



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** August 16, 2018  
**Location:** Heron Room, The Haven  
 240 Davis Road, Gabriola Island, BC

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

**Staff Present:** Ann Kjerulf, Regional Planning Manager  
 Jaime Dubyna, Planner 1  
 Warren Dingman, Bylaw Enforcement Officer  
 Nadine Mourao, Recorder

**Others Present:** There were approximately thirteen (13) members of the public and one (1) member of the media in attendance

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Busheikin called the meeting to order at 10:43 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, Staff and Recorder.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Updated 10.2 Applications Report dated August 16, 2018.

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

### 3. MINUTES

#### 3.1 Local Trust Committee Minutes dated July 12, 2018 – for Adoption

**By general consent** the Local Trust Committee meeting minutes of July 12, 2018 were adopted.

#### 3.2 Local Trust Committee Special Meeting Minutes dated July 12, 2018 - for Adoption

**By general consent** the Local Trust Committee Special meeting minutes of July 12, 2018 were adopted.

#### 3.3 Section 26 Resolutions-Without-Meeting Report - None

#### 3.4 Advisory Planning Commission Minutes - None

#### 4. TOWN HALL AND QUESTIONS

Members of the public made the following comments:

- Regarding the Mudge Island Lot Coverage Review Project – Staff Report and Draft Bylaw Nos. 301 Official Community Plan (OCP) and 302 Land Use Bylaw (LUB);
  - Asked for clarification regarding bylaw changes to the OCP and LUB; Staff noted that the OCP would allow for the increase in lot coverage and the LUB would contain specifics for lot coverage and implementation;
- Recommended Trustees reject Draft Bylaw No. 301 OCP, approve Draft Bylaw No. 302 LUB and referring Draft Bylaw No. 302 LUB to the Advisory Planning Commission (APC) was unnecessary; and
- Opposed conditions found on Page 12 of the Staff report, under Alternatives, regarding indoor meeting facilities.
- The Mudge Island OCP does not mention 10% lot coverage and therefore there is no need to make amendments to the OCP.

#### 5. CORRESPONDENCE

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

##### 5.1 Email dated July 25, 2018 from K. Langereis

Trustees reviewed the 2015 agenda where transfer of the residential densities from Coats Marsh to the Density Bank was referenced and noted the following:

- The Nature Trust opposed the transfer of those densities at that time;
- The Regional District of Nanaimo (RDN) was ambivalent to this topic, although appreciated recent RDN comments that indicated that they have no concerns with Coats Marsh being rezoned to a Park;
- Asked for clarification on whether the Nature Trust has a legal right to determine what happens with the densities?
  - Staff responded that zoning of the property should be consistent with the obligations of the owners to protect the property in perpetuity; and

Howard Houle, RDN Director Electoral Area B stated:

- the RDN has been issued a tax receipt and if the density is transferred the Canadian Revenue Agency would need to be advised; and
- At the end of the email dated July 12, it stated that the RDN has been spoken to, however, he is not able to find out who from the RDN has been spoken to.

##### **GB-2018-058**

##### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to liaise with Regional District of Nanaimo Staff regarding the potential transfer of densities from the Northwest ¼ of Section 10 (Coats Marsh Regional Park) to the Gabriola Island Density Bank and clarify the mechanism for implementing transfer of densities to the Gabriola Island Density Bank.

**CARRIED**

#### 6. BUSINESS ARISING FROM MINUTES

**6.1 Follow-up Action List dated August 8, 2018**

Received for information

Trustees requested that previous terms' Trustees be posted to the webpage as soon as possible, as it may be helpful to those who come forward in the next election.

**6.2 Gabriola Island Local Trust Committee Fees Bylaw - Staff Report and Draft Bylaw No. 300**

Regional Planning Manager Kjerulf summarized the Staff report in consideration of Draft Bylaw No. 300 to replace Gabriola Island Trust Fees Bylaw No. 245. The adoption of new LTC Fees bylaw would adjust LTC application fees to account for inflation and include new fees for Liquor and Cannabis Regulation Branch (LCRB) applications and OCP and LUB amendment applications for affordable, seniors, and special needs housing. Bylaw No. 300 is based on the Islands Trust Council Model Application Fee Schedule, with an adjustment for inflation based on the Bank of Canada rate of inflation between 2007 and present, and aligns with Islands Trust Council Policy 5.6.i – Application Processing Services.

Discussions ensued and the following was noted by Trustees:

- The Development Permit (DP) for the Riparian Area (RAR) should be lower than fees for other development permits; and
- On page 20 of agenda package, Table 1, column 1, item 5, Trustees debated the use of commas and would like it to read simply “affordable housing”, to clarify that fees are for affordable housing when the applicant is a registered charity or non-profit society.

**GB-2018-059****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be amended as follows:

1. Amend Table 1, Column 1, Item 5 by removing “, rental, seniors or special needs”;
2. Amend Table 2, Column 2, Item 2 to change to \$240.00; and
3. Ensure consistency in the use of Oxford commas.

**CARRIED**

**GB-2018-060****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a first time as amended.

**CARRIED**

**GB-2018-061****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a second time.

**CARRIED**

**GB-2018-062****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a third time.

**CARRIED****GB-2018-063****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**6.3 Request to Defer Advisory Planning Commission (APC) Meeting for GB-RZ-2018.1 (Melville) – for Discussion**

Trustee O’Sullivan declared that she had a conflict of interest with the upcoming item, due to the fact that she has a financial interest in the marine area subject to this zoning application.

Trustee O’Sullivan left the meeting at 11:50 am.

**GB-2018-064****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee waive the 40-day timeline for referral to the Gabriola Island Advisory Planning Commission for the rezoning GB-RZ-2018.1 (Melville).

**CARRIED**

Trustee O’Sullivan returned to the meeting at 11:54 am.

**7. CLOSED MEETING**

**7.1 Motion to Close the Meeting**

**GB-2018-065****It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(c),(d),(f) and (i) labour relations; adoption of In-Camera Meeting Minutes dated May 3, 2018; Bylaw Enforcement and receipt of advice that is subject to solicitor-client privilege AND that the Recorder and Staff attend the meeting.

**CARRIED**

Chair Busheikin closed the meeting to the public at 11:54 am.

**7.2 Recall to Order**

**By general consent** the meeting was recalled to order 12:54 pm.

**7.3 Rise and Report**

The committee reported that it received information regarding bylaw enforcement and legal advice on the Mudge Island OCP.

**8. LOCAL TRUST COMMITTEE PROJECTS**

## 8.1 Mudge Island Lot Coverage Review Project - Staff Report and Draft Bylaw Nos. 301 (OCP) and 302 (LUB)

Regional Planning Manager Kjerulf summarized the Staff report which included potential amendments to the Mudge Island OCP as an in-scope activity, with an amended public consultation process and timeline, as well as consideration of draft Bylaw Nos. 301 (OCP) and 302 (LUB), and options to amend these bylaws to achieve compliance with the Islands Trust Policy Statement (ITPS) and the following was noted:

- OCP Bylaw No. 301 would enable lot coverage of greater than 10% under defined circumstances, which would be implemented through LUB Bylaw No. 302; and
- The ITPS includes policies and directives that the bylaws are required to address and it was found that there were a number of policies that the proposed increase in lot coverage bylaw did not comply:
  - No mitigation to protect the Douglas-fir/Dull Oregon-grape (species at risk) ecological community;
  - No mitigation for anticipated climate change or sea level rise;
  - No mitigation for impacts on groundwater resources; and
  - No mitigation/protection of numerous mapped existing and potential archaeological sites.

Discussion ensued and the following key points were noted by Trustees:

- Understood that Mudge Island residents are seeking a more immediate solution than what can be achieved in the current Staff Report;
- Draft Bylaw No. 299 presented at the Special Meeting on July 12, 2018 complied with the OCP and perhaps that approach is preferable;
- Identified three changes in Draft Bylaw No. 299 to buildings and structures that would not be included in calculating lot coverage:
  - Part 5, Subsection 4.1, Sub E is too restrictive and possible options include exempting pervious driveways, footpaths, and parking spaces as required by the LUB;
  - Part 5, Subsection 4.1, Sub L amend to one woodshed with a floor area no greater than 15 square metres to allow for increased wood storage;
  - Suggested exempting outbuildings for small livestock and local food production, with a floor area no greater than 15 square metres, as the Mudge Island OCP, Policy 2 on climate change encourages agriculture and the sharing of local food production; and
- Requested Draft Bylaw to be sent for referral after this LTC meeting rather than after next LTC meeting.

### **GB-2018-066**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend Draft Bylaw No. 299 to replace Part 5, Subsection 4.1, Sub E with “pervious ground-level foot paths, driveways, and parking spaces”, in Sub L change “10 square metres” to “15 square metres” and add “Sub N outbuildings to be used for small livestock and/or local food production with a floor area no greater than 15 square metres.”

**CARRIED**

**GB-2018-067****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Checklist and determined that Bylaw No. 299 as amended cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018” is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED****GB-2018-068****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 299 cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018” be read a first time.

**CARRIED****GB-2018-069****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer proposed Bylaw No. 299 to Islands Trust Bylaw Enforcement, Ministry of Forests, Land, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, Agricultural Land Commission, Snuneymuxw First Nation and all Hul’qumi’num Treaty Group members and all other First Nations identified as having interests in the Gabriola Local Trust Area per the Province of British Columbia Consultative Areas Database.

**CARRIED****GB-2018-070****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to schedule a Community Information Meeting on Mudge Island for Bylaw No. 299.

**CARRIED**

Chair Busheikin noted the following regarding the conditions found on page 12 of the Staff Report concerning Advisory Planning Commission meetings:

- The inclusion of the Trustee, Staff and Recorder is standard language; and
- We are working in a regulated and legislated context that requires due diligence.

**8.2 Water Taxi Zoning Review Project – Memorandum**

Planner Jaimie Dubyna provided an overview of responses from the Water Taxi questionnaire. As per the Project Charter, Staff will provide an analysis of questionnaire results and recommendations for next steps at the next LTC regular meeting.

**9. NEW BUSINESS****9.1 Cannabis Production in the Agricultural Land Reserve (ALR) - for Discussion**

Received for information.

**GB-2018-071****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the activity for Cannabis Production and Retail Sales on the Projects List to include “including on Agricultural Land Reserve”.

**CARRIED**

## 9.2 Islands Trust Conservancy - Regional Conservation Plan Briefing

Chair Busheikin provided an overview and noted that Denman LTC put this topic on their discrete Project List.

### **GB-2018-072**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request assistance from the Islands Trust Conservancy and Gabriola Island Staff to create a map of the Gabriola Local Trust Area incorporating conservation modelling and eco system mapping data.

**CARRIED**

## 9.3 Bylaw Enforcement Notification Bylaw Amendments - Staff Report

Bylaw Enforcement Officer Dingman provided the Local Trust Committee with copies of the schedules to draft Bylaw Enforcement Notification Bylaw No. 263, 2011. Officer Dingman presented the Staff report that recommended amendments to the LTC Bylaw Enforcement Notification Bylaw No. 263, 2011 (BEN) so that changes in the Gabriola, Mudge and DeCourcy Island LUBs are included and noted the following:

- Most of the penalties for voluntary compliance can be adjusted to zero;
- That various housekeeping amendments can be made; and
- The North Shore Registry would no longer be used for adjudication; LTC Bylaw Enforcement can now do adjudications themselves, and if people need a hearing to dispute a fine they could meet on Gabriola Island or in Nanaimo.

### **GB-2018-073**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018", be read a first time.

**CARRIED**

### **GB-2018-074**

#### **It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018", be read a second time.

**CARRIED**

### **GB-2018-075**

#### **It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification, 2011, Amendment No. 1, 2018", be read a third time.

**CARRIED**

### **GB-2018-076**

#### **It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification, 2011, Amendment No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

#### 9.4 Trust Programs Committee – Service Integration – Briefing

Trustee O’Sullivan provided an overview of the Briefing which requested input from the LTC / Bowen Island Municipality about any service integration concerns.

##### **GB-2018-077**

##### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee advises Trust Programs Committee that the Local Trust Committee has experienced barriers to engaging service providers and other agencies when addressing the following topics:

- 1) Working with other agencies such as Ministry of Transportation and Infrastructure and the Regional District of Nanaimo with respect to Village Core planning;
- 2) Working with the Regional District of Nanaimo with respect to park planning;
- 3) Affordable housing specifically in relationship to the Regional District of Nanaimo, which has the power to hold land;
- 4) The question of responsibility shared by BC Ferries and the Ministry of Transportation and Infrastructure in regard to Gabriola’s ferry line issues;
- 5) Enforcement of Regional District of Nanaimo bylaws, which impact on, or are impacted by land use planning (i.e. noise);
- 6) Scheduling of meetings as per protocol agreements with other agencies; and
- 7) Receiving written referral responses from other agencies (i.e. Agriculture Land Commission.)

**CARRIED**

## 10. REPORTS

### 10.1 Work Program Reports

#### 10.1.1 Top Priorities Report dated August 8, 2018

Received for information.

#### 10.1.2 Projects List Report dated August 8, 2018

Received for information.

### 10.2 Applications Report dated August 8, 2018

Received for information.

### 10.3 Trustee and Local Expense Report dated June, 2018

Received for information.

### 10.4 Adopted Policies and Standing Resolutions

Received for information.

### 10.5 Local Trust Committee Webpage

See Follow-up Action List to update past Trustee information.

### 10.6 Chair's Report

Chair Busheikin reported the following:

- Attended the Executive Committee (EC) meeting on Salt Spring Island and noted:



- Reviewed a draft of the Trans Mountain Pipeline letter to be sent in September;
- Passed a resolution regarding preparation of a media release for anchorages, a letter to Transport Canada, and planning for another round table event later this year;
- Looking at how the Trust provides local planning services;
- Planning for Union of BC Municipalities annual convention in September;
- Planning for Trust Council on Keats Island;
- Discussed *Islands Trust Act* amendments; and
- Passed a resolution to request a Staff Report with recommendations on the Trust Council Committee structure.

### **10.7 Trustee Reports**

Trustee O’Sullivan reported the following:

- Attended the Capital Regional District (CRD) forum on Service Integration with representatives from various levels of governments, service providers and community members including Jim Ramsay and Dyan Dunsmoor-Farley from Village Vision and Julie Sperber, the Community Economic Development Officer for RDN Electoral Area B.

Trustee Mamoser deferred her report.

### **10.8 Electoral Area Director's Report - none**

### **10.9 Trust Conservancy Report July, 2018 - none**

## **11. TOWN HALL**

No comments from the public.

## **12. UPCOMING MEETINGS**

### **12.1 Next Regular Meeting Scheduled for Thursday, September 27, 2018 at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC**

## **13. COMMUNITY INFORMATION MEETING - None**

## **14. PUBLIC HEARING - None**

## **15. DELEGATIONS - None**

## **16. APPLICATIONS AND REFERRALS - None**

## **17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:40 pm.

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Laura Busheikin, Chair

Certified Correct:

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Nadine Mourao, Recorder