

DRAFT

**MINUTES OF THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE MEETING
HELD AT 11:30 AM ON THURSDAY, FEBRUARY 14, 2012
AT THE GABRIOLA COMMUNITY HALL
2200 SOUTH ROAD, GABRIOLA ISLAND, BC**

<u>PRESENT:</u>	David Graham	Chair
	Sheila Malcolmson	Local Trustee
	Gisele Rudischer	Local Trustee
	Miles Drew	Bylaw Enforcement Coordinator
	Chloe Fox	Island Planner
	Stephen Orgill	Recorder

There were two (2) local media representatives and twelve (12) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:31 am. He introduced himself, the Local Trust Committee, and staff to the public in attendance.

2. APPROVAL OF AGENDA

The agenda was reviewed and the following changes and additions were made:

- Add letter dated February 6, 2012 from Robert Ferris and Denese Izzard-Ferris as item 13.2.1

The Local Trust Committee adopted the agenda by consensus as amended.

3. MINUTES

3.1 *Local Trust Committee Meeting Minutes of January 19, 2012*

The Local Trust Committee reviewed the minutes of the January 19, 2012 Local Trust Committee meeting and the following amendments were made:

- Page 4, item 6.3, delete second and third sentences
- Page 7, item 8, Trustee Rudischer, add final sentence, "*She was not opposed to the gun club but to the level of noise.*"
- Page 7, item 8, Trustee Malcolmson, first sentence, replace "*the Denman Cooperative Housing project*" with "*cooperative housing residents*"
- Page 7, item 12, last sentence, replace "*Wild Life's (GROWL's)*" with "*Wildlife Society's (GROWLS)*"
- Page 9, item 13.1.1, second sentence; insert "*Mudge Island Official Community Plan list of community*" before "*amenities and that...*"
- Page 9, item 13.1.1, add final sentence, "Mr. Littlejohn requested that the Local Trust Committee defer its decision while he considers amending his application."

- Page 10, item 16, delete second sentence
- Page 11, item 20, Nancy Heatherington-Peirce, second sentence, replace “list” with “project list adopted today”

3.2 *Section 26 Resolutions Without Meeting*

There were no Resolutions Without Meeting.

3.3 *Gabriola Island Advisory Planning Commission Meeting Minutes*

There were no Advisory Planning Commission meeting minutes.

3.4 *Mudge Island Advisory Planning Commission Meeting Minutes*

There were no Mudge Island Advisory Planning Commission minutes.

3.5 *Volunteer Review Committee Draft Meeting Minutes dated October 25, 2011.*

The Local Trust Committee reviewed the draft minutes of the October 25, 2011 Volunteer Review Committee for information.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action Report dated January 9, 2012*

The Local Trust Committee reviewed the Follow Up Action Report dated February 6, 2012. Planner Fox requested that some of the older items be reviewed and she discussed those items with the Local Trust Committee.

GB-020-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request staff to draft a letter to the neighbours of Center Stage Holdings application (GB-SUB-01-01) with information regarding the covenant.

CARRIED

4.2 *Regional District of Nanaimo Water Budget Study – Request for Funding Support*

Planner Fox outlined the background of having received the letter from the Regional District of Nanaimo and referred to a memorandum dated January 31, 2012 regarding Water Budget Project – Request for Funding Support. She explained the goal of the project is to better understand regional water resources by identifying where various elements of the hydrologic cycle are located, how much water they hold, how water moves between these elements, and where water is being taken or used in a way that may not be sustainable. She advised the Local Trust Committee on the deliverables that will flow from the project and when to expect them.

- GB-021-2012** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee defer consideration of item 4.2 Regional District of Nanaimo water budget request until after the Local Trust Committee budget is adopted for 2012-13.

CARRIED

4.3 *Gabriola Rescue of Wildlife Society Oiled Wildlife Response Workshop*

Planner Fox updated the Local Trust Committee.

4.4 *Development Permit Area Factsheet Printing Options*

Planner Fox reviewed the printing options for the Development Permit Area Factsheet with the Local Trust Committee. Planner Fox was advised to initially print small quantities of 100 copies.

- GB-022-2012** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee release up to \$200 from its local expense budget to print the Development Permit Area Factsheets for public distribution.

CARRIED

5. **CORRESPONDENCE**

Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application and/or project is on the agenda for consideration.

5.1 *Email dated January 11, 2012 from Jim Ramsey for Sustainable Gabriola regarding Village Core Review Coordination*

The Local Trust Committee reviewed the email from Jim Ramsey and will expect a delegation on the topic on this agenda.

5.2 *Email dated February 2, 2012 from John Rowlandson of Velo Village, Island Pathways to Sheila Malcolmson regarding Request for Support for Rural Cycling*

The Local Trust Committee reviewed the email and attached resolution from John Rowlandson of Salt Spring Island. Mr. Rowlandson will be hosting a conference to bring together 200 delegates from all over BC to build stronger links between rural and urban cycling networks.

- GB-023-2012** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee urge the Province of British Columbia to invest in cycling infrastructure in rural communities, in order to accelerate the availability and broaden the range of cycling opportunities for commuter, recreational and competitive cyclists living in and visiting rural and urban areas, and that staff be asked to convey the resolution to the letter writer.

CARRIED

6. **REPORTS**

6.1 *Work Program Reports*

The Local Trust Committee reviewed the Top Priorities and Projects dated February 6, 2012. Planner Fox provided a brief verbal update.

6.2 *Applications Log dated February 6, 2012*

The Local Trust Committee reviewed the Applications Log and Planner Fox provided a verbal update in response to the trustees' questions.

6.3 *Trustee and Local Expenses posed to January 23, 2012*

The Local Trust Committee reviewed the local expense statement with postings to January 23, 2012.

GB-024-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee release up to five hundred dollars (\$500) from its local expense communication budget (65220) for a trustee newsletter to be distributed before March 31, 2012.

CARRIED

7. **NEW BUSINESS**

7.1 *Regional District of Nanaimo Protocol Agreement*

Planner Fox commented that Regional Planning Manager Chris Jackson was unable attend this meeting to report. She reported that the Regional Planning Manager foresees the meetings for all of the northern areas will be held in the fall.

7.2 *Bylaw Enforcement Priorities*

Chair Graham introduced the Bylaw Enforcement Coordinator Drew. Bylaw Enforcement Coordinator Drew provided an overview of current open, active bylaw enforcement files and indicated that enforcement staff follow priorities laid out in the Islands Trust Policy Manual. The trustees discussed the nature of the categorization of open files and requested further explanation from the Bylaw Enforcement Coordinator. There was discussion about follow-up with complainants after receiving the initial complaint. Bylaw Enforcement Coordinator Drew explained the resources available to the bylaw enforcement office.

GB-025-2012 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request bylaw enforcement staff to produce a detailed report on the open bylaw enforcement files in the Gabriola Local Trust Area.

CARRIED

The Local Trust Committee reviewed the agenda and continued with consideration of Item 16.

16. ISLANDS TRUST WEBSITE

The Local Trust Committee reviewed the Gabriola Island Local Trust Committee page of the Islands Trust website. The trustees advised Planner Fox on some additional changes.

Chair Graham called a recess at 12:38 pm and requested reconvening at 1:00 pm.

Chair Graham reconvened the meeting at 12:59 pm.

8. TRUSTEES' REPORTS

Trustee Rudischer briefly reported on some content and actions from two local meetings and a meeting in Victoria that she had attended since the last Local Trust Committee meeting. One meeting concerned ideas on taxation and she summarized some of the suggestions. She briefly summarized the other local meeting with Gabriola Lands and Trails Trust. The Local Planning Committee meeting in Victoria discussed reviewing the Islands Trust Policy Statement. Trustee Rudischer invited public comment on the policy statement and whether the policy should be reviewed. She provided the Islands Trust address for feedback on the topic. (policyreview@islandstrust.ca)

Trustee Malcolmson reviewed the Islands Trust-wide meetings that she had attended since the last Local Trust Committee meeting. She commented on the BC Ferries Commissioner's report adopting most of the recommendations that were received from Trust Council. Trustee Malcolmson summarized other issues related to BC Ferries. Trustee Malcolmson reviewed other meetings that she had attended and commented. She announced that the next Islands Trust Council meeting on March 6 – 8, 2012 will be at the Haven on Gabriola Island.

9. CHAIR'S REPORT

Chair Graham reported on work of the Financial Planning Committee and will be looking for comments on the budget that has been proposed. He summarized that the budget increase is presently around 2% and invited public comments.

10. REGIONAL DIRECTOR'S REPORT

Regional District of Nanaimo (RDN) Director Howard Houle reported that Regional District of Nanaimo budget meetings had been completed. He reported that Nancy Crozier, Jacinthe Eastick and Megan Dickinson had been appointed to the Parks and Open Spaces Advisory Committee on January 24, 2012. The first Parks and Open Spaces Advisory Committee meeting will be on February 27, 2012. Director Houle described the Local Government Leadership Academy's three days of lectures for elected officials that he had attended in Parksville. He reported having attended a meeting on February 3, 2012 with the Parks and Recreation Society and commented on the work of the committee. Director Houle announced that the Regional District of Nanaimo water study

contract would soon be awarded and commented on the areas of Gabriola Island that would be researched.

11. DELEGATIONS

11.1 *Dyan Dunsmoor-Farley and Judith Roux for Sustainable Gabriola and John Peirce for Chamber of Commerce regarding Village Core*

Dyan Dunsmoor-Farley addressed the Local Trust Committee about Sustainable Gabriola's (a community group) interest in planning the village core. She reviewed the workshop sponsored by the Local Trust Committee that had been held in October to hear the community input on the planning process. Dyan Dunsmoor-Farley described the background and purpose of the community group Sustainable Gabriola. She outlined the project proposed by the joint effort of the Chamber of Commerce and Sustainable Gabriola that could fulfill gathering planning data for village core planning. She asked if it would be helpful to have a group such as Sustainable Gabriola that would facilitate meetings and whether there would be value added with the group pursuing this research project.

Trustee Rudischer suggested that the village core review could be considered by the Local Trust Committee after the water issues and stated that she felt that it would not be appropriate for community organizations to take the lead to do the work within the mandate of the Local Trust Committee. She thought that it was appropriate to use community groups to collect information on topics such as groundwater, but does not believe it is appropriate for a community group to take the lead in a project such as planning the village core.

Trustee Malcolmson clarified her position that she had stated at the workshop session and stated she would prefer to wait until the Local Trust Committee budget for village planning is approved before involving community groups in research. She suggested that Sustainable Gabriola should hold the offer until community scoping is done, and then the local government could benefit from having community group input into the project. Further discussion on the jurisdiction of local government and community groups continued.

Chair Graham summarized the discussion for clarity.

12. TOWN HALL SESSION

Denese Izzard-Ferris told the Local Trust Committee that she had received a notice regarding a neighbour's application to further develop their property. She submitted written information for the Local Trust Committee's consideration. Trustee Malcolmson told Mrs. Izzard-Ferris that the application was on this agenda and would be considered later in the meeting. She advised the applicant that the two applications being considered are for the same property.

Nick Doe commented that there were two projects going on at the moment with respect to research on local groundwater and said that historically these two are separated. One watershed study with the Regional District of Nanaimo and another concerning the

Riparian Areas Regulation were good opportunities to gather valuable information on water flow. He said that he sees a disconnect in the report and doesn't see any link between the two projects.

13. APPLICATIONS AND PERMITS

13.1 *GB-SUB-2011.4 (Raven – 1597 Starbuck Lane & 1589 Whalebone Drive) 10% Road Frontage Waiver*

Planner Fox referred to her memorandum dated January 20, 2012 and stated that items 13.1 and 13.2 are to do with the same property. She summarized the memorandum and recommended that the 10% frontage requirement for proposed Lot 3 and proposed Lot 130 for the subdivision application be waived. There are no new lots created and no increase in density would result from a decision to waive the requirement.

GB-026-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee waive the 10% frontage requirement for proposed Lot 3 and Proposed Lot 130 for the subdivision application file GB-SUB-2011.4 (Raven, John & Janice).

CARRIED

13.2 *GB-DVP-2012.2 (Raven – 1597 Starbuck Lane & 1589 Whalebone Drive))*

Planner Fox referred to the staff report dated January 27, 2012 regarding the application for variance and summarized the report. Chair Graham invited the applicant to comment.

Mr. Raven explained the opportunity to buy the home next door and clarified concerns of other neighbours by stating that there would not be any commercial activity. It is purely a lot boundary adjustment. None of the uses are changed by the boundary adjustment. The Local Trust Committee discussed the application further.

GB-027-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee instruct staff to issue development variance permit GB-DVP-2012.1 (Raven, John & Janice).

CARRIED

13.3 *GB-RZ-2010.1 (Beckstead & Littlejohn – Mudge Island)*

Planner Fox provided a verbal update on the application that the applicant had requested to be deferred. She continued that the applicant has been exploring options and will be in contact when ready to proceed.

14. **LOCAL TRUST COMMITTEE PROJECTS**

14.1 *Official Community Plan and Land Use Bylaw Review*

14.1.1 *Riparian Areas Regulation Watercourse Assessment and Mapping*

Planner Fox reviewed the project background that had been contracted to Madrone Environmental Services Ltd. Trystan Willmott of Madrone Environmental Services explained the project and described the fieldwork methodology. He reviewed the fieldwork and summarized some of the findings of the study. He referred to the report as providing preliminary background for the Riparian Areas Regulation work. Chair Graham invited comments from the public.

John Peirce provided advice on the naming of waterways stated in the report.

Nick Doe commented that it was an oversight not to have used the Ministry of Environment watercourse mapping that has names and geographic information. He told the Local Trust Committee that he had written a list of comments that he then submitted to Chair Graham for further consideration.

Trystan Willmott clarified the mandated scope of the study that had been carried out.

Howard Stiff asked if the watershed around Degnan Bay had been considered where there is anecdotal information that fish are present in the stream.

Chair Graham reiterated the scope of the project that had been required of local government by the Government of British Columbia. He stated the provincial government provided no funding to gather the information.

Planner Fox advised the Local Trust Committee about the process of moving forward with the report and suggested a development permit area approach. She recommended a dual pronged approach to gather public input in combination with the mapping steep slopes report. She expected the next version of the watercourses report will have corrected maps and technical changes from the feedback. Planner Fox indicated there would be a staff report on the dual pronged approach to moving forward.

15. **BYLAWS**

15.1 *Proposed Bylaw No. 263 cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011*

Bylaw Enforcement Coordinator Drew presented Proposed Bylaw No. 263 and explained to the public the purpose of the bylaw. He explained the adjudication

process and that the issue that is being adjudicated is whether a bylaw infraction occurred. He asked the Local Trust Committee to consider second and third readings.

Trustee Rudischer asked if there would be a period of time in which compliance is reached. Bylaw Enforcement Coordinator Drew explained the maximum allowed for compliance is one year, however most often the owner out of compliance is asked how much time they would need to become compliant.

GB-028-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee give second reading to proposed Bylaw No. 263 cited as "*Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011*".

CARRIED

GB-029-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee give third reading to proposed Bylaw No. 263 cited as "*Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011*".

CARRIED

GB-030-2012

It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee refer proposed Bylaw No. 263 cited as "*Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011*". to the Executive Committee for approval consideration.

CARRIED

17. NEXT BUSINESS MEETING

The next Local Trust Committee meeting will be held at 10:15 am on March 22, 2012 at the Women's Institute, 476 South Road, Gabriola Island.

18. TOWN HALL SESSION

There were no comments from the public in attendance.

19. ADJOURNMENT

The Local Trust Committee adjourned the meeting by consensus at 2:35 pm.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Gabriola Island Jun-19-2008

No.	Activity	Responsibility	Target Date	Status
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1 GB-SUB-01-01 (Centre Stage Holdings) Trustees to draft letter to neighbours after staff have sought advice regarding relationship between the covenant and PMFL as to which supercedes the other.

On hold pending status review of subdivision application, GB-SUB-01-01; CJ July 13

Feb 14, 2012 LTC meeting - staff requested to draft the letter including information regarding the covenant and a copy of the covenant.

Jul-22-2010

No.	Activity	Responsibility	Target Date	Status
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1 Regional District of Nanaimo, Protocol Agreement meeting to be added to next LTC agenda; PA meeting not to be held until updates to PA are prepared in Draft form; agenda items identified to date include: Greenhouse Gas Reduction targets and actions, overlap and complimentary efforts for climate change and GHG reduction work, public transportation, watershed protection work and information sharing; housing agreements and administration thereof; building permits and inspection, OCP and LUB Review including designation and zoning of community and regional parks

Groundwater - for addition on agenda as per Aug 19 LTC meeting

Update (October 27, KK): Meeting not to take place until staff have drafted wording for the protocol, LTC would like this meeting to happen ASAP.

Questions to ask RDN: How will Gabriolans benefit from paying taxes towards the Regional Growth Strategy? What will the benefits be (funding for GHG

projects, affordable housing)?What does RDN have coming up for Gabriola in terms of ground water?

Update (September 22, 2011 LTC meeting, CF): Staff directed to set up a meeting with the RDN before mid-November, if possible, or otherwise early in the next term (ie: January 2012).

Staff are working with RDN staff to set up a meeting for late November 2011. Meeting date and agenda items TBD (October 18, 2011 - CF)

Update (October 27, 2011 LTC meeting, CF): LTC requests that the RDN administer Housing Agreements within Electoral Area B as part of the protocol agreement.

Meeting not scheduled for November 2011. RPM to work on scheduling a meeting for the new year (November 28, 2011 - CF).

Jan-27-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff directed to do the following with respect to Snuneymuxw First Nation:	Chloe Fox	May-19-2011	On Going

11

1) Staff to work with Snuneymuxw First Nation staff to finalize joint letter seeking funding for archaeological mapping and bring letter to an LTC meeting before sending.

2) GBLTC to host and invite Snuneymuxw First Nation Councilor Geraldine Manson to make a storytelling presentation on Gabriola.

Aug-19-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to consider developing a Trust-wide OCP review process 'Best Practices Model', in light of budget and resource restrictions.	Chloe Fox Chris Jackson	Dec-30-2011	On Going

Sep-22-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to report back to the LTC regarding a finalized consultation strategy for general education and information regarding DPAs.	Chloe Fox	Feb-01-2012	On Going

Oct-27-2011

No.	Activity	Responsibility	Target Date	Status
1	Move \$200 from the Special Projects Account (65230) to the Communications Account (65220).	Nancy Roggers	Nov-30-2011	On Going

Jan-19-2012

No.	Activity	Responsibility	Target Date	Status
1	GB-ALR-2011.1 (Davison) to be forwarded to the Agricultural Land Commission	Chloe Fox Becky McErlean	Jan-27-2012	Done
1	Staff to make minor amendments to the Development Permit Area Factsheet, post the revised version to the website and send the link to local realtors. Staff to also investigate how much it would cost to print some glossy copies and report back to the LTC.	Chloe Fox	Jan-27-2012	Done

1	LTC to send a thank you card to Jacinthe Eastick and Howard Houle acknowledging their resignation from the APC and thanking them for their service.	Chloe Fox Gisele Rudischer	Feb-03-2012	Done
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1	LTC refers to the AAC the task of evaluating existing OCP policies against the recommendations of the November 2010 report entitled 'Exploring Food Security in the Islands Trust Area' and that the AAC recommend which report recommendations should be adopted.	Chloe Fox	Mar-02-2012	Done
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AAC meeting scheduled for March 15, 2012 at 7pm at the Islands Trust office boardroom

1	LTC to allocate up to \$600 of its local expense funds to the Gabriela Rescue of Wildlife Society for creating and distributing an Eagle Nest and Perching Tree brochure, to provide environmental stewardship information and education on bylaws and regulations, and that it be delivered to the Islands Trust Northern Office by March 30, 2012.	Chloe Fox Nancy Roggers	Mar-30-2012	On Going
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Feb-14-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to let GROWLS know that LTC local expense account funds cannot be used to support an Oiled Wildlife Response Workshop as the request does not meet the requirements of the IT Policy Manual on the use of LTC local expense funds.	Chloe Fox	Mar-02-2012	Done

1	Release up to \$200 from the local expense communications budget (65220) to get printed copies of the DPA factsheet for public distribution.	Chloe Fox Nancy Roggers	Mar-16-2012	On Going
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1	Staff to convey the LTC resolution of Feb 14, 2012 regarding Request for Support for Rural Cycling to John Rowlandson of Velo Village, Island Pathways.	Chloe Fox	Mar-16-2012	Done
1	Release up to \$500 from the local expense communications budget (65220) for a trustee newsletter to be distributed before March 31, 2012.	Chloe Fox Nancy Roggers	Mar-16-2012	On Going
1	Staff to instructed to issue Development Variance Permit GB-DVP-2012.1 (Raven)	Chloe Fox Jacquie Hill Becky McErlean	Mar-22-2012	Done
1	Proposed Bylaw No. 263 cited as 'Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011' given second and third readings and referred to the Executive Committee for approval consideration.	Miles Drew Jacquie Hill	Mar-22-2012	Done
1	Staff requested to prepare a detailed report on open bylaw enforcement files in the Gabriola local trust area.	Miles Drew	Mar-22-2012	On Going



Islands Trust

Print Date: Mar-13-2012

Top Priorities

Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Explore the use of alternate consultation methods (social media, online surveys, etc.) in the OCP review process	Staff to report back on capacity to use alternate consultation methods in the OCP review process	Jan-19-2012	Chloe Fox	Mar-22-2012	On Going
2	Gabriola Planning Area OCP Review: 1) Hazardous Areas and Steep Slopes DPA (finalize draft maps and public consultation strategy) 2) Riparian Areas Regulation (mapping only) 3) Update the 2010 build out map and report (including the number of existing / potential residential cottages and a list of forestry parcels with the potential for density transfer) 4) Rezoning new RDN Parks and ITF nature reserves		Jun-28-2011	Chloe Fox	May-09-2012	On Going
3	Development of policies regarding cottage densities for density banking.			Chloe Fox		On Going
4	Snuneymuxw First Nation Protocol Agreement Implementation			Chris Jackson		On Going



Islands Trust

Print Date: Mar-13-2012

Projects

Gabriola Island

No.	Description	Activity	Received/Initiated	Status
2	Development Approval Information Bylaw		Mar-20-2008	On Going
2	Mudge and DeCourcy Island greenhouse gas emission inventories		Jan-27-2011	On Going
2	DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments		Apr-21-2011	On Going



Islands Trust

Print Date: Mar-13-2012

Applications w/ Status - Gabriola Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
GB-ALR-2011.1	George & Lorna Davison	Sep-14-2011	2370 Shaw Road & 2345 South Road Boundary adjustment with neighbour

Planner: Chloe Fox

Planning Status

Status Date: Feb-10-2012

Application has been forwarded to ALC for consideration

Status Date: Jan-19-2012

LTC resolved to forward the application to the ALC

Status Date: Jan-06-2012

Staff report to January 19, 2012 LTC meeting

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2012.1	George Davison	Jan-18-2012	2345 South Road & 2370 Shaw Road Development Permit Area 6 - Escarpment Areas Development Permit required in conjunction with proposed boundary adjustment

Planner: Chloe Fox

Planning Status

Status Date: Jan-31-2012

Planner reviewing file

File Number	Applicant Name	Date Received	Purpose
GB-DP-2012.2	Michael Zane	Jan-31-2012	2411 South Road - Development Permit to facilitate subdivision

Planner: Chloe Fox

Planning Status

Status Date: Feb-27-2012

Staff report and proposed permit to March 22, 2012 LTC meeting

Status Date: Feb-10-2012

Planner reviewing file

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2007.1	Donald and Brad Powell	Feb-16-2007	725 Church Street To rezone a portion of approximately 2 acres from institutional to seniors.

Planner: Chloe Fox

Planning Status

Status Date: Mar-01-2012

Staff report to March 22, 2012 LTC meeting

Status Date: Feb-27-2012

Applicant has indicated a wish to proceed with the application. Planner reviewing file.

Status Date: Feb-01-2012

Information received does not satisfy the requested information as per previous letters. Applicant sent subsequent letter stating that if advice on how the applicant wishes to proceed is not received within 60 days the file will be closed

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

Planner: Chloe Fox

Planning Status

Status Date: Jan-06-2012

Early referral responses sent to applicant, waiting to hear back from applicant on how he wishes to proceed

Status Date: Oct-19-2011

Supplemental information staff report including early referral responses to the LTC for their October 27, 2011 meeting

Status Date: Sep-08-2011

Staff met with applicant to discuss the conceptual plan as methods for protecting unique natural features on the

receiver parcels.

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2010.1	Mary & Scott/Linda Beckstead & Littlejohn Planner: Chloe Fox	Jul-14-2010	Coho Boulevard, Mudge Island Rezoning to increase density potential from 1 to 4
Planning Status			
Status Date: Mar-01-2012			
Staff report to March 22, 2012 LTC meeting			
Status Date: Feb-27-2012			
Applicant submitted details of revised proposal. Planner reviewing file.			
Status Date: Jan-19-2012			
LTC deferred consideration of the application. Applicant exploring revisions to proposal.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2001.1	Centre Stage Holdings Ltd. Planner: Chris Jackson	Mar-15-2001	To create 49 lots from 2 lots. Revised application for 49 lots.

Planning Status

Status Date: Nov-28-2011

MOTI granted one-year extension to PLA, new expiry date is November 17, 2012

Status Date: Aug-14-2009

Contact with potential agent/new owner of lots within the approved subdivision. Awaiting information from applicant on potential DVP application and/or proceeding with subdivision of remaining lands.

Status Date: Aug-06-2009

Multi stage proposal - applicant has completed density transfer. Staff to send letter to applicant confirming that applicant intends to proceed.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2006.4	Williamson & Associates for Potlatch Properties Ltd. Planner: Chris Jackson	Mar-24-2006	Boundary adjustment

Planning Status

Status Date: Mar-13-2012

Staff contacted MOTI re: status of this application. MOTI advised that it had received final in 2009. MOTI to provide a copy of the final plans for our records. Staff to close file.

Status Date: Aug-12-2010

Staff contacted applicant in Aug 2009 to confirm if applicant wishes to proceed; no direction provided from applicant

Status Date: Sep-14-2009

no change

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	Oct-06-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 518031) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)
Planner: Marnie Eggen			

Planning Status

Status Date: Aug-12-2011

Staff reviewed revised plan; parkland ded., no further sub. cov. and frontage relief conditions removed.

Status Date: Jul-20-2011

Applicant submitted new site plan. Plan omits park land dedication. Staff in contact with applicant and RDN regarding this.

Status Date: Aug-12-2010

Waiting for information from applicant

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.4	J.E. Anderson & Associates	Nov-28-2008	Boundary adjustment.
Planner: Chris Jackson			

Planning Status

Status Date: Aug-12-2010

please refer to GB-SUB-2001.1 for update

Status Date: Aug-14-2009

see GB-SUB-2001.1

Status Date: Aug-06-2009

File relates to 2001.1 (Centre Stage) and is a boundary adjustment. Requires a DVP. Staff are in discussions with new owner of subject property

File Number	Applicant Name	Date Received	Purpose
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GB-SUB-2009.3

Michael/Marie
Zane/Gauvin
Planner: Chloe Fox

Jul-20-2009

2411 South Road. Four lot subdivision.

Planning Status

Status Date: Jan-10-2012

Subject property is in DPA 6 - DP required to facilitate subdivision.

Status Date: Oct-19-2011

Applicant working on PLA conditions. Final plans submitted for compliance with IT bylaws. Planner reviewing submission (CF)

Status Date: Feb-11-2011

MOTI awaiting PLA conditions to be met, potable water and drainage report

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

Planning Status

Status Date: Sep-12-2011

Applicant is reviewing options for water/ sewer on small parcels as per VIHA referral response. MOTI awaiting revised plan.

Status Date: May-31-2011

Preliminary subdivision referral report sent to MOTI and applicant.

Status Date: Jan-17-2011

Staff reviewing application

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

Planning Status

Status Date: Oct-25-2011

PLA received

Status Date: Aug-22-2011

Referral review completed and sent to MOTI.

Status Date: May-11-2011

Related to GB-RZ-2009.1, but can proceed separately. Planner currently reviewing file.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.3	Williamson & Associates Planner: Chloe Fox	Aug-23-2011	Windecker Drive / Jolly Brothers Road Subdivision to create 4 rural residential parcels

Planning Status

Status Date: Oct-24-2011

PLA from MoTI recieved

Status Date: Oct-03-2011

Preliminary Approval sent to MoTI

Status Date: Sep-15-2011

Site Visit conducted

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.4	John & Janice Raven Planner: Chloe Fox	Sep-12-2011	1597 Starbuck Lane / 1589 Whalebone Drive Boundary Adjustment

Planning Status

Status Date: Oct-21-2011

Referral report sent to MOTI

Status Date: Oct-12-2011

Planner reviewing file

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.5	George Davison Planner: Chloe Fox	Sep-26-2011	2370 Shaw Road / 2345 South Road Boundary Adjustment

Planning Status

Status Date: Jan-06-2012

Subdivision Referral Report sent to MOTI January 6, 2011

Status Date: Dec-15-2011

Site visit conducted

Status Date: Oct-19-2011

Planner reviewing file

From: Nancy Roggers
Sent: February-23-12 1:37 PM
To: Gabriola Island Local Trust Committee; Becky McErlean
Cc: Cindy Shelest
Subject: Gabriola expense report - Feb/12

		Budget	Spent	Balance
Invoices posted to FEB 23, 2012				
620 Gabriola	65000 Trustee Expense	1,200.00	167.25	1,032.75
620 Gabriola	65200 LTC Meetings	3,000.00	2,720.14	279.86
	65210 APC Meetings	700.00	895.89	(195.89)
	65220 Communications	650.00	277.27	372.73
	65230 Special Projects	3,825.00	500.00	3,325.00
	65240 Miscellaneous	2,725.00	225.00	2,500.00
	TOTAL LTC Local Expense	10,900.00	4,618.30	6,281.70
620 Gabriola	72300 OCP/LUB Expense	8,000.00	6,014.98	1,985.02

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving island communities, culture and environment

Please consider the environment before printing this email.



Memorandum

Date February 21, 2012

To Local Trustees
From David Marlor
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor
Director of Local Planning Services

pc Executive Committee
Linda Adams, CAO
Lisa Gordon, DTAS
Regional Planning Managers



GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

Communications strategy framework - six standard questions to answer for all LTC projects

1. Goals: Define the project's communications goals and objectives.

- Goals are broad, general statements about what you need to address
- Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
- Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

2. Audience: Who do you want to reach?

- Target audiences
- Internal (Trustees, senior staff, front line staff)
- Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
- External (e.g. voters, seniors, media, community organizations and leaders)
- What do you know about the audience? What do they think of your program or service?

3. Messages: What do you want to say to each audience?

- What motivates your audience – Benefits – what's in it for me?
- What stops your audience - Barriers?
- Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
 - Crafting your messages
 - o Make it easy to remember in easy, simple terms
 - o Use captivating information – vivid and personal
 - o Use stories and metaphors to engage your audience
 - o Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

SAMPLE Communication Action Plan

Project: _____

Launch Date: _____

Methods	Person responsible	Cost	Content Focus / Key message	Audience	Due Date (e.g. for approval)	Publication Date
E-mail						
Direct mail						
News release						
Paid ad (Paper / TV / Radio)						
Letter to editor / editorial						
Web page						
Article for newsletter						
Brochure						
Social media						
Poster / bulletin board						
Annual report						
Public meeting						

STAFF REPORT

Date: February 27, 2012

File No.: GB-DP-2012.2 (Zane)

To: Gabriola Island Local Trust Committee
For the meeting of March 22, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

Re: **Application for Development Permit to Allow Subdivision (Boundary Adjustment)**

Owners: Michael Evan Zane & Marie Gilbert Gauvin

Applicant: Michael Evan Zane

Locations: The North 40 Acres of the South East ½ of Section 2, Gabriola Island, Nanaimo District
PID: 009-735-186
(2411 South Road)

THE PROPOSAL:

The applicant seeks a development permit in order to facilitate the proposed subdivision of the subject property. The subject property is located within Development Permit Area 6 – Escarpment Areas as per the *Gabriola Island Official Community Plan, No. 166, 1997*, which has been designated for the purpose of protecting development from hazardous conditions.

The applicant has concurrently filed an application for subdivision with the Ministry of Transportation and Infrastructure, which has been referred to Islands Trust staff. The Ministry of Transportation and Infrastructure Approving Officer has issued preliminary layout approval for the proposed subdivision and final approval of the subdivision is contingent on the issuance of a development permit.

SITE CONTEXT:

The location of the subject property is shown in Figure 1, below. The subject property is approximately 16.17 hectares (39.94 acres) in area and is zoned Small Rural Residential (SRR). The subject property is bounded by South Road to the north as well as by hooked portions of four adjacent lots, zoned Resource (R). Surrounding properties to the east and south are primarily residential properties zoned Small Rural Residential (SRR) to the south and Large Rural Residential (LRR) to the east. To the west lies a large agricultural parcel, zoned Agriculture (AG) and a residential property, zoned Large Rural Residential (LRR).

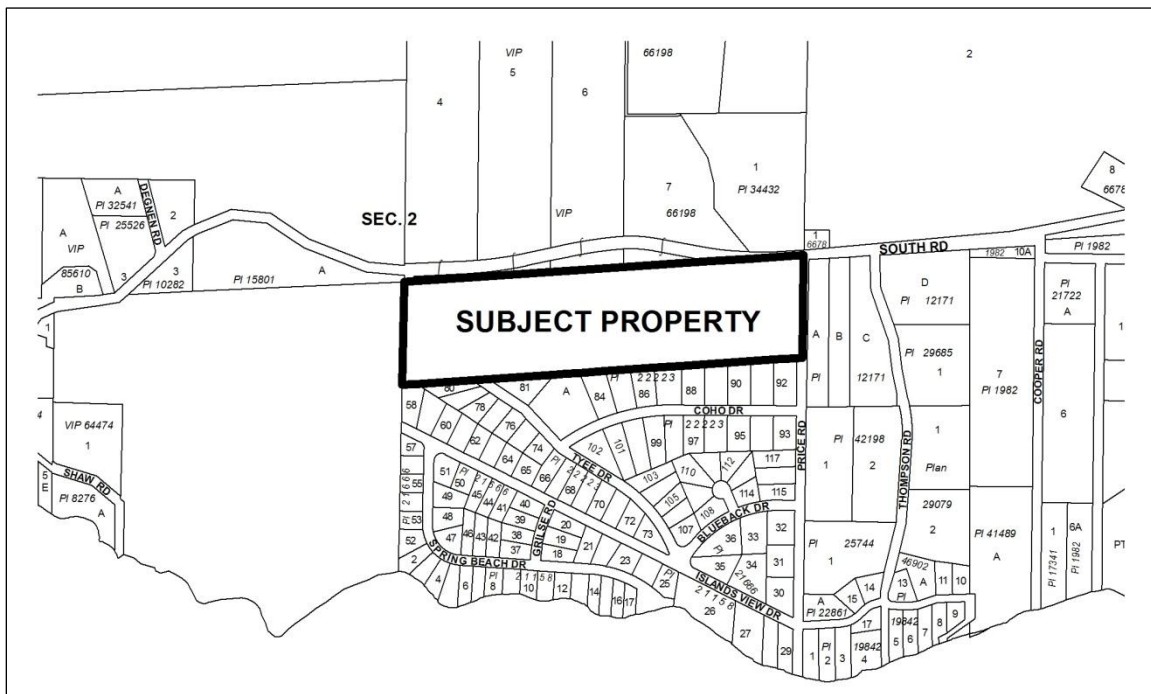


Figure 1: Subject Property

The proposed subdivision involves the subject property as well as the hooked portions of three of the four adjacent lots to the north: Lots 4, 6 and 7, Section 2, Gabriola Island, Nanaimo District Plan VIP66198. These lots are hooked across South Road and the proposed subdivision involves only those portions located on the south side of South Road. The proposal involves the consolidation of these hooked portions with the subject property and the subdivision of the consolidated parcel to create four new lots (see Figure 2). A technical review of the subdivision has occurred through the subdivision application referral process and, as such, details of the subdivision proposal will only be considered at a conceptual level in this report.

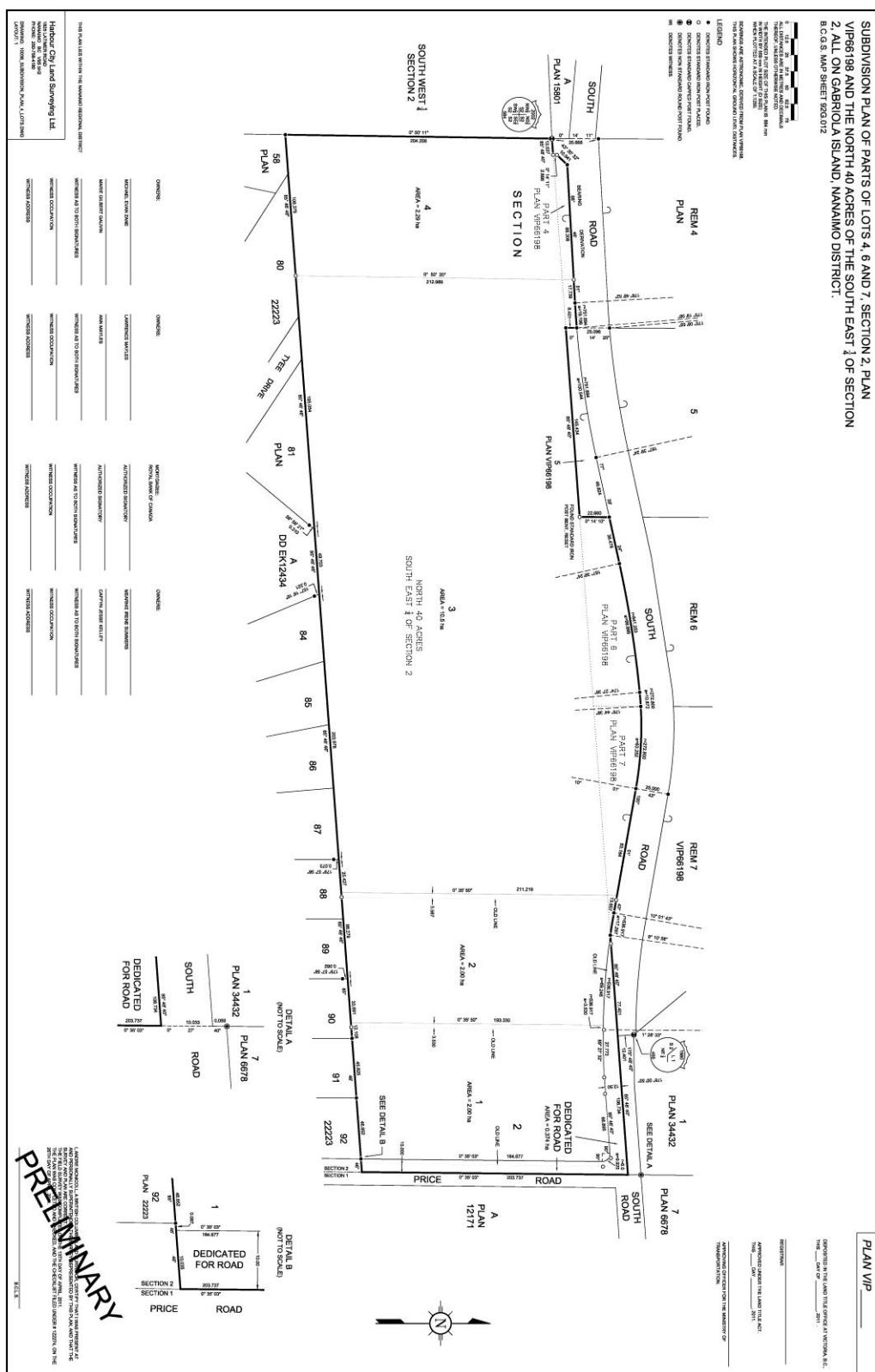


Figure 2: Proposed Subdivision Layout

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The Islands Trust Policy Statement contains directive policies related to growth and development, the following of which is relevant to this application:

5.2.6 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.*

The proposed development permit is not contrary to or at variance with the Trust Policy Statement.

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

The subject property is designated Small Rural Residential (SRR) as per the OCP. In addition, the subject property is affected by Development Permit Area 6 – Escarpment Areas, as shown in Figure 3, which requires the issuance of a development permit prior to subdivision approval. The OCP specifies the following objective for this designation:

Objective:

To protect development from natural hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes in stormwater runoff due to development on or in proximity to lands with excessive slope conditions.

In addition, the OCP contains three development guidelines for this designation, which are discussed in more detail in the Staff Comments section below.

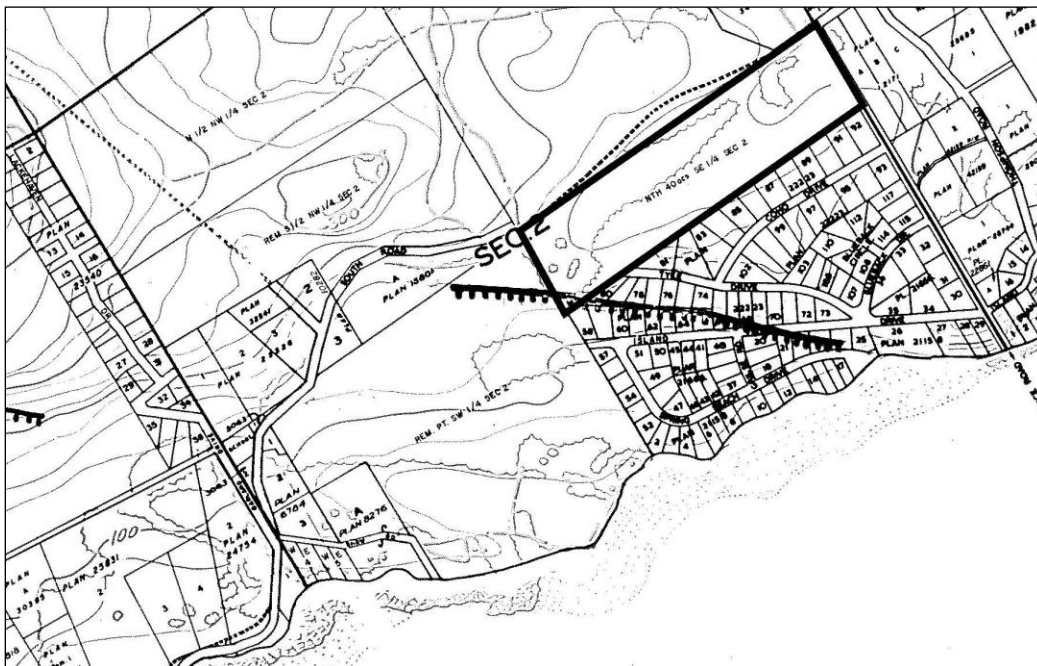


Figure 3: Location of DPA 6 – Escarpment Areas on Subject Properties

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

The subject property is zoned Small Rural Residential (SRR) as per the LUB. The proposed subdivision meets the minimum and minimum average lot sizes for the SRR zone. The proposed subdivision, however, also incorporates small hooked portions of three adjacent lots, which are zoned Resource (R). Thus, the proposed subdivision will result in the creation of split-zoned lots. Although the creation of split-zoned lots is generally not desired, staff do not object to this proposal given the small area of the hooked portions and given that the proposed subdivision will improve the lot configuration along this portion of South Road through the elimination of an undesirable hooked-lot configuration that restricts access to the subject property from South Road while affording no useable land area to the remainder properties on the north side of South Road. As such, should the proposed subdivision be approved, staff suggest that reconfiguration of the zone boundaries to match the lot boundaries could be considered a housekeeping amendment for the future review of the Land Use Bylaw.

Islands Trust Fund:

As per the Islands Trust Fund Policy Manual, this application does not directly affect Trust Fund Board (TFB) interests as it does not directly affect TFB owned property or conservation covenants, does not affect property directly adjacent to TFB owned property or conservation covenants, and does not pertain to Crown Land within 100m of a TFB owned property or conservation covenant.

Regional Conservation Plan:

The Islands Trust Fund Regional Conservation Plan (RCP) identifies areas of low and medium-high relative composition importance of the subject property. This indicates a low and medium-high occurrence of special habitats. The RCP also states that Gabriola is vulnerable to a loss of natural ecosystems to residential and associated uses. Gabriola saw a significant increase in the number of private dwellings between 2001 and 2006 compared with other areas in the Trust Area. In addition, Gabriola Island has been identified as an area of moderate conservation focus due to medium levels of unprotected high relative biodiversity composition.

Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystem Mapping identifies areas with a primary ecosystem of swamp wetland in the central portion of the subject property and an area with a primary ecosystem of mature Douglas Fir forest and other forest species such as Grand Fir and Oregon Grape along the ridge in the Development Permit Area at the southwesterly corner of the subject property.

Archaeological Sites:

Data from the Provincial Remote Access to Archaeological Data (RAAD) system shows no identified archaeological sites on or within 50 metres of the subject property.

Covenants:

There are no covenants registered against the subject property.

RESULTS OF CIRCULATION:

Issuance of a development permit is a condition of subdivision approval. Agency referrals are the responsibility of the Ministry of Transportation and Infrastructure as part of their subdivision application process.

ISSUES SUMMARY:

1. Compliance with Development Permit Area 6 – Escarpment Areas Development Guidelines

STAFF COMMENTS:

Where a property is in a development permit area, the *Gabriola Island Official Community Plan, No. 166, 1997* specifies that no construction, structural alteration, or addition to a building or structure may take place, nor may a property be subdivided or land altered, prior to the issuance of a development permit. In this case, the requirement for a development permit is triggered by the applicant's proposal for a subdivision involving one property subject to Development Permit Area 6 – Escarpment Areas. The *Local Government Act* allows local governments, through their official community plans, to specify conditions under which a development permit would not be required. The *Gabriola Island Official Community Plan, No. 166, 1997* does not exempt the requirement for a development permit prior to subdivision.

The *Local Government Act* regulates local government authority to issue a development permit by stipulating that a development permit must be issued only in accordance with the applicable development permit area guidelines specified in the official community plan. As per the *Gabriola Island Official Community Plan, No. 166, 1997*, there are three development guidelines that apply to Development Permit Area 6 – Escarpment Areas. The following provides a summary of these guidelines as well as an evaluation of the proposed development against these guidelines.

Development Guidelines:

1. *There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.*

The subject property currently contains an existing principal dwelling and accessory building, located on the northwesterly portion of the lot, corresponding with proposed Lot 4 in the proposed subdivision layout. It appears that under the proposed subdivision this will be the only lot that is subject to Development Permit Area 6 – Escarpment Areas. The remaining three lots proposed to be created through the subdivision are currently undeveloped and, as such, future construction, including permitted principal and accessory buildings, septic and drainage systems, can be anticipated. This construction would likely not trigger the requirement for a development permit, however, given the location of Development Permit Area 6 – Escarpment Areas across the subject property.

2. *There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.*

No removal of trees or vegetation is currently proposed for either subject property.

3. *In cases when the Nanaimo Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.*

There is no building permit being sought in conjunction with this application.

The proposed subdivision appears to be in compliance with the applicable development guidelines. The proposed permit, attached to this report, applies only to the proposed subdivision and does not authorize any construction, alteration of land or removal of trees or vegetation within the development permit area. Any future proposal for construction, structural alteration, or addition to a building or structure, or alteration of land within the development permit area would trigger the requirement for a subsequent development permit.

OPTIONS:

The LTC has the following options with respect to this application:

1. Instruct staff to issue the permit; or
2. Reject the permit and instruct staff to close the file.

RECOMMENDATION:

THAT the Gabriola Island Local Trust Committee instruct staff to issue development permit GB-DP-2012.2 (Zane)

Attachments:

Attachment 1 – Proposed Development Permit GB-DP-2012.2 (Zane)

Prepared and Submitted by:

Chloe Fox
Chloe Fox
Island Planner

February 27, 2012
Date

Concurred in by:

Chris Jackson
Chris Jackson, MCIP
Regional Planning Manager

March 5, 2012
Date



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GB-DP-2012.2

To: Michael Evan Zane & Marie Gilbert Gauvin

This permit applies to:

The North 40 Acres of the South East $\frac{1}{4}$ of Section 2, Gabriola Island, Nanaimo District
PID: 009-735-186

Whereas the subject properties lie within Development Permit Area 6 "DP-6 Escarpment Area", the *Gabriola Island Official Community Plan Bylaw No. 166, 1997* is supplemented as follows:

1. The purpose of this permit is only to allow for the consolidation of the subject property with portions of adjacent Lots 4, 6 and 7 and for the subdivision of the consolidated parcel into 4 lots, as shown on Plan 1. This permit does not allow any of the following activities:
 - a. the construction of, addition to or alteration of any building or other structure on land within the Development Permit Area;
 - b. the alteration of land within the Development Permit Area;
 - c. the removal of trees or vegetation within the Development Permit Area, unless a qualified geotechnical engineer has recommended that such activity may occur without subjecting the land in the Development Permit Area to increased slope instability.

This permit does not relieve the applicant from complying with the provisions of *the Gabriola Island Official Community Plan Bylaw No. 166, 1997* and the *Gabriola Island Land Use Bylaw No. 177, 1999*.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS DAY OF , 2012.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE DAY OF , 2014
THIS PERMIT AUTOMATICALLY LAPSES.



STAFF REPORT

Date: February 29, 2012

File No.: GB-RZ-2007.1 (Powell)

To: Gabriola Island Local Trust Committee
For the meeting of March 22, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

Re: Supplemental Report - Rezoning Application
Lot 1, Section 19, Gabriola Island, Nanaimo District Plan 45775
PID 008-652-627

Owner: Meadow Wood Village Developments Ltd.

Applicant: Brad & Don Powell

Location: 725 Church Street, Gabriola Island

OVERVIEW:

This application is to rezone a 1.0 hectare (2.47 acre) portion of a 5.96 hectare (14.73) property on Church Street to permit the development of a seniors housing complex. The Gabriola Island Local Trust Committee (LTC) received a preliminary report from staff on this application at the September 7, 2007 regular business meeting and passed a resolution requesting additional information from the applicant. Since that time, staff have been working with the applicant to obtain this information but to date, have still not received all of the information requested in an acceptable form. On February 2, 2012, staff sent a letter to the applicant indicating that there are still outstanding items and requesting advice on whether or not the applicant wishes to proceed with the application. The applicant has subsequently indicated a wish to proceed with the application.

Since the time of application, there has been a change in policy with respect to seniors housing with the introduction of new multi-dwelling affordable housing policies through Bylaw 262, adopted in September 22, 2011. As such, the purpose of this report is to request instruction from the LTC as to whether or not to proceed with this application. Should the LTC wish to proceed with the application, staff recommends that the LTC consider authorizing staff to initiate a Cost Recovery Agreement with the applicant for extraordinary planning services provided for this application effective immediately until such time as a final decision is made on the application.

BACKGROUND:

The subject property is currently designated Institutional (IN) in the Gabriola Island Official Community Plan, No. 166 (OCP) and zoned Institutional 3 (IN3) in the Gabriola Island Land Use

Bylaw, No. 177 (LUB). The IN3 zone allows for a range of institutional uses, including personal care facilities, but does not permit residential uses. The applicants have requested a rezoning to facilitate the development of a seniors housing complex on a 1.0 hectare (2.47 acres) portion of the site.

The original proposal has been described in detail in the previous staff report on the application, dated August 26, 2007, and is included for reference as Attachment 1 to this report. The LTC considered the staff report at the September 7, 2007 regular business meeting and passed the following resolution:

GB-161-2007 It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee requests the applicant of GB-RZ-2007.1 (Powell) to:

1. (a) provide written information to address the following Special Needs and Seniors' Multi-family Affordable Housing Policies (Section 2, 2.4 in the Gabriola Official Community Plan):
 - Policy c (vii) that states no parcel redesignated for Sniors and Special Needs Housing shall be contiguous to another parcel so designated.
 - Policy c (viii) that states that the provisions of the Gabriola Island zoning bylaw may contain other general regulations pertaining to sizing, height, lot coverage, servicing and other requirements which would also be applicable to a parcel in this land use designation.
 - Policy c (ix) that requires the proposal to include an adequate fire suppression water supply which shall be maintained and be available for use on-site.
 - Policy c (x) that states that the minimum lot size shall be 1 ha (2.4 acres).
 - Policy d which addresses affordable housing for seniors, pursuant to s. 905 of the *Municipal Act*. A housing agreement should include provisions that:
 - i. Specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit;
 - ii. Specify that not more than two individuals may reside in each dwelling unit;
 - iii. Specify how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;
 - iv. Specify the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and
 - v. Specify the mix of rental ownership housing units permitted.
 - Policy e that requires a marketing profile that identifies the anticipated costs of the proposed land and housing to purchasers or occupants
- (b) organize a Community Information Meeting to introduce the application to the community to assess community support for the proposed Official Communtiy Plan and Land Use Bylaw amendment; and

(c) submit a preliminary site plan, landscape plan, building elevations, and description of building materials to satisfy the DP8 guidelines.

2. That the Gabriola Island Local Trust Committee directs staff to:
 - Post the staff report dated August 26, 2007 to the Islands Trust website, Gabriola Island page; and
 - Draft amending OCP and LUB bylaws based on this application.

CARRIED

Staff have since been in contact with the applicant to obtain the requested information and the proposal has since been amended to increase the proposed area of the rezoned parcel from 0.8 hectares to 1.0 hectare, and to reduce the number of proposed units from 12 to 10. The current proposed layout is shown in Figures 1 and 2 below. There are still, however, a number of outstanding items including the submission of an acceptable draft housing agreement.

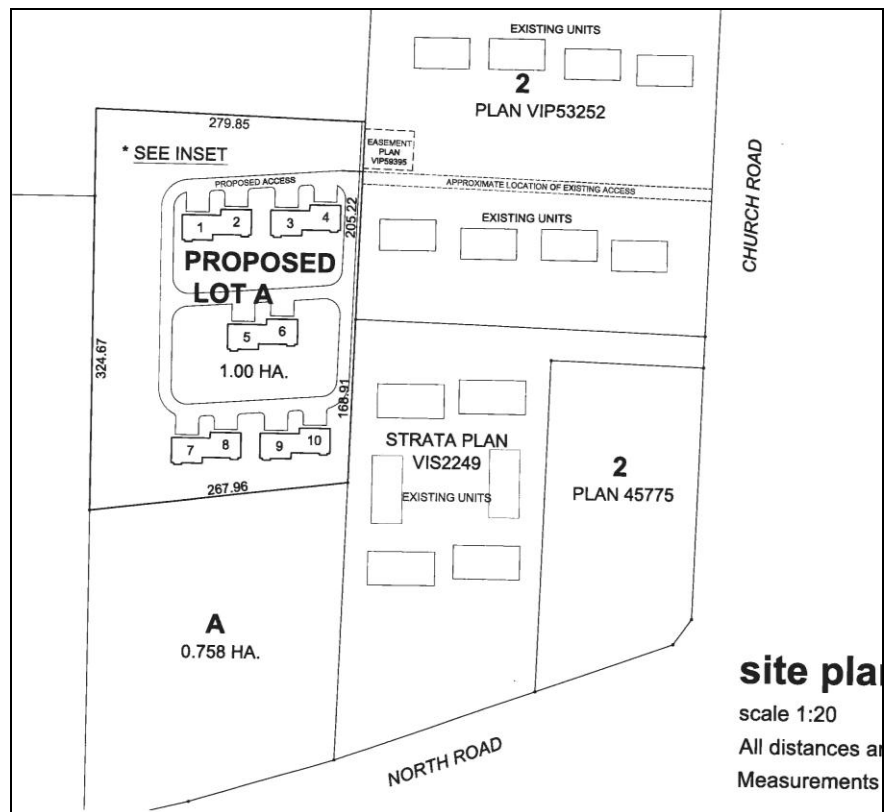


Figure 1: Site Plan

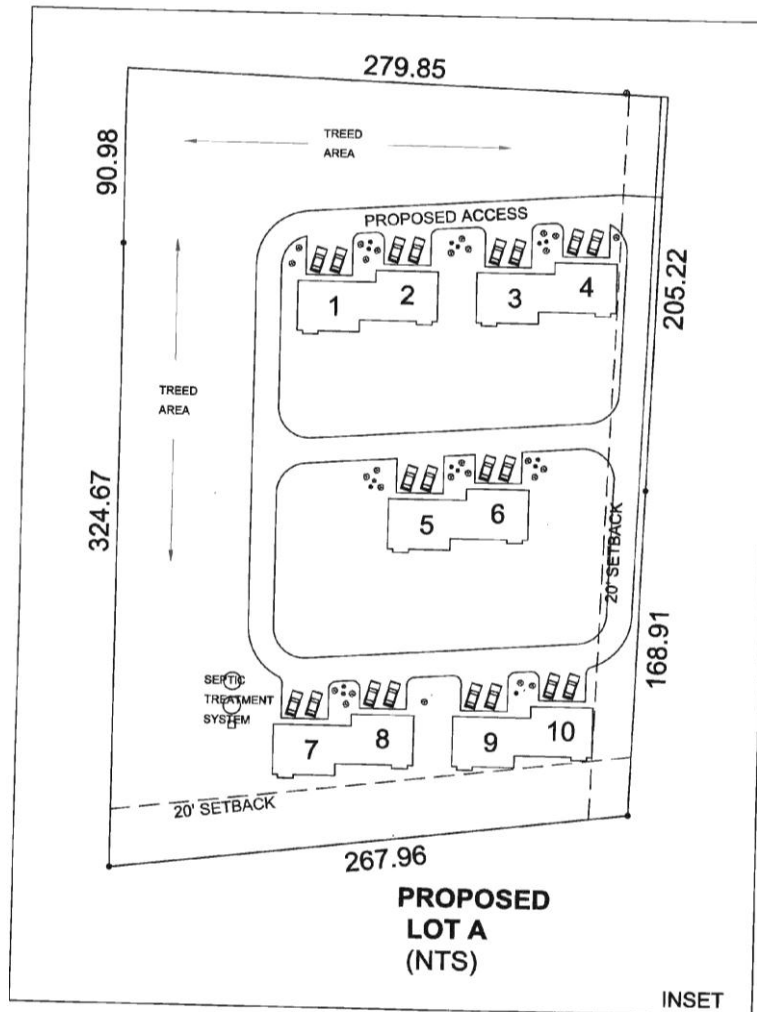


Figure 2: Site Plan Inset

STAFF COMMENTS:

Since the original staff report in 2007 and resolution from the LTC requesting additional information, staff have attempted to obtain the requested information from the applicant with limited success. Most recently, in response to a letter sent by staff, the applicant has indicated a desire to proceed with the application. Before proceeding with the application any further, however, staff request direction from the LTC on whether or not to proceed with the application due to recent policy changes.

The Gabriola Island OCP was recently amended through the adoption of Bylaw 262 in September 2011, which introduced significant changes in policy with respect to the provision of multi-dwelling affordable housing. The most significant changes that relate to this application, include:

- The introduction of a definition of 'affordable housing' that was absent from the previous OCP. Currently, the OCP defines 'affordable housing' as follows:

Affordable housing means housing that costs no more than 30% of a household's gross income applied to those households at or below 60% of the median household income for Gabriola Island (using Canada Census information);

- The introduction of policy 2.4(e), which encourages multi-dwelling affordable housing developments to include a mix of special needs residents, seniors and low-income families.
- The introduction of policy 2.4(g), which requires applicants for rezoning of lands to permit multi-dwelling affordable housing to:
 - i. *Identify the anticipated costs of the proposed land and housing to purchasers or occupants which are not meant to be marketed off-island;*
 - ii. *Establish the basis of the housing need of existing residents;*
 - iii. *Specify affordability in keeping with the provisions of this Plan; and*
 - iv. *Specify Special Needs housing requirements.*
- The introduction of the requirement that, as part of the condition to provide a housing agreement pursuant to Section 905 of the Local Government as part of the rezoning, the housing agreement include provisions that ensure the maintenance and stability of affordability in perpetuity and that specify that not more than three individuals may reside in each dwelling unit.
- The introduction of policy 2.4(j), which states:
Multi-dwelling Affordable Housing applications must demonstrate the lowest possible net water, waste, green house gas emissions and energy use.

Significant staff time has already been spent reviewing and monitoring this proposal, as is reflected in the substantial amount of time that has passed since the initial staff report in 2007. Should the application move forward, there will still be a significant amount of work required in staff review and processing as well as public consultation through a Community Information Meeting. There will also be legal review required of a draft housing agreement to secure the provision of affordable seniors housing into the future. As such, should the LTC wish to proceed with this application, staff recommends invoicing the applicant for all additional planning staff time required for processing, reviewing and administering the file effective immediately and up until such time as a final decision is made on the application through either consideration of bylaws for final reading and adoption or the passing of a resolution to reject the application.

As per Chapter 5, Section 6(ii) of the Islands Trust Policy Manual and Part 4.1 of the Gabriola Island Local Trust Committee Fees Bylaw, cost recovery can be initiated for extraordinary application processing services provided to the applicant that are estimated by the Islands Trust to exceed 150% of the applicable fee. The original application fee of \$3,200.00 received in 2007 has been spent for the professional planning review, processing and monitoring work associated with this file and staff estimate that the cost of processing the application based on the length of time it has been open and active has now exceeded 150% of the original application fee. A resolution of the LTC is required for the applicant and the Regional Planning Manager to enter into a Cost Recovery Agreement for planning and legal review services.

OPTIONS:

The LTC has the following options with respect to this application:

- i. Proceed with the application, request that the applicant address all outstanding information previously requested and direct staff to initiate the process for a Cost Recovery Agreement with the owner;
- ii. Proceed with the application and request that the applicant address the current multi-dwelling affordable housing policies contained in the OCP and direct staff to initiate the process for a Cost Recovery Agreement; or
- iii. Reject the application and direct staff to close the file.

RECOMMENDATIONS:

Should the LTC wish to proceed with the application, staff recommends:

THAT the Gabriola Island Local Trust Committee request that the applicant for GB-RZ-2007.1 (Powell) address the current multi-dwelling affordable housing policies contained in the Gabriola Island Official Community Plan prior to further consideration of the application; and

THAT the Gabriola Island Local Trust Committee direct staff to initiate the process for a Cost Recovery Agreement with the owner of Lot 1, Section 19, Gabriola Island, Nanaimo District Plan 45775 for application GB-RZ-2007.1 (Powell) for all planning and legal review services related to the application effective February 29, 2012 and up until such time as proposed bylaws are brought to the LTC for final consideration and adoption or, should the application not proceed to bylaw stage, such time as a decision is made by the LTC to reject the application.

List of Attachments:

Attachment 1 – Staff Report, dated August 26, 2007 re: Proposed Rezoning for Lot 1, Section 19, Gabriola Island, Nanaimo District Plan 45775

Prepared and Submitted by:

Chloe Fox

Chloe Fox
Island Planner

February 29, 2012

Date

Concurred in by:

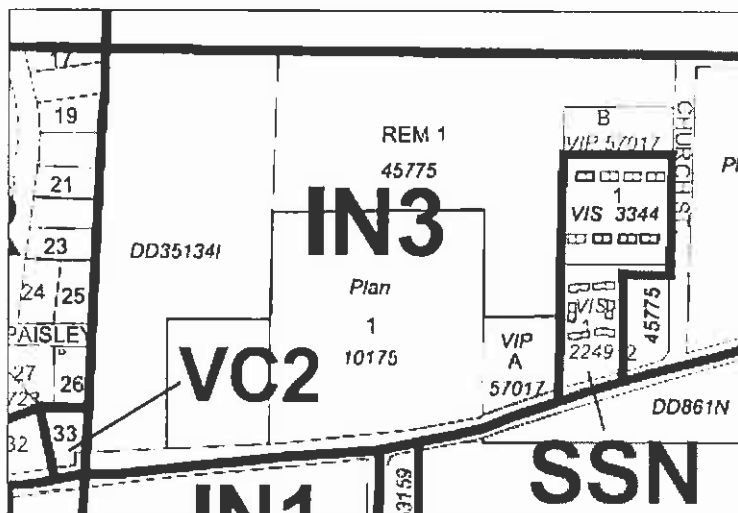
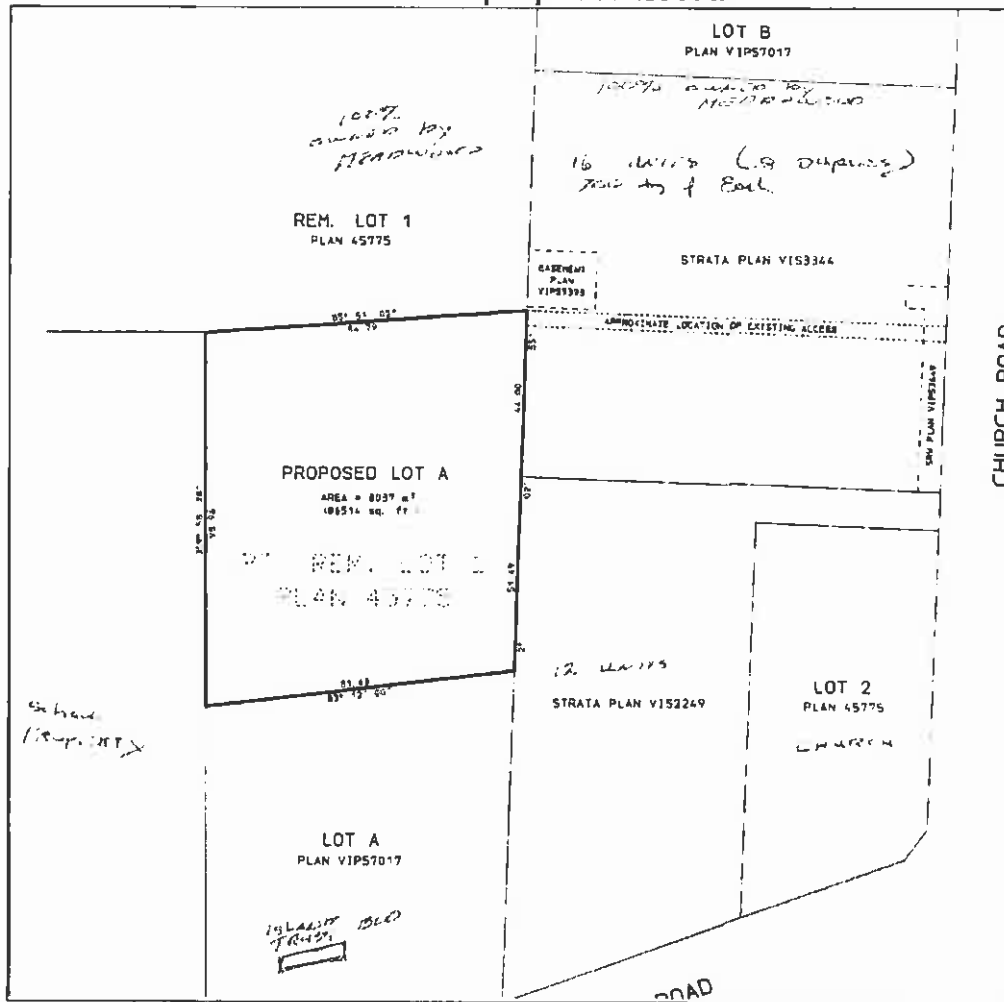
Chris Jackson

MCIP, Regional Planning Manager

March 5, 2012

Date

Location of proposed Lot A:



In 1980, Lot 1, Section 19, Plan 45775, located immediately southeast of the subject property, was rezoned to Seniors and Special Needs (SSN). Bylaw No. 7 was amended with the addition of Bylaw No. 59. The applicant would now like to extend the SSN Zone to the southern portion of the subject property.

SUBJECT AND SITE CONTEXT AREA:

The site is located at 725 Church Road is currently vacant. The neighbouring property to the north is zoned Forestry (F) and vacant. Neighbours to the south and west are zoned Institutional 3 (IN3) and include a public school and the Islands Trust office. The properties across Church Road are zoned Agriculture (AG). Senior housing, zoned Senior and Special Needs (SSN) is located immediately east of the subject property.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The Islands Trust policy statement provides a general strategy for land use and planning. This application reflects and supports the policy statement under Sustainable Communities. The policy which relates to this application is:

Sustainable Communities:

5.8 Health and Well-being

- Policy 5.8.6 requires the Local Trust Committee to consider the community's current and projected need for housing requirements and the long-term need for community and health related facilities and services.

Official Community Plan:

According to the Gabriola Official Community Plan (OCP) Bylaw 166, 1997, the subject property is designated Institutional (IN). Seniors housing is not a permitted use in the IN designation.

Seniors housing on Gabriola Island is designated in the OCP as Seniors and Special Needs (SSN).

A detailed review of the Gabriola OCP indicates that Special Needs and Seniors' Multi-family Affordable Housing and Institutional Land Use objectives and policies relate to this rezoning proposal. The applicant should demonstrate that they meet all of the associated policies.

2.4 Special Needs and Seniors' Multi-family Affordable Housing:

Since the applicant proposes to build senior's housing, the following objectives and policies apply:

Objectives

1. To ensure that provision is made for special needs and Seniors' affordable multi-family housing in a manner which responds adequately to the needs of these groups.

The applicant believes that more low cost seniors' housing is required.

2. To provide for such housing in a location which is accessible to appropriate services and acceptable to the overall community.

The subject property is located approximately 500 metres from Gabriola Commercial Village Centre.

Policies

c) An application to re-zone a parcel for seniors or special needs housing shall be permitted only if the application complies with the following:

i. the maximum density shall not exceed 12 units per hectare (4.8 units per acre).

Ten units are proposed on the 0.8 hectare property, which is an equivalent of 12.5 units per hectare.

ii. the maximum number of dwelling units per development shall not exceed 24.

The applicant proposes a total of 10 units.

iii. the average size of a dwelling unit shall be not greater than 83 square metres (900 sq.ft).

Each unit shall be 700 square feet.

iv. the site shall be within 0.5 kilometres of the area bounded by North, South, and Lockinvar Roads (the commercial village centre).

The subject property is within 500 metres of the commercial village centre.

v. where practical in the opinion of the Gabriola Island Local Trust Committee, the site's main access shall be off a main road and not through an existing residential neighbourhood.

The proposed development is off of the main road and does not go through a residential neighbourhood. The property will be accessed by a drive-way off of Church Road.

vi. common area amenities, such as kitchen and recreation facilities, shall be provided for prior to occupancy.

The applicant has not yet provided evidence of common area amenities.

vii. no parcel re-designated for Seniors and Special Needs Housing shall be contiguous to another parcel so designated.

This proposal violates this requirement. As previously mentioned, Meadow Wood Village Development Ltd. owns and has developed seniors housing on Lot 1, Section 19, Plan 45775 immediately east of the subject property (See Schedule B on page 2)..

viii. the provisions of the Gabriola Island zoning bylaw may contain other general regulations pertaining to siting, height, lot coverage, servicing and other requirements which would also be applicable to a parcel in this land use designation.

The proposed building and structures should meet the siting and height requirements in the Gabriola LUB. According to the Section D.1.3.3, the proposed units must be a maximum of 9.0 metres (29.5 feet) in height and setback 6.0 metres (19.7 feet) from any lot line. The maximum combined lot coverage by buildings and structures is 20 percent of the lot area.

The submitted plans are not sufficient to determine if the height and setback requirements have been met. The applicant should submit site

plans showing the setback measurements of all buildings from lot lines and an elevation plan showing the height of the proposed buildings.

- ix. the proposal shall include an adequate fire suppression water supply which shall be maintained and be available for use on site.

The applicant has not submitted this information.

- x. the minimum lot size shall be 1 ha (2.4 acres).

The proposed Lot A is 0.8 hectares.

d) As a means of ensuring that provision for affordable housing for seniors will be consistent with the policies of this Plan, a housing agreement pursuant to s.905 of the *Municipal Act* shall be required and shall include provisions that:

- i. specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit;
- ii. specify that not more than two individuals may reside in each dwelling unit;
- iii. specify how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;
- iv. specify the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and
- v. specify the mix of rental and ownership housing units permitted.

Information to support these requirements has not been provided in the application. The applicant should provide this information. Gaining rezoning approval will be contingent on these items.

e) In considering applications for the rezoning of lands to permit seniors multi-family housing, the applicant may be required to submit a marketing profile that identifies the anticipated costs of the proposed land and housing to purchasers or occupants.

The applicant should provide this information.

f) Based on the results of the marketing profile referred to in 2.4 e), the Local Trust Committee may, in the housing agreement required as a condition of rezoning, specify affordability and special needs housing requirements.

4.1 Institutional Land Use:

The OCP recognizes that institutional uses play an important role in the community and serve as a focal point for community life as they provide facilities, services and uses open for community use. The objectives of institutional uses are to:

Objectives

1. To provide for institutional uses which meet the needs of the local community.

By rezoning the subject property, the potential to meet the current and future institutional needs of the local community may be diminished.

However, it is also possible that these needs have been met and/or that an adequate amount of undeveloped land, designated Institutional, exists to meet the community's future institutional needs.

2. To encourage the creation of recreational facilities for young people.

Similarly, by rezoning the subject property, the potential to meet the current and future recreational needs for young people may be diminished. However, it is also possible that these needs have been met and/or that an adequate amount of undeveloped land, designated Institutional, exists to meet the future recreational needs of Gabriola's young people.

Staff has reviewed these OCP policies and concludes that this proposal requires an OCP amendment.

Development Permit Areas:

According to Schedule C of the Gabriola OCP, the applicant's property is not within a Development Permit Area. However, the property immediately east of the subject property, which is zoned Seniors and Special Needs (SSN), is within Development Permit 8 – Seniors Care and Special Needs Housing. If this rezoning application is approved, the Local Trust Committee should consider including the subject property in Development Permit 8 (See Appendix 5 for content in DP 8)

Land Use Bylaw:

According to the Gabriola Island Land Use Bylaw 177, 1999, the applicant's property is zoned Institutional 3 (IN 3). This zone allows for public assembly and recreation, personal care facilities, museum, public schools, emergency service, library, post office, medical laboratory, government offices, highway work yards, urgent care medical clinic, and child care centre and pre-school.

The IN 3 zone does not allow for senior housing.

The Gabriola LUB allows for senior housing in the Senior and Special Needs (SSN) Zone. Permitted uses include seniors and special needs housing and accessory Uses include employee accommodation.

Covenants:

There are no covenants on this property. There is an easement held between the applicant and the United Church. The easement will not impact the proposed rezoning.

Archaeological Sites:

Based on data from the Provincial Remote Access to Archaeological Data, there are no known archaeological sites on the subject property.

PUBLIC CONSULTATION:

The Islands Trust Policy Statement requires opportunities for public input on planning proposal such as this.

STAFF COMMENTS:

Building Siting

In order to evaluate whether the proposed buildings meet the siting requirements in the SSN zone, the applicant should provide site plans showing the setback measurements

of all buildings and structures from lot lines and an elevation plan showing the height of the proposed buildings and structures.

Servicing Issues

On May 20th, 2007, the applicant hired Lewkowich Geotechnical Engineering Ltd. to assess the subject property for suitability for on-site wastewater disposal. The engineer found that the area identified for on-site wastewater disposal meets the requirements set by the Ministry of Health Standard Practice Manual. See Appendix 3.

On February 16th, 2007, the applicant hired D. Windecker Water Wells to conduct a well water test. The flow rate was recorded at 2 gallons per minute (at 85 feet). See Appendix 4.

OCP and LUB Policy

Several policies in the Gabriola OCP, Special Needs and Seniors' Multi-family Affordable Housing, have not been met and some items have insufficient information in the application to evaluate if the proposal supports the policy statement. The applicant should submit additional documentation for these policy items. See Recommendations section for details.

Process

An important process in this application will be to hear from the community on Gabriola Island. With the assistance of Islands Trust, Staff recommends that the applicant organize a Community Information Meeting regarding the rezoning proposal to assess community support for this application. Staff and the Local Trust Committee should be present for the meeting. Referrals to agencies should also be considered.

RECOMMENDATIONS:

Staff recommends that the applicant first provide information to address all of the relevant OCP policy statements. Once this information has been submitted, Staff can re-assess the proposal, write a supplemental report and draft OCP and LUB amendments, and have the applicant organize a Community Information Meeting.

The following recommendations are provided for the consideration of the Gabriola Island Local Trust Committee.

1. *If the Gabriola Island Local Trust Committee decides to request more information from the applicant, they should ask them to:*
 - a. *Provide written information to address the following Special Needs and Seniors' Multi-family Affordable Housing Policies (Section 2, 2.4 in the Gabriola OCP):*
 - *Policy c (vii) that states no parcel re-designated for Seniors and Special Needs Housing shall be contiguous to another parcel so designated.*
 - *Policy c (viii) that states that the provisions of the Gabriola Island zoning bylaw may contain other general regulations pertaining to siting, height, lot coverage, servicing and other requirements which would also be applicable to a parcel in this land use designation.*

- *Policy c (ix) that requires the proposal to include an adequate fire suppression water supply which shall be maintained and be available for use on site.*
 - *Policy c (x) that states that the minimum lot size shall be 1 ha (2.4 acres).*
 - *Policy d which addresses affordable housing for seniors, pursuant to s. 905 of the Municipal Act. A housing agreement should include provisions that:*
 - i. specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit;*
 - ii. specify that not more than two individuals may reside in each dwelling unit;*
 - iii. specify how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;*
 - iv. specify the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and*
 - v. specify the mix of rental and ownership housing units permitted.*
 - *Policy e that requires a marketing profile that identifies the anticipated costs of the proposed land and housing to purchasers or occupants.*
 - b. organize a Community Information Meeting to assess community support for the proposed OCP and LUB amendment; and*
 - c. submit a preliminary site plan, landscape plan, building elevations, and description of building materials to satisfy the DP8 guidelines.*
2. *That the Gabriola Island Local Trust Committee directs staff to:*
- a. post the staff report dated August 26th, 2007 to the Islands Trust website, Gabriola Island page; and*
 - b. draft amending OCP and LUB bylaws based on this application.*

Respectfully submitted by:

Rachel Harrison
Planner

August 26th, 2007
Date

David Marlor
**Regional Planning
Manager**

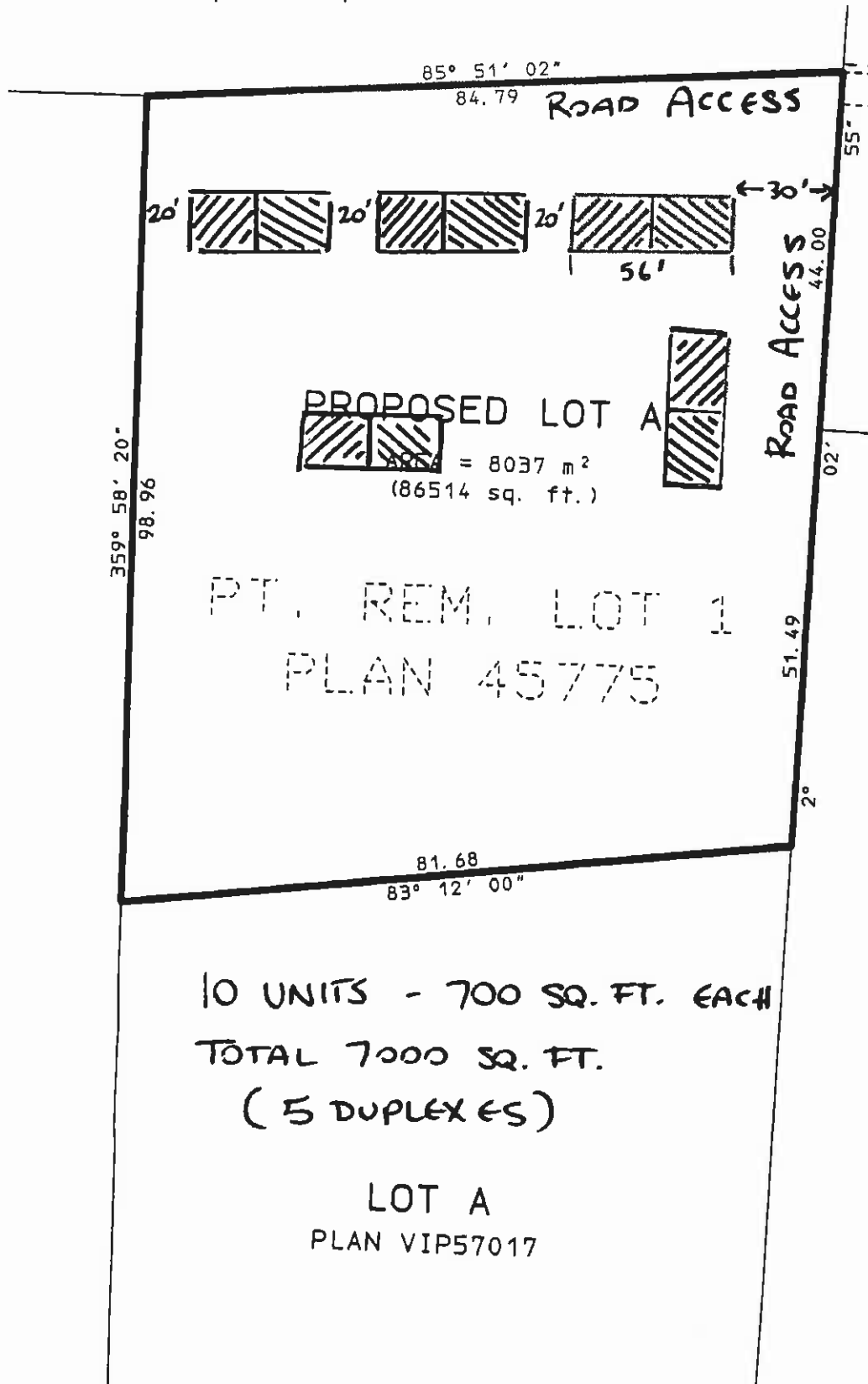
August 26th, 2007
Date

Attachments:

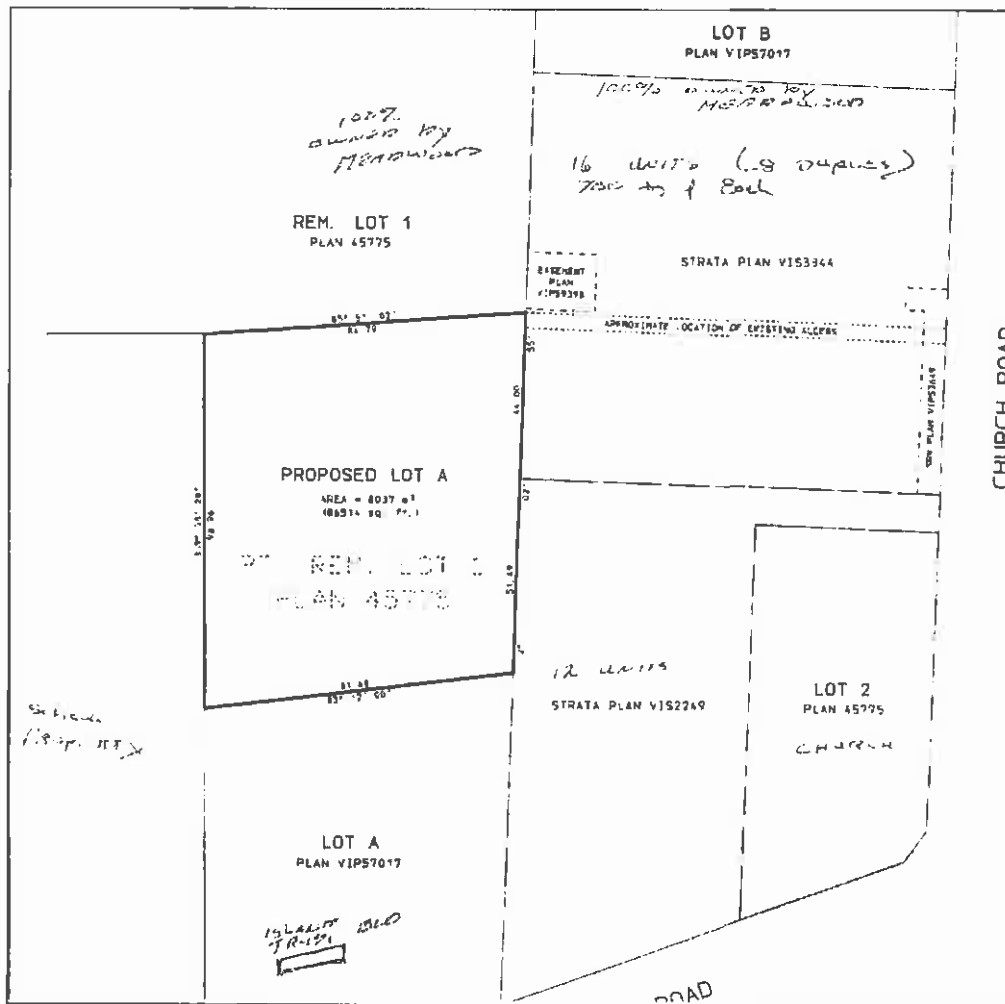
- Appendix 1: Proposed site plan
- Appendix 2: Neighbouring land uses
- Appendix 3: Geotechnical engineering report
- Appendix 4: Water and septic capacity report
- Appendix 5: Development Permit 8

STAFF REPORT

APPENDIX 1: Proposed site plan



APPENDIX 2: Neighbouring land uses



APPENDIX 3: Geotechnical engineering report



Lewkowich Geotechnical Engineering Ltd.

TECHNICAL MEMORANDUM

FILE # G5212

Date: May 20, 2007

TO: Don Powell
Meadowood Village Developments Ltd
P.O. Box 119
Gabriola Island, BC
V0R 1X0

PROJECT: Gabriola Seniors Housing Expansion
Gabriola Island, BC

LEGAL LOT 1 SEC. 19 PL. 45775 EXC. PLS 49957 AND V1P57017

SUBJECT: SUITABILITY FOR ONSITE WASTEWATER DISPOSAL

1. As requested, Sasha LeBaron of Lewkowich Geotechnical Engineering Ltd. (LGL) visited the above property with the purpose of assessing the subject property for suitability for on-site wastewater disposal.
2. Observation holes previously excavated in several locations on the property revealed suitable native granular soils to an average depth of 9m on the property.
3. Soils in general consisted of a thin layer of organic soil underlain by clean, poorly graded sands and gravels above either, fractured sandstone or sandy silt then bedrock.
4. Depths of the native residual soils varied from 6m to 12m.

Suite A - 2569 Kenworth Road, Nanaimo, British Columbia, V9T 3M4
Telephone: (250) 756-0355 Facsimile: (250) 756-3831

TECHNICAL MEMORANDUM

GS212
May 20, 2007



6. It is our opinion that the area outlined for onsite wastewater disposal meets the requirements set forth in the Ministry of Health Standard Practice Manual.

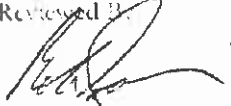
Lewkovich Geotechnical Engineering Ltd. trusts that the information presented above meets your current requirements. If you have any questions, or require further information, please contact the undersigned.

Yours truly,
Lewkovich Geotechnical Engineering Ltd.

Prepared By:


Sasha LeBaron
Technician

Reviewed By:


R.W. Bobi Sovereign, C.
Technical Services Manager



- 2 -

Lewkovich Geotechnical Engineering Ltd.

APPENDIX 4: Water and septic capacity report

D. WINDECKER WATER WELLS

PO Box 119, Westholme, BC

V0R 3C0

250-715-3042

danwindecker@hotmail.com

Owner: Powell Don	Depth	Material
Address: North Rd. Lot 1		
> Sec. 19 Plan 23651		Overburden
Location: N. 49° 11.122' 62mi	1: 4'	
! W. 123° 46.866' 75° true		': hard grey .: sandstone
Date: 7-06-07	2: 205'	
Yield: 2.00 gmp		*: blue <: shale
Static water: 60'	3: 220'	
Pumping level: 200'		^: well complet -: Plate 12596
Casing used: 22'	4:	
Sources: 2.00 gpm at: 85 feet		~:
two: gpm at: feet		...:
three: gpm at: feet	5:	
Driller: Dan		
	Minimum charge 30'	

APPENDIX 5: Development Permit 8

DP-8 Special Needs and Seniors Multi-family Housing Development Permit Areas

Development Permit Area 8 (Schedule C) is designated according to Section 879 (1) (e) of the *Municipal Act*. Includes the only currently existing site designated for Senior's housing in the planning area.

Objective

To ensure that the scale and character of any new development and alteration of the existing development is undertaken in a manner which is in keeping with the rural character of the Island

Development Guidelines

1. The character of the development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings;
2. Natural vegetation and trees shall be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility shall be considered in landscape design.
3. Landscaping shall facilitate water retention;
4. Facilities for recycling shall be provided in garbage collection areas;
5. Lighting is to be kept to a minimum necessary for pedestrian safety and visibility. Lighting in off-street parking areas shall be adequate for security purposes.
6. Signs made from natural materials or incorporating materials produced by local artisans and craft people are encouraged;
7. Off-street parking shall be designed to be as unobtrusive as possible and, where possible, located to the rear of the parcel, and
8. Exterior surfaces of local or natural materials such as wood, stone, or brick shall be encouraged;
9. Common area amenities shall be provided prior to alteration and/or occupancy.
10. A vegetation screen shall be provided within the required setback area which provides an adequate visual screen of the intended use from an adjoining residential parcel.

For the following types of development, a Development Permit shall not be required:

- i) Building painting, structural alterations and repairs of a minor nature that do not require a building permit.
- ii) Building repairs or maintenance where the materials to be used are of the same type and form as the existing materials.
- iii) The installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in local bylaws.



STAFF REPORT

Date: February 29, 2012

File No.: GB-RZ-2010.1
(Littlejohn & Beckstead)

To: Gabriola Island Local Trust Committee
For the meeting of March 22, 2012

From: Chloe Fox
Island Planner

CC: Chris Jackson
Regional Planning Manager

Re: Rezoning Application, Mudge Island – Update #2
Parcel A (DD 5023N) of Section 28, Mudge Island, Nanaimo District
PID 008 128 651

Owner: Scott Littlejohn & Mary Beckstead
Applicant: Same
Location: Coho Boulevard, Mudge Island

OVERVIEW:

This application is to rezone a parcel of approximately 4.25 hectares (10.5 acres) on Mudge Island in order to permit a four lot subdivision, raising the density potential of the site from one lot to four. The Gabriola Island Local Trust Committee (LTC) has previously received four staff reports regarding this application (dated October 13, 2010, April 14, 2011, September 9, 2011 and December 15, 2011). This application was last considered at the January 19, 2012 regular business meeting where, at the request of the applicant, the LTC resolved to defer consideration of the application to allow the applicants an opportunity to explore options to amend their proposal. This report provides a preliminary overview of the applicants' amended proposal and recommends that the LTC consider passing a resolution authorizing staff to initiate a Cost Recovery Agreement with the applicant for extraordinary planning services provided for this application effective immediately until such time as a final decision is made on the application.

BACKGROUND:

The subject property is currently designated Rural Residential in the Mudge Island Official Community Plan, No. 227 (OCP) and zoned Rural Residential in the Mudge Island Land Use Bylaw, No. 228 (LUB). In accordance with the provisions of these bylaws, the subject property currently does not have subdivision potential. The applicants have requested a rezoning to increase the density potential of the property from one lot to four, facilitating the subdivision of the property into four lots.

Two conceptual subdivision layouts have previously been put forth in association with this application. Initially, the proposal was for two waterfront lots and two lots fronting Coho

Boulevard. This configuration was subsequently deemed inadequate for properties serviced by private water supplies by the Vancouver Island Health Authority (VIHA) due to the small size of the waterfront lots. Subsequently, the proposal was amended to four hooked lots of approximately 1 hectare (2.5 acres) in area. This layout was referred to the Mudge Island Advisory Planning Commission (APC) in November 2011. The Mudge Island APC recommended that the LTC deny the application as proposed and indicated acceptance of an increase in the density potential of the site to permit two lots, with full dedication of Coho Boulevard.

At the January 19, 2012 regular business meeting, the LTC received a report from staff recommending that the application be rejected based on a number of staff concerns, including the proposed density and non-compliance with the amenity zoning provisions of the Mudge Island OCP, the hooked lot configuration and the lack of information provided on a number of additional directive policies contained in the Mudge Island OCP. At the request of the applicant, the LTC resolved to defer consideration of the application to allow the applicants additional time to explore options to amend their proposal.

REVISED PROPOSAL:

The applicants have submitted a preliminary proposal for amending their application. A written description of the revised proposal from the applicants is included in Attachment 1 to this report. The current revised proposal involves the creation of four waterfront lots through a bareland strata and an upland parcel to be used for the provision of a community amenity in accordance with Section 5.3 of the Mudge Island Official Community Plan (Figure 1).

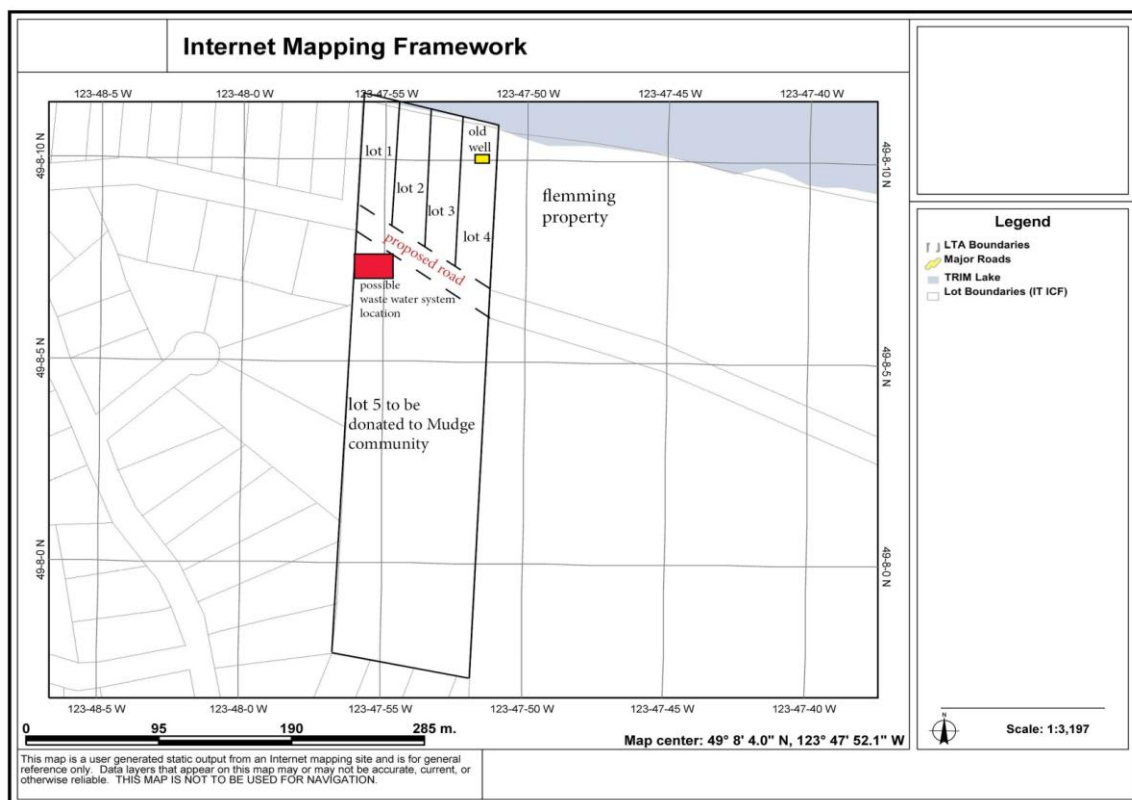


Figure 1: Current Proposed Layout

While the property has not been surveyed, the applicant has indicated that the four waterfront lots would have an average area of approximately 0.75 to 0.875 hectares (0.3 to 0.35 acres). The upland portion is estimated at approximately 2.83 to 3.04 hectares (7.0 to 7.5 acres). The proposal also involves the provision of community water and sewage disposal systems, the latter of which would potentially be located on the upland portion of the lot.

STAFF COMMENTS:

The current proposal includes the location of a community amenity on the upland portion of the parcel with the creation of four bare land strata lots on the waterfront portion. At this point, staff still have a number of fundamental concerns with the proposal that should be considered prior to moving forward. Specifically, under the current proposal the ultimate intensity of development will remain at least at the same level as the previous two proposals; that is, with the creation of four residential lots. With the proposed creation of a community amenity on the upland portion, however, there is potential for the proposed development to have an increased impact on the carrying capacity of the island as compared with previous proposals, depending on the nature of the community amenity that is to be provided. As such, concerns expressed in previous staff report regarding the impact of creating additional small-lot densities on Mudge Island remain.

The Mudge Island OCP contains amenity zoning provisions, which allow for increased density in cases where there is demonstrable community benefit. Section 5.3 of the OCP provides guidelines for the use of amenity zoning provisions, which specify that subdivision regulations may include provisions that allow for increased density in exchange for land dedicated to the community. In addition, the guidelines specify that applications for an increase in density may be considered when one or more of the following community amenities are provided: protection of environmentally sensitive areas, acquisition of parkland, and establishment of a community dock facility, fire hall or community hall. To date, the applicants have not provided a specific proposal for the type and nature of amenity that would be provided on the upland portion indicating, instead, a desire to have the Mudge Island community use the land for whatever they deem to be the most appropriate use.

The applicants have indicated a desire to present the conceptual plan to the Mudge Island Advisory Planning Commission (APC) for their input on the current proposal. While staff are in favour of further consultation with the Mudge Island APC, should this application move forward, staff recommend that the applicant first address a number of technical issues outlined in directive policies of the Mudge Island OCP. The Mudge Island OCP advocates the use of the 'precautionary principle' when contemplating any bylaw amendment; that is, erring on the side of the environment, not of development, and reserving the consideration of final decisions until adequate and appropriate information is obtained. The directive policies support this principle by requiring technical information regarding the impact of additional density, particularly those regarding water and sewage capability, to be submitted as part of a rezoning application.

The Mudge Island APC reviewed the previous proposal at a meeting of November 19, 2011, which involved a different configuration of four lots, and indicated at that time that they were not supportive of the application as presented and advised that they would be accepting of a proposal to create two lots with full dedication of the portion of Coho Boulevard that traverses the lot. Given that the current proposal has not reduced the density from that previously proposed staff do not feel that the revised proposal warrants review by the Mudge Island APC until such time as technical information as outlined in the directive policies of the Mudge Island OCP are provided. These policies were highlighted in the October 13, 2010 and December 15, 2011 staff reports and include the following:

- Identify and comment on adequate sources of potable water, including on-site storage capacity and impact on the quality and quantity of water available for adjacent land uses, both existing and potential;
- Identify and comment on sewage disposal capability, including how the development will not lead to cross contamination of wells and not negatively impact neighbouring use and enjoyment of property nor negatively affect wetlands, streams and the sea;
- Mapping of the parcel and proposed plan of subdivision, prepared by a BC Land Surveyor to show accurate parcel dimensions, the location of the road right-of-way, and the location of wells, septic fields and reserve fields;
- Provide comment on access to the island, including daily commuting and transportation of large items and construction material;
- Provide comments on site development and land alteration, including:
 - Soil conditions – stability, drainage, slope, topography, absorption and suitability for vegetation
 - Changes to surface water drainage patterns to and from wetlands, streams, the sea and adjacent properties
 - Selective, careful and sustainable use of renewable natural resources in ways consistent with the goals and policies of the OCP
 - Preservation of historic, cultural and archaeological sites
 - Creation of sufficient buffer areas to minimize potential conflicts with neighbours
 - How land clearing and alteration disturbances will be minimized
 - Retention of views from neighbouring properties and from the sea
 - Provision of trails.

To date, the applicant has not provided sufficient information on any of the above-noted OCP directives and significant staff time has been spent reviewing the various iterations of this proposal, as is reflected in the now five staff reports which have been presented to the LTC on this application. Currently, there are no other files in the Gabriola Island Local Trust Area that have required this degree of staff time and involvement in tracking and review. Should the application move forward, there will still be a significant amount of work required in staff review and processing as well as public consultation through subsequent review of the application by the Mudge Island APC and a Community Information Meeting. There could also potentially be legal review required of an amenity contribution agreement or other legal instrument required to secure an amenity contribution under the amenity zoning provisions of the Mudge Island OCP. As such, staff recommends invoicing the applicant for all additional planning staff time required for processing, reviewing and administering the file effective immediately and up until such time as a final decision is made on the application through either consideration of bylaws for final reading and adoption or the passing of a resolution to reject the application.

As per Chapter 5, Section 6(ii) of the Islands Trust Policy Manual and Part 4.1 of the Gabriola Island Local Trust Committee Fees Bylaw, cost recovery can be initiated for extraordinary application processing services provided to the applicant that are estimated by the Islands Trust to exceed 150% of the applicable fee. The original application fee of \$3,500.00 received in 2010 has been spent for the professional planning review, processing and initial review by the Mudge Island APC associated with this file and staff estimate that the cost of processing the application based on the three iterations of this proposal has now exceeded 150% of the original application fee. A resolution of the LTC is required for the applicant and the Regional Planning Manager to enter into a Cost Recovery Agreement for planning and legal review services.

RECOMMENDATIONS:

Should the LTC wish to proceed with this application, staff recommends:

THAT the Gabriola Island Local Trust Committee defer further consideration of GB-RZ-2010.1 (Littlejohn & Beckstead) until such time as the applicant has provided the following information, in accordance with the Mudge Island Official Community Plan:

- Identify and comment on adequate sources of potable water, including on-site storage capacity and impact on the quality and quantity of water available for adjacent land uses, both existing and potential;
- Identify and comment on sewage disposal capability, including how the development will not lead to cross contamination of wells and not negatively impact neighbouring use and enjoyment of property nor negatively affect wetlands, streams and the sea;
- Mapping of the parcel and proposed plan of subdivision, prepared by a BC Land Surveyor to show accurate parcel dimensions, the location of the road right-of-way, and the location of wells, septic fields and reserve fields;
- Provide comment on access to the island, including daily commuting and transportation of large items and construction material;
- Provide comments on site development and land alteration, including:
 - Soil conditions – stability, drainage, slope, topography, absorption and suitability for vegetation
 - Changes to surface water drainage patterns to and from wetlands, streams, the sea and adjacent properties
 - Selective, careful and sustainable use of renewable natural resources in ways consistent with the goals and policies of the OCP
 - Preservation of historic, cultural and archaeological sites
 - Creation of sufficient buffer areas to minimize potential conflicts with neighbours
 - How land clearing and alteration disturbances will be minimized
 - Retention of views from neighbouring properties and from the sea
 - Provision of trails

THAT the Gabriola Island Local Trust Committee direct staff to initiate the process for a Cost Recovery Agreement with the owner of Parcel A (DD 5023N) of Section 28, Mudge Island, Nanaimo District for application GB-RZ-2010.1 (Beckstead & Littlejohn) for all planning and legal review services related to the application effective February 29, 2012 and up until such time as proposed bylaws are brought to the LTC for final consideration and adoption or, should the application not proceed to bylaw stage, such time as a decision is made by the LTC to reject the application.

List of Attachments:

Attachment 1 – Description of Revised Proposal, dated February 24, 2012, from Scott Littlejohn

Prepared and Submitted by:

Chloe Fox

Chloe Fox
Island Planner

February 29, 2012

Date

Concurred in by:

Chris Jackson

MCIP, Regional Planning Manager

March 5, 2012

Date

Feb. 24, 2012

Thumbnail of new proposal and layout for Littlejohn/Beckstead 10 acres on Mudge Island

After discussions with Islands Trust Planner Chloe Fox, post recent Trustee meeting, where our application was considered, I've had meetings with VIHA and MOTI regarding possible amendments that could satisfy the parameters and bylaws of all concerned in this matter. It became obvious that the original proposal was unlikely to come to fruition.

Approving Officer at MOTI, Bob Wylie suggested that we might be able to find common ground with the idea of creating a five lot strata subdivision of the property. If we considered looking at the portion of the property below what would become the dedicated road and created the four equal frontage waterfront lots (strata lots in this proposal) that we would retain ownership of, the portion of the 10 acres (approximately 7.5 acres) above the road would become the fifth lot that would be donated to the Mudge Island community for whatever use they deem highest and best use. Mr. Wylie's idea for suggesting this configuration is that community water and waste water systems could then be considered, rather than five individual water systems and five individual septic systems. He felt that placing a community septic system just above the road on the community property would be the best choice, to be furthest away from the community water supply.

A well which was drilled many year ago near the Flemming property's home site, could be tested anew to see what capacity it may have. Alternatively, if that proves inadequate, exploration of a desalinization system (available example @

http://www.echotecwatermakers.com/beach_house_desalination_systems.htm)

could be undertaken, as there are many sizes and capacity's to choose from. A large system exists at Inn of the Sea in Yellow Point (a 50 unit vacation condo development

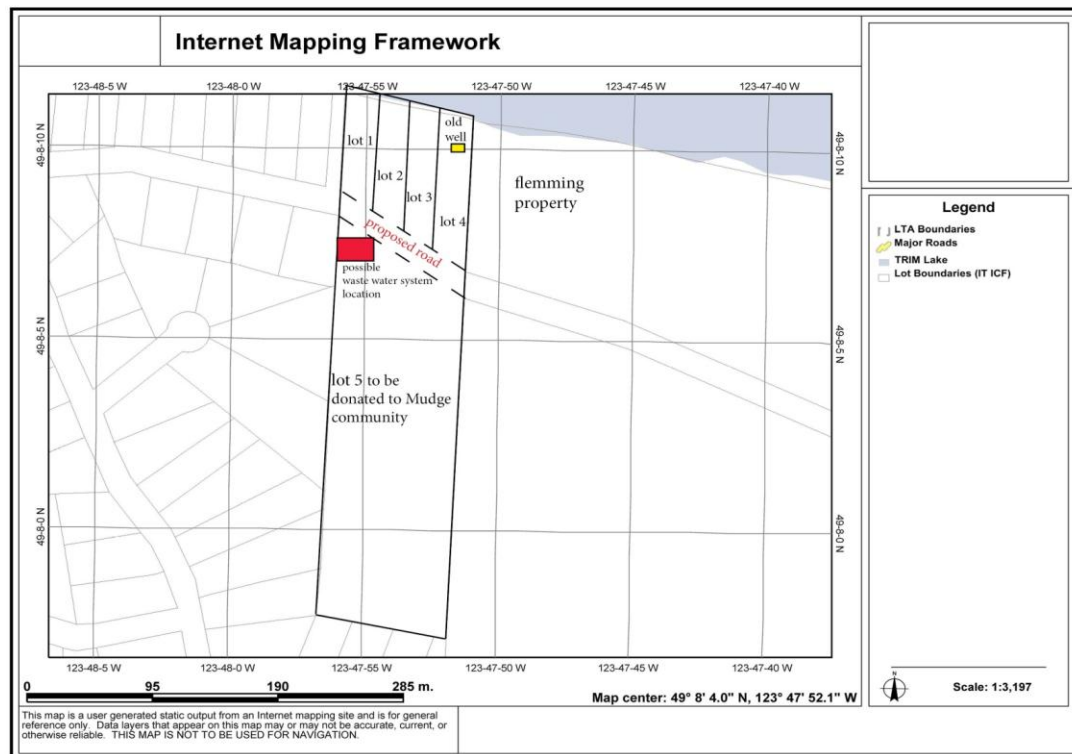
<http://www.innoftheseavacations.com/inn-of-the-sea-accommodations.html>) which has been in operation for many years and includes a large swimming pool! I could envision drawing ocean water to a small secure, soundproofed maintenance shed onshore on one of the waterfront strata lots, to the declinator, and then piping the water to the five strata properties. This concept would keep the waste water far from the ocean and potable water would be available to the five properties with no impact whatsoever on the delicate Mudge aquifer.

Mr. Wylie didn't anticipate any serious problems with the physical construction of the road to be dedicated as it is very close to highways standards in its existing form. He also indicated that the existing water access right of way between the 10 acres and the Heathcote property to the West would be sufficient in this case, since the Flemming property to the East is such a large size.

It would be our hope that after some further discussions within your organization for clarification, that we might present this idea to the Mudge Island Advisory panel for their input before expending more effort on this concept, to see if the trade off between community amenity and number of lots is an idea worthy of moving forward with.

Respectfully,

Scott Littlejohn



Rezoning Application, Coho Boulevard, Mudge Island from Scott Littlejohn & Mary Beckstead

Mar. 15, 2012-03-15

Applicant's comments to accompany our revised application to be considered at Mar. 22, 2012 LTC meeting

To staff and Trustees:

Chloe Fox has forwarded me a preliminary copy of the staff report you will be receiving for our application today, and advised me that we would be able to provide a submission as well, either in person or by letter. As Mary Beckstead is off Island and I will be working out of town that day, my comments here will have to suffice.

The staff report contains a recommendation to not proceed to a meeting with the Mudge Island OCP to consider our amended proposal, on the basis that because the MI OCP indicated at the November meeting that they would only be supportive of a plan that included 2 waterfront lots in return for dedication of the undedicated portion of the Coho Boulevard that crosses our property, and that our amended plan being considered today, still includes 4 lots.

My contention is that the only similarity of this amended proposal to the one previously considered, is that we are still applying for four lots and road dedication. What may be of considerable interest to the people of Mudge Island, is that this new proposal would not only provide the same security of a permanent access across the Island on Coho Boulevard with its road dedication as the previous proposal, but this amended proposal also provides a gift of 7 acres of forested view property, currently being enjoyed as hiking trails, to be owned and used by Islanders as they see fit. They deserve to know about this dramatically different proposal, before it is potentially rejected today without their input.

The staff report goes on to outline many perceived deficiencies in our application, which deal with the technical aspect of any subdivision that naturally must be satisfied before approval. I have no quarrel with the requirement that these bases be covered, that is a given we all understand. I do take issue with the timing of their execution, suggesting they be completed prior to a further discussion with the MI APC about the concept of our dramatically amended proposal.

Would it not be possible to send letters to the MI APC with the the staff report and the outline of our amended proposal? If they reject it out of hand, we have our answer, and we would withdraw our application, closing this chapter of the road issue. If on the other hand, the MI APC wants to explore the application further and like the idea of having a secure road access, a large property for the benefit of Mudge Islanders in return for 4 lots that would be larger than the ones they adjoin to the West, could we not THEN proceed on a cost recovery basis as suggested by staff? This seems very equitable, simple, fast, and an almost cost free way to judge the community sentiments of the Mudge Island representatives, allowing them to comment on this very different proposal.

The application, after a long discussion with Ministry of Transportation and Infrastructure officials, would also see the proposed project be done as strata instead of fee simple, to allow for a single strata potable water and waste water system to be developed.

My relationship with Mudge Island extends over 40 years, and I've seen the good, the bad and the ugly done on the Island. I was witness, as a boy, to the development of the west end of the Island, through my family connection, but I was not an active participant. I understand the delicate nature of the aquifer and waste water concerns. We have made comments in our amended application about, and are actively exploring, a desalinization/purification system utilizing sea water that could accommodate the four lots we seek to own as well as the 7 acres the Islanders would own.

Discussions with the Ministry yielded their suggestion that a common waste water system (again for all 5 strata stakeholders) be potentially sited on the high side of Coho Boulevard, to be far away from the ocean and neighbouring wells, and that a non leaching system be considered if soil tests prove the site to be unsuitable for perc reasons.

My thrust is that all of the important issues raised in the staff report would have to be satisfied before approval, giving the LTC and Mudge Islanders plenty of safeguards to correct or reject this project at many junctures, if there were deficiencies that couldn't be solved by the applicants. But to ask the applicants to expend the time and finances on those issues now, before we even know if the Mudge Islanders are in favour of this very different proposal seems onerous, in my opinion.

I should also update staff and the LTC, that our realtor indicated this week that there has been some interest generated by his marketing efforts and that a potential purchaser is considering the subject property (I believe I have told staff that it was listed for sale recently). This prospective buyer hasn't indicated their vision of the property, so we have no indication as to how a new owner would deal with the issue of an illegal road and the public wanting to continue to access it. We do know that we have had to discount the asking price of the property to realistic market conditions, reflecting the eroded value of the property because of the 'road'.

We have tried to be reasonable and responsible owners hoping this issue could be resolved with mutually satisfactory terms. If, in the end, this is not to be resolved by us at this time, it is a certainty that the LTC and staff will have to begin dealing with this situation anew in the future with new owners, until it is resolved.

Thank you for your consideration,

Scott Littlejohn