



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date:	July 14, 2016
Location:	Ministry of Transportation Right-of-Way Intersection Intersection of Lover's Loop and Weather's Way Mudge Island, BC
Members Present	Laura Busheikin, Chair Melanie Mamoser, Local Trustee Heather O'Sullivan, Local Trustee
Staff Present	Sonja Zupanec, Island Planner Ann Kjerulf, Regional Planning Manager Lisa Millard, Recorder
Others Present	There were 19 (nineteen) members of the public and 1 (one) member of the media present.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

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

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

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

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

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

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

The following amendments to the minutes were presented for consideration:

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

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

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

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

By general consent the minutes were adopted as amended.

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

The following amendments to the minutes were presented for consideration:

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

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

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

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

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

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

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

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

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

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

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

By general consent the minutes were adopted as amended.

6.3 Section 26 Resolutions-Without-Meeting - none

6.4 Advisory Planning Commission Minutes dated - none

6.5 Mudge Island Advisory Planning Commission Minutes - none

6.6 Transportation Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 5, 2016

Received for information.

7.2 Transportation Advisory Commission - for discussion

Planner Zupanec reported that the Transportation Advisory Commission Members' terms had expired. The Local Trust Committee had placed

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

8. DELEGATIONS – none

9. CORRESPONDENCE

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

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

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

10. APPLICATIONS AND REFERRALS

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

10.1.1 Staff Report dated June 27, 2016

Planner Zupanec summarized the Staff Report as follows:

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

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

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

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

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

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

Further discussion ensued and the following points were made:

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

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

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

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

Discussion ensued regarding:

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

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

GB-2016-063

It was MOVED and SECONDED

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

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

CARRIED

11. BREAK

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

12. LOCAL TRUST COMMITTEE PROJECTS

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated July 5, 2016

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

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

GB-2016-064

It was MOVED and SECONDED

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

CARRIED

GB-2016-065

It was MOVED and SECONDED

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

CARRIED

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

13.1.2 Projects List Report dated July 5, 2016

Received for information.

13.2 Applications Report dated July 5, 2016

Received for information.

13.3 Trustee and Local Expense Report dated May, 2016

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

No comments.

13.6 Chair's Report

Chair Busheikin reported on the following:

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

13.7 Trustee Reports

Trustee O'Sullivan thanked those in attendance for hosting the LTC meeting and noted the importance of Trustees coming to Mudge Island and building community relationships. She noted that the LTC's last visit to Mudge Island was during the bridge debate which had done some damage to the relationship between Mudge and Gabriola Islanders. She invited the community to let Trustees know if there are other roles they might play in community building or local government representation within the community.

Trustee Mamoser reported on the following:

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

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

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

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

16. TOWN HALL

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

further stated that any bylaw concerns can also be addressed through a Bylaw Variance request.

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

GB-2016-066

It was MOVED and SECONDED

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

CARRIED

17. **CLOSED MEETING - none**

18. **ADJOURNMENT**

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

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder