



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

<b>Date:</b>	<b>September 8, 2016</b>
<b>Location:</b>	<b>Gabriola Arts &amp; Heritage Centre 476 South Road, Gabriola Island, BC</b>
<b>Members Present</b>	<b>Laura Busheikin, Chair Melanie Mamoser, Local Trustee Heather O'Sullivan, Local Trustee</b>
<b>Staff Present</b>	<b>Sonja Zupanec, Island Planner Ann Kjerulf, Regional Planning Manager Rob Milne, Island Planner Teresa Rittemann, Planner 1 Lisa Millard, Recorder</b>
<b>Others Present</b>	<b>There were approximately 36 (thirty-six) members of the public and 1 (one) member of the media in attendance.</b>

### 1. CALL TO ORDER

Chair Busheikin called the meeting to order at 10:15 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:

#### **13.1 Follow up on expressions of interest received for appointments to the Transportation Advisory Committee.**

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

### 3. TOWN HALL AND QUESTIONS

Nancy Hetherington-Pearce requested a definition for the term zoning and the term designation. Planner Zupanec stated that the Official Community Plan (OCP) is a policy document that designates land for particular types of uses and provides policy direction for zoning while Land Use Bylaws (LUB) are used to zone and regulate land use.

Mark Smith provided a written statement regarding the proposed rezoning application GB-RZ-2016.1 (Potlach Properties and Pilot Bay Holdings). He favours the proposal and trusts that the Gabriola Island Local Trust Committee (LTC) will consider recommendations based in part on the advice of experts as well as the community.

Eric Johnson stated that he lives in the area of the proposed Potlach / Pilot Bay Holdings subdivision. He noted his concerns regarding water availability, the effects of increased water use on current well capacity, increased traffic in the ferry line up area, and the creation of strata roads. He indicated that he does not feel that more park land or trails are needed, that further subdivisions should not be developed, and that the land within the area should remain a source of potential harvestable timber and sustainable forest growth.

**4. COMMUNITY INFORMATION MEETING - None**

**5. PUBLIC HEARING - None**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated July 14, 2016 – for adoption**

The following amendments to the minutes were presented for consideration:

Page 1 regarding John Mallet's email to Trustee Mamoser it should state that Trustee Mamoser forwarded the email to staff and not to the Ministry of Transportation and Infrastructure (MOTI).

Page 3 Item 7.2 change the first sentence to Planner Zupanec reported that the Transportation Advisory Commission Members' terms had expired.

Page 8 Trustee Reports at the end of the first sentence add that Trustee O'Sullivan 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.

Page 8 Trustee Reports change the third bullet to read The majority of Link Island is now protected under covenant using the Natural Areas Protection Tax Exemption Program (NAPTEP).

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

**6.2 Local Trust Committee Special Meeting Minutes dated July 21, 2016 - for adoption**

**By general consent** the Local Trust Committee Special Meeting Minutes of July 21, 2016 were adopted.

**6.3 Section 26 Resolutions-Without-Meeting Report dated August 30, 2016**

Received for information.

**6.4 Advisory Planning Commission DRAFT Minutes dated July 26, 2016 - for receipt**

Received for information.

- 6.5 **Mudge Island Advisory Planning Commission Minutes – none**
- 6.6 **Agricultural Advisory Commission Minutes - none**
- 6.7 **Transportation Advisory Planning Commission Minutes - none**

## 7. **BUSINESS ARISING FROM MINUTES**

### 7.1 **Follow-up Action List dated August 30, 2016**

Chair Busheikin stated she had an informal discussion with Planner Zupanc who was advised that due to July, 2016 staff changes at Snuneymuxw First Nation (SFN) planning staff were asked to follow up with SFN in September, 2016 in order to set a meeting date.

It was noted that a targeted review of an OCP review for Mudge Island be added to the follow up action list as had been directed at the July 14, 2016 regular LTC meeting.

## 8. **DELEGATIONS**

### 8.1 **Andrew Deggan regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition**

Mr. Deggan stated that he lives on Lochinvar Lane and he is representing a coalition of property owners living in neighborhoods that might be affected by the development of the proposed subdivision. He submitted a written statement from which he highlighted the following points:

- The coalition has compiled a list of concerns and comments regarding the proposed development for the LTC to review and these concerns have been prioritized in order of importance.
- Individuals living in neighborhoods bordering the proposed subdivision are more directly affected by the development compared to others living further away.
- Based on a conversation with a professional employed at the BC Forestry and Resource Department for Hydrology, and in reference to the *Water Sustainability Act* of 2016, he believes existing wells require protection.
- Any study done regarding water availability should encompass an inventory of all wells within the subject area and not just the receiving area.
- There are concerns about sewage seepage into existing wells due to low soil coverage in the affected area.

### 8.2 **Rob Lumgair regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition**

Mr. Lumgair stated he lives on Burnside Drive. He provided a written statement from which he made the following observations:

- He does not consider the donation of park land to be an adequate reason to accept the development.

- He has concerns about water depletion and water contamination and a resulting decrease in property values.
- He would like assurances from a hydrological engineer, as recommended in a staff report, that existing wells in the area will not be negatively affected and that the proposed development area is capable of producing adequate water.
- The *Water Sustainability Act* is relevant as it is related to the temporary sale of water and he believes the proposed development is tantamount to the sale of water.

### **8.3 Rob Plowright regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition**

Mr. Plowright lives on Lochinvar Lane and he made the following points:

- He believes much of the support for park land in exchange for the proposed development comes from those that live in unaffected areas.
- He requested that the LTC reject the current proposal to allow for amendments to be made so that it will not impact existing residents.

### **8.4 Daryl Receveur regarding GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings) Opposition**

Mr. Receveur was not in attendance. A written submission was provided, and received, for information.

Planner Ritemann arrived at 11:00 am.

## **9. CORRESPONDENCE**

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

### **9.1 Email dated May 24, 2016 from J Burroughs and K Dennison regarding Mobile Milling on Gabriola Island**

Joe Burroughs and Kathy Dennison commented as follows:

- They have been selectively clearing their land using a mobile mill on site to prepare the lumber for personal use in home construction.
- They spoke with a Bylaw Officer last spring who advised use of mobile mills is prohibited on Gabriola Island however when applying to the Regional District of Nanaimo (RDN) for a building permit they were informed about a possible grant for using lumber from their property in green building practices.
- They submitted a definition of temporary sawmilling from the Galiano, BC Land Use Bylaws and requested that the LTC consider adopting a similar bylaw.

Discussion ensued regarding the desire for builders to mill lumber for personal use as well as those with concerns about milling in small rural residential areas.

**GB-2016-075**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee place review of temporary sawmill regulations on the projects list.

**CARRIED**

Email correspondence from Brad Hope dated September 2, 2016 regarding sawmilling was received for information

Rick Jackson, Gabriola Fire Chief, stated that given the number of cedars that have died recently, and the permitted use of chippers, expediting discussion on this issue might be in the community's best interests.

**9.2 Email dated July 15, 2016 regarding Farm Animals on SSR Zoned Properties**

It was noted that it is permissible for residents living on Small Rural Residential (SRR) zoned properties to keep animals of any kind for personal use. Noise complaints related to such animals are under the jurisdiction of the RDN Bylaw Enforcement Officer.

**GB-2016-076**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee add definition of personal use of animals in Small Rural Residential zoned lots to the projects lists.

**CARRIED**

**GB-2016-077**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to add enforcement of the Regional District of Nanaimo noise bylaw to the upcoming protocol meeting with the Regional District of Nanaimo.

**CARRIED**

**10. APPLICATIONS AND REFERRALS**

**10.1 GB-DVP-2016.1 (Skinner)**

**10.1.1 Staff Report dated August 15, 2016**

Late correspondence regarding GB-DVP-2016.1 (Skinner) was received for information as follows:

- Email dated September 1, 2016 from Karen Walker
- Email dated September 6, 2016 from Karen Walker
- Email dated September 7, 2016 from Scott Walker
- Letter dated September 11, 2016 from Rosemary Vernon

Planner Ritemann outlined the staff report.

The Applicants provided a written submission from which they highlighted the following points:

- They have concerns regarding both safety and liability issues if they remove fence and deck railings on the north side, oceanfront side of the property as recommended in the staff report.
- They are requesting that a variance be granted to allow said fence and deck railings to remain in place.
- They would like to reiterate that all the work was done by previous owners. There was a complaint registered against the previous owners regarding this work and as new owners they have inherited the issue.

Discussion ensued regarding safety issues, potential alternatives that might be permissible under the relevant bylaws, and the possibility of cutting the deck back to ground level to allow the railing to remain. It was determined that a decision regarding the application be postponed to allow consideration of late correspondence as well as options regarding the deck and railing due to potential safety and liability issues.

**GB-2016-078**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee defer consideration of GB-DVP-2016.1 for consideration at a future meeting after receiving a supplementary staff report.

**CARRIED**

Regional Planning Manager Kjerulf arrived at 11:40 am.

**10.2 GB-DVP-2016.2 (German - Mudge Island)**

10.2.1 Staff Report dated August 12, 2016

It was noted that the Applicant was present and that she had already complied with many of the variances requested at the July 14, 2016 LTC meeting.

**GB-2016-079**

**It was MOVED AND SECONDED**

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

**CARRIED**

**BREAK**

**By general consent** the meeting was recessed at 11:53 pm and reconvened at 12:17 pm.

The following additions to the agenda were presented for consideration:

**13.2 Late correspondence letter dated August 22, 2016 from Leonard Krog.**

Planner Milne arrived at 12:15 pm.

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

**10.3.1 Staff Report dated August 13, 2016**

The following errors were noted in the staff report:

- Page 2, Analysis section, first paragraph under point 1 “Small Resource Residential” should be “Small Rural Residential”.
- Page 5, Table 2 – Receiving Lands Total Area should be 67.8 ha not 67.3 ha.

Planner Milne summarized the recommendations and alternatives as noted in the staff report.

Trustees referenced point 5 in the staff report “Riparian Protection for Mallet Creek” and noted the importance of restricting development on private land around the riparian corridor. The water course and pond are not currently designated as a Gabriola OCP Development Permit Area 3 (DP-3 “Riparian Areas”) however, an amendment to the current Draft Bylaw No. 289 could be considered in order to accommodate this. Planner Milne stated that while an amendment to the draft bylaw and development variance application does not necessarily provide additional protection, it can be done through a resolution.

It was noted that clarification between Development Permit Areas versus Parks designation protection might need to be communicated.

It was suggested that an amendment to the Bike Route Plan in the OCP be considered in order to include the Church Street and Spruce Avenue connector as there is an agreement between the Ministry of Transportation and Infrastructure (MOTI) and the LTC stating that roads that are included in the Bike Route Plan will be built with bike lanes. Discussion ensued and it was determined that this topic could be addressed at a later time.

It was noted that the community has expressed concerns regarding traffic impact. Planner Milne stated that the application has already been referred to MOTI and that he would follow up. .

Trustee O’Sullivan made the following points in relation to comments she has heard from community members:

- The use of cisterns has minimal impact on ground water levels and higher cistern use should be considered community wide.

- The *Water Sustainability Act* was put into place to protect ground water supply and one of the main tools it uses to do so is licensing and regulating non-domestic water uses, specifically agricultural and industrial use. Domestic water supply wells are not required to be licensed. Under the *Act* it is not illegal to drill wells for residential use within the area of the proposed subdivision.
- She referenced the RDN's Water Budget document which provides hydrological features of Gabriola and the area of the proposed development is not considered water poor.
- The proposed lots do not represent a high density area as compared to several existing high density areas on Gabriola.
- Forestry land is different than forestry wilderness land and park land. It is land that can reasonably be expected to be logged at some point and is therefore less suited to being located in a residential neighbourhood. She showed a map of existing forestry land on Gabriola and indicated there is not a shortage of land designated as forestry.
- There is a valid argument that the proposed subdivision does not create affordable housing, however, there is possibility that some lot owners will put cottages on their lot, as allowed within existing bylaws, thereby creating housing alternatives.
- It is important to note that the proposed development regards lots and not the type of housing that will be built on the lots.

**GB-2016-080****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff amend Bylaw No. 290 Appendix 1 prior to second reading to change the minimum average parcel size to 2.7 ha.

Discussion ensued. It was suggested that the OCP sets out the formula for calculating the minimum average parcel size for a resource residential zone created through a density transfer and by using this calculation the Applicant's ability to provide additional park land, as proposed, is not affected. It was also noted that using the density transfer calculation as currently proposed results in an accurate minimum average lot size and does not impact the potential size of the proposed subdivision. Planner Milne stated that the use of covenants creates a safe approach to land development and that they form a condition of approval for a subdivision.

**DEFEATED****GB-2016-081****It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee request staff to amend Bylaw No. 289 to redesignate the receiver parcels to Resource instead of Small Rural Residential.

**CARRIED**

Discussion ensued. It was noted that the Resource designation has the enabling policy for density transfers and it will ensure consistency between the LUB zone and the OCP designation of the lands. As well Resource was the same designation used for the previous density transfer. It was also suggested that the use of the Small Rural Residential designation implies the land use is for residential purposes.

**GB-2016-082**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request that the applicant provide a hydrogeological assessment prepared by a Professional Engineer with experience preparing hydrogeological studies, of the impact of the proposed development on groundwater quantity and quality, and surface water affected by the proposed development, including options for collection, storage and drainage of surface water.

Discussion ensued regarding the definition and qualifications of an experienced professional as well as the possibility of planning staff consulting with the Ministry of Forest, Lands and Natural Resource operations to draft terms of reference for the study.

**GB-2016-083**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the motion to add that planning staff work with the Regional Hydrogeologist with the Water Protection Division of the Ministry of Forest, Lands and Natural Resource Operations to draft terms of reference for such a study.

Discussion ensued. It was noted that there were concerns about specifying one particular individual to contribute to the terms of reference for the study. There were also concerns about making it a requirement that planning staff work with another branch of government and thereby resulting in the Ministry being the only voice at the table. It was determined that requesting the Applicant consult with Islands Trust staff regarding terms of reference for the study was an appropriate alternative.

**DEFEATED**

**GB-2016-084**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the motion by adding and that planning staff work with the applicant to draft terms of reference for such a study.

**CARRIED**

**GB-2016-085**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the amending motion to include that planning staff consult with the Water Protection Division of the Ministry of Forest, Lands and Natural Resource operations to draft terms of reference.

**CARRIED**

Chair Busheikin called the question on the original motion GB-2016-082, as amended, and the motion carried.

*For clarity, the amended motion may be stated as follows:*

***GB-2016-082 (amended motion)***

***It was MOVED and SECONDED***

*that the Gabriola Island Local Trust Committee request that the applicant provide a hydrogeological assessment prepared by a Professional Engineer with experience preparing hydrogeological studies, of the impact of the proposed development on groundwater quantity and quality, and surface water affected by the proposed development, including options for collection, storage and drainage of surface water, and that planning staff work with the applicant to draft terms of reference for such a study, and that planning staff consult with the Water Protection Division of the Ministry of Forest, Lands and Natural Resource operations to draft terms of reference.*

**CARRIED**

**GB-2016-086**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to refer application GB-RZ-2016.1 to remaining agencies.

**CARRIED**

**By general consent** the meeting was recessed at 1:53 pm and reconvened at 2:01 pm.

**GB-2016-087**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff explore the process required to amend bike plan in the official community plan to include a possible Church - Spruce connector.

**CARRIED**

Trustee O'Sullivan commented that the Applicant might want to explore the Natural Areas Protection Tax Exemption Program (NAPTEP) with regard to the remainder lot within the proposed subdivision which will help protect wetlands.

**10.4 Bylaw No. 280**

**GB-2016-088**

**It was MOVED and SECONDED**

that the Gabriola Local Trust Committee Bylaw No. 280, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2015”, be adopted.

**CARRIED**

Planner Milne left at 2:10pm

**10.5 GB-SUB-2016.3 (Roundtuit Farms - Rogers)**

**10.5.1 Staff Report dated September 8, 2016**

It was noted that Planner Eggen was not in attendance but was available by telephone if required.

**GB-2016-089**

**It was MOVED and SECONDED**

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

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Roadside Signage - Regulations Review**

**11.1.1 Staff Report dated September 8, 2016**

Discussion ensued and the following points were made:

- Unique signage, such as the cob bench at the Gabriola Commons, is not addressed. While an exception can be made there is concern about accidentally creating regulations that result in a creative and unique sign to be in contravention when that is not the intention.
- There is a need to consider changing the term “temporary event signs” to “temporary signs”.
- Further discussion regarding neighborhood directional signage for home based business might be needed.
- It should be specified on how long temporary signs can be posted.
- Further review of minimum and maximum sign sizes, and consistency across categories, is required.
- A definition for multi-party signage is required.
- Multi-party directional signs were initially discussed as being allowed on lots zoned commercial, but this should be revised to include commercial or institutional businesses in non-residential zones.

**GB-2016-090****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to revise draft bylaw on roadside signage No. 291. In consideration of discussion by the Gabriola Island Local Trust Committee as reflected in the minutes.

**CARRIED****11.2 Housing Options Review Project****11.2.1 Staff Report dated September 8, 2016**

The following comments and suggestions regarding the proposed community survey were made:

- Topic 1 include qualification that this refers to lots larger than 2 ha.
- For clarity the order of questions should match the order of the topic areas and the survey format should be reorganized so the relevant questions are directly underneath the topics.
- Within the list of Groups / Agencies / Programs the correct names are Gabriola Housing Society not Gabriola Affordable Housing Society, and Gabriola Auxiliary for Island Health Care Society not Gabriola Health Care Society.
- It should be indicated that the purpose of this phase of the project is to increase the possibility of housing options without increasing density.
- Add word Provincial in front of Agricultural Land Reserve.
- Allow community to comment on whether they support the provision of composting toilets or alternatives in terms of plumbing.
- Gain more community input regarding secondary suites above non-residential buildings.

**GB-2016-091****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to proceed with a community outreach survey, as amended, on the Housing Options Review Project Phase 1.

**CARRIED****GB-2016-092****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to invite the Advisory Planning Commission Members to participate in a working group session in October, 2016 with planning staff to develop draft parameters for regulatory changes consistent with the scope of the Phase 1 Housing Options Review Project Charter.

**CARRIED**

**12. REPORTS**

**12.1 Work Program Reports**

12.1.1 Top Priorities Report dated August 30, 2016

Received for information.

12.1.2 Projects List Report dated August 30, 2016

Add a targeted review of an OCP review for Mudge Island to the Projects list as discussed at the July 14,2016 LTC regular meeting.

**12.2 Applications Report dated August 30, 2016**

Received for information.

**12.3 Trustee and Local Expense Report dated July, 2016**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

Received for information.

**12.5 Local Trust Committee Webpage**

No additions are required at this time.

**12.6 Chair's Report**

Chair Busheikin reported on the following:

- that guests from San Juan County will be in attendance at the upcoming Trust Council Meeting in Sidney, BC.
- there will be a visioning session and movement forward on an adaptation plan.

**12.7 Trustee Reports**

Trustee Mamoser reported on the following:

- she attended the Village Visioning session on September 7, 2016.
- will also be attending the session scheduled on September 9, 2016.

Trustee O'Sullivan stated that in the interest of time she will see how community conversation goes in the next month and will defer her comments.

**12.8 Electoral Area Director's Report - none**

**12.9 Trust Fund Board Report - none**

**13. NEW BUSINESS**

**13.1 Follow up on expressions of interest received for appointments to the Transportation Advisory Committee.**

Deferred to the next LTC scheduled regular meeting.

**13.2 Late correspondence letter dated August 22, 2016 from Leonard Krog.**

Chair Busheikin noted that Local Trustees and staff have indicated they have not previously received any correspondence or communication from Leonard Krog regarding the Potlach proposal. Trustee O'Sullivan also commented that she attended the May, 2015 meeting referenced in Mr. Krog's letter and she does not recall that Mr. Krog was mentioned in the context outlined in his letter. It was requested that staff send a letter to Mr. Krog stating the above.

**14. UPCOMING MEETINGS**

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

**15. TOWN HALL**

**16. CLOSED MEETING**

**16.1 Motion to Close Meeting**

**GB-2016-093**

**It was MOVED and SECONDED**

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

**CARRIED**

The meeting closed to the public at 3:43 pm.

**16.2 Recall to Order**

The meeting was reopened to the public at 4:09 pm.

**16.3 Rise and Report**

Chair Busheikin stated that there was no rise and report.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 4:09pm.

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Laura Busheikin, Chair

Certified Correct:

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Lisa Millard, Recorder