the following data from the Islands Trust GIS department:

Mudge Island's Rural Residential (RR) Zone	
Total # of Lots	358
Smallest Lot Size	0.14 hectares
Largest Lot Size	15.86 hectares
Average Lot Size	0.52 hectares
# of lots 0.2 ha (0.5 ac) or less	78
# of lots greater than 0.2 ha (0.5 ac) but less than 0.4 ha (1 ac)	210
# of lots 0.4 ha (1 ac) or larger, but less than 2 ha (4.94 ac)	46
# of lots 2 ha (4.94 ac) or larger	24

Figure 2: Lot Size Distribution of Mudge Island



As shown in Figure 2 above, approximately 80% of the lots on Mudge Island are less than 1 acre in size. Thus, a blanket increase to a maximum of 20% lot coverage for all lots on Mudge does not make sense. Not every lot on Mudge is the same, and the issue is really only a concern for the smallest lots (the average lot size on Mudge is approximately 0.5 acres).

Bylaw Amendments

If changes to the Mudge Land Use Bylaw (LUB) are proposed, they must be consistent with the Mudge Official Community Plan (OCP). If not, the OCP will also need to be amended, therefore requiring Ministerial approval. In either case, proposed changes also need to be consistent with Islands Trust Policy Statement – the overarching document which applies Trust-wide.

Public Consultation

Further community consultation should be undertaken once the LTC has considered the APC recommendations on all five of the potential amendments of the referral. In addition, public correspondence received from community members to date has been posted to the project website: <http://islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/mudge-island-targeted-occlub-review-project/>.

Two themes thus far include:

- 1. Mudge's 10% maximum lot coverage should be increased to the same as Gabriola's SRR zone (20%).** Public correspondence received suggests it may be difficult for some small lot owners to meet the current 10% maximum, and some are worried that an unhappy neighbour may complain if they exceed the 10% lot coverage, forcing them to apply for a variance. The APC Bulletin #1 noted that "we have a significant number of lots with Buildings and Structures on them that exceed the 10% maximum lot coverage. To fix this problem we need to amend our LUB, Definitions and Maximum Lot Coverage to a percentage more in line with our Mudge Island reality. We expect, as a starting point, that amending our LUB to mimic the coverage and definitions allowed on Gabriola Island would solve most of our issues."
- 2. The definition of "structure" should be amended.** There were various suggestions as to what types of exclusions could be made in the definition. Staff would suggest that more public consultation should occur around this point.

Staff note that an increase from 10% to 20% for the entire island is not the only solution if the intent is to reduce the number of lots that cannot meet the current 10% maximum. An opportunity currently exists to look past the status quo, think outside the box, and develop a creative solution to address the current situation.

NEXT STEPS

Unless otherwise directed by the LTC, staff will undertake the following:

- Review the APC draft minutes from February 18;
- Conduct a deeper analysis of the five potential amendments as referred to the APC; and
- Prepare a staff report for LTC consideration at the April 12, 2018 meeting, which includes a discussion of policy and regulatory options, proposed amendments to the Project Charter, and request for further public consultation on certain matters.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	February 16, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 21, 2018

Mudge Island Advisory Planning Commission

Report to the Gabriola Island Local Trust Committee

APC Referral – 6500-20- Mudge Island

OCP/LUB Review Project for Lot Coverage

February 19, 2018

Referral Notice:

The Mudge Island Advisory Planning Commission (APC) received the above referenced referral from the Gabriola Island Local Trust Committee (LTC) on December 21, 2017. The referral required the APC to discuss and provide recommendations to the LTC on potential amendments to the Mudge Island Official Community Plan and Land Use Bylaw in relation to Lot Coverage including:

- a) Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation;**
- b) Modifying maximum lot coverage in the rural residential zone;**
- c) Regulating the size of dwellings and accessory buildings and structures;**
- d) Regulating impermeable surface coverage;**
- e) Incorporating Mudge Island as a “Special Area” under the Gabriola Official Community Plan and Land Use Bylaw.**

The APC was asked to specifically provide input, comments, and recommendations to the LTC regarding the above in advance of their March 1, 2018 regular business meeting. This report provided pursuant to the directives of the LTC and in accordance with the requirements of the **ADVISORY PLANNING COMMISSION TERMS OF REFERENCE, D. (Terms of Reference) 2.4** (as amended June 17, 2000).

Public Consultation:

In order to provide the LTC with the clearest report possible, the APC held two public meetings. The first held on January 19, 2018 at the Northern Trust Office, the second held on Mudge Island on February 18 on the MICS property. (the MICS property is a public space used to house the Mudge Island firefighting and emergency response equipment)

The first meeting was attended by APC members Chair Jakobsen, Vice-Chair Carroll, Secretary MacDonald, with member Mallett joining via conference call. Member Erickson was unable to join via conference call owing to technical impediments. Also, in attendance was Staff Planner Teresa Ritemann, minute taker Wil Cottingham and three Mudge Island citizens. LTC Trustees Melanie Mamoser and Heather O’Sullivan were in attendance as guests.

The second meeting was attended by all APC, with members Mallett and Erickson joining via conference call. In addition to the APC, 12 members of the public were in attendance. Rather than recreate all comments and points of discussion at these meetings, we have attached copies of the minutes from each meeting. (Jan 19/2018 APC minutes and the Feb 18, 2018 APC draft minutes)

In addition to the above meetings, individual APC members received 18 written submissions from the public. Please note that these were not sent to the APC but to us individually prior to our first APC public meeting. Saying that, and although not received in strict accordance with APC Guidelines, they are nonetheless instructive.

As well, 20 written submissions were received at the Islands Trust office and have been posted to the public site to this date.

Staff Report

To assist the APC in this referral, a report was prepared by Islands Trust Planning Staff and released on December 14, 2017. The APC reviewed this report, its methodology, rationale, and conclusions thoroughly. In a general sense, the APC was troubled that the Staff Report was built on an incorrect assumption, one that caused us to question its overall findings and recommendations.

Specifically, the report states: ***“This project responds to community concerns regarding the number of Development Variance Permit (DVP) applications to increase the maximum lot coverage on small lots on Mudge Island.”***

With this statement used as the foundation of the Staff Report, the report proceeds to a conclusion that states: ***“Given the existing policies and objectives of the Mudge Island OCP and LUB, and that the existing lot coverage is around 5% for non-vacant RR lots less than 1 acre, Staff does not recommend increasing the permitted maximum lot coverage from 10%.”***

It is the APC’s opinion that the incorrect statement of purpose has caused the entire Staff Report to be constructed on a defensive basis, essentially seeking to protect Mudge Island from unwanted development. At our first APC meeting we were able to show the results of this incorrect assumption. Specifically, that the methodology for the calculation of existing lot coverage for non-vacant lots was flawed in that the GIS mapping system limitations added to errors in calculation; and that the system of averaging non-vacant lots to arrive at any realistic lot coverage percent to be unrealistic.

The APC are confused about how this incorrect assumption was made. Those in attendance at the July 13, 2017 LTC meeting held on Mudge Island heard loudly and unequivocally that the citizens of Mudge were unhappy with the existing maximum 10% lot coverage LUB.

Moreover, that they spoke in unanimity about the need to change the Mudge Island lot coverage LUB to mimic that of Gabriola Island. Minutes of that meeting reflect portions of the discussion on maximum lot coverage.

We respectfully suggest that were the Staff Report to have been based upon the concerns of the Mudge Island Community, that the maximum lot coverage be increased to 20%, the report would have been constructed from a positive position, rather than a defensive one. Given this belief, the APC was less inclined to defer to the findings contained in the Staff Report, rather, relying more on Community concerns, comments and objectives to reach our recommendations.

Recommendations and Rationale:

Given the breadth of submissions and contact with the Mudge Island Community, the APC makes the following recommendations.

For presentation of these recommendations, this report will deal with each in the order that they appear in the Referral Notice.

a) Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation;

The APC agrees that a modification to the Mudge Island LUB is needed. However, we suggest that the amendments be made to the definition of STRUCTURE, not LOT COVERAGE as contained in LUB Part 1-1.1.

The APC **unanimously recommends** that the definition of “Structure” contained in the Mudge Island LUB (2007) Part 1, be amended to read: **STRUCTURE means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, excluding gravel driveways for vehicle parking, sewage absorption fields, below ground septic tanks and cisterns. For clarity, concrete and/or asphalt paving are considered structures.**

Rationale. It is our opinion that the current definition, “*STRUCTURE means any construction and human made land alteration fixed to, supported by, or sunk into land or water. For clarity septic fields, septic tanks, absorption fields and related appurtenances, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures*” is so broad and all inclusive that read literally, would mean that everything changed by humans could be counted as a structure. As example and taken literally, a garden represents a human made land alteration, as would planting a tree. We cannot believe that this was the intent of this definition. We submit that the words “*..any construction and human made land alteration...*” are unreasonable and accordingly, unenforceable.

Our recommendation uses some of the language contained in the Gabriola LUB with two additional exclusions. The first is an exclusion for below ground septic tanks. The definition in

the Gabriola LUB identifies “above ground” septic tanks as being included as a structure but is silent on below ground septic tanks. We think this an omission that we have sought to correct. We have also added cisterns to the list of exclusions. This addition is reflective of the changing attitudes to water conservation. At a point in time where people are encouraged to collect water, it seems counter productive to then essentially be charged for the physical space that these cisterns take up on a lot.

Our recommended definition of structure differs from that of Gabriola Island, being more restrictive, in that we have removed the exclusions for vehicles, floating vessels, paving for vehicle parking, sidewalks and detached ground level decks.

b) Modifying maximum lot coverage in the rural residential zone;

The APC unanimously recommends that Mudge Island LUB Part 5, section 5.1-4 be amended to read: **The maximum lot coverage is 20%.** While not a specific recommendation, the APC is agreeable to amending the LUB to remove the RR (rural residential) zoning designation and replace it with two new zones, SRR (small rural residential) and LRR (large rural residential).

If this is taken as an option, we would recommend that properties under 1 acre be zoned SRR with 20% maximum lot coverage, and those properties 1 acre and above be zoned LRR with a 10% maximum lot coverage.

Rationale.

The APC believes strongly that the current 10% maximum lot coverage to be both, unreasonable and unattainable objectives. Moreover, this restrictive maximum lot coverage is neither consistent with the LUB’s of other Islands in the Trust Areas, nor reflective of actual building realities that have existed on Mudge Island for nearly 40 years.

The APC believes, again strongly, that increasing the maximum lot coverage to be in harmony with Mudge Island OCP (Bylaw 227) Policies and objectives. Specifically, Part 4, Policy 3 in the Mudge OCP states: *“3. Lot coverage should be limited, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.”*

The APC agrees that lot coverage should be limited. We submit that the changes we have recommended are reasonable and are the same or less than those of other Gulf Islands. Not that this should mean that Mudge Island automatically follow the LUB regulations of other Islands, but that if they have worked in other jurisdictions, it is reasonable to believe that an increase would work on Mudge Island as well.

ADVISORY PLANNING COMMISSION TERMS OF REFERENCE, D-5 states *“In preparing its advice to the LTC, the APC should take into account the interests of the community at large when making recommendations.”* The APC has listened to our community. Whether comments have been made at meetings, in writing, by phone or in person, Mudge Islanders have been

unanimous regarding the need to increase the maximum lot coverage to that employed on Gabriola Island. In fact, we have not received or heard any opposition to the need for change.

c) Regulating the size of dwellings and accessory buildings and structures;

The APC **unanimously recommends against** regulating the size of dwellings and accessory buildings and structures.

Rationale.

The APC feels that if the recommendations for the amended definition of structure and maximum lot coverage are adopted, this option becomes unnecessary. The Mudge Island LUB already has limits on how many buildings are permitted on a lot, as well as the maximum height permitted. We see no good reason at this point to add more regulations in this respect.

d) Regulating impermeable surface coverage;

The APC **unanimously recommends against** regulating impermeable surface coverage.

Rationale.

The APC believes that if the recommendations for the amended definitions of structure and maximum lot coverage are adopted, this option becomes unnecessary. Those two amendments, if adopted, control land use coverage. We see no good reason at this point to add more regulations in this respect.

e) Incorporating Mudge Island as a “Special Area” under the Gabriola Official Community Plan and Land Use Bylaw.

The APC **unanimously recommends against** incorporating Mudge Island as a “Special Area” under the Gabriola Island Official Community Plan.

Rationale.

The APC heard very clearly from the citizens of Mudge that they wanted no part of giving up their own OCP/LUB and being subsumed into those of Gabriola Island. During the consultation process we heard from people about the pride they had in assisting in the adoption of our own OCP/LUB.

Notwithstanding comments made by our community, the APC while working through this specific Referral, can point to a few instances where the needs and wants of Mudge Island residents were seemingly lost in the process of adopting Bylaw 7 (1980) and Bylaw 177 (1999). Regardless of the how's or whys, we respectfully submit that it appears that the best interests of Mudge Islanders were not taken into account during those processes.

The APC understands that the Mudge Island OCP/LUB are not perfect. We do feel that considering the interests of the community at large, we are compelled to recommend rejection of incorporating Mudge Island as a “Special Area” under the Gabriola Island Official Community Plan and Land Use Bylaw.

Conclusion:

In the course of performing our duties with respect to the APC Referral – 6500-20-Mudge Island, OCP/LUB Review Project for Lot Coverage, this APC has at all times sought to adhere to all Islands Trust policies and policy guidelines. If we have erred at any point in this process we advise that we have done so resulting from inexperience, not intent.

We advise the LTC that the Mudge Island APC is available, either collectively or individually to provide additional guidance with respect to the above Referral.

This report respectfully submitted with the consent of the Mudge Island APC.

Susanne Jakobsen, APC Chair

February 19, 2018

**Gabriola Island**

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



Projects

Gabriola Island

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

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Commercial Vacation Rental Review	Review bylaws with respect to temporary use permits for commercial vacation rentals	07-May-2015
CDF Conservation	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
LUB Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use.	08-Sep-2016
Review and update the Gabriola Build Out Map		11-May-2017

Projects

Gabriola Island

Description	Activity	R/Initiated
Develop a new Ecological Protection Zone.	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coates Marsh and Burns Acres Nature Reserve properties.	01-Mar-2017



Islands Trust

Print Date: February 21, 2018

Applications

Development Permit

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

Planner: Teresa Ritemann

Planning Status

Status Date: 21-Feb-2018

Planner awaiting responses regarding draft covenants.

Status Date: 18-Dec-2017

Planner sent draft arch. covenant to Snuneymuxw FN and Arch Branch for review and comment. Environmental covenant sent to applicant to review.

Status Date: 21-Nov-2017

Applicant has entered into Cost Recovery Agreement - CR087 - and lawyers have been requested to begin work to draft the restrictive covenant.

Development Variance Permit

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

Planner: Madeleine Koch

Planning Status

Status Date: 18-Aug-2017

Sent letter to the property owner and requested her (or her surveyor) to forward the completed survey / site plan to planning staff.

Status Date: 17-Aug-2017

Planning staff met with the owner on site, reiterated the need for a survey / site plan. The owner committed to providing a survey / site plan as per the Land Use Bylaw.

Applications

Status Date: 15-Jun-2017

Applicant said that he would ask the owner to contact staff to arrange a meeting to discuss the application

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.1	Zane, Michael	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Teresa Rittemann

Planning Status

Status Date: 21-Feb-2018

Planner awaiting responses regarding draft covenants.

Status Date: 18-Dec-2017

Planner sent draft arch. covenant to Snuneymuxw FN and Arch Branch for review and comment. Environmental covenant sent to applicant to review.

Status Date: 21-Nov-2017

Applicant has entered into Cost Recovery Agreement - CR087 - and lawyers have been requested to begin work to draft the restrictive covenant.

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: Sonja Zupanec

Planning Status

Status Date: 06-Dec-2017

OCP Bylaw No. 289 approved by the Minister of Municipal Affairs and Housing

Status Date: 05-Oct-2017

RDN advised that the RDN Board will accept the proposed 16.4 hectare parkland dedication and will accept proposed SRW #1, #2, #3 and #4 as public trail connections through subdivision following adoption of Bylaws 289 and 290.

Applications

Status Date: 30-Mar-2017

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

Subdivision

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

Planner: Teresa Rittemann

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 18-Jan-2018

Planner re-sent the revised referral report to MOTI. Will await a response from MOTI.

Status Date: 23-Feb-2017

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

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 Rittemann

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 14-Jun-2017

MOTI sent PLA with conditions for the applicant to meet.

Applications

Status Date: 28-Nov-2016

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

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

Planning Status

Status Date: 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

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

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 01-Apr-2015

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

Status Date: 03-Sep-2014

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

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

Applications

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 01-Apr-2015

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: 19-Mar-2015

No change in status. Contacted MOTI to see if they closed the file, but have not yet heard back.

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

Planner: Teresa Rittemann

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

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

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

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Jun-2016

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

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

Planner: Teresa Rittemann

Applications

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 07-Nov-2017

Applicant seeking extension to PLA. Planner confirmed with MOTI and applicant via email that our office has no concerns with extending the PLA.

Status Date: 02-Oct-2017

No change in status.

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

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 05-May-2017

PLA Received. MOTI will send final plan when received.

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

Planning Status

Status Date:

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

Applications

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 24-Jul-2017

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

Status Date: 30-Jun-2017

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

Temporary and Industrial Use Permit

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

Planner: Teresa Rittemann

Planning Status

Status Date: 21-Feb-2018

Planner completed review and Staff Report to appear on Mar 1 2018 agenda for LTC consideration.

Status Date: 27-Nov-2017

No change in status.

Status Date: 26-Apr-2017

Planner reviewing application and waiting for additional information from applicant.

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

620 Gabriola	Invoices posted to Month ending December 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	992.19	507.81
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	3,148.24	1,601.76
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	477.70	122.30
65220-620	LTC - Local Exp - Communications	1,250.00	369.00	881.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	0.00	1,000.00
TOTAL LTC Local Expense		<u>7,600.00</u>	<u>3,994.94</u>	<u>3,605.06</u>
Projects				
73001-620-4063	Gabriola First Nations Relations	1,000.00	13.54	986.46
73001-620-4064	Gabriola Housing Options Review	2,500.00	2,934.55	-434.55
73001-620-4080	Gabriola Housing Needs Assessment	5,000.00	0.00	5,000.00
TOTAL Project Expenses		<u>8,500.00</u>	<u>2,948.09</u>	<u>5,551.91</u>

Gabriola Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: February 2, 2016

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



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality January 2018



Election of the Trust Fund Board Chair

Trustee Tony Law was nominated and elected by acclamation as the Trust Fund Board (TFB) Chair for 2018.

Re-appointment of Robin Williams

The Minister has approved the re-appointment of Robin Williams to the TFB for two years. Trustee Williams will continue to represent the TFB on the Financial Planning Committee.

New 'Salish View' Conservation Proposal, Lasqueti Island

The TFB received and accepted a conservation proposal submitted by the Lasqueti Island Nature Conservancy, (LINC) regarding the acquisition of the property known as 'Salish View'. The TFB agreed to contribute \$32,000 from the Lasqueti Island Acquisition Fund to purchase Salish View, on the condition that the primary donors to this Fund support the use of the funds for this project. Staff will be working with LINC on fundraising and communications for the campaign, and if the campaign is successful, the land will be protected by the TFB as a nature reserve, with a covenant held by LINC.

Regional Conservation Plan (RCP)

The TFB approved the final 2018-2027 Regional Conservation Plan (RCP). The Board is referring the RCP to Trust Council for endorsement at the March Trust Council meeting. The TFB also reviewed a three-year work plan that builds on the approved RCP. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. The three-year work plans will be used by staff and board members to guide their work and measure progress towards achieving the larger goals of the ten-year RCP. The final RCP will be posted on the Islands Trust Fund (ITF) website after the March Trust Council meeting and a news release will be issued.

Fairyslipper Forest campaign

Fairyslipper Forest is now protected as a TFB nature reserve. A board-to-board celebration event will be held in Cowichan Valley on February 24, 2018 to celebrate the successful completion and protection of Fairyslipper Forest Nature Reserve on Thetis Island. Public celebration events will be held on Thetis Island on April 21-22, 2018.

Report on Islands Trust Meeting with the Minister

The TFB discussed possible follow-up actions emerging from the recent Islands Trust meeting with the Minister of Municipal Affairs and Housing regarding the requested change to the Islands Trust Act to change the name of the Islands Trust Fund.

Agricultural Land Commission (ALC) Review

Trustee Tony Law attended the a regional stakeholder meeting held by the Minister of Agriculture's Advisory Committee on the Revitalization of the Agricultural Land Reserve and Agricultural Land Commission on February 6, 2018 in Nanaimo.

Summary of Current Island-by-Island Activities

Denman

Staff attended an open house on January 27, for public consultation on the revised management plan for Morrison Marsh Nature Reserve, to be completed by April 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves.

Gabriola

Construction is almost complete on the boardwalk around the large western redcedar tree. Notice of the work went into the local paper and social media, and the RCMP was notified to deter vandalism. Construction of boardwalk over a wet area on one section of the existing trail will begin in February.

Galiano

Invasive species removal and trail clearing is in progress on the Laughlin Lake and Vanilla Leaf Nature Reserves. The Board received and approved a request from a

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

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

Master's student to perform research on pollinators and microclimates on Retreat Island Covenant provided that conditions for ecological integrity and stakeholder approval are met.

Lasqueti

Riparian restoration and nesting box maintenance is in progress at the John Osland Nature Reserve.

North Pender

Public consultation, including a questionnaire and open house scheduled for February 17, 2018, are underway for a revised management plan for the Medicine Beach Nature Sanctuary, to be completed by April 2018.

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

Tony Law, Chair tlaw@islandstrust.bc.ca
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MEMORANDUM

File No.: 3445-40

(File: Farm Industry Review Board -
Aquaculture)

DATE OF MEETING: March 1, 2018
TO: Gabriola Island Local Trust Committee
FROM: David Marlor, Director of Local Planning Services
Local Planning Services
COPY:
SUBJECT: Farm Industry Review Board and Aquaculture

PURPOSE

At its business meeting on January 17, 2018, the Executive Committee passed the following resolution:

that the Islands Trust Executive Committee requests that the information about the BC Farm Industry Review Board be distributed to the Local Trust Committees and enquiries are to be directed to the Regional Planning Manager.

The attached news release advises under the *Fish and Seafood Act* that came into force on January 1, 2017 that the BC Farm Industry Review Board had jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the Farm Practices Protection (Right to Farm) Act.

NEXT STEPS

None

Submitted By:	David Marlor, Director of Local Planning Services	February 2, 2018
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ATTACHMENTS

1. Attachment 1 – March 2017 News Release – Aquaculture and the Farm Practices Protection (Right to Farm) Act.



AQUACULTURE AND THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT*

As of January 1, 2017 the BC Farm Industry Review Board (BCFIRB) has jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the *Farm Practices Protection (Right to Farm) Act (FPPA)*

Agriculture and aquaculture are important BC industries. Under the *Farm Practices Protection (Right to Farm) Act (FPPA)*, farmers using “normal farm practices” are protected from certain bylaw enforcement, court injunctions and lawsuits related to nuisance complaints. The *FPPA* balances community interests by both protecting farmers from disturbance complaints, and by giving neighbours of a specific farm the right to formal conflict resolution through BCFIRB. Both non-farming and farming neighbours have the right to file a complaint.

While normal farm practices are protected under legislation, BCFIRB encourages farmers and their neighbours to work together to resolve disputes in the first instance.

Although there are many options for resolving disputes between farmers and neighbours, in some situations, enforcement regarding use of a farm practice which is causing a disturbance may be called for.

Expanded Jurisdiction

The *Fish and Seafood Act* came into force by regulation on January 1, 2017. Concurrently consequential amendments to the *FPPA* came into force. These amendments bring fin and shellfish aquaculture back into the scope of nuisance complaints heard by BCFIRB under the *FPPA*. The types of aquaculture covered by the amendments are broad and include marine finfish, shellfish and freshwater (or land-based) operations as well as aquatic plants.

For more information contact

Case Manager
250-356-8945

British Columbia
Farm Industry Review Board

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