



Gabriola Island Local Trust Committee

Regular Meeting Revised Agenda

Date: April 11, 2019
Time: 10:30 am
Location: Gabriola Commons, Large Meeting Room, Farm House, Upstairs
675 North Road
Gabriola, BC
V0R 1X5

	Pages
1. CALL TO ORDER	10:30 AM - 10:30 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. TOWN HALL	10:30 AM - 10:40 AM
4. REPORTS	10:40 AM - 11:00 AM
4.1 Trustee Reports	
4.2 Chair's Report	
4.3 Electoral Area Director's Report	4 - 4
5. MINUTES	11:00 AM - 11:05 AM
5.1 Local Trust Committee Minutes dated February 28, 2019 – for adoption	5 - 12
5.2 Local Trust Committee Public Hearing Record dated February 28, 2019 - for receipt	13 - 14
5.3 Section 26 Resolutions-Without-Meeting - none	
5.4 Advisory Planning Commission Draft Minutes dated March 20, 2019 - for receipt	15 - 17
6. BUSINESS ARISING FROM MINUTES	11:05 AM - 11:45 AM
6.1 Follow-up Action List dated April 2, 2019	18 - 20
6.2 Standing Resolution on First Nations Relationship Building - Update from Trustee Colbourne	
6.3 Enforcement of Limited Public Market Provisions in the Land Use Bylaw - Standing Resolution - Staff Report	21 - 23

6.4	Secondary Suite Covenants - Standing Resolution for Signatories - Staff Report	24 - 29
6.5	Section 219 Covenant (Secondary Suite) (1430 Hess Road) - Memorandum	30 - 37
7.	APPLICATIONS AND REFERRALS - none	
8.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:15 PM
8.1	Proposed Bylaw No. 301 (Cycle Route Plan) - Memorandum	38 - 38
8.2	Housing Options and Impacts Review Project - Memorandum	39 - 39
9.	DELEGATIONS	
10.	CORRESPONDENCE	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
	----- BREAK 12:15 PM TO 12:35 PM -----	
11.	NEW BUSINESS	12:35 PM - 12:45 PM
11.1	Bylaw No. 302 - Minor Technical Amendment to Gabriola Fees Bylaw - Staff Report	40 - 44
11.2	<i>Email dated April 8, 2019 from Brenda Fowler of People for a Healthy Community on Gabriola requesting Letter of Support</i>	45 - 45
11.3	<i>Gabriola Advisory Planning Commission - Staff Report</i>	46 - 47
12.	REPORTS	12:45 PM - 1:05 PM
12.1	Trust Conservancy Report - none	
12.2	Applications Report dated April 2, 2019	48 - 54
12.3	Trustee and Local Expense Report dated February, 2019	55 - 55
12.4	Adopted Policies and Standing Resolutions	56 - 58
12.5	Local Trust Committee Webpage	
13.	WORK PROGRAM	1:05 PM - 1:20 PM
13.1	Top Priorities Report dated April 2, 2019	59 - 59
13.2	Projects List Report dated April 2, 2019	60 - 62

14. CLOSED MEETING

1:20 PM - 1:35 PM

14.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a), (f), and (m) for the purpose of considering Appointment of Housing Advisory Planning Commission Members, Bylaw Enforcement, and Adoption of In-Camera Minutes dated November 2, 2018 and November 22, 2018 and that the recorder and staff attend the meeting.

14.2 Recall to Order

14.3 Rise and Report

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, May 16, 2019 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

16. ADJOURNMENT

1:35 PM - 1:35 PM

Date: April 11 2019

To: Gabriola Island Trust Committee

From: Vanessa Craig, RDN Director Area B

Subject: Electoral Area Director's Report

- I enjoyed participating in the Local Trust Council dinner and meeting more Islands Trustees. I appreciated the invitation and the ability to connect with the Islands Trust. Thank you!
- Village Way Trail update: Nothing new to report. Discussions between the RDN and MOTI continue on the possibility of constructing infrastructure for non-motorized transport within MOTI rights-of-way.
- The RDN Board has launched several public engagement initiatives, most recently our draft Strategic Plan and an update of the Drinking Water and Watershed Protection (DWWP) Action Plan. Additional projects include the Nanaimo Airport planning bylaw update, and a Regional Growth Strategy review, among others. Links to these and other documents and opportunities to provide input are available at <https://www.rdn.bc.ca/get-involved-rdn>.
- The RDN draft Strategic Plan (RDN Talks: Priorities on the above website) identifies 8 focus areas for the Board: climate change, environmental stewardship, housing, growth management, transportation and transit, economic coordination, people and partnerships, and social well-being. I think many of our focal areas complement areas the Islands Trust is working on.
- The DWWP Action Plan is undergoing a 10-year refresh. After a review of the plan and associated activities, we're setting the priorities for the next 10 years. I am pleased to have been appointed to the Steering Committee. Water conservation is an issue across our region and I know is of key interest to the Islands Trust. There is currently a survey on thoughts around watershed and water protection – with the chance for a participant to win a rain barrel.
- Some other activities that might be of interest:
 - The RDN was recently the lead applicant to the CleanBC Communities Fund along with surrounding municipalities. If received, the grant will allow the RDN to build up to 10, level-2 electric vehicle charging stations.
 - The Regional Parks and Trails Committee and the Electoral Area Services Committee (EASC) will review funding options for regional and community parks initiatives (eg Development Cost Charges);
 - The EASC will review existing bylaws in each electoral area, recommend ways to address gaps, and identify cost-recovery options;
 - The Board will review the cost of webcasting Board/committee meetings.

Upcoming: April 6th 10-2 pm at the North Fire Hall: Gabriola Volunteer Fire Department Open House – RDN staff and I will be there to promote emergency preparedness.

Respectfully submitted,

Vanessa Craig



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: February 28, 2019
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Members Present: Dan Rogers, Chair
 Kees Langereis, Local Trustee
 Scott Colbourne, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
 Ian Cox, Planner 1
 Bronwyn Sawyer, Planner 2
 Lisa Wilcox, Kwakwemtenaat, Senior Intergovernmental Policy Advisor
 Nadine Mourao, Recorder

Others Present: There were approximately seven (7) 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 Rogers called the meeting to order at 10:30 am. He 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 / amendments to the agenda were presented for consideration:

- Add 10.2 Consideration of reading Bylaw 301 for a second and third reading;
- Add 13.1 Section 291 Covenant – (Moeller – 649 Taylor Bay Road) – Memorandum; and
- Move Activity dated 14-Jun-2018 on "limited public markets" on Follow-Up Action List to 13.2 Temporary Markets.

By general consent the agenda was approved as amended.

3. MINUTES

3.1 Local Trust Committee Minutes dated January 24, 2019 – for adoption

The following amendments to the Local Trust Committee meeting minutes of January 24, 2019 were presented for consideration:

- Page 1, 2. Approval of Agenda, remove 2nd bullet "There are no 8. Delegations."; and
- Page 9, in Trustee Langereis report, 5th bullet, remove "Annual General".

By general consent the minutes were adopted as amended.

3.2 Section 26 Resolutions-Without-Meeting - none

3.3 Advisory Planning Commission Minutes - none

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated February 21, 2019

Received for information.

5. COMMUNITY INFORMATION MEETING - Gabriola Cycle Route Plan - Bylaw No. 301

Planner Zupanec summarized the bylaw amendment to the Official Community Plan (OCP) which revised the designated road bicycle route, inserting the section between Church Road and Spruce Road and correct numbering references to the cycle route plan.

A member of the public asked if this bylaw amendment will be incorporated prior to the finalization of the Church and Spruce road connection.

- Staff have advised the Ministry of Transportation and Infrastructure (MoTI) that this amendment is anticipated to be adopted and that new road construction should incorporate cycling standards.

6. PUBLIC HEARING - Bylaw No. 301

6.1 Recess for Public Hearing

By general consent the meeting was recessed at 10:58 am.

6.2 Recall to Order

By general consent the meeting was recalled to order 11:03 am.

7. REPORTS

7.1 Trustee Reports

Trustee Colbourne reported the following:

- Working with Trustee Morrison from Pender Island on a Climate Change Emergency Declaration for Trust Council (TC) meeting on Gabriola and thank you to Lisa Wilcox, Senior Intergovernmental Policy Advisory for advice calling attention to our situation;
- Attended a focus group facilitated by Be the Change Group to obtain comments for the Island's Trust Digital Feedback survey;
- Tuesday office hours successful and the quality of our roads is the number one feedback, speaking with David Marlor, Director Local Planning Services, regarding safer roads for walking and biking;
- Attending the Parks and Open Spaces Advisory Committee (POSAC) meeting in March regarding the Village Vision Trail; and
- Spoke at Gabriola Health & Wellness Collaborative HUB meeting regarding data collection and looked at how we count the number of people in need of emergency housing.

Trustee Langereis reported the following:

- Attended meetings with local groups exploring a land trust for housing and co-operative housing options;
- Attended POSAC meeting;
- Attended United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) presentation by Craig Benjamin;

- Attended the Village Project: The Journey of Our Generation from the Truth and Reconciliation Speaker Series;
- Attended Local Planning Committee (LPC) orientation;
- Attended BC Ferries Terminal Development Planning meeting;
- Attended Sustainable Gabriola meeting and investment co-op funding is available; and
- Digital Checkup Survey is open for feedback.

7.2 Chair's Report

Chair Rogers reported the following:

- Will be attending at Trust Council on Gabriola March 12-14 and welcomed people to attend;
- In addition to Islands Trust Digital Checkup Survey, the Islands Trust Conservancy Stewardship awards are now open for nominations, see the Islands Trust website to nominate individuals. The Trust Programs Committee (TPC) will review the nominees; and
- Attending Association of Vancouver Island and Coastal Communities (AVICC) meeting in Powell River.

7.3 Electoral Area Director's Report

Received for information.

8. TOWN HALL

A member of the public expressed the following:

Requested consideration that the terms of reference for types of housing and advertising for the Housing Advisory Planning Committee (HAPC) not include the term "market" when referencing "home ownership."

- Trustees would like this added to the agenda when reviewing the Gabriola Housing Options and Impacts Review Project.

GB-2019-022

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

that the Gabriola Island Local Trust Committee request Staff to remove the word "market" in "market home ownership" in public advertising for Housing Advisory Planning Commission and use the term "home ownership".

CARRIED

9. APPLICATIONS AND REFERRALS

9.1 GB-DVP-2018.1 (Upward - 1850 Maple Lane) - Staff Report

Planner Cox summarized the report which asked the Local Trust Committee (LTC) to consider a Development Variance Permit (DVP) to reduce the setback from the natural boundary of the sea from 30 metres to 22 metres; to reduce the setback from the interior lot line from 3 metres to 0.45 metres; and to reduce the setback from the exterior side lot line from 4.5 metres to 1.79 metres in order to permit the siting of a new Type 2 sewerage system and noted the following:

- No formal correspondence from neighbours has been received; and

- Spoke with two neighbours over the telephone and no concerns arose regarding the DVP.

Discussion ensued and the following point was noted by Trustees:

- Figure 2: Area Water Wells (iMap BC) on page 2 of the report, indicated two wells on the adjacent property that may be within 30 metres of the proposed sewerage system.

GB-2019-023

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2018.1 (Upward) on condition of Staff receiving confirmation that the proposed septic system is in compliance with the setbacks required in the appropriate Provincial Health and Sewerage System Regulations have been abided by in relation to the adjoining property.

CARRIED

By general consent the meeting was recessed at 12:26 pm and reconvened at 12:51 pm.

9.2 GB-DVP-2018.4 (Bowles - 604 Wildwood Crescent) - Staff Report

Planner Zupanec provided an overview of the report which asked the LTC to consider a DVP to authorize the siting of a proposed sewerage disposal system, which would not comply with the Gabriola Island Land Use Bylaw No. 177, 1999 (LUB) setback regulations.

GB-2019-024

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2018.4 (Bowles).

CARRIED

9.3 GB-DP-2018.3 (Bowles - 604 Wildwood Crescent) - Staff Report

Planner Zupanec summarized the report which asked the LTC consider a Development Permit (DP) application for construction of a proposed single-family dwelling, accessory building and sewerage disposal system located within Development Permit Area No. 3 (DP-3) – Riparian Areas.

Trustees noted the following key points:

- Proposed the post development assessment report be submitted within 60 days of the issuance of the occupancy permit; and
- Requested Staff amend Development Permit GB-DP-2018.3 (Bowles), Section no. 1, change "Lot 27" to read "Lot 37".

GB-2019-025

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the Development Permit GB-DP-2018.3 (Bowles) condition 3.4 and add a sentence "the post development assessment report is to be submitted within 60 days of the issuance of an Occupancy Permit on the proposed development."

CARRIED

GB-2019-026**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the permit GB-DP 2018.3 (Bowles) that Section 1 be amended by replacing "Lot 27" with "Lot 37."

CARRIED**GB-2019-027****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP- 2018.3 (Bowles) as amended.

CARRIED**9.4 GB-DVP-2017.1 (Weston - Acorn Island) – Memorandum**

Planner Cox provided the LTC with information on the status of the concurrent applications GB-DVP-2017.1 and GB-DP-2017.2 for Acorn Island.

GB-2019-028**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff amend Resolution 2017-121 by removing the words "a restrictive covenant" and inserting the words "restrictive covenants."

CARRIED**9.5 GB-DVP-2019.1 (Regional District of Nanaimo - RDN) Huxley Park Skate and Bike Park Facility - Staff Report**

Planner Sawyer provided an overview of the report which asked the LTC to consider the DVP application which requested a relaxation of the required setback to the exterior side lot line and the maximum combined lot coverage for a community park in the Active Recreation Community Park (P3) zone.

Trustees noted the following key points:

- Requested that the LTC receive community input and feedback; and
- Regional District of Nanaimo (RDN) Parks Planner also be invited to provide feedback.

GB-2019-029**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee receive the GB-DVP-2019.1 (Regional District of Nanaimo - RDN) Huxley Park Skate and Bike Park Facility - Staff Report for information.

CARRIED**10. LOCAL TRUST COMMITTEE WORK PROGRAM****10.1 First Nations - Community Reconciliation - Staff Report**

Lisa Wilcox, Kwakwemtenaat, Senior Intergovernmental Policy Advisor summarized the report which asked the LTC to consider rescinding its current standing resolution and adopt a new standing resolution to guide community reconciliation with First Nations of the Local Trust Area and noted the following:

- The new standing resolution intended to establish a framework for the development of successful relationships among Trustees, Staff, local First Nations and set realistic expectations for all parties;

- The new resolution stated the LTC's commitment and principals that are not enshrined in law; and
- Hopefully this will become a template for all Islands Trust Areas;

Discussion ensued and the following was noted by the Trustees:

- Appreciated that the resolution has a Trust wide application and is broad enough to apply to all that the Trust does; and
- Interested in doing a workshop with Lisa Wilcox on First Nations Relationship Building.

GB-2019-030

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee rescind Standing Resolution GB-2018-100.

CARRIED

GB-2019-031

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee adopt the following standing resolution:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities;
- For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and
- Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

CARRIED

Chair Rogers requested the following:

- Staff refer to a) in GB-2019-031 and write a letter to First Nations, introducing Trustees, Staff and provide LTC regular meeting schedule and updates.

10.2 PROPOSED BYLAW NO. 301 (Gabriola Cycle Route Plan) - Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2019

Planner Zupanec provided an overview of bylaw amendment approval.

GB-2019-032**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 301, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2019”, be read a second time.

CARRIED**GB-2019-033****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 301, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2019”, be read a third time.

CARRIED**GB-2019-034****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 301, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2019”, be forwarded to the secretary of the Island Trust for approval.

CARRIED**11. DELEGATIONS - none****12. CORRESPONDENCE - none**

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

Email correspondence received regarding temporary markets.

13. NEW BUSINESS**13.1 Section 219 Covenant – (Moeller – 649 Taylor Bay Road) Memorandum**

Planner Zupanec summarized the memorandum that notified the LTC of the requirement for a restrictive covenant on LOT 4, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP86742 (PID:027-939-774) and requested that the LTC accept and authorize signatories of the covenant.

GB-2019-035**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee accept a covenant under Section 219 of the *Land Title Act* from the registered owners of Lot 4, Section 20, Gabriola Island, Nanaimo District, Plan VIP86942, PID: 027939-774, and authorize the Chair and one other member of the Local Trust Committee to sign the covenant.

CARRIED**13.2 Temporary Markets (Follow-up Action List)**

Discussion ensued regarding correspondence received regarding Temporary Markets in industrial zoned properties and the following key points were noted by Trustees:

- Requested a list of options to allow temporary markets in institutional zoned spaces, as well as, direction from Staff regarding potential options for discouraging the commercialization of the institutional zones; and
- Trustee Langereis to respond to the email correspondence received.

14. WORK PROGRAM**14.1 Top Priorities Report dated February 21, 2019**

Received for information.

14.2 Projects List Report dated February 21, 2019

Received for information.

GB-2019-036**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to amend the Projects List asking that the activity CDF Conservation dated 14-Jan-2016 be removed.

CARRIED

15. REPORTS**15.1 Trust Conservancy Report - none****15.2 Applications Report dated February 21, 2019**

Received for information.

15.3 Trustee and Local Expense Report dated December, 2019

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No changes requested.

16. UPCOMING MEETINGS**16.1 Next Regular Meeting Scheduled for Thursday, April 11, 2019 at The Commons, 675 North Road, Large Meeting Room, Upstairs in Farm House, Gabriola Island, BC****17. ADJOURNMENT**

By general consent the meeting is adjourned at 2:33 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder



**Gabriola Island
Local Trust Committee
Public Hearing Record**

REGARDING PROPOSED BYLAW NO. 301 (GABRIOLA CYCLE ROUTE PLAN) - GABRIOLA OFFICIAL COMMUNITY PLAN (GABRIOLA) BYLAW NO. 166, 1997, AMENDMENT NO. 1, 2019

Date: February 28, 2019
Time: 10:45 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Members Present: Dan Rogers, Chair
Kees Langereis, Local Trustee
Scott Colbourne, Local Trustee
Staff Present: Sonja Zupanec, Island Planner
Ian Cox, Planner 1
Lisa Wilcox, Kwakwemtenaat, Senior Intergovernmental Policy Advisor
Nadine Mourao, Recorder

Others Present: There were approximately seven (7) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

Chair Rogers called the meeting to order at 10:58 am. He 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. PROPOSED BYLAW NO. 301 (Gabriola Cycle Route Plan) - Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2019

Planner Zupanec summarized the bylaw amendment to the Official Community Plan (OCP) which revised the designated road bicycle route plan, by inserting a new section of road between Church Road and Spruce Road and noted the following:

- The statutory requirements for notification have been met; and
- There were no public submissions received.

3. PUBLIC COMMENTS

There were no public comments or submissions.

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:03 am.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS
RESPECTING THE MEETING HELD:

Nadine Mourao, Recorder

Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting: Wednesday March 20, 2019

Location: Rollo Seniors Centre
685 North Road, Gabriola, BC

APC Members Present: Jeff Malmgren, Chair
Penelope Bahr, Secretary
Angela Pounds
Tatha Cornish
Bob Andrew

Regrets: Anne Landry
Stuart Denholm
Bill McCaugherty

Others Present: There were approximately five (5) members of the public

1. CALL TO ORDER

Chair Malmgren called the meeting to order at 7:00 pm.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Move 5. Housing Advisory Planning Commission prior to 4. Housing Options and Impact: Review Project Charter and Development of a Draft Engagement and Communications Strategy.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Gabriola Island Advisory Planning Commission Draft Minutes dated November 1, 2018 – for adoption

By general consent, the Advisory Planning Commission meeting minutes of November 1, 2018 were adopted.

4. HOUSING OPTIONS AND IMPACT: REVIEW PROJECT CHARTER AND DEVELOPMENT OF A DRAFT ENGAGEMENT AND COMMUNICATION STRATEGY

4.1 Presentation by Sonja Zupanec, Island Planner

Planner Zupanec provided a presentation and noted the following points:

- Requested the Advisory Planning Commission (APC) to assist with the preparation of a Draft Engagement and Communications strategy due June 30, 2019;
- Asked the APC to review the revised Housing Options and Impacts Review Project Charter in order to:
 - Identify a comprehensive list of project stakeholders;
 - Identify potential engagement phases during the multi-year project;
 - Identify key information messages, required background information to assist in community engagement;
 - Identify preferred engagement methods and options to implement the strategy;
 - Inform the development of a draft engagement and communication strategy;
- Suggested that the APC think about a possible brand strategy to identify this project from other projects;
- APC to identify which items on the Project Charter need further discussion and clarification; and
- Provided sample engagement and communication strategies for information.

Discussion ensued and the following key points were noted by APC members:

- Requested that the Local Trust Committee (LTC) consider previous APC discussion on measuring and analysing density;
- Identified concern that possibly the strategy may be created by the Housing Advisory Commission (HAPC) as they are the group to implement;
- The community is diverse and needed a community process that people feel welcome;
- Would like a palpable engagement and communication strategy with a clear goal that resonates with common understanding;
- Brainstormed on what success looks like. Chair Malmgren to note APC ideas and provide next steps to strategy;
- Identified community engagement in such a way that people feel heard and see themselves in the plan;
- The next APC meeting to identify key information messages, required background information to assist in community engagement;
- Secretary Bahr to send out Doodle Poll for next APC meeting in first two weeks of April; and
- Chair Malmgren to send out message to all APC members to capture thoughts from members not able to attend regarding brainstorm on “What does success look like?”

GB-APC-2019-001

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Commission request that the Gabriola Island Local Trust Committee reconsider resolution GB-APC-2018-003 to add to the “In Scope” section of the “Housing Options and Impacts Review Project Charter”, review how to measure density and its ecological and community impacts and our approach to regulating it.

CARRIED

5. Housing Advisory Planning Commission

Planner Zupanec provided an overview of the creation of the HAPC and noted the following points:

- The LTC requested the creation of a HAPC to advance the housing project while the APC may continue to focus on referrals related to general planning such as rezoning or applications;
- Invitations have been sent out to specific groups specified by the LTC; and
- The HAPC will be given the draft Engagement and Communications Strategy to implement.

The following key points were noted by APC members:

- Current APC members have a strong interest in housing and identified potential risk of losing APC members next term to the HAPC; and
- Nominated APC member Angela Pounds to the HAPC.

GB-APC-2019-002

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Commission nominate Angela Pounds to sit on the Gabriola Island Housing Advisory Planning Commission.

CARRIED

6. Election of APC Vice-Chair

Deferred to the next meeting.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 8:45 pm.

Jeff Malmgren, Chair

Certified Correct:

Nadine Mourao, Recorder

Follow Up Action Report

Gabriola Island

08-Sep-2016

Activity	Responsibility	Target Date	Status
RDN annual protocol meeting topics: 1. Enforcement of RDN Noise Bylaw; 2. Mudge Island Public Dock; 3. Regulations for temporary dwellings being connected to a sewage disposal system 4. Village North Road street improvements (2a+2b of Village Vision submission to the LTC Jan. 3, 2018); RDN and Islands Trust staff will coordinate on the scheduling of a protocol meeting following the 2018 BC Local Government Election.			Done

03-May-2018

Activity	Responsibility	Target Date	Status
Add consideration of definition of limited public market to the Projects List and request staff to bring back information on creating a standing resolution regarding enforcement before the next Gabriola Island Local Trust Committee meeting.	Miles Drew Penny Hawley Ann Kjerulf	11-Oct-2018	Done

14-Jun-2018

Activity	Responsibility	Target Date	Status
Staff to provide LTC with standard resolution language around enforcement of "limited public market" provisions in the LUB.	Miles Drew Sonja Zupanec		On Going

Follow Up Action Report

16-Aug-2018

Activity	Responsibility	Target Date	Status
Staff to clarify the mechanism for implementing transfer of densities to the Gabriola Island Density Bank.	Sonja Zupanec	27-Sep-2018	On Going
Staff to advise LTC on how to integrate conservation data and mapping resources when considering projects and applications.	Sonja Zupanec	27-Sep-2018	On Going

22-Nov-2018

Activity	Responsibility	Target Date	Status
GB-DVP-2018.6 (Durrance) - LTC resolution to defer consideration until receipt of a BCLS signed plan showing all setbacks to structures within 15 and 30 m of the natural boundary of Goodhue Creek; professional report addressing siting and operation of sewage disposal system as per staff recommendations. To be returned for LTC consideration.	Sonja Zupanec		On Going

24-Jan-2019

Activity	Responsibility	Target Date	Status
Staff to invite Snunemuxw Nation representative to sit on the Gabriola Advisory Planning Commission and newly formed Housing APC.	Sonja Zupanec		Done
Staff to advertise for expressions of interest for HAPC and contact the following agencies and community groups to solicit expressions of interest: Gabriola APC; Gabriola Housing Society; PHC; Chamber of Commerce; Island Health Care Society; Village Vision; Sustainable Gabriola	Penny Hawley		

Follow Up Action Report

LTC endorsed the Ecological Protection Zone Project Charter v1 - with the amendment to the fourth bullet under 'Objectives' to read: "Ensure proposed policy/regulatory changes are consistent with the Object of the....Policy Statement, the protection of the coastal Douglas-fir and Associated Ecosystems Toolkit and with focus on...."

Ian Cox

On Going

Staff to prepare a draft letter under the signature of the LTC chair to advise the First Nations with an interest in the Gabriola LTA of the LTC's Top 3 Priority Projects currently underway.

Sonja Zupanec

On Going

DATE OF MEETING: April 11, 2019
TO: Gabriola Island Local Trust Committee
FROM: Warren Dingman – Bylaw Compliance and Enforcement Officer
Local Planning Services
SUBJECT: Limited Public Market Enforcement Policy

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets:
 - a) Islands Trust Bylaw Enforcement staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations;
 - b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.
2. That the Gabriola Island Local Trust Committee request staff to place “Review of limited public market definition and regulations” on its Projects List.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider adopting an enforcement policy via standing resolution for limited public markets. Non-enforcement of limited public markets operating indoors is deemed reasonable given the community benefits that such markets provide.

BACKGROUND

Islands Trust Bylaw Enforcement staff received a complaint regarding the use of the Gabriola Agricultural Association property for retail commercial use. The Association believed that it was operating a limited public market, consistent with the LUB, but as it operated beyond the number of allowable days and operated indoors, it was deemed to be not in compliance with the LUB.

The LTC has requested staff to prepare an enforcement policy with respect to limited public markets.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The Gabriola Official Community Plan (OCP) enables the issuance of Temporary Use Permits and provides associated guidelines for limited public markets. The guidelines state that permanent buildings should not be used for limited public markets. Limited public markets beyond a certain scale and size should only be used on a temporary, short-term basis.

Land Use Bylaw:

Limited public markets are permitted as an accessory use in in certain commercial zones (VC1, DC1, LC3, TC1) and institutional zones (IN1, IN2, IN3) subject to B.6.2:

B.6.2 Limited Public Markets

B.6.2.1 Other than during limited public market operating hours, tables, booths, chairs, umbrellas and other equipment associated with the limited public market must be enclosed, screened, or fenced from views available at the boundaries of the lot on which the limited public market is being conducted.

B.6.2.2 In addition to the sign regulations in Section B.4, an additional sign, not greater than 0.75 square metres (8.0 square feet) is permitted for each vendor operating at the limited public market.

B.6.2.3 No permanent structures used primarily for a limited public market are permitted.

Outside of operational days and hours, there must be no indication of the existence of a limited public market and associated equipment must be enclosed, screened or fenced from view. Furthermore, the LUB defines “limited public market” as “the open air sale of goods and crafts during a maximum two days a week, between the hours of 8:00 am and 4:30 pm.”

Issues and Opportunities

Investigation of the Gabriola Agricultural Association case revealed that there are numerous markets operated on Gabriola Island throughout the year, which do not comply with the LUB (e.g. Community Hall, the Gabriola Arts and Heritage Centre, the Rollo Seniors’ Centre and Gabriola Elementary School). Bylaw staff believe that the hours of operation limitations are not problematic for the majority of limited public market operators although some do currently operate for more than two days.

Limited public markets are a fundraising mechanism for many organizations on Gabriola Island. They also provide opportunities for community-building and social interaction.

Traditional retail operators may be concerned that limited public markets take business away from their operations, especially when off-island mobile vendors set up shop and operate in zones that do not permit retail uses.

There have been no other complaints to Bylaw Enforcement regarding public markets on Gabriola during the past five years, and there are no other open enforcement files for the Gabriola Agricultural Association property.

Islands Trust staff are not aware of concerns regarding the operation of limited public markets in relation to public or environmental health and safety.

Rationale for Recommendation

Given the lack of public complaints regarding limited public markets, and apparent community benefit to local organisations, it does not appear to be prudent to allocate bylaw staff resources to enforce this use. Enforcement of limited public markets may also have negative impacts on the community as a whole, given their role in fundraising and creating opportunities for social interaction.

Staff are of the opinion that complaints regarding limited public markets should be addressed through education of operators around the current regulations rather than pursuing strict compliance with LUB regulations through bylaw enforcement.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. That the Gabriola Island Local Trust Committee authorize bylaw enforcement to proceed with enforcement of limited public markets on a complaint basis only.
2. That the Gabriola Island Local Trust Committee add “Review of limited public market definition and regulations” to the Top Priorities List.

NEXT STEPS

Bylaw enforcement staff will proceed with enforcement or non-enforcement of limited public markets as requested by the LTC.

Submitted By:	Warren Dingman Bylaw Compliance and Enforcement Officer	April 2, 2019
Concurrence:	Miles Drew Bylaw Compliance and Enforcement Manager	April 2, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 2, 2019

File No.: 0340-30

GB Standing Resolutions

DATE OF MEETING: April 11, 2019
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Standing Resolution for Secondary Suite Covenants

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee adopt the following standing resolution:

“The Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the ‘Model Covenant for Secondary Suites’ attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by both Local Trustees of the Local Trust Committee.”

REPORT SUMMARY

The purpose of this report is to request that the Local Trust Committee (LTC) consider a standing resolution to assign signatories for standard secondary suite covenants on Gabriola Island. The registration of a covenant is a requirement of subsection B.6.6.8 of the [Gabriola Island Land use Bylaw No. 177](#) (LUB), for the construction of new secondary suites on appropriately zoned parcels, outside of the provincial Agricultural Land Reserve boundaries.

BACKGROUND

In 2018, the LTC adopted Bylaw Nos. 292 (OCP) and 293 (LUB) as part of the ‘Housing Options Review Project Phase 1’. Newly adopted regulations require a land owner intending to construct a secondary suite, to register a restrictive covenant under section 219 of the *Land Title Act* on the title of the parcel. The covenant prohibits building strata subdivision of the principle dwelling and secondary suite into separate real estate entities.

The LTC funded the development of a model covenant during the development of Bylaw Nos. 292 and 293, intended for use by property owners when applying for a building permit with the Regional District of Nanaimo (RDN). The RDN requires proof of registration of the covenant on the title of the parcel, prior to issuance of a building permit. An owner must request LTC signatures on the covenant; however, the timing of LTC meetings to assign signatories for a covenant are not necessarily conducive to expediting building permit applications to the RDN.

Rationale for Recommendation

Staff recommend the two locally-elected Trustees be designated as signatories of covenants which have been deemed to be compliant with the model covenant (Attachment 1) by planning staff or the legislative clerk.

ALTERNATIVES

The LTC may consider the following alternative to the staff recommendation:

1. Receive for information

The LTC may receive the report for information. Individual covenants will be forwarded to the LTC during regularly scheduled business meetings for consideration of assigning signatories.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	March 22, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 1, 2019

ATTACHMENTS

1. Model Secondary Suite Covenant

TERMS OF INSTRUMENT – PART 2
SECTION 219 COVENANT

This COVENANT dated for reference [*insert month, day, year*], is

BETWEEN:

[*Insert as applicable name(s) of Landowner(s), company(s), the name of the Act the company is incorporated under, full address*]

(the “Owner”)

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a local trust committee incorporated under the *Islands Trust Act* (British Columbia), having an office at 200 – 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(“Local Trust Committee”)

WHEREAS:

A. The Owner is the owner in fee simple of that parcel of land on Gabriola Island, in the Province of British Columbia, more particularly known and described as:

PID: [*insert PID number*]
[*insert legal description*]

(the “Lands”);

- B. Gabriola Island Land Use Bylaw, 1999, as amended, permits the construction and use of a secondary suite only if the owner has registered a covenant under Section 219 of the *Land Title Act* prohibiting subdivision of secondary suite by stratification;
- C. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specific amenity on the land;

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with Section 219 of the *Land Title Act* as follows:

GRANT OF SECTION 219 COVENANT

1. The Owner covenants with the Local Trust Committee that:
 - (a) the Lands shall not be subdivided by subdivision plan under the *Land Title Act*, by a strata plan or bare land strata plan under the *Strata Property Act*, or in any other manner, that creates a separate parcel for the secondary suite located on the Lands; and
 - (b) if the Lands are not designated as being within the Agricultural Land Reserve, there shall be no more than two dwellings permitted on the Lands, including the principal dwelling.

INDEMNITY

2. The Owner releases, and must indemnify and save harmless the Local Trust Committee, its elected and appointed officials and employees, from and against any and all liability, actions, causes of action, claims, costs, damages, expenses (including actual legal fees), costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

NO EFFECT ON LAWS OR POWER

3. Wherever in this Agreement the Local Trust Committee is required or permitted to form an opinion, exercise discretion, express satisfaction, make any determination, or give its consent, the Owner agrees that the Local Trust Committee may do so in accordance with the provisions of this Agreement and is under no public law duty of fairness or natural Justice, and agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

4. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Local Trust Committee under any enactment (as defined in the Interpretation Act on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Lands;
 - (b) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

RUNS WITH THE LANDS

5. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the *Land Title Act* in respect of the Lands and runs with the Lands and binds the successors of title to the Lands. This Agreement burdens the Lands and every part parcel into which the Lands may be subdivided by any means and any parcel into which the Lands are consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

WAIVER

6. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Local Trust Committee of any default by the Owner shall not be deemed to be a waiver of any subsequent default.

SEVERANCE

7. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

ENTIRE AGREEMENT

8. This Agreement is the entire agreement between the parties regarding its subject.

ENUREMENT

9. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

DEED AND CONTRACT

10. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

FURTHER ASSURANCES

11. The Owner agrees to do everything reasonably necessary at the Owner's expense to ensure that this Agreement is registered against the title to the Lands with priority over all financial charges, liens, and encumbrances registered or the registration of which is pending, at the time of application for registration of this Agreement.

12. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

INVESTIGATION BY LOCAL TRUST COMMITTEE

13. The Owner hereby irrevocably authorizes the Local Trust Committee to make such inquiries as it considers necessary and reasonable in order to confirm that the Owner is complying with this Agreement and irrevocably authorize and direct the recipient of any request for information from the Local Trust Committee to provide such information to the Local Trust Committee.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Form C which is attached hereto and forms part of this Agreement.

[attach priority agreement, if property burdened by mortgage, assignment of rents or other financial charge]

MEMORANDUM

File No.: 3110 (General)

DATE OF MEETING: April 11, 2019
 TO: Gabriola Island Local Trust Committee
 FROM: Jaime Dubyna, Planner 2
 Northern Team
 COPY: Becky McErlean, Legislative Clerk
 SUBJECT: Restrictive Covenant for a Secondary Suite

RECOMMENDATION

1. **"That the Gabriola Island Local Trust Committee accept a covenant under Section 219 of the *Land Title Act* from the registered owners of LOT 16, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 30347, PID: 001-272-101, and authorize the chair and one other member of the Local Trust Committee to sign the covenant."**

PURPOSE

This memorandum notifies the Gabriola Island Local Trust Committee (LTC) of the requirement for a restrictive covenant on LOT 16, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 30347 (PID: 001-272-101), and requests that the LTC accept and authorize signatories of the covenant.

DISCUSSION

A dwelling unit, garage and studio/shop are currently located on the subject property. The owners wish to convert the existing studio/shop to a dwelling unit, and retain the existing dwelling unit as a secondary suite.

Where a secondary suite is permitted in Part D of Gabriola Island Land Use Bylaw No. 177, 1999 (LUB), the suite is subject to Subsection B.6.3 and the Secondary Suite Regulations found in Subsection B.6.6, including:

B.6.6.8 For lands outside of the ALR, a secondary suite shall not be permitted on a lot unless the owner of the lot has registered a restrictive covenant under Section 219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee prohibiting the registration of a strata plan under the Strata Property Act or Land Title Act which would result in the secondary suite being a separate lot.

The property owners have requested that the covenant be executed in order to proceed with construction.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	March 28, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 1, 2019

ATTACHMENTS

1. Attachment 1 – Covenant

C:\Program Files\eSCRIBE\TEMP\11542547836\11542547836,,,GB-LTC_2019-04-11_Secondary Suite Covenant-1430 Hess-RD_MEMO.docx

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Murray H. Grant

Barrister & Solicitor

#2020 - 650 West Georgia Street, PO Box 11547

Vancouver

BC V6B 4N7

Phone: 604-828-6340

File Ref. No: 19-1056 Pearson/Penner

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

001-272-101

LOT 16, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 30347

STC? YES ☐

3. NATURE OF INTEREST

Covenant

CHARGE NO.

ADDITIONAL INFORMATION

Section 219 Covenant Entire Instrument

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, A LOCAL TRUST COMMITTEE
INCORPORATED UNDER THE ISLANDS TRUST ACT (BRITISH COLUMBIA)

#200 - 1627 FORT STREET

VICTORIA

BRITISH COLUMBIA

V8R 1H8

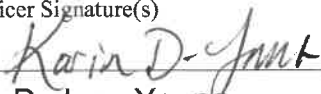
CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)



Karin Darlene Young

Commissioner for Taking Affidavits in British Columbia

Commission Expires: August 31, 2019

#2020 - 650 West Georgia Street

Vancouver, BC V6B 4N7

Tel: 604-828-6340

(as to both signatures)

Execution Date

Y	M	D
19	01	26

Transferor(s) Signature(s)



Derek Lane Pearson



Amanda Denise Penner

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y

M

D

19

This is an instrument required by the
Approving Officer for building permit
creating the condition or covenant
entered into under s.219 of the Land
Title Act.
Gabriola Island Local Trust Committee
by its authorized Signatory(ies)

Name:

Title:

Name:

Title:

Coastal Community Credit Union
by its authorized signatory(ies)

Name:

Title:

Name:

Title:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

Derek Lane Pearson; and
Amanda Denise Penner
(as to Covenant)

AND

Coastal Community Credit Union (Inc. No., FI 114)
(as to Priority)

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

This COVENANT dated for reference the 26th day of January, 2019, is

BETWEEN:

Derek Lane Pearson, Entrepreneur
Amanda Denise Penner, Entrepreneur
1430 Hess Road
Gabriola, British Columbia
V0R 1X6

(the “Owner”)

AND:

Gabriola Island Local Trust Committee, a local trust committee incorporated under the *Islands Trust Act* (British Columbia), having an office at:
200 - 1627 Fort Street,
Victoria, British Columbia,
V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

A. The Owner is the owner in fee simple of that parcel of land on Gabriola Island, in the Province of British Columbia, more particularly known and described as:

PID: 001-272-101
Legal Description: Lot 16, Section 9, Gabriola Island,
Nanaimo District, Plan 30347

(the “Lands”);

B. Gabriola Island Land Use Bylaw 1999, as amended, permits the construction and use of a secondary suite only if the owner has registered a covenant under Section 219 of the *Land Title Act* prohibiting subdivision of secondary suite by stratification;

C. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specific amenity on the land;

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with Section 219 of the *Land Title Act* as follows:

GRANT OF SECTION 219 COVENANT

1. The Owner covenants with the Local Trust Committee that:
 - (a) the Lands shall not be subdivided by subdivision plan under the *Land Title Act*, by a strata plan or bare land strata plan under the *Strata Property Act*, or in any other manner, that creates a separate parcel for the secondary suite located on the Lands; and
 - (b) if the Lands are not designated as being within the Agricultural Land Reserve, there shall be no more than two dwellings permitted on the Lands, including the principal dwelling.

INDEMNITY

2. The Owner releases, and must indemnify and save harmless the Local Trust Committee, its elected and appointed officials and employees, from and against any and all liability, actions, causes of action, claims, costs, damages, expenses (including actual legal fees), costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

NO EFFECT ON LAWS OR POWER

3. Wherever in this Agreement the Local Trust Committee is required or permitted to form an opinion, exercise discretion, express satisfaction, make any determination, or give its consent, the Owner agrees that the Local Trust Committee may do so in accordance with the provisions of this Agreement and is under no public law duty of fairness or natural Justice, and agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.
4. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Local Trust Committee under any enactment (as defined in the Interpretation Act on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Lands;
 - (b) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

RUNS WITH THE LANDS

5. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the *Land Title Act* in respect of the Lands and runs with the Lands and binds the successors of title to the Lands. This Agreement burdens the Lands and every part parcel into which the Lands may be subdivided by any means and any parcel into which the Lands are consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

WAIVER

6. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Local Trust Committee of any default by the Owner shall not be deemed to be a waiver of any subsequent default.

SEVERANCE

7. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

ENTIRE AGREEMENT

8. This Agreement is the entire agreement between the parties regarding its subject.

ENUREMENT

9. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

DEED AND CONTRACT

10. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

FURTHER ASSURANCES

11. The Owner agrees to do everything reasonably necessary at the Owner's expense to ensure that this Agreement is registered against the title to the Lands with priority over all financial charges, liens, and encumbrances registered or the registration of which is pending, at the time of application for registration of this Agreement.

12. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

INVESTIGATION BY LOCAL TRUST COMMITTEE

13. The Owner hereby irrevocably authorizes the Local Trust Committee to make such inquiries as it considers necessary and reasonable in order to confirm that the Owner is complying with this Agreement and irrevocably authorize and direct the recipient of any request for information from the Local Trust Committee to provide such information to the Local Trust Committee.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration Coastal Community Credit Union (**the “Prior Charge Holder”**) is the current holder of Mortgage **CA6964533** registered in the Victoria Land Title Office on July 30, 2018 against title to the Lands (**the “Security”**).

Coastal Community Credit Union, for itself and its successors and assigns, hereby consents to the granting and registration of the within Covenant (**the “Charge”**) and grants priority to the Charge over the Security and the Prior Charge Holder’s right, title and interest in and to the Lands, in the same manner and to the same effect as if the Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Security and prior to the advance of any money under the Security.

IN WITNESS WHEREOF the Prior Charge Holder has executed this Agreement by signing the General Instrument - Part attached hereto and forming part hereof.

MEMORANDUM

File No.: 6500-20

Gabriola OCP Cycle Route Plan

DATE OF MEETING: April 11, 2019
 TO: Gabriola Island Local Trust Committee
 FROM: Sonja Zupanec, Island Planner
 Northern Team
 SUBJECT: Proposed Bylaw No. 301 to amend the Gabriola OCP Cycle Route Plan

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 301, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2019”, be forwarded to the Minister of Municipal Affairs and Housing for approval.

NEXT STEPS

The Executive Committee of the Islands Trust approved Proposed Bylaw No. 301 (OCP) on March 27, 2019. A resolution from the Local Trust Committee (LTC) is required to forward the bylaw to the Minister of Municipal Affairs and Housing. The bylaw will be returned to the LTC for adoption once provincial approval has been granted.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	March 28, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 1, 2019

MEMORANDUM

File No.: 6500-20

Gabriola Housing Options and
Impacts Review Project

DATE OF MEETING: April 11, 2019
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Update on Housing Options and Impacts Review Project

PURPOSE

The purpose of this memorandum is to update the Local Trust Committee (LTC) on the status and next steps of the Housing Options and Impacts Review Project.

UPDATES

The LTC will be considering expressions of interest to appoint up to nine members to a newly created Housing Advisory Planning Commission (HAPC). Appointments will be considered during the closed portion of the LTC meeting on April 11, 2019. The primary role of the HAPC will be to implement the communication and engagement strategy that is currently being developed by planning staff and the Advisory Planning Commission (APC).

The APC met on March 20 and April 8, 2019 to commence work on the development of the draft communication and engagement strategy. Additional meetings between planning staff and APC members will be required prior to the completion of the strategy by June 30, 2019.

NEXT STEPS

Staff will schedule an orientation meeting in May 2019 for newly appointed HAPC members. Staff will continue to work with the APC to finalize the draft communication and engagement strategy. The LTC may wish to refer the draft strategy to the HAPC for comment prior to LTC consideration.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	April 1, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 1, 2019

STAFF REPORT

File No.: 3900-03
(GB Fees Bylaw)

DATE OF MEETING: April 1, 2019
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, MCIP, RPP
Northern Team
SUBJECT: Bylaw No. 302 – Minor Technical Amendment to Gabriola Fees Bylaw

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 302, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2018, Amendment No. 1, 2019”, be read a first time.
2. That Gabriola Island Local Trust Committee Bylaw No. 302, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2018, Amendment No. 1, 2019”, be read a second time.
3. That Gabriola Island Local Trust Committee Bylaw No. 302, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2018, Amendment No. 1, 2019”, be read a third time.
4. That Gabriola Island Local Trust Committee Bylaw No. 302, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2018, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

PURPOSE

The Gabriola Island Local Trust Committee is asked to consider amending Gabriola Island Local Trust Committee Fees Bylaw, 2018 to correct a technical error in section 3.2, which inadvertently references Tables 2, 3 and 4. These tables are correctly referenced in section 3.3. Bylaw 302 would result in the following change:

- 3.2 An application administration fee in the amount of \$100.00 being a portion of the fee referred to in Table 1, ~~Table 2, Table 3 or Table 4~~ is not refundable in any event.

NEXT STEPS

Subject to concurrence by the LTC, Bylaw 302 will be forwarded to the Executive Committee for approval prior to consideration of final adoption by the LTC.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 2, 2019
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ATTACHMENTS

1. Bylaw 300
2. Bylaw 302 (Draft)

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GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 300

A BYLAW TO PRESCRIBE FEES FOR AMENDING BYLAWS, ISSUING PERMITS, EXAMINING APPLICATIONS FOR
SUBDIVISION, AND EXAMINING OTHER REFERRALS AND APPLICATIONS

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Gabriola Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1 Citation

- 1.1 This bylaw may be cited as the "Gabriola Island Local Trust Committee Fees Bylaw, 2018".

2 Interpretation

- 2.1 In this bylaw:

“Applicant” means the person authorized under the Gabriola Island Local Trust Committee Development Procedure Bylaw No. 114, 1992 to make the application;

“Islands Trust” means the Director of Local Planning Services or his/her authorized representative;

“Application Fee” means the monetary amount payable to the “Islands Trust”.

3. Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4 the applicant must deliver to the Islands Trust the corresponding application fee in the amount shown in Column 2.

TABLE 1 – Bylaw Amendments	
Column 1	Column 2
1. Official Community Plan amendment	\$5,250
2. Official Community Plan amendment in combination with a consistent application for amendment to a Land Use Bylaw	\$5,900
3. Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment	\$5,250
4. Land Use Contract amendment	\$5,250
5. Official Community Plan or Land Use Bylaw amendments for affordable housing and the applicant is a registered charity or a non-profit society	\$1,000

TABLE 2 – Permits		
Column 1		Column 2
1.	Development permit in respect of a protection areas: DP-1, DP-2, DP-4, DP-5, AND DP-6	\$525
2.	Development permit in respect of the following protection area: DP-3	\$240
3.	Development permit in respect of form and character area	\$800
4.	Development permit amendment	\$200
5.	Development variance permit in respect of a residential development	\$850
6.	Development variance permit in respect of a commercial, industrial or institutional development	\$1,125
7.	Development permit in combination with a companion application for a development variance permit in respect of a residential development	\$925
8.	Development permit in combination with a companion application for a development variance permit in respect of a commercial, industrial or institutional development	\$1,125
9.	Temporary use permit	\$1,300
10.	Temporary use permit renewal	\$200

TABLE 3 – Subdivision Referrals		
Column 1		Column 2
1.	Application for Subdivision Review – first parcel	\$1,300
2.	Application for Subdivision Review – every additional parcel that would be created by the proposed subdivision	\$130
3.	Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$400

TABLE 4 – Other Applications		
Column 1		Column 2
1.	Board of Variance	\$1,200
2.	Strata Conversion	\$1,300
3.	Liquor & Cannabis Regulation Branch – Liquor License	\$1,000
4.	Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License	\$2,000
5.	Liquor & Cannabis Regulation Branch – Temporary License Change	\$100
6.	Zoning Confirmation Letter	\$100

- 3.2 An application administration fee in the amount of \$100.00 being a portion of the fee referred to in Table 1, Table 2, Table 3 or Table 4 is not refundable in any event.
- 3.3 An application administration fee in the amount of \$50.00 being a portion of the fee referred to in Table 2, Table 3, and Table 4 is not refundable in any event.
- 3.4 Subject to Section 3.2 and Section 3.3, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.
- 3.5 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,300.

4. Extraordinary Costs

- 4.1 In the event the costs of processing, inspection, advertising and administration in respect of an application are estimated by the Islands Trust to exceed 150% (percent) of the applicable fee, the Applicant shall pay to the Islands Trust prior to the processing of the application the estimated actual costs of processing, site inspection, advertising and administration.
- 4.2 To the extent the amount paid under Subsection 4.1 exceeds the actual costs of processing, inspection, advertising and administration related to the application, the Islands Trust shall refund the excess amount to the Applicant.
- 4.3 To the extent the amount paid under Subsection 4.1 is less than the actual costs of processing, inspection, advertising and administration, the Islands Trust shall invoice the Applicant for the excess amount which shall become a debt due and payable to the "Islands Trust".

5. Severability

- 5.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

6. Repeal

- 6.1 "Gabriola Island Local Trust Committee Fees Bylaw No. 245, 2007", is repealed upon adoption of this bylaw.

READ A FIRST TIME THIS 16TH DAY OF AUGUST , 2018

READ A SECOND TIME THIS 16TH DAY OF AUGUST , 2018

READ A THIRD TIME THIS 16TH DAY OF AUGUST , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

5TH DAY OF SEPTEMBER , 2018

ADOPTED THIS 27TH DAY OF SEPTEMBER , 2018

Chairperson

Secretary

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 302

A BYLAW TO AMEND THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE FEES BYLAW, 2018

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Gabriola Island Local Trust Committee, being the trust committee having jurisdiction in respect of the Gabriola Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Local Trust Committee Fees Bylaw, 2018, Amendment No. 1, 2019”.

2. Gabriola Island Local Trust Committee Bylaw No. 300, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2018” is amended as follows:

1. Part 3 Application Fees, in Section 3.2 – delete “, Table 2, Table 3 and Table 4”.

READ A FIRST TIME THIS DAY OF , 20XX

READ A SECOND TIME THIS DAY OF , 201X

READ A THIRD TIME THIS DAY OF , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

From: **Brenda Fowler** <ed@phcgabriola.org>
Date: Mon, Apr 8, 2019, 12:18 PM
Subject: letter of support request - employment training
To: Scott Colbourne <scolbourne@gmail.com>

Scott could you please update the meeting and ask if they would agree in principle to writing PHC a letter of support for the following initiative. I will supply the actual letter before the end of the month.

PHC and Island Health are entering into a new partnership to address the shortage of home care support workers on Gabriola. The solution will be to recruit up to 9 Gabriolans who are willing to participate in 6 months of VIU training. The grant will provide supports for registration, travel, etc.

This will increase the skilled labour pool on the island, create a number of higher paid jobs, and enable IHealth to expand the home support program on the island.

Thanks Brenda

Brenda Fowler
Executive Director
People For a Healthy Community on Gabriola
T: 250-247-7311
www.phcgabriola.org



DATE OF MEETING: April 11, 2019
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Advisory Planning Commission Appointments

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request that staff advertise for expressions of interest for the Gabriola Island Advisory Planning Commission.
2. That the Gabriola Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission Bylaw for Local Trust Committee consideration at a subsequent meeting.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider recruitment for its Advisory Planning Commission (APC). The committee may have up to nine members and currently has nine members with terms expiring June 8, 2019. Formal citizen representation on advisory planning commissions adds value and transparency to planning processes.

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement is that *“open, consultative public participation is vital to effective decision making for the Trust Area.”* Moreover, Commitments of Trust Council include:

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

LTCs have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

Local Government Act and Bylaw 91

The authority to establish advisory planning commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*.

461 (2) *A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral*

area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

Advisory planning commissions are intended to advise LTCs specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 (e.g. zoning bylaw amendments or temporary use permits).

Pursuant to section 461, the Gabriola Island LTC has adopted Bylaw No. 296 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017”, which identifies member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1).

Since the adoption of Bylaw No. 296, the wording of Advisory Planning Commission bylaws for LTCs has been modified slightly primarily to reflect the handling of minutes following APC meetings. For this reason, staff recommend that the bylaw be updated.

Consultation

Openings for APC members could be advertised through the Sounder, Islands Trust website, and trustee networks. The LTC could consider expressions of interest at their next business meeting.

NEXT STEPS

Should the LTC pass the recommended resolutions (page 1), staff will proceed with advertising and bring forward expressions of interest and a draft bylaw to the next LTC business meeting.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 5, 2019
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ATTACHMENTS

1. Bylaw No. 296



Islands Trust

Print Date: April 2, 2019

Applications

Development Permit

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

Planner: Ian Cox

Planning Status

Status Date: 21-Feb-2019

Staff Memo to Feb 28th LTC meeting - status update.

Status Date: 14-Jan-2019

New applicant legal counsel. Time needed for review and consideration of documents. Planner to work with Lawyer on providing needed documents to complete records before making a decision as to covenant, HCA notice on title, etc.

Status Date: 03-Jan-2019

File from planner Zupanec to planner Cox. Review for possibility to take to January LTC.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2019.1	Potlatch Properties Ltd. (Williamson & Associates)	18-Mar-2019	PIDs: 003-010-431 & 006-635-121 Ten percent road frontage relaxation as noted in the subdivision referral. Location: Spruce to Church Mallett Creek Subdivision, Gabriola Island, BC.

Planner: Sonja Zupanec

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-DP-2019.2	Williamson & Associates	19-Mar-2019	PIDs: 000-105-287 and 009-739-602 Development Permit required. Daniel Way & Chelwood Road, Gabriola Island, BC.

Planner: Marnie Eggen

Planning Status

Status Date:

**Applications****Development Variance Permit**

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

Planner: Marnie Eggen

Planning Status

Status Date: 15-Aug-2018

Awaiting further information/ exploring options

Status Date: 18-Aug-2017

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

Status Date: 17-Aug-2017

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

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

Planner: Ian Cox

Planning Status

Status Date: 21-Feb-2019

Staff Memo to Feb 28th LTC meeting - status update.

Status Date: 14-Jan-2019

New applicant legal counsel. Time needed for review and consideration of documents. Planner to work with Lawyer on providing needed documents to complete records before making a decision as to covenant, HCA notice on title, etc.

Status Date: 03-Jan-2019

File from planner Zupanec to planner Cox. Review for possibility to take to January LTC

File Number	Applicant Name	Date Received	Purpose
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Applications

GB-DVP-2018.6 MAUREEN / IAN 21-Sep-2018 PID: 003-431-657 Civic address: 538 Wildwood Cr, Gabriola Island
DURRANCE Septic inside RAR setback X-file GB-BE-2015.8

Planner: Sonja Zupanec

Planning Status

Status Date: 22-Nov-2018

LTC resolution to defer consideration of the application until sewage assessment report and BCLS signed plan are received.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2019.1	Regional District of Nanaimo (Huxley Community Park)	22-Jan-2019	PID: 016-001-826 Setback variance. Civic address: 585 North Road, Gabriola Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 14-Feb-2019

File under review by planner.

Subdivision

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

Planner:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 05-Jul-2018

Received confirmation from MOTI that PLA has been extended to June 28 2019

Status Date: 18-Jan-2018

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



Applications

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

Planning Status**Status Date:** 21-Mar-2019

Planner IC in contact with Applicant to satisfy conditions of PLA including covenant, cash-in-lieu, and subdivision drainage requirements.

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 03-Aug-2018

MOTI extended PLA until 2-Aug-2019

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

Planning Status**Status Date:** 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

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

Planning Status

Applications

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 01-Apr-2015

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

Status Date: 03-Sep-2014

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

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

Planner:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 01-Apr-2015

MOTI response that there has been no recent action on this file but it will remain open, and the applicant is working with the ALC at this time

Status Date: 19-Mar-2015

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

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

Planner:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Applications

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

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

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

Status Date: 08-Jun-2016

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

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

Status Date: 10-Jan-2019

Re-review by Planner Cox - 'No change to referral response' emailed to MOTI district development tech. Awaiting PLR

Status Date: 19-Dec-2018

File to Planner Cox. Contacted MOTI regarding change to PLA and need for re-referral.

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

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

Applications

Status Date: 14-Jan-2019

Planner reviewing revised plan.

Status Date: 10-Jan-2019

Revised proposed plan submitted for review.

Status Date: 10-Jan-2019

Planner JD assigned file.

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

Status Date: 23-Jul-2018

PLA issued

Status Date: 01-Jun-2017

Referral response sent

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2018.1	Williamson & Associates/Potlatch Properties Ltd. Planner: Sonja Zupanec	26-Jun-2018	PIDs: 027-939-791, 027-939-804, 003-010-431, 006-635-121 27 lot subdivision Civic address: Taylor Bay Road/Church Street
Planning Status			

Status Date: 12-Jul-2018

Referral response sent to MOTI, applicant and LTC.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending February 2019

620 Gabriola	Invoices posted to Month ending February 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	1,008.16	491.84
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	4,563.90	186.10
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	520.71	79.29
65220-620	LTC - Local Exp - Communications	1,000.00	369.00	631.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	0.00	1,000.00
TOTAL LTC Local Expense		<u>7,350.00</u>	<u>5,453.61</u>	<u>1,896.39</u>
Projects				
73001-620-2018	Gabriola Mudge Island OCP/LUB	3,500.00	4,006.43	-506.43
73001-620-4096	Gabriola Water Taxi Feasibility	450.00	488.00	-38.00
73001-620-4097	Gabriola Housing Options & Impacts	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>6,450.00</u>	<u>4,494.43</u>	<u>1,955.57</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	January 29, 2010	GB-025-2010	Communication Towers and Antennae	That the Gabriola Island Local Trust Committee adopt the following standing resolution: • Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: ○ the proposed location of the tower on the subject site ○ a description of the predicted power density level of the antenna/tower ○ methods to mitigate any aesthetic or visual impact ○ description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas ○ physical details and example illustrations of the tower including its height, colour, type and design ○ the time and location of a public meeting and advertising ○ the name and contact information of the contact person employed by the proponent ○ the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and ○ the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.
2.	June 14, 2018	GB-2018-040	Processing non-medical	It was MOVED and SECONDED

			cannabis retail license applications	That the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee; • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms; ○ The location of the proposed establishment and the subject site; ○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and ○ How public comments may be submitted to the Local Trust Committee.
3.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	That the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
4.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours

				to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
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Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Housing Options and Impacts Review Project	Develop an Engagement and Communication Strategy; Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options; Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services; Develop a strategy to address all housing continuum gaps; Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.	22-Nov-2018		
2	Cannabis Production and Retail Sales		22-Nov-2018		
3	Develop an Ecological Protection Zone	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.	22-Nov-2018		



Projects

Gabriola Island

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

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Snuneymuxw Protocol Agreement	Implementation of Snuneymuxw First Nation Protocol Agreement	22-Jan-2015
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Commercial Vacation Rental Review	Review bylaws with respect to temporary use permits for commercial vacation rentals	07-May-2015
LUB Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use. -definition of limited public market and INI zone uses pertaining to market sales -correction to WC3 mapped location to coincide with Green Wharf	08-Sep-2016

Projects

Gabriola Island

Description	Activity	R/Initiated
Water Resource Planning	Review of water requirements at the time of subdivision	14-Jun-2018
Water Taxi Feasibility	Follow up items emerging out of water taxi feasibility (completed fall 2018)	22-Nov-2018
Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)	Implementation of the report recommendations into OCP policy and LUB regulations.	24-Jan-2019