

## Regular Meeting Revised Agenda

Date: October 21, 2021  
 Time: 10:30 am  
 Location: GB The Haven, Heron Room  
 240 Davis Road  
 Gabriola, BC V0R 1X3

### Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 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. **REPORTS** 10:35 AM - 11:00 AM
  - 3.1. Trustee Reports
  - 3.2. Chair's Report
  - 3.3. *Electoral Area Director's Report* 4 - 5
  - 3.4. First Nation Reports
4. **TOWN HALL** 11:00 AM - 11:10 AM
5. **MINUTES** 11:10 AM - 11:15 AM
  - 5.1. Local Trust Committee Minutes dated September 9, 2021 – for adoption 6 - 13
  - 5.2. Section 26 Resolutions-Without-Meeting - none
  - 5.3. Advisory Planning Commission Minutes dated September 9, 2021 - for receipt 14 - 16
6. **BUSINESS ARISING FROM MINUTES** 11:15 AM - 11:35 AM
  - 6.1. Follow-up Action List dated October 12, 2021 17 - 19
  - 6.2. Update on the Church-Spruce Road Opening and Clarification of Public Trail Connections - for discussion
7. **APPLICATIONS AND REFERRALS** 11:35 AM - 12:00 PM

|      |                                                                                             |         |
|------|---------------------------------------------------------------------------------------------|---------|
| 7.1. | GB-DVP-2021 (Jerry Ellins for Egan & Klus - 1045 Horseshoe Road) - Staff Report             | 20 - 33 |
| 7.2. | GB-RZ-2020.1 - Gabriola Housing Society - verbal update                                     |         |
| 7.3. | Gambier Island Local Trust Committee Bylaw Nos. 153 and 154 - Referral Request for Response | 34 - 36 |
| 7.4. | Bylaw No. 303 - for consideration of adoption                                               | 37 - 39 |

----- **BREAK 12:00 pm TO 12:30 pm** -----

|            |                                                                                                                          |                           |
|------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>8.</b>  | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                                    | <b>12:30 PM - 1:20 PM</b> |
| 8.1.       | Land Use Bylaw Amendments to Expand Community Uses in the IN1 Zone Project - Staff Report                                | 40 - 48                   |
| 8.2.       | Density Donation Outreach Program - verbal update                                                                        |                           |
| 8.3.       | <i>Update on the Housing Options and Impacts Project and the Financial Planning Committee (FPC) Meeting - discussion</i> |                           |
| <b>9.</b>  | <b>DELEGATIONS</b>                                                                                                       |                           |
| <b>10.</b> | <b>CORRESPONDENCE</b>                                                                                                    |                           |
|            | <i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>                |                           |
| <b>11.</b> | <b>NEW BUSINESS</b>                                                                                                      | <b>1:20 PM - 1:45 PM</b>  |
| 11.1.      | Fees Bylaw Update - Request for Decision                                                                                 | 49 - 65                   |
| 11.2.      | Request from Director Craig to Support a Rainbow-Coloured Crosswalk - for discussion                                     |                           |
| <b>12.</b> | <b>REPORTS</b>                                                                                                           | <b>1:45 PM - 2:00 PM</b>  |
| 12.1.      | Climate Change Action Update                                                                                             |                           |
| 12.2.      | First Nations Relationship Building                                                                                      |                           |
| 12.3.      | Trust Conservancy Report - none                                                                                          |                           |
| 12.4.      | Applications Report dated October 12, 2021                                                                               | 66 - 73                   |
| 12.5.      | Trustee and Local Expense Report dated August, 2021                                                                      | 74 - 74                   |
| 12.6.      | Adopted Policies and Standing Resolutions                                                                                | 75 - 77                   |
| 12.7.      | Local Trust Committee Webpage                                                                                            |                           |

- 13. WORK PROGRAM** 2:00 PM - 2:25 PM
- 13.1. Top Priorities Report dated October 12, 2021 78 - 79
- 13.2. Projects List Report dated October 12, 2021 80 - 84
- 13.3. *Proposed Dates for 2022 Gabriola Island Local Trust Committee (LTC) Meetings - Staff Report* 85 - 86
- 14. CLOSED MEETING** 2:25 PM - 2:35 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) and (d) for the purpose of considering Appointment of Advisory Planning Commission Members and Adoption of In-Camera Meeting Minutes dated June 17, 2021 and that the recorder and staff attend the meeting.*
- 14.2. Recall to Order
- 14.3. Rise and Report
- 15. UPCOMING MEETINGS** 2:35 PM - 2:40 PM
- 15.1. Next Regular Meeting Scheduled for Thursday, November 25, 2021 at 10:30 am at the Gabriola Arts and Heritage Centre
- 16. ADJOURNMENT** 2:40 PM - 2:40 PM

Date: October 21, 2021

To: Gabriola Island Local Trust Committee

From: Vanessa Craig, RDN Director Area B

Subject: Electoral Area Director's Report

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Dear Chair Rogers and Trustees Langereis and Colbourne,

I am unable to attend this month's meeting in person but have the following update to share:

- The Huxley Park project is underway and is anticipated to be complete this winter.
- Work on the Village Way Path is continuing with modification of some of the culverts and improving the stability of the slopes. Planning is occurring in collaboration with the landowner of Madrona Marketplace to improve connections between the path and the commercial property.
- RDN staff and I participated in a call with the consultants retained by the Islands Trust Gabriola LTC to investigate creating a path between the ferry terminal and the Village Way Path. The VIU consultants shared some information about the project and we shared some of the challenges the RDN faced when working on the Village Way Path, largely influenced by MoTI requirements for work within rights-of-way.
- The RDN is holding a series of webinars this fall on: WellSmart, heat pumps, electric vehicles, and home energy efficiency. Information here <https://www.rdn.bc.ca/2021-fall-webinar-series> and here <https://www.rdn.bc.ca/wellsmart>. SepticSmart workshops/rebate will be held in 2022.
- The RDN is accepting applications until November 15<sup>th</sup> to volunteer on several RDN committees including the POSAC, agriculture advisory committee, drinking water and watershed protection technical advisory committee and the solid waste management plan monitoring committee. Information about these committees and an application form here: <https://www.rdn.bc.ca/board-appointments-rdn-advisory-committees>
- The Board received a 2021 Operational Plan report on projects staff have completed in 2021, are currently working on, or are planning to begin in 2021. The full report is here: <https://rdn-pub.escribemeetings.com/filestream.ashx?DocumentId=19654> Some upcoming items of interest:
  - Sustainable procurement policy: the Board is interested in developing a Triple Bottom Line procurement policy that includes social needs and the environment as well as financial impact when considering purchases.
  - Tiny Homes: planned review of the BC Building Code and relevant RDN landuse planning bylaws and report to the Electoral Area Services Committee (EASC) on the current status and legality of living in tiny homes
  - The next step in addressing affordable housing is to develop a Regional Housing Strategy which will begin once the social needs assessment (in partnership with Gabriola LTC) is completed. Part of that work will include creating a task force with stakeholders, considering partnerships and the creation of a regional affordable housing service and reserve fund. The report will also review and recommend building standards and parcel size requirements
  - Addition of an interactive "heat map" on the RDN GIS database showing location of new dwellings since 2016. Active and completed building permits since 2010 are also available.
  - In 2022 staff will begin investigating the potential for a rebate for a water flow metre for wells, which will assist well owners in better understanding their water usage.
- The Board has approved a Development Cost Charge (DCCs) bylaw to go towards community park amenities for four electoral areas, including EA B. The bylaws will now go to the BC Minister of Municipalities for review. A useful backgrounder on DCCs and a description of the program is here: <https://rdn-pub.escribemeetings.com/filestream.ashx?DocumentId=19802>. A summary:
  - From the backgrounder: DCCs are funds that are collected from developers to contribute to the costs of infrastructure and parks that are required to service new growth in the community. The DCC program framework is established by the provincial government. Implementing DCCs ensures that new services required due to growth are funded by those benefiting from that growth instead of solely by the existing taxpayers. DCCs are currently collected in some electoral areas for services such as water and sewer, and are collected in all of the member municipalities for their parks services. DCCs collected in Area B will be used only for eligible parks costs in Area B.
  - DCCs will be payable by a developer upon subdividing a property, upon building permit to build a multi-family dwelling, or upon building permit to build on an existing lot that has not yet been



developed. There will be a 1-year period after the DCC Bylaw is adopted where DCCs will not be applied.

- For Area B DCCs will be \$530 for a single family dwelling, and \$354 for each unit of a multi-family development. This amount will be reviewed regularly and based on eligible projects for community parks in Area B.
- A portion or all of a DCC can be waived for certain classes of eligible development, including not-for-profit rental housing, for-profit rental housing, subdivisions of small lots designed to result in low greenhouse emissions, and developments designed to result in a low environmental impact. This requires a separate bylaw, and I will work with staff to identify the types of projects that might be in a waiver bylaw for our area. I'm interested in any thoughts you have on this.
- The Board supported applying for \$153,387 for FireSmart funding for 2022, \$45,458 of which will go towards Area B. The Gabriola Volunteer Fire Department was able to apply for FireSmart funding for 2021, and was successful in receiving a significant grant; however, the GVFD is not eligible to apply in this upcoming grant window. In order to continue with the FireSmart coordinator based on Gabriola, \$20,000 of the grant will (if received) go to the GVFD for the FireSmart coordinator and the remaining \$28,458 will go towards a fuel management prescription for Descanso Bay Regional Park and 22 ha of Cox Community Park.
- The question of whether to require payment at the new RDN EV Charging stations came before the Board. When we discussed this project three years ago the intent was for charging to be free initially to encourage adoption of EVs; however, the uptake of EVs has changed markedly since then. This project will add to the charging options for EV users and help form an EV network across the mid-island area. Directors supported my Motion to charge for use of the stations - \$1/hr for the first two hours then \$2/hr thereafter (similar to charges in other areas), with a report including an analysis of use and full costs for the chargers to be provided after the first year. Chargers are anticipated to be installed in 2022 – the charger for Area B will be placed at Descanso Bay Regional Park.
- The Climate Action Technical Advisory Committee endorsed a draft report on recommendations for the RDN to begin within the next two years to address climate change. Actions identified were those largely within the Regional District's ability to influence, provided good return on investment, and were considered through a social equity lens. The next step for the report is to go to the Board for endorsement; budget implications will be considered within this planning cycle. The main three categories (with multiple actions flowing from each) are to: ensure ongoing water supply resiliency, review and update RDN policies and bylaws, and increase support for home energy/adaptation retrofits. The report is available here: <https://rdn-pub.escribemeetings.com/filestream.ashx?DocumentId=19914>
- The Board received a report on 2020 indicators within the Regional Growth Strategy (RGS). Although Area B isn't within the RGS the report has a number of indicators of interest for the region including land use development, housing affordability, environmental quality indicators, and land use types (private managed forest land, agricultural land). The report is available here: <https://rdn-pub.escribemeetings.com/filestream.ashx?DocumentId=19639>

#### Upcoming

- RDN meetings are shifting to a largely hybrid model of a mix of in-person and on-line participants. This will give flexibility to Directors, committee volunteers, and staff in how they participate in meetings. The public will be able to attend meetings in the Board Chambers where at least one member of the Board must be present according to legislative requirements. Most meetings will continue to be live-streamed/recorded, except potentially where POSAC meetings are held in-person in the local community as they were prior to COVID.
- The next Board meetings are October 26<sup>th</sup> and November 9<sup>th</sup> · (1 pm start)
- The next Electoral Area Services Committee meeting is on November 18<sup>th</sup> (1 pm start)
- The next Area B POSAC will be held on November 1<sup>st</sup>. Trustees are invited to attend and/or submit a Trustee report that deals with parks-related issues in Area B.

Respectfully submitted,

Vanessa Craig



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** September 9, 2021

**Location:** Electronic Meeting

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

**Staff Present:** Sonja Zupanec, Island Planner  
Wil Cottingham, Administrative Assistant  
Diane Corbett, Recorder

**Also Present:** Vanessa Craig, Regional District of Nanaimo Electoral Area B Director (part)  
Members of the Public – 3

### 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 10:31 am and introduced Trustees, Regional Director, Staff, and Recorder. Chair Rogers, Trustee Colbourne, and Trustee Langereis acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add 12.8 Trust Conservancy Report dated August 24, 2021; and
- Move 3.3 Electoral Area Director's Report to 3.1 and move other reports down.

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

### 3. REPORTS

#### 3.1 Electoral Area Director's Report

Regional District of Nanaimo (RDN) Electoral Area B Director Vanessa Craig reported on the following:

- Hudson Phase 2 Project; tree removal and the replanting of trees to commence in the following week;
- Referral to Local Trust Committee (LTC) regarding Nanaimo Airport: RDN Board gave third reading to the amendment bylaws and adopted them in July. Made a motion at the Board asking the chair to write to the Nanaimo Airport Commission (NAC), requesting that Area B be represented on the NAC Noise Mitigation Roundtable;

- Upcoming meeting with Ministry of Transportation & Infrastructure (MoTI) staff September 20;
- Beaver activity and water levels at Coats Marsh; longer term plan is to reinforce the weir;
- Board discussion of draft report of the Climate Action Technical Advisory Committee;
- Electoral Area Services Committee meeting discussion of Emergency Management Plan; will let the public know the aspects of this sector and how groups can work together;
- First meeting with new CAO this week;
- Will continue meeting on Zoom; no timeline for when to meet in person.

The Regional Director responded to trustees' questions regarding her report, and left the meeting at 10:53 am.

### 3.2 Trustee Reports

Trustee Colbourne reported the following and his attendance at the following meetings and events:

- Conducted interview with the Ferry to Village Project (LTC project), that is working on how to get people safely from the ferry terminal to the village and other points;
- Climate march;
- Tour of the island by bike; observed notable intensity of construction;
- Trees for Tomorrow Program.

Trustee Langereis reported the following and his attendance at the following meetings and events:

- Held small group discussions on the island on the Trust Policy Statement over the summer; common threads included:
  - challenges experienced in meeting revised Trust Policy Statement because of the structural changes; length of Trust Policy statement presents challenges;
  - including a definition section in the bylaw;
  - First Nations reconciliation not a major issue;
  - Docks;
- Trust Programs Committee met once; will be coming out with a "Living in the Trust Area" mail-out, to alert people to facts of living here and what the rules are;
- Regional Planning Committee minutes include information on the differences between projects, major, minor and extraordinary, and give insight on resourcing of the regional planning team;
- A shoreline report and a floor area ratio report will be coming to the LTC;
- Locally clam digging (Brickyard Beach) and seaweed harvesting (Taylor Bay) have been issues.

### 3.3 Chair's Report

Chair Rogers reported the following:

- There have been three Executive Committee meetings since last LTC meeting;

- Meeting with Minister of Reconciliation: made pitch to set up ongoing relationship at the Executive Director level, and indicated interest in involvement in activities of that Ministry's secretariat service for reconciliation activities;
- Trust Council was advised it had received a grant of \$380,000 to help in improving the technology and the efficiency of processing development applications, particularly around affordable housing;
- The Emergency Public Health Order allowing local governments to continue with electronic meetings expires at the end of September; the Executive are working towards the possibility of having an in-person component at LTC meetings, and on the technology to do that. A challenge is some islands don't have good connectivity. It would be a hybrid meeting. May start in person meetings in early October;
- The upcoming Trust Council meeting agenda includes two large reports from the Regional Planning Committee and a proposed Engagement Strategy. Over the last six to eight weeks, the Executive Committee, CAO, and senior staff have been working to bring forward a proposed engagement strategy around the Trust Policy Statement to Trust Council for their decision around funding. There will be presentations from the coast guard and the spill response actions they are planning in the Salish Sea area, and one from San Juan County that is an analysis of what happens to vessels in the area.

### 3.4 First Nation Reports

At Union of BC Municipalities (UBCM) there will be a session with former Senator Murray Sinclair on reconciliation and local government actions.

Chair Rogers announced that Trust Area Services (TAS) arranged for a presentation / gathering around the movie "Dust and Bones" on Denman Island in October; he urged Trustees to consider whether the time was right to do that on Gabriola.

Islands Trust got a grant around healthy watersheds that involved a bringing together of a "knowledge keepers circle". The Ministry has now offered Islands Trust a further grant of \$55,000 to hold a retreat that would include elders, young indigenous people, trustees, and youth in a retreat session to explore the meaning of water from an indigenous point of view and how that should be incorporated into Islands Trust's work.

## 4. TOWN HALL

There were no commenters for the Town Hall session.

## 5. MINUTES

### 5.1 Local Trust Committee Minutes dated July 29, 2021 – for adoption

The following amendments to the minutes were presented for consideration:

- Page 7, item 7.3, third bullet: replace "the upland DPA" with "any upland development".

**By general consent** the minutes of July 29, 2021 were adopted as amended.

### 5.2 Section 26 Resolutions-Without-Meeting Report dated September 1, 2021

Received.

### **5.3 Housing Advisory Planning Commission Minutes dated July 28, 2021**

Received.

## **6. BUSINESS ARISING FROM MINUTES**

### **6.1 Follow-up Action List dated September 1, 2021**

Received.

### **6.2 Model Cell Tower Protocol - Verbal Update**

Trustee Langereis commented on the position of the federal government regarding the “model strategy”: that local governments can set up their own model strategy but cannot mandate something that is exempted under section 6 of the federal model strategy. Looking at that section, the model strategy of the federal government says that a non-tower structure may be excluded from consultation provided the height does not increase more than 25%. (Does not apply to new tower siting.) There is a discretion point in the federal model strategy. LTC needs to make a determination regarding whether placing an antenna on the roof of a building is exempted if less than 25% height increase.

Discussion ensued and there were a range of Trustee interpretations on this topic.

Trustee Langereis remarked that he would submit for the next meeting a summary of what he had found in his reading of the federal government model strategy. It was recommended that the Trustee obtain a staff analysis of his summary prior to submitting for the LTC agenda.

## **7. APPLICATIONS AND REFERRALS**

### **7.1 Islands Trust Area Bylaw No. TC 183 - Referral Request for Response**

The LTC considered the Referral Request for Response for Bylaw No. TC 183, and what local engagement might look like on Gabriola.

Points included:

- Not prepared to provide comment at this point in time. See what is coming forward from Trust Council. It is an odd situation.
- Will this engagement strategy include independent actions by LTCs to supplement whatever is happening?
- For outreach it is important that independence comes from the professionals, who are taking notes and feeding that directly into the process. Have concerns how the political machinations are warping this process, putting a political aspect on this at the wrong place and time. Not prepared to check a box.
- There is a deadline for a response; seems like an impossible timeline. It is an awkward situation. This has been derailed.
- Not prepared to respond until seeing the engagement policy/plan.
- This is not a formal referral. It is on an informal basis.

**GB-2021-077****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee respond to the Bylaw No. TC 183 referral by indicating that it is not prepared to respond without the more fulsome completion of the engagement process.

**CARRIED****8. LOCAL TRUST COMMITTEE PROJECTS****8.1 Cannabis Regulations - Bylaw No. 303 - Staff Report - 3rd Reading and Refer to Executive Committee**

Chair Rogers briefly summarized the background on the process of Bylaw No. 303. The Island Planner advised Trustees there was no new information, just recommendations in the analysis in the staff report on the Cannabis Regulations, Bylaw No. 303.

**GB-2021-078****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”, be amended as follows:

- a. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses is amended by adding a comma after the word “production”;
- b. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, clause a. Permitted Principal Uses, the Capital “C” is replaced with a lower case “c”;
- c. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, clause a. Buildings and Structures Siting Requirements, Item iii last bullet, “except for fences” is deleted and replaced with “except fencing”; and
- d. Part G – DEFINITIONS, G.1 DEFINITIONS, “horticulture”, is amended by deleting the word “exclude” and replacing with “excluding.”

**CARRIED****GB-2021-079****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”, be read a second time, as amended.

**CARRIED****Trustee Colbourne Opposed****GB-2021-080****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”, be read a third time.

**CARRIED****Trustee Colbourne Opposed**

**GB-2021-081****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED****Trustee Colbourne Opposed****9. DELEGATIONS – none****10. CORRESPONDENCE**

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

**10.1 Briefing Note dated July 2021 from The Gabriola Green Burial Exploratory Committee regarding a Proposed Natural Burial Cemetery**

Trustees discussed the Briefing Note dated July 2021 from The Gabriola Green Burial Exploratory Committee regarding a Proposed Natural Burial Cemetery. Points from discussion included:

- It is a good idea, a good option for people and is something to consider;
- The issue here is land where this can happen;
- Thanks to those who put this forward;
- It is a piece not well covered in the existing OCP. It is a key piece of supporting indigenous resurgence on this land. Learned a lot from reading this.

Chair Rogers recessed the meeting at 11:50 am and recalled the meeting to order at 11:59 am.

**11. NEW BUSINESS****11.1 Gabriola Island Advisory Planning Commission Appointments - Staff Report**

The Gabriola Island Local Trust Committee was requested to consider reappointments for the Gabriola Island Advisory Planning Commission, as its terms would expire October 24, 2021.

**GB-2021-082****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to:

- a. Send letters to members of the Advisory Planning Commission whose terms will expire on October 24, 2021, thanking them for their participation and inviting their expressions of interest for reappointment for another two-year term; and
- b. Advertise for public expressions of interest for new members.

**CARRIED****12. REPORTS****12.1 Climate Change Action Update**

Trustee Colbourne announced he would be meeting with David Miller, former mayor of Toronto, who is leading up an international concern, “Cities Race to Zero”, a climate

conference about reducing emissions in communities. The Trustee remarked he was trying to make clear that remote and island communities have unique challenges around emissions and budgets, and what kind of role local government or land use planning agencies might have in this.

The Trustee announced he would be meeting with agencies across Canada and the US, talking about forest fire department funding, forest management, forest fire suppression, and how it relates to funding. It would be an opportunity to bring things learned on the islands about rural and remote communities. It is part of the Climate Caucus the Trustee is on, organized by the Columbia Institute.

#### **12.2 First Nations Relationship Building**

A Trustee recommended that people watch the film “Dust and Bones”. It is a 45 minute educational piece on YouTube.

#### **12.3 Trust Conservancy Report dated July 13, 2021**

Received.

#### **12.4 Applications Report dated September 1, 2021**

Received.

The Island Planner noted the BC Ferry application had been withdrawn.

#### **12.5 Trustee and Local Expense Report dated June, 2021**

Received.

#### **12.6 Adopted Policies and Standing Resolutions**

Received.

#### **12.7 Local Trust Committee Webpage**

No updates were requested.

#### **12.8 Trust Conservancy Report dated August 24, 2021**

Received.

### **13. WORK PROGRAM**

#### **13.1 Top Priorities Report dated September 1, 2021**

Received.

#### **13.2 Projects List Report dated September 1, 2021**

Received.

Discussion ensued on the status of projects on the Projects List and on updating the List.

### **14. CLOSED MEETING – None**

### **15. INFORMATION ITEMS**



**15.1 Islands Trust Conservancy Newsletter - The Heron - Summer 2021**

Received.

**16. UPCOMING MEETINGS**

**16.1 Next Regular Meeting Scheduled for Thursday, October 21, 2020 at 10:30 am in the Heron Room at the Haven - 240 Davis Road, Gabriola Island, BC.**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:34 pm.

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Dan Rogers, Chair

Certified Correct:

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Diane Corbett, Recorder



## **Minutes of the Gabriola Island Advisory Planning Commission**

**Date of Meeting:** Thursday, September 9, 2021

**Location:** Electronic Meeting

**APC Members Present:** Jeff Malmgren, Chair  
Jennefer Laidley, Deputy Chair  
Lisa Webster-Gibson, Secretary  
Susan Yates  
Peter Maidstone  
Angela Pounds  
Deb Ferens

**Regrets:** Robert Plowright  
Don Elkington

**Staff Present:** Teresa Mahikwa, Island Planner  
Penny Hawley, Recorder

**Others Present:** There were two (2) members of the public in attendance.

### **1. CALL TO ORDER**

Chair Malmgren called the meeting to order at 3:03 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Commission Members and Recorder.

### **2. APPROVAL OF AGENDA**

**GB-APC-2021-001**

**It was MOVED and SECONDED**

that the Gabriola Island Advisory Planning Commission approved the agenda.

**CARRIED**

### **3. MINUTES**

**3.1 Gabriola Island Advisory Planning Commission Draft Minutes dated October 6, 2020 and October 27, 2020.**

**GB-APC-2021-002**

**It was MOVED and SECONDED**

that the Gabriola Island Advisory Planning Commission adopted the draft Minutes dated October 6, 2020 and October 27, 2020, as presented.

**CARRIED**

### **4. BUSINESS ITEMS – None**

**5. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE**  
**Land Use Bylaw amendment regarding Expanded Community Uses (IN1 Zone) – Proposed**  
**Bylaw No. 310 and provide recommendations for consideration of next steps.**

Planner Mahikwa gave a synopsis the referral. Draft Bylaw No. 310 contains minor amendments to the Gabriola Island Land Use Bylaw (LUB) to allow for a limited expansion of community uses in the Institutional One (IN1) zone, and to discuss options and next steps for the project. The project was initiated in response to two delegation shared at the May 13 LTC meeting from the Gabriola Island Recycling Organization (GIRO) and People for a Healthy Community (PHC) regarding the constraints that the IN1 zone put on their future desired operations. Today's discussion is applicable to GIRO only.

The LTC passed a resolution to refer Bylaw No. 310 to the APC and the RDN for comment. Through staff discussion with Lisa Wilcox, Senior Intergovernmental Policy Advisor at the Islands Trust, it was determined that referring Bylaw No. 310 to First Nations would not be required, as there is no direct or immediate impact to land or water, no construction, and there are no known archaeological sites in the immediate vicinity.

As the LTC has waived the requirement for a public hearing for Bylaw No. 310 (as the Bylaw is consistent with the Official Community Plan (OCP), referral to the APC would touch on the general thoughts of community members and hopefully address any potential amendments that may need to be considered prior to third reading.

Discussion ensued and the following points were made:

- Are we commenting on the waiving of public process?
  - The LTC has asked to hear thoughts on potential amendments from the APC and would give further consideration if they decide they do want to go to public hearing.
- Wonder if this might set a precedent for future applications.
- All APC members were in agreement with the proposal, though an APC member provided additional comments for discussion and further consideration by the LTC:
  - Respectfully, these comments are not offered in relation to the current management of GIRO - but, in order to have supportable clarity within the bylaw and the creation of longevity of that bylaw.
  - Recommend clarification of the phrase of 'processing of used items' to ensure that no unintended consequences such as the creation of hazardous waste or extreme stockpiling of materials.
  - Reuse and repair of some items does create waste streams, some of which may be hazardous or problematic to ultimately dispose of.
  - While the present vision is for expansion to textiles - some items such as tires, electronics or small engines (particularly, gasoline) could be problematic - essentially, items that are not normally considered hazardous, but when broken down, or repaired may create larger issues.
  - 'Processing' may also create or add to noise or air quality issues - which have likely been addressed in activities to date but, may be created by new activities.
- Concern expressed regarding subcontracting out to someone for profit.
  - The definition in Schedule "1" should cover the limitation concern.
  - Repair and processing of used items has to already be directly related to their primary use, permitted principal uses, and allows for use of retail, which is a permitted use.

- Increase of business there and what a non-profit can do. Does this limit them in terms of other ways? Who is ultimately responsible for what is going in and out.
  - The original request stated that they are getting funding from RDN to process textiles. Planner Mahikwa added: if in the future, they do not want to be limited to textiles, they would then need to go through the bylaw amendment process again, which is why the proposed language is not limited to just used textiles.
  - Bylaws are already in place about hazardous waste regardless of land use. Electronics can be recycled now. Processing used items into something that can be sold as a new item is what is now proposed.
  - GIRO is good at waste management. Believe that they err on the side of caution as to how they handle this material already. They have demonstrated their capacity of dealing with hazardous materials.
- Is there any rationale for further clarity?
  - There is clear consensus on support of the amendments with no further public process.
- A member looked at what areas are zoned IN1 – including community hall and GIRO. If a community resource centre is in one of these zones, is it a permitted use?
  - Planner Mahikwa clarified: not currently. But the proposed BL 310 removes any geographical limitations so that a community resource centre would now be permitted on any IN1-zoned lot.
- A group may want to build more buildings or add on to existing buildings. Does that change anything and would that be permitted?
  - They would need a building permit and would have to comply with height limitations, siting, lot coverage, etc. None of that would be changing with proposed BL 310.

**6. FUTURE MEETING DATES**

***Discuss next steps and future meeting dates – Term ending October 24, 2021***

May likely be the last meeting of this group.

**6. ADJOURNMENT**

**GB-APC-2021-003**

**It was MOVED and SECONDED**

that the Gabriola Island Advisory Planning Commission moved to adjourn the meeting at 3:36 pm.

**CARRIED**

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Jeff Malmgren, Chair

Certified Correct:

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Penny Hawley, Recorder



## Follow Up Action Report

### Gabriola Island

#### 28-Nov-2019

| Activity                                                                                                                                                                                                | Responsibility            | Dates | Status      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------|-------------|
| 1 LTC approved issuance of GB-DVP-2017.1 conditional upon registration of a restrictive covenant and registration of a S. 32 HCA notice on title.<br>(Awaiting registration of covenant and HCA notice) | Becky McErlean<br>Ian Cox |       | In Progress |
| 2 LTC approved issuance of GB-DP-2017.2 following issuance of GB-DVP-2017.1 (Awaiting registration of covenant and HCA notice)                                                                          | Becky McErlean<br>Ian Cox |       | In Progress |

#### 10-Sep-2020

| Activity                                                                                                                                                                                                    | Responsibility | Dates | Status      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------|-------------|
| 1 GB LTC resolution to purchase a subscription to the Welcome Wagon up to \$100.<br><i>Waiting on updated brochures from TAS. Welcome Wagon rep moved to SSI but still available for Gabriola business.</i> | Wil Cottingham |       | In Progress |

#### 26-Nov-2020

| Activity | Responsibility | Dates | Status |
|----------|----------------|-------|--------|
|----------|----------------|-------|--------|



## Follow Up Action Report

### Gabriola Island

#### 26-Nov-2020

| Activity                                                                                                                                                                                                                                                                                                                                                                                                                                          | Responsibility                 | Dates | Status      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------|-------------|
| <p>1 GB-RZ-2020.1 (GHS) Proposed Bylaw No. 308 (Housing Agreement) LTC request applicant submit approved water licence prior to final reading of BL 306 and 307. <i>Submitted.</i></p> <p>March 4 2021: Staff to prepare amendments to the Housing Agreement Bylaw as per the LTC resolution; defer items i) and n) to future LTC meeting and not proceed with further readings until consultation with Snuneymuxw First Nation is completed.</p> | Becky McErlean<br>Jaime Dubyna |       | In Progress |

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#### 29-Jul-2021

| Activity                                                                                                                                                                                                       | Responsibility                   | Dates | Status      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------|-------------|
| <p>1 Staff to schedule a protocol meeting with the Regional District of Nanaimo in fall 2021.</p> <p><i>Waiting for RDN CAO to speak with IT CAO before scheduling protocol meeting (per RDN request).</i></p> | Wil Cottingham                   |       | In Progress |
| <p>2 First Reading of BL 310 (IN1 zone); waive PH; refer bylaw to APC and RDN.</p>                                                                                                                             | Becky McErlean<br>Teresa Mahikwa |       | Completed   |
| <p>3 Staff prepare a draft business case for management/LTC review for submission to IT FPC as per the staff recommendation for the Biocultural and Housing Diversity Program.</p>                             | Sonja Zupanec                    |       | In Progress |

## Follow Up Action Report

### Gabriola Island

09-Sep-2021

| Activity                                                                                                                                             | Responsibility                  | Dates | Status    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------|-----------|
| 1 GB BL 303 (Cannabis) amended as per staff report; given 2nd and 3rd reading and forward to EC for approval.                                        | Becky McErlean<br>Heather Kauer |       | Completed |
| 2 Send letters to current APC thanking them for service and inviting for expressions of interest to be re-appointed. Advertise for vacant positions. | Penny Hawley                    |       | Completed |

File No.: **GB-DVP-2021.3 (Egan & Klus)**  
(x ref GB-BP-2019.3 & GB-DP-2020.1)

DATE OF MEETING: October 21, 2021

TO: Gabriola Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner  
Northern Team

COPY: Warren Dingman, Bylaw Compliance and Enforcement Manager

SUBJECT: Development Variance Permit for single family dwelling (modular home)  
Applicant: Jerry Ellins, Ellins Architect Inc. (on behalf of owners Egan & Klus)  
Location: 1045 Horseshoe Road, Gabriola Island

## RECOMMENDATION

1. **That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2021.3 (Egan & Klus).**

## REPORT SUMMARY

The purpose of this staff report is to introduce Development Variance Permit application GB-DVP-2021.3 for consideration by the Gabriola Island Local Trust Committee (LTC). The application proposes a reduction in the minimum lot line setback from Horseshoe Road from 10.0 metres, to a minimum of 9.74 metres to correct an error that occurred when pouring the concrete foundation (see applicant's rationale, Attachment 5). The subject property is at 1045 Horseshoe Road, Gabriola Island and is 2.39 ha (5.91 ac) in size and is zoned Agriculture (AG) and is also within the Agricultural Land Reserve (ALR).

Staff are recommending approval of this variance request, as the encroachment into the required setback is minor, and as it faces the front lot line (off of Horseshoe Road), such a variance request appears to have little to no impact on neighbouring properties or any anticipated negative effect on sensitive ecosystems.

## BACKGROUND

Planning staff received a Building Permit (GB-BP-2019.3) referral from the Regional District of Nanaimo (RDN) for the construction of a proposed single family dwelling (modular home), and upon review, noted that the property was within DP-3 (Riparian Areas) and would require a Development Permit (DP) to proceed. The property owners applied for and obtained a DP under GB-DP-2020.1 in August 2020. This variance request does not affect that DP, as the encroachment from the front lot line is outside the DP area.

The subject property (Figures 1 and 2 below) currently has an existing concrete foundation for the proposed single family dwelling (modular home), the northwest corner of which projects slightly (0.27m – approx. 10.5 inches) into the required setback from the front lot line – an error that occurred whilst pouring the concrete foundation (see Attachment 5).





## **ANALYSIS**

### **Policy/Regulatory**

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

#### ***Land Use Bylaw:***

Development on Gabriola Island is subject to the provisions of the Gabriola Island Land Use Bylaw No 177, 1999.

### **Minimum Setback from Horseshoe Road**

As noted in the Draft DVP (Attachment 4), this application proposes to vary Gabriola Island LUB regulation D.2.1.3.a.ii for lots 1.0 hectare (2.47 acres) or larger, “the minimum setback for a single family dwelling, a manufactured home for immediate family or farm worker housing, a secondary suite and buildings and structures accessory to them is 10.0 metres (32.8 feet) from any lot line.” This variance would permit the single family dwelling (modular home), to be located as close as 9.73 metres from the lot line along Horseshoe Road, in the proposed location as shown in the Site Plans (Attachment 2) and in the Draft Permit (Attachment 4). Given the rural, treed nature of the location, and the already great setback distance from the road, staff anticipate this proposed variance to be low in profile and with little to no impact on neighbouring properties.

### **Consultation**

#### ***Statutory Requirements - Notification***

Notification of this DVP application (Attachment 3) was distributed to neighbouring property owners and tenants within 100 metres in accordance with statutory requirements. No correspondence had been received prior to distribution of the notification; any submissions received following the preparation of this staff report will be presented to the LTC for their consideration during their regular business meeting on October 21, 2021.

#### ***Agencies***

The corner of the building which encroaches into Islands Trust’s required front lot line setback is 9.73m from the lot line, therefore a setback or encroachment permit from the Ministry of Transportation and Infrastructure is not required<sup>1</sup>.

#### ***First Nations***

As noted in Attachment 1, RAAD mapping does not indicate an archaeological site on or near the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant must be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

---

<sup>1</sup> See MOTI Setback/Encroachment Permit info here: <https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/works/setbacks-encroachments>

## Rationale for Recommendation

Given that a setback/encroachment permit for this variance request would not be required by MOTI; that the request is outside the Development Permit Area for Riparian Areas and would not have a negative effect on sensitive ecosystems; and that the encroachment into the required setback is minor and as it faces the front lot line (off of Horseshoe Road), such a variance request appears to have little to no impact on neighbouring properties, and therefore Staff are recommending approval of this variance request.

## ALTERNATIVES

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

### 1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the Gabriola Island Local Trust Committee request further information prior to making a decision on application GB-DVP-2021.3 [specify information required].*

### 2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC must state the reasons for denial. Recommended wording for the resolution is as follows:

*That the Gabriola Island Local Trust Committee deny application GB-DVP-2021.3 for the following reasons: [specify reasons].*

## NEXT STEPS

Subject to concurrence with the staff recommendation, staff will issue the Development Variance Permit as drafted in Attachment 4.

|               |                                                                  |                 |
|---------------|------------------------------------------------------------------|-----------------|
| Submitted By: | Teresa Mahikwa, RPP, MCIP<br>Island Planner                      | October 6, 2021 |
| Concurrence:  | Heather Kauer, MPA, RPP, MCIP, AICP<br>Regional Planning Manager | October 6, 2021 |

## ATTACHMENTS

1. Site Context
2. Site Plans
3. DVP Notice
4. Draft Development Variance Permit
5. Variance Rationale (letter submitted by applicant with their application)

**LOCATION**

|                   |                                                                                                                                                                    |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Description | THE SOUTH WEST 1/4 OF SECTION 18, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490 |
| PID               | <b>000-988-081</b>                                                                                                                                                 |
| Civic Address     | 1045 Horseshoe Road, Gabriola Island                                                                                                                               |
| Lot Size          | 2.39 ha (5.91 acres)                                                                                                                                               |

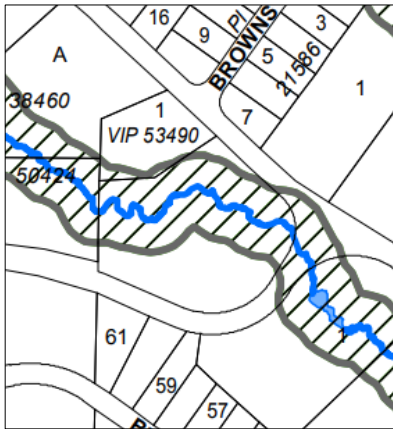
**LAND USE**

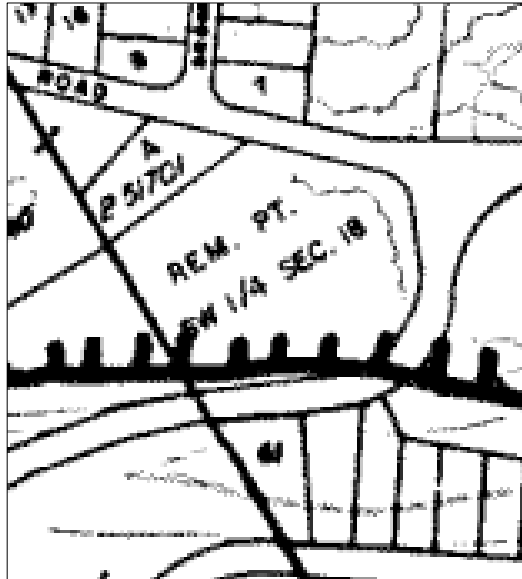
|                      |                                                                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Current Land Use     | Under development for residential use. Existing shed. Poured concrete foundation already existing for single family dwelling (modular home). |
| Surrounding Land Use | Residential; Agricultural                                                                                                                    |

**HISTORICAL ACTIVITY**

| File No.     | Purpose                                                                                                                                                                                                                                                                           |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-BP-2019.3 | RDN Building Permit referral for proposed single family dwelling.                                                                                                                                                                                                                 |
| GB-DP-2020.1 | Development Permit was issued August 20, 2020 for the construction of one single family dwelling (modular home), one pump house, a driveway, and associated land clearing on the subject property (as it is located within Development Permit Area No. 3 (DP-3) – Riparian Areas) |

**POLICY/REGULATORY**

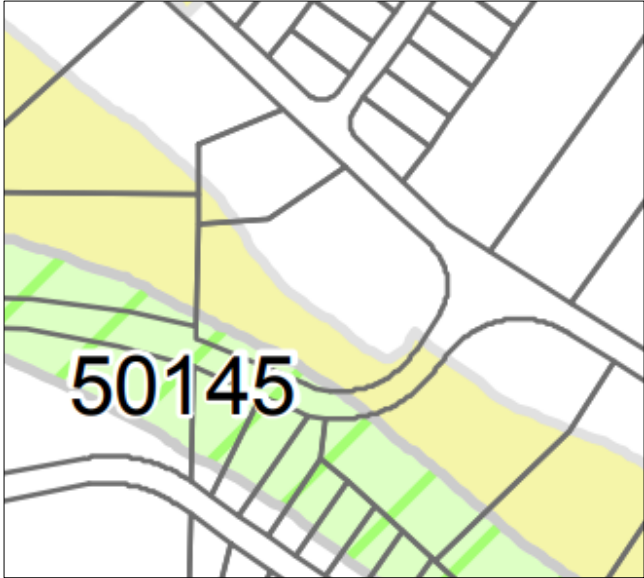
|                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gabriola Island<br>Official Community Plan (OCP)<br>No. 166, 1997 | <p>Land Use Designation: <b>AG – Agriculture</b></p> <p>Development Permit Area: <b>DP-3 – Riparian Areas &amp; DP-6 Escarpment Areas</b></p>  <p><b>Figure 1. Area of DP-3 on subject property (<a href="#">Schedule D</a> of OCP). Note: a DP has previously been issued for this development (GB-DP-2020.1).</b></p> |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**Figure 2. Area of DP-6 on subject property ([Schedule C](#) of OCP). *Note: the area that is subject of this variance request is outside DP-6.***

|                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Gabriola Island<br/>Land Use Bylaw (LUB)<br/>No. 177, 1999</p> | <p>Zone: <b>Agriculture (AG)</b></p> <p>Applicable regulations to this DVP request:</p> <p><b>D.2.1.2.a Permitted Buildings and Structures</b></p> <p>i. Maximum of:</p> <ul style="list-style-type: none"> <li>• one single family dwelling per lot;</li> <li>• one secondary suite per lot;</li> <li>• for lots in the Agricultural Land Reserve, one secondary suite AND one manufactured home for immediate family or farm worker housing;</li> <li>• three buildings per lot excluding a secondary suite, pump/utility house and woodshed and that are accessory to all dwellings;</li> <li>• one produce stand per lot accessory to an agriculture principal use and not exceeding 20 square metres (215.3 square feet) floor area</li> </ul> <p><b>D.2.1.3.a Buildings and Structures Siting Requirements</b></p> <p>ii. On lots 1.0 hectare (2.47 acres) or larger, except for a sign, fence, or pump/utility house:</p> <ul style="list-style-type: none"> <li>• <b>the minimum setback for a single family dwelling, a manufactured home for immediate family or farm worker housing, a secondary suite and buildings and structures accessory to them is 10.0 metres (32.8 feet) from any lot line</b></li> </ul> |
| <p>Other Regulations</p>                                          | <p>The subject property is also within the Agricultural Land Reserve (ALR).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Covenants</p>                                                  | <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Bylaw Enforcement</p>                                          | <p>No current or historical IT Bylaw Enforcement files were identified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

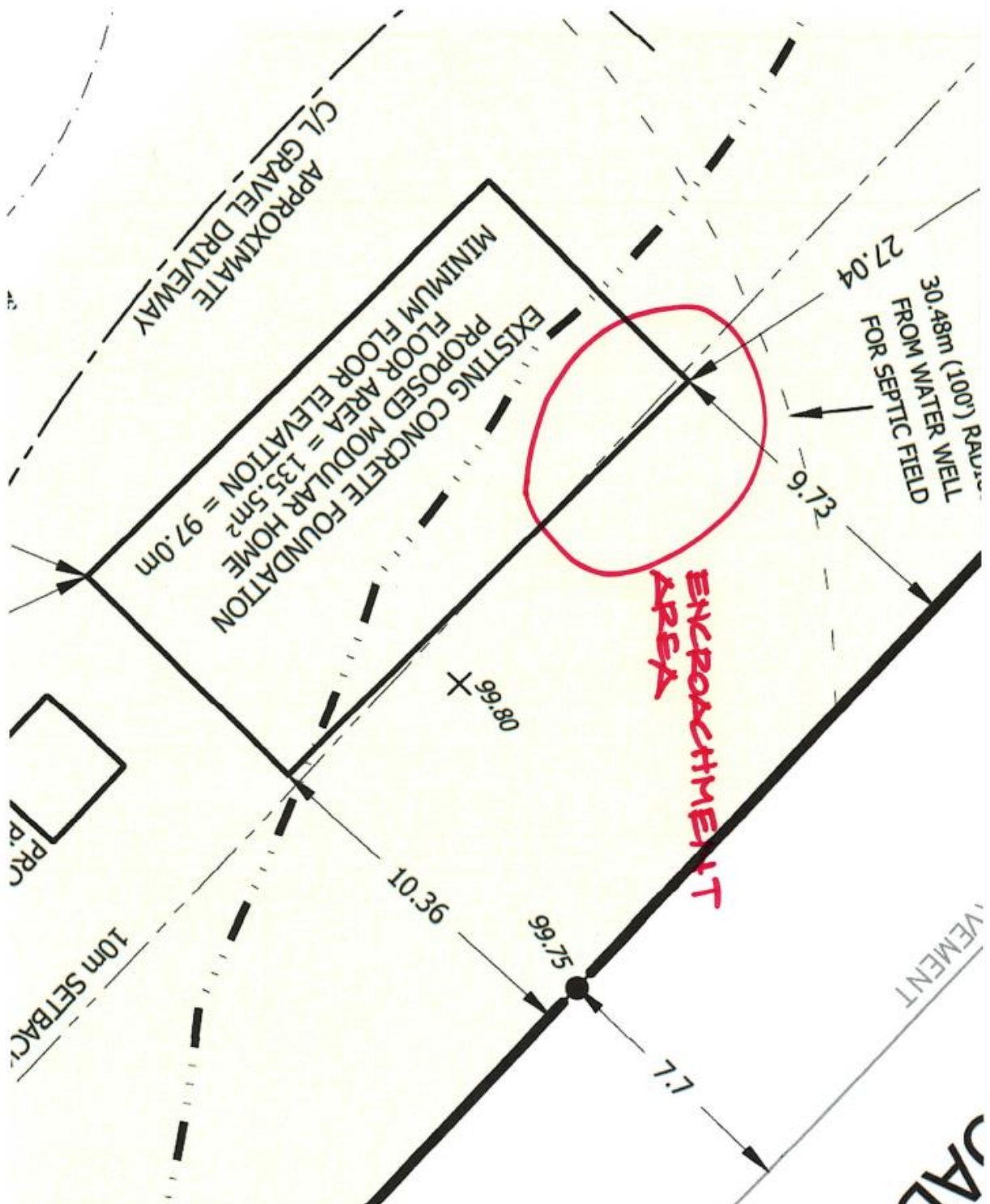
## SITE INFLUENCES

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy (ITC)            | n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.                                                                                                                                                                                                                                                                                                                                                  |
| ITC Regional Conservation Plan (2018-2027) | The <a href="#">Regional Conservation Plan 2018-2027</a> estimated importance of habitat composition in the area of the subject property is LOW/MEDIUM; however, Gabriola Island as a whole has been identified as a HIGH priority. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.                                                                                                                                                                                                                                                                                                                                                                     |
| Species at Risk                            | None mapped.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Sensitive Ecosystems                       | <p>Sensitive Ecosystem Mapping identifies:</p> <ul style="list-style-type: none"> <li>• Wetland and Mature Forest (Primary class);</li> <li>• Seasonally flooded (Secondary class).</li> </ul>  <p><b>Figure 3. Area of mapped Sensitive Ecosystems on subject property</b><br/>Riparian Area – Castell Brook</p>                                                                                                                                                                                                                                                                                                                                               |
| Hazard Areas                               | Low Risk steep slope mapping identified in southwest corner of lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Archaeological Sites                       | <p>Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or near to the subject property.</p> <p>Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p> |

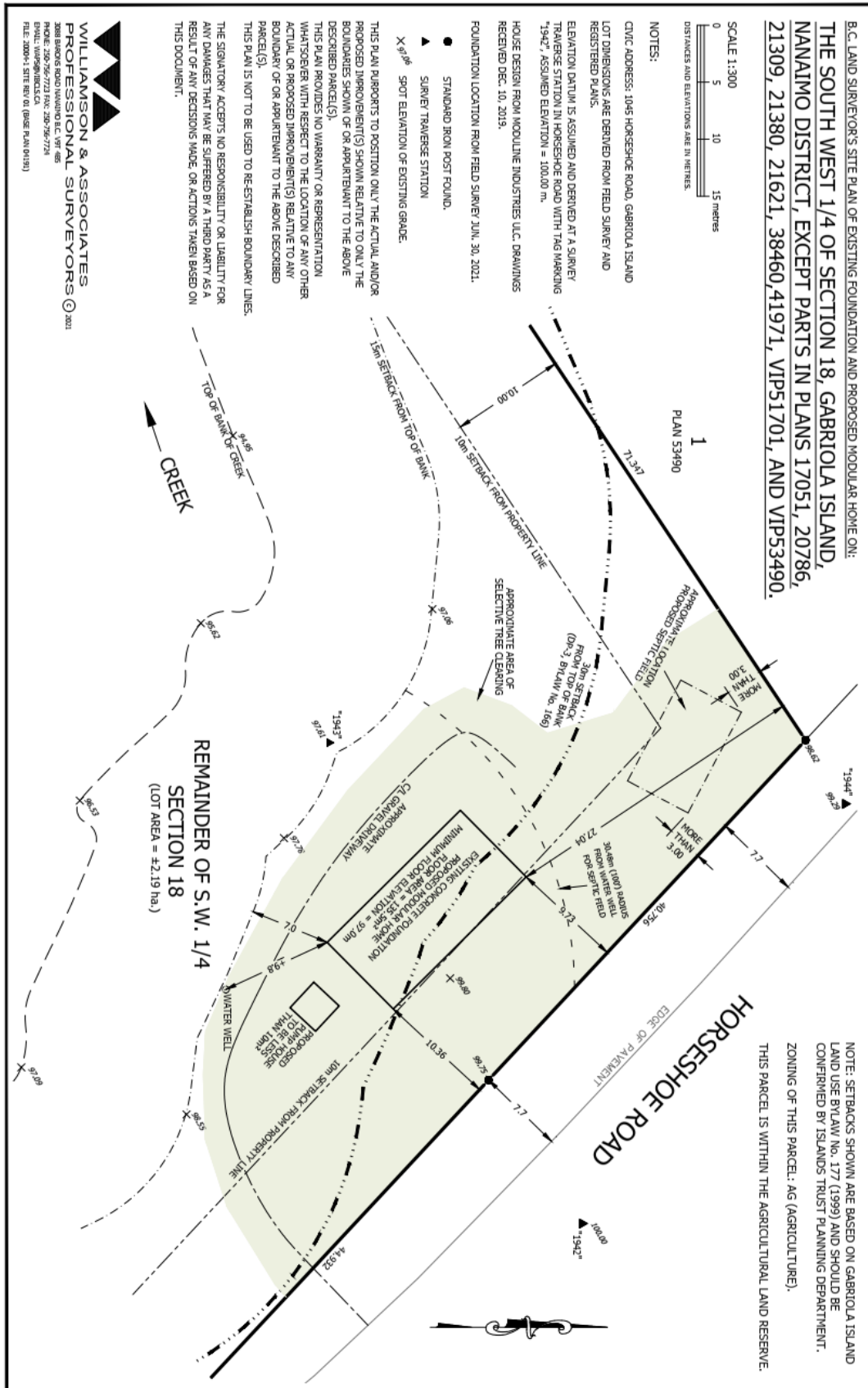


## ATTACHMENT 2 – SITE PLANS

### 2.1 SITE PLAN – EXCERPT



## 2.2 SITE PLAN – FULL







## NOTICE

### GB-DVP-2021.3 (EGAN and KLUS, Gabriola Island)

### GABRIOLA ISLAND LOCAL TRUST COMMITTEE

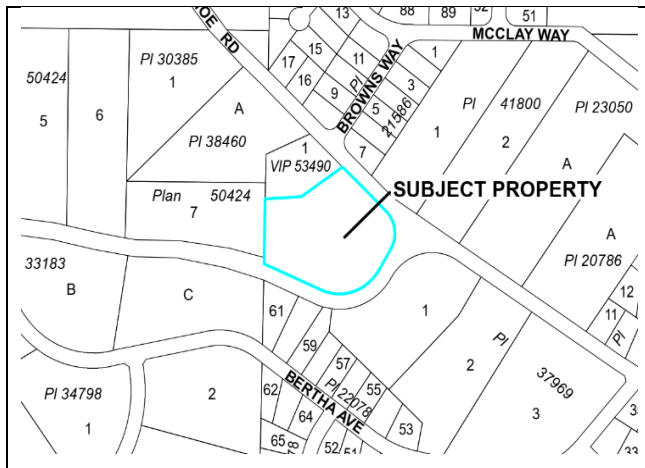
**NOTICE** is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Gabriola Island Land Use Bylaw No. 177, 1999, as follows:

1. PART D ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG) Zone, Article D.2.1.3 Regulations, Item D.2.1.3.a. Buildings and Structures Siting Requirements, Clause D.2.1.3.a.ii "On lots 1.0 hectare (2.47 acres) or larger, except for a sign, fence, or pump/utility house:
  - the minimum *setback* for a *single family dwelling*, a manufactured home for immediate family or farm worker housing, a *secondary suite* and *buildings and structures accessory* to them is 10.0 metres (32.8 feet) from any *lot line*" is varied:

To reduce the setback for a single family dwelling (modular home) from 10.0 metres to 9.73 metres.

The subject property is legally described as: PID: 000-988-081, THE SOUTH WEST 1/4 OF SECTION 18 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490

The general location of the subject property is shown in the following sketch:



If you have any questions or comments regarding the proposed Permit, please contact Teresa Mahikwa, Island Planner, at 250-247-2200; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

**Mail:** Islands Trust, 700 North Road,  
Gabriola, BC V0R 1X3;

**Email:** [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca)

**Fax:** 250-247-7514

A copy of the proposed Permit is available at the Islands Trust office, 700 North Road, Gabriola Island, BC and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gambier/current-applications/> commencing **October 7, 2021** and continuing up to and including **October 20, 2021**.

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its **Regular Business Meeting** to be held at **10:30 am, Thursday, October 21, 2021 at The Haven, Heron Room, 240 Davis Road, Gabriola Island, BC.**

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Becky McErlean, Deputy Secretary

# DRAFT



## GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2021.3

**TO:** Rob Egan & Natashya Klus

1. This Development Variance Permit applies to the land described below:

PID: 000-988-081

THE SOUTH WEST 1/4 OF SECTION 18 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490

2. Pursuant to Section 498 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw No. 177, 1999* is varied as follows:

1. PART D ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG) Zone, Article D.2.1.3 Regulations, Item D.2.1.3.a. Buildings and Structures Siting Requirements, Clause D.2.1.3.a.ii "On lots 1.0 hectare (2.47 acres) or larger, except for a sign, fence, or pump/utility house:
  - the minimum setback for a single family dwelling, a manufactured home for immediate family or farm worker housing, a secondary suite and buildings and structures accessory to them is 10.0 metres (32.8 feet) from any lot line" is varied:

To reduce the setback for a single family dwelling (modular home) from 10.0 metres to 9.73 metres.

3. The proposed development shall be consistent with the site plans in **Schedules "A" and "B"** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gabriola Island Land Use Bylaw No. 177, 1999 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**

**THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

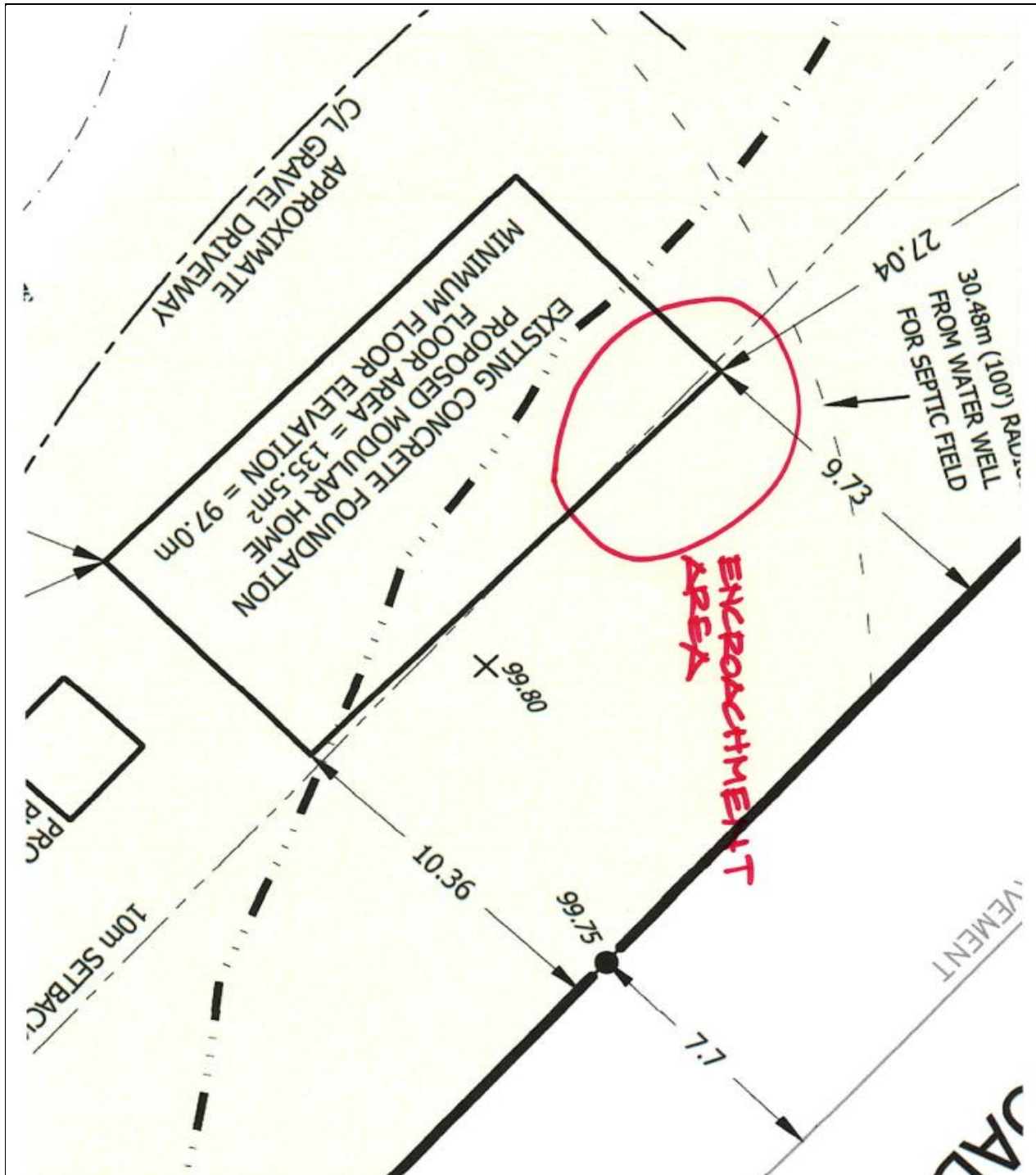
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
THIS PERMIT AUTOMATICALLY LAPSES.**

# DRAFT

Schedule "A" – Site Plan (Excerpt)



## Schedule "B" – Site Plan (Full)







ellins architect inc.

architecture • planning • interior design

July 30, 2021

#### VARIANCE RATIONALE

The subject property is a 2.19 ha. Lot, with AG zoning, located at 1045 Horseshoe Road. (BP # 19-00677) The development is a single family modular home.

The setbacks, as shown on the attached survey, are 10m from front (roadside) and 10m from the side yard.

The property was surveyed and marked with nails and ribbons to locate the building parallel to the front property line, with a setback of 10.3m. The contractor attended the site and confirmed the locations via a telephone conversation with the surveyor and proceeded with pouring the foundation walls.

Unfortunately when the surveyor returned to verify the location it turned out that the pour was slightly out of alignment. Rather than parallel to the front property line, it is slightly askew such that one corner is 9.73m away and one corner is 10.36m away as shown on the attached site survey plan and enlargement. The building is 16.45 metres long. Only about half of its length encroaches by a small triangle of .3 of metre or just under 1 foot at the northwest corner, tapering to 0 less than midway.

We believe that this minor encroachment will have no apparent affect on the streetscape / neighbourhood.

Thank you.

Jerry Ellins



# BYLAW REFERRAL FORM

700 North Road  
Gabriola Island BC V0R 1X3  
Ph: (250) 247-2063  
Fax: (250) 247-7514  
northinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

**Island:** Gambier Island Local Trust Area – Keats Island **Bylaw Nos.:** 153 (OCP) & 154 (LUB) **Date:** July 27, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within approximately 60 days by **October 18, 2021**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Gambier Island Local Trust Committee

**PURPOSE OF BYLAWS:**

The purpose of the bylaws is to establish a new Development Permit Area (Shoreline) and to amend siting and size regulations in relation to the natural boundary of the sea and marine structures.

**Proposed Bylaw No. 153** will, if adopted, amend the Keats Island Official Community Plan Bylaw No. 77, 2002 to establish Development Permit Area 3: Shoreline (DPA 3) for the purpose of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. The DPA 3 would be applicable to nearshore upland and marine areas, and includes objectives to:

- regulate new development to preserve, protect and restore foreshore and marine areas;
- balance development opportunities with the conservation and restoration of the shoreline and marine environment;
- minimize disruption of natural features and processes and retain natural vegetation;
- maintain safe public use and access to important recreation areas, while not compromising shoreline ecological integrity;
- adapt to anticipated effects of climate change;
- protect coastal properties and development from hazardous conditions.

**Proposed Bylaw No. 154** will, if adopted, amend the Keats Island Land Use Bylaw No. 78, 2002 to:

- increase the setback from the natural boundary of the sea from 7.5 metres to 15 metres;
- limit the floor area, number and types of structures permitted within the setback from the natural boundary of the sea;
- increase setbacks between private floats and docks from side lot lines and from adjacent private floats and docks;
- reduce the permitted float area and dock ramp width.

Proposed Bylaw No. 154 would also include the DPA 3 guidelines, exemptions and applicability.

**GENERAL LOCATION:**

Keats Island

**OTHER INFORMATION:**

Please direct any communications regarding this referral to Jaime Dubyna, Island Planner, at (250) 247-2212 or by email to [jdubyna@islandstrust.bc.ca](mailto:jdubyna@islandstrust.bc.ca).

Please fill out the Response Summary on the back of this form for each bylaw. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

*Jaime Dubyna*

Jaime Dubyna

Name: \_\_\_\_\_  
Title: Island Planner

This referral has been sent to the following agencies:

**First Nations**

Skwxwú7mesh Úxwumixw (Squamish Nation)  
Tsleil-Waututh Nation  
Musqueam First Nation  
Sechelt First Nation  
Halalt First Nation  
Penelakut Tribe  
Ts'uubaa-asatx (Lake Cowichan First Nation)  
Cowichan Tribes  
Stz'uminus First Nation  
Lyackson First Nation  
Snaw'Naw'As Nation and Te'Mexw Treaty Association

**Regional Agencies**

Sunshine Coast Regional District

**Provincial Agencies**

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

**Adjacent Local Trust Committees and Municipalities**

Lasqueti Local Trust Committee  
Gabriola Local Trust Committee  
Galiano Local Trust Committee

**Non-Agency Referrals**

Islands Trust Conservancy, Keats Conservation Group, Eastbourne Community Association, Keats Landing Leaseholders, Keats Camp, Barnabas Ministries and Keats Island Shoreline Protection Working Group

PLEASE TURN OVER

# BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Gambier Island Local Trust Area – Keats Island

(Island)

**Bylaw No. 153 (OCP)**

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Gambier Island Local Trust Area – Keats Island

(Island)

**Bylaw No. 154 (LUB)**

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



# PROPOSED

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 303

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### A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

|                                                               |                  |        |            |        |
|---------------------------------------------------------------|------------------|--------|------------|--------|
| READ A FIRST TIME THIS                                        | 11 <sup>TH</sup> | DAY OF | JULY       | , 2019 |
| READ A SECOND TIME THIS                                       | 14 <sup>TH</sup> | DAY OF | MAY        | , 2020 |
| PUBLIC HEARING HELD THIS                                      | 17 <sup>TH</sup> | DAY OF | JUNE       | , 2021 |
| READ A SECOND TIME, AS AMENDED THIS                           | 9 <sup>TH</sup>  | DAY OF | SEPTEMBER, | 2021   |
| READ A THIRD TIME THIS                                        | 9 <sup>TH</sup>  | DAY OF | SEPTEMBER, | 2021   |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS |                  |        |            |        |
|                                                               | 6 <sup>TH</sup>  | DAY OF | OCTOBER    | , 2021 |
| ADOPTED THIS                                                  | _____            | DAY OF | _____      | , 20xx |

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Chair

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Secretary

**Gabriola Island Local Trust Committee**  
**Bylaw No. 303**  
**Schedule 1**

Schedule “A” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1. Part G – DEFINITIONS, G.1 Definitions is amended by adding the following text to the definition of “agriculture” after the word “farm”:

“, but excludes cannabis production;”

2. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by deleting the definition of “horticulture” in its entirety and adding the following definition:

|                      |                                                                                                                  |
|----------------------|------------------------------------------------------------------------------------------------------------------|
| <i>“horticulture</i> | the cultivation of fruits, vegetables, or ornamental plants for economic gain, but exclude cannabis production;” |
|----------------------|------------------------------------------------------------------------------------------------------------------|

3. Part G – DEFINITIONS, G.1 Definitions is amended by adding the following definitions:

|                   |                                  |
|-------------------|----------------------------------|
| <i>“cannabis”</i> | any plant of the genus Cannabis; |
|-------------------|----------------------------------|

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>“cannabis production</i> | to develop, as permitted by the <i>Cannabis Act</i> (Canada) and regulations under that Act a cannabis product by any method or process, including by: <ol style="list-style-type: none"><li>a. manufacturing it,</li><li>b. synthesizing it, or</li><li>c. altering its chemical or physical properties by any means;</li><li>d. growing it or any living thing from which it may be extracted or otherwise obtained</li></ol> |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                          |                                                                                                                                                                         |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>“cannabis product</i> | the plant material from cannabis and any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use; |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

4. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses is amended by adding:

j. cannabis production except as permitted on land within the Agricultural Land Reserve and Agricultural Zone.

5. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.2.3 Height, Article B.2.3.2, Clause e. is deleted in its entirety and replaced with:

e. 15.0 metres (49 feet) for buildings used exclusively for cannabis production.

6. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause a. Permitted Principal Uses, Item v is deleted and replaced with:

“v Cannabis production;”

7. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item iii last bullet is deleted in its entirety and replaced with:

“ • the minimum setback for buildings and structures except for fences, used for cannabis production is 30 metres (98.4 feet) from any lot line and 150 metres (492.13 feet) from any school property line or P3 zone.”

8. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause b. Lot Coverage Limitations, Item ii text is amended by adding:

“ • The maximum combined lot coverage of buildings and structures used for the purpose of cannabis production is 200 square metres (2,152 square feet).”

File No.: 6500-20 LTC Work Program  
Expanded Community Uses (IN1 Zone)

DATE OF MEETING: October 21, 2021  
TO: Gabriola Island Local Trust Committee  
FROM: Teresa Mahikwa, Island Planner  
Northern Team  
SUBJECT: LUB Amendments to Expand Community Uses in IN1 Zone – Project

## RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee Bylaw No. 310 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021” be read a second time.
2. That the Gabriola Island Local Trust Committee Bylaw No. 310 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021” be read a third time.
3. That the Gabriola Island Local Trust Committee Bylaw No. 310 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Islands Trust Executive Committee.

## REPORT SUMMARY

The purpose of this report is to advance the Gabriola Island Local Trust Committee’s (LTC) Top Priority Project by considering further readings of Bylaw No. 310 (Attachment 1) which contains minor amendments to the Gabriola Island Land Use Bylaw (LUB) to allow for a limited expansion of community uses in the Institutional One (IN1) zone, and to discuss options and next steps for the project. This LTC project was initiated in response to two delegations heard at the May 13 LTC meeting from the Gabriola Island Recycling Organization (GIRO) and People for a Healthy Community (PHC) regarding the constraints that the IN1 zone put on their future desired operations.

## BACKGROUND

The Gabriola Island Local Trust Committee (LTC) passed the following four resolutions at their regular business meeting on July 29, 2021:

### **GB-2021-072**

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

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 310 cited as 'Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021' is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GB-2021-073****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 310 cited as 'Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021' be read a first time.

**CARRIED**

**GB-2021-074****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 310 cited as 'Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021' as the Bylaw is consistent with the Gabriola Island Official Community Plan No. 166, 1997, and request staff to proceed with public notification as per Section 467 of the Local Government Act.

**CARRIED**

**GB-2021-075****It was MOVED and SECONDED**

that Bylaw No. 310 cited as 'Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021' be referred to the Regional District of Nanaimo and the Gabriola Island Advisory Planning Commission.

**CARRIED**

Given the above resolutions, staff are returning proposed Bylaw No. 310 to the LTC for discussion and consideration of further readings.

**ANALYSIS****Policy/Regulatory*****Islands Trust Policy Statement (ITPS):***

The LTC passed resolution GB-2021-072 above, noting that Bylaw No. 310 is not contrary to or at variance with the ITPS.

**Issues and Opportunities****Consultation**

Following first reading of Bylaw No. 310, and given that the LUB amendments in the proposed bylaw are consistent with the OCP, the LTC passed resolution GB-2021-074 to waive the requirement for a Public Hearing (PH) for proposed Bylaw No. 310.

However, the LTC did refer proposed Bylaw No. 310 to the Regional District of Nanaimo (RDN) and the Gabriola Advisory Planning Commission (APC) (see resolution GB-2021-075 above).

Staff sent the referral request to the RDN on August 5, 2021 with a response deadline of October 6, 2021. At the time of writing this report, no response from the RDN had been received.

The Gabriola APC met on September 9, 2021 to discuss the referral, and ultimately recommended approval of Bylaw No. 310, though they did want to ensure that their comments were seen and heard by the LTC. For convenience, the APC's draft meeting minutes are included with this report as Attachment 2.

## Rationale for Recommendation

Given the APC's comments and recommended approval of proposed Bylaw No. 310; that there were no comments received by the RDN by the referral response deadline; and that the notification to waive the Public Hearing for Bylaw No. 310 has been advertised, staff are recommending, as per page 1 of this report, that draft Bylaw No. 310 be given second and third reading, and be forwarded to the Island Trust Executive Committee for approval.

## ALTERNATIVES

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

### 1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the Gabriola Island Local Trust Committee request that staff provide [specify requested information]...*

### 2. Receive for information

The LTC may receive the report for information.

## NEXT STEPS

Subject to concurrence with staff recommendations in this report, staff would forward proposed Bylaw No. 310 to the Islands Trust Executive Committee (EC) for approval. Once approved by EC, staff would return Bylaw No. 310 to the Gabriola LTC for final adoption (either at the November 25 LTC meeting, or by Resolution Without Meeting (RWM)). For reference, the Project Charter for this project has been included here as Attachment 3.

|               |                                                                  |                 |
|---------------|------------------------------------------------------------------|-----------------|
| Submitted By: | Teresa Mahikwa, RPP, MCIP<br>Island Planner                      | October 6, 2021 |
| Concurrence:  | Heather Kauer, MPA, RPP, MCIP, AICP<br>Regional Planning Manager | October 6, 2021 |

## ATTACHMENTS

1. Proposed Bylaw No. 310 (as given 1<sup>st</sup> reading on July 29, 2021)
2. Gabriola APC draft minutes (September 9, 2021 meeting)
3. Project Charter, v. 1.0 (LTC endorsed June 17, 2021)

# PROPOSED

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 310

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### A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS                      29<sup>TH</sup>                      DAY OF                      JULY                      , 2021

READ A SECOND TIME THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 202x

PUBLIC HEARING HELD THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 202x

READ A THIRD TIME THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 202x

ADOPTED THIS                      \_\_\_\_\_                      DAY OF                      \_\_\_\_\_                      , 202x

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Chair

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Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 310**

**Schedule “1”**

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

- 1.1 **Part D – ZONES**, Section **D.4 RECREATION AND INSTITUTIONAL ZONES**, Subsection **D.4.4 Institutional 1 (IN1)**, Article **D.4.4.1 Permitted Uses**, Clause **D.4.4.1.a. Permitted Principal Uses**, Item **D.4.4.1.a.ix**, is amended by deleting the text in its entirety and replacing with:

“ix *community resource centre*”

- 1.2 **Part D – ZONES**, Section **D.4 RECREATION AND INSTITUTIONAL ZONES**, Subsection **D.4.4 Institutional 1 (IN1)**, Article **D.4.4.1 Permitted Uses**, Clause **D.4.4.1.b. Permitted Accessory Uses**, to add the following as item **D.4.4.1.b.ii**:

“ii repair and processing of used items into usable goods for sale associated with a recycling centre, on lands as shown on Schedule C, Map 7”





## **Minutes of the Gabriola Island Advisory Planning Commission**

**Date of Meeting:** Thursday, September 9, 2021

**Location:** Electronic Meeting

**APC Members Present:** Jeff Malmgren, Chair  
Jennefer Laidley, Deputy Chair  
Lisa Webster-Gibson, Secretary  
Susan Yates  
Peter Maidstone  
Angela Pounds  
Deb Ferens

**Regrets:** Robert Plowright  
Don Elkington

**Staff Present:** Teresa Mahikwa, Island Planner  
Penny Hawley, Recorder

**Others Present:** There were two (2) members of the public in attendance.

### **1. CALL TO ORDER**

Chair Malmgren called the meeting to order at 3:03 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Commission Members and Recorder.

### **2. APPROVAL OF AGENDA**

**GB-APC-2021-001**

**It was MOVED and SECONDED**

that the Gabriola Island Advisory Planning Commission approved the agenda.

**CARRIED**

### **3. MINUTES**

**3.1 Gabriola Island Advisory Planning Commission Draft Minutes dated October 6, 2020 and October 27, 2020.**

**GB-APC-2021-002**

**It was MOVED and SECONDED**

that the Gabriola Island Advisory Planning Commission adopted the draft Minutes dated October 6, 2020 and October 27, 2020, as presented.

**CARRIED**

### **4. BUSINESS ITEMS – None**

**5. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE**  
**Land Use Bylaw amendment regarding Expanded Community Uses (IN1 Zone) – Proposed**  
**Bylaw No. 310 and provide recommendations for consideration of next steps.**

Planner Mahikwa gave a synopsis the referral. Draft Bylaw No. 310 contains minor amendments to the Gabriola Island Land Use Bylaw (LUB) to allow for a limited expansion of community uses in the Institutional One (IN1) zone, and to discuss options and next steps for the project. The project was initiated in response to two delegation shared at the May 13 LTC meeting from the Gabriola Island Recycling Organization (GIRO) and People for a Healthy Community (PHC) regarding the constraints that the IN1 zone put on their future desired operations. Today's discussion is applicable to GIRO only.

The LTC passed a resolution to refer Bylaw No. 310 to the APC and the RDN for comment. Through staff discussion with Lisa Wilcox, Senior Intergovernmental Policy Advisor at the Islands Trust, it was determined that referring Bylaw No. 310 to First Nations would not be required, as there is no direct or immediate impact to land or water, no construction, and there are no known archaeological sites in the immediate vicinity.

As the LTC has waived the requirement for a public hearing for Bylaw No. 310 (as the Bylaw is consistent with the Official Community Plan (OCP)), referral to the APC would touch on the general thoughts of community members and hopefully address any potential amendments that may need to be considered prior to third reading.

Discussion ensued and the following points were made:

- Are we commenting on the waiving of public process?
  - The LTC has asked to hear thoughts on potential amendments from the APC and would give further consideration if they decide they do want to go to public hearing.
- Wonder if this might set a precedent for future applications.
- All APC members were in agreement with the proposal, though an APC member provided additional comments for discussion and further consideration by the LTC:
  - Respectfully, these comments are not offered in relation to the current management of GIRO - but, in order to have supportable clarity within the bylaw and the creation of longevity of that bylaw.
  - Recommend clarification of the phrase of 'processing of used items' to ensure that no unintended consequences such as the creation of hazardous waste or extreme stockpiling of materials.
  - Reuse and repair of some items does create waste streams, some of which may be hazardous or problematic to ultimately dispose of.
  - While the present vision is for expansion to textiles - some items such as tires, electronics or small engines (particularly, gasoline) could be problematic - essentially, items that are not normally considered hazardous, but when broken down, or repaired may create larger issues.
  - 'Processing' may also create or add to noise or air quality issues - which have likely been addressed in activities to date but, may be created by new activities.
- Concern expressed regarding subcontracting out to someone for profit.
  - The definition in Schedule "1" should cover the limitation concern.
  - Repair and processing of used items has to already be directly related to their primary use, permitted principal uses, and allows for use of retail, which is a permitted use.

- Increase of business there and what a non-profit can do. Does this limit them in terms of other ways? Who is ultimately responsible for what is going in and out.
  - The original request stated that they are getting funding from RDN to process textiles. Planner Mahikwa added: if in the future, they do not want to be limited to textiles, they would then need to go through the bylaw amendment process again, which is why the proposed language is not limited to just used textiles.
  - Bylaws are already in place about hazardous waste regardless of land use. Electronics can be recycled now. Processing used items into something that can be sold as a new item is what is now proposed.
  - GIRO is good at waste management. Believe that they err on the side of caution as to how they handle this material already. They have demonstrated their capacity of dealing with hazardous materials.
- Is there any rationale for further clarity?
  - There is clear consensus on support of the amendments with no further public process.
- A member looked at what areas are zoned IN1 – including community hall and GIRO. If a community resource centre is in one of these zones, is it a permitted use?
  - Planner Mahikwa clarified: not currently. But the proposed BL 310 removes any geographical limitations so that a community resource centre would now be permitted on any IN1-zoned lot.
- A group may want to build more buildings or add on to existing buildings. Does that change anything and would that be permitted?
  - They would need a building permit and would have to comply with height limitations, siting, lot coverage, etc. None of that would be changing with proposed BL 310.

6. **FUTURE MEETING DATES**

*Discuss next steps and future meeting dates – Term ending October 24, 2021*

May likely be the last meeting of this group.

6. **ADJOURNMENT**

**GB-APC-2021-003**

**It was MOVED and SECONDED**

that the Gabriola Island Advisory Planning Commission moved to adjourn the meeting at 3:36 pm.

**CARRIED**

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Jeff Malmgren, Chair

Certified Correct:

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Penny Hawley, Recorder

# LUB Amendments to Expand Community Uses in IN1 Zone – Project Charter v 1.0

Gabriola Island Local Trust Committee

Date: June 17, 2021

**Purpose:** To allow expanded uses in the Institutional 1 (IN1) zone.

**Background:** Multiple Gabriola societies have approached the LTC and staff indicating that their operations are restricted by limitations in the IN1 zone. Some small amendments to the Gabriola Land Use Bylaw would allow for low-impact expansions of use that would provide community benefit. If these amendments are consistent with the Official Community Plan, an amendment bylaw could be processed without a public hearing.

## Objectives

- Consider expanding the list of allowable uses in the IN1 zone to reflect proposed activities of existing community groups.

## In Scope

- Amend the IN1 zone by:
  - Allowing the repair, processing, and sale of recycled goods in the IN1 zone;
  - Remove the geographical restriction for Community Centres in the IN1 zone.
- Consider a bylaw amendment process that would waive the public hearing

## Out of Scope

- Changes to the LUB that would necessitate OCP amendments;
- Expansion of public markets to allow commercial kitchens

## Workplan Overview

| Deliverable/Milestone                                                                                               | Date            |
|---------------------------------------------------------------------------------------------------------------------|-----------------|
| Project Charter & Introduction Staff Report / LTC endorsement of Project Charter                                    | June, 2021      |
| Introduction of bylaws for 1 <sup>st</sup> and 2 <sup>nd</sup> reading, consideration of waiving the public hearing | September, 2021 |
| 3 <sup>rd</sup> Reading and Referral to EC                                                                          | October, 2021   |
| Adoption                                                                                                            | November, 2021  |

## Project Team

|                                           |                                                                            |
|-------------------------------------------|----------------------------------------------------------------------------|
| Regional Planning Manager                 | Project Sponsor                                                            |
| Island Planner                            | Project Manager                                                            |
| Legislative Clerk                         | Legislative Process/<br>Bylaw Review                                       |
|                                           |                                                                            |
| <b>RPM Approval Date:</b><br>May 24, 2021 | <b>LTC Endorsement:</b><br>June 17 LTC meeting<br>Resolution # GB-2021-058 |

## Budget:

IN1 zone amendments

## Budget Sources:

| Fiscal    | Item                                                 | Cost    |
|-----------|------------------------------------------------------|---------|
| 2021-2022 | Public Hearing or Notice to waive the public hearing | \$1,600 |
|           |                                                      |         |
|           |                                                      |         |
|           | Total                                                | \$1,600 |

## REQUEST FOR DECISION

**To:** Local Trust Committees **For the Meeting of:** October 21, 2021  
**From:** David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021  
**SUBJECT:** New Fee bylaws

---

### RECOMMENDATION:

**That the Gabriola Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”**

### DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

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**1 PURPOSE:** To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

**2 BACKGROUND:**

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

*That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.*

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raises funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

### **3 IMPLICATIONS OF RECOMMENDATION**

#### **ORGANIZATIONAL:**

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

#### **FINANCIAL:**

No financial implication from the recommendation.

#### **POLICY:**

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

#### **IMPLEMENTATION/COMMUNICATIONS:**

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

#### **FIRST NATIONS:**

No First Nations implications from the recommendations.

#### **OTHER:**

No other implications from the recommendations.

### **4 RELEVANT POLICY(S):**

Trust Council Policy 5.6.1 Application Servicing Process

### **5 ATTACHMENT(S):**

Trust Council Policy 5.6.1 Application Processing Services

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### **RESPONSE OPTIONS**

#### **Recommendation:**

That the Gabriola Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

#### **Alternative:**

That the Gabriola Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

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**Prepared By:** David Marlор, Director, Local Planning Services

**Reviewed By/Date:** Julia Mobbs, Director, Administrative Services/Aug, 2021



|                         |                                                         |
|-------------------------|---------------------------------------------------------|
| <b>Policy:</b>          | 5.6.1                                                   |
| <b>Approved By:</b>     | Trust Council                                           |
| <b>Approval Date:</b>   | June 9, 2021<br>Repeals policies 5.6.1, 5.6.2 and 5.6.3 |
| <b>Amendment Dates:</b> |                                                         |
| <b>Policy Holder:</b>   | Director of Local Planning Services                     |

## APPLICATION PROCESSING SERVICES POLICY

### Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

### A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
  - 1.2.1 Development Permits,
  - 1.2.2 Development Variance Permits,
  - 1.2.3 Temporary Use Permits,
  - 1.2.4 Soil Removal and Deposit Permits,
  - 1.2.5 Heritage Alteration Permits,
  - 1.2.6 Board of Variance Orders,
  - 1.2.7 Liquor Licensing Permits,
  - 1.2.8 Cannabis Licensing Permits,
  - 1.2.9 Siting & Use Permits,
  - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:



- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
- 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
- 3. Costs:
  - 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
  - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
  - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
- 4. Community Benefit:
  - 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

## **B. Policy**

### **1. Standard Application Processing Services**

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

#### **1.1 Information Service – No Fee Required**

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

**1.2 Application and Processing Service – Included in Application Fee**

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

**1.3 Public Hearing – Included in Application Fee**

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

**1.4 Community Information Meeting – Included in Application Fee**

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

## **2. Extraordinary Processing Services – additional fees required**

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

### **2.1 Role of LTC in Determining Necessity for Extraordinary Services**

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
  - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
  - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
  - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

### **2.2 Provision of Extraordinary Processing Services**

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

## **3. Extraordinary Services Cost Recovery Agreements**

### **3.1 Extraordinary Services Cost Recovery – Principles**

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

### **3.2 Services Requiring Extraordinary Services Cost Recovery Agreement**

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

#### **4. Funding Basis and Fee Adjustments**

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
  - 4.3.1 the level of community/environmental benefit offered by the type of application;
  - 4.3.2 variances in direct costs (e.g. hall rental); and,
  - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

#### **5. Application Fee Sponsorship**

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

## **6. Development Approval Information**

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

## **C. Legislated References**

*Local Government Act, S.462*

*Local Government Act, S.486*

*Liquor Control and Licensing Act, S.41*

*Cannabis Control and Licensing Act, S.35*

## **D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

- 1. Model Fees Bylaw

**[INSERT LTC NAME] LOCAL TRUST COMMITTEE**

**BYLAW NO. [XX]**

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A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

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WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

**Citation**

**1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".**

**Interpretation**

**2.1 In this bylaw:**

"Applicant" means:

2.1.1 the person authorized under the \_\_\_\_\_ Island Local Trust Committee Procedures Bylaw No. \_\_\_\_, \_\_\_\_\_ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including



1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

### 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 Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

| <b>TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)</b>                                                      |                      |
|---------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Column 1: Type of Application</b>                                                                          | <b>Column 2: Fee</b> |
| 1. Major (e.g. change to density or land use designation)                                                     | \$7,800              |
| 2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment) | \$4,600              |

| <b>TABLE 2 – Permits</b>                                                  |                      |
|---------------------------------------------------------------------------|----------------------|
| <b>Column 1: Development Permit in Respect of:</b>                        | <b>Column 2: Fee</b> |
| 1. Protection of Natural Environment, Ecosystems and Biological Diversity | \$1,000              |
| 2. Protection of Development from Hazardous Conditions                    | \$1,000              |
| 3. Protection of Farming                                                  | \$1,000              |
| 4. Objectives for Form and Character                                      | \$1,700              |
| 5. Objectives to Promote Energy Conservation                              | \$1,000              |
| 6. Objectives to Promote Water Conservation                               | \$1,000              |
| 7. Objectives to Promote the Reduction of Greenhouse Gas Emissions        | \$1,000              |
| 8. Development Permit Amendment                                           | \$1,000              |
|                                                                           |                      |

|                                                                                                                                                                       |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Type of Development Variance Permit</b>                                                                                                                            |         |
| 9. Development variance permit (commercial, industrial or institutional development)                                                                                  | \$1900  |
| 10. Development variance permit (residential development)                                                                                                             | \$1900  |
|                                                                                                                                                                       |         |
| <b>Type of Temporary Use Permit</b>                                                                                                                                   |         |
| 11. Temporary Use Permit (residential/commercial/industrial)                                                                                                          | \$2150  |
| 12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..                                             | \$1000  |
| 13. Temporary Use Permit Renewal                                                                                                                                      | \$700   |
| 14. Temporary Use Permit Renewal (Community Benefit)                                                                                                                  | \$350   |
|                                                                                                                                                                       |         |
| <b>Other Permits</b>                                                                                                                                                  |         |
| 15. Siting and Use Permit                                                                                                                                             | \$250   |
| 16. Heritage Alteration Permit                                                                                                                                        | \$1,700 |
|                                                                                                                                                                       |         |
| <b>Combination Applications</b>                                                                                                                                       |         |
| 17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit | \$2,500 |
| 18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit                                 | \$3,000 |

|                                                                                                      |                      |
|------------------------------------------------------------------------------------------------------|----------------------|
| <b>TABLE 3 – Subdivision Referrals</b>                                                               |                      |
| <b>Column 1</b>                                                                                      | <b>Column 2: Fee</b> |
| 1. Application for Subdivision Review – base fee                                                     | \$1,000              |
| 2. Application for Subdivision Review – per additional lot created                                   | \$100                |
| 3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels | \$500                |

| <b>TABLE 4 – Other Applications</b>                                             |                      |
|---------------------------------------------------------------------------------|----------------------|
| <b>Column 1: Type of Application</b>                                            | <b>Column 2: Fee</b> |
| 1. Board of Variance                                                            | \$2,200              |
| 2. Land Use Contract amendment                                                  | \$2,000              |
| 3. Liquor & Cannabis Regulation Branch – Retail License Application and Process | \$1,500              |
| 4. Liquor & Cannabis Regulation Branch – Temporary License Change               | \$500                |
| 5. Strata Conversions                                                           | \$1,500              |

#### **4. Fee for After-the-Fact Application**

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

#### **5. Collection and Refund of Application Processing Fee Amounts**

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

#### **6. Extraordinary Service Costs (ESC)**

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

- 9.1 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.

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A THIRD TIME this          st          day of          , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this                  th       day of                  , 20

ADOPTED this                    th           day of                    , 20

## Chair

**Deputy Secretary**



## 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<br>Civic: Acorn Island |

**Planner:** Ian Cox

#### Planning Status

**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 09-Jun-2021

Awaiting LTO registration of HCA notice. Archaeology Branch referrals in progress.

| File Number  | Applicant Name                                           | Date Received | Purpose                                                                                                                            |
|--------------|----------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------|
| GB-DP-2021.1 | Centre Stage Holdings<br>(J.E. Anderson &<br>Associates) | 20-May-2021   | PID: 003-134-806 DP application for protection of development from hazardous conditions DPA6, relating to subdivision application. |

**Planner:** Sonja Zupanec

#### Planning Status

**Status Date:**



### 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:** Ian Cox

#### Planning Status

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**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 30-Mar-2021

No change in status.

| 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:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 09-Jun-2021

Awaiting LTO registration of HCA notice. Archaeology Branch referrals in progress.

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

| File Number   | Applicant Name        | Date Received | Purpose                                                                                                |
|---------------|-----------------------|---------------|--------------------------------------------------------------------------------------------------------|
| GB-DVP-2021.3 | Ellins Architect Inc. | 30-Jul-2021   | PID: 000-988-081 Variance of set back to foundation wall required. Civic address: 1045 Horseshoe Road. |

**Planner:** Teresa Mahikwa

**Planning Status**

**Status Date:** 06-Oct-2021

Application to appear on the October 21 meeting agenda for LTC consideration.

**Status Date:** 25-Aug-2021

Planner reviewing application

**Status Date:** 23-Aug-2021

Builder came in today to inquire regarding payment for application. File opened, assigned and waiting for etransfer.

**Rezoning**

| File Number  | Applicant Name                                       | Date Received | Purpose                                                                                                                     |
|--------------|------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------|
| GB-RZ-2020.1 | Gabriola Housing Society (Nancy Hetherington Peirce) | 15-Jan-2020   | PIDs: 028-580-095 and 028-580-109 Affordable housing project. Civic address: Lots 1 & 2 Paisley Place, Gabriola Island, BC. |

**Planner:** Jaime Dubyna

**Planning Status**

**Status Date:** 08-Jul-2021

Bylaw 306 (OCP) received Statutory Approval (Minister of Municipal Affairs), dated May 10, 2021.

**Status Date:** 06-May-2021

Copy of provincial water license received.

**Status Date:** 04-Mar-2021

LTC amendments to Housing Agreement made. LTC resolution to not proceed with further readings of Bylaw 308 (Housing Agreement) until comments are received from Snuneymuxw First Nation.





## Applications

### 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:** Ian Cox

#### Planning Status

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**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 15-Jun-2020

No change in status.

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

**Planner:** Ian Cox

#### Planning Status

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**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 15-Jun-2020

No change in status.



Subdivision

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

**Planner:** Ian Cox

**Planning Status**

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**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 15-Jun-2020

No change in status.

| 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:** Ian Cox

**Planning Status**

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**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 15-Jun-2020

No change in status.



## Applications

### Subdivision

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

**Planner:** Marnie Eggen

#### Planning Status

**Status Date:** 21-Jan-2021

LTC accepts covenant.

**Status Date:** 20-Oct-2020

Applicant signs cost recovery agreement. Legal counsel, planner and applicant reviewing covenant.

**Status Date:** 10-Sep-2020

LTC approves cost recovery agreement for legal review of covenant.

| File Number   | Applicant Name                                | Date Received | Purpose                                                                   |
|---------------|-----------------------------------------------|---------------|---------------------------------------------------------------------------|
| GB-SUB-2019.1 | Williamson & Associates (B&K Shopping Centre) | 11-Jun-2019   | PID: 004-549-023 Subdivision at 369 Berry Point Road, Gabriola Island, BC |

**Planner:** Ian Cox

#### Planning Status

**Status Date:** 09-Sep-2021

MOTI PLR extension granted for one year from September 9, 2021.

**Status Date:** 26-Aug-2021

Applicant has requested PLR extension from MOTI.

**Status Date:** 15-Jun-2020

No change in status.



## Applications

### Subdivision

| File Number                                                                                                     | Applicant Name                                                                | Date Received | Purpose                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------|
| GB-SUB-2020.2                                                                                                   | Centre Stage Holdings Ltd. c/o J.E. Anderson<br><b>Planner:</b> Sonja Zupanec | 31-Jul-2020   | PID: 027-086-500 3 lot subdivision. Civic address: Lot 20 Section 8                                                                  |
| <b>Planning Status</b>                                                                                          |                                                                               |               |                                                                                                                                      |
| <b>Status Date:</b> 06-Oct-2020<br>Referral response completed and sent to MOTI and copied to applicant and LTC |                                                                               |               |                                                                                                                                      |
| <b>Status Date:</b> 31-Jul-2020<br>File opened and assigned                                                     |                                                                               |               |                                                                                                                                      |
| File Number                                                                                                     | Applicant Name                                                                | Date Received | Purpose                                                                                                                              |
| GB-SUB-2020.3                                                                                                   | Centre Stage Holdings Ltd. c/o J.E. Anderson<br><b>Planner:</b> Sonja Zupanec | 31-Jul-2020   | PID: 003-134-806 17 lot subdivision Civic address: North East 1/4 of Section 3                                                       |
| <b>Planning Status</b>                                                                                          |                                                                               |               |                                                                                                                                      |
| <b>Status Date:</b> 02-Feb-2021<br>Referral response submitted to MOTI                                          |                                                                               |               |                                                                                                                                      |
| <b>Status Date:</b> 31-Jul-2020<br>File opened and assigned                                                     |                                                                               |               |                                                                                                                                      |
| File Number                                                                                                     | Applicant Name                                                                | Date Received | Purpose                                                                                                                              |
| GB-SUB-2021.2                                                                                                   | Centre Stage Holdings Ltd. c/o J.E. Anderson<br><b>Planner:</b> Sonja Zupanec | 16-Sep-2021   | PID: 027-086-500 6 lot subdivision. Civic address: Lot 20 Section 8 (Addition of 3 panhandle lots to original plan in GB-SUB-2020.2) |
| <b>Planning Status</b>                                                                                          |                                                                               |               |                                                                                                                                      |
| <b>Status Date:</b>                                                                                             |                                                                               |               |                                                                                                                                      |



### Temporary and Industrial Use Permit

| File Number   | Applicant Name     | Date Received | Purpose                                                                   |
|---------------|--------------------|---------------|---------------------------------------------------------------------------|
| GB-TUP-2020.1 | West, Paul & Karen | 13-Nov-2020   | PID: 003-666-131 STVR Civic address: 2900 Rowan Way, Gabriola Island, BC. |

**Planner:** Ian Cox

#### Planning Status

**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 21-Apr-2021

Planner 2nd email requesting additional information.

| File Number   | Applicant Name | Date Received | Purpose                                                                                   |
|---------------|----------------|---------------|-------------------------------------------------------------------------------------------|
| GB-TUP-2020.2 | MacKay, Ike    | 25-Nov-2020   | PID: 000-334-715 TUP for STVR. Civic address: 1016 Berry Point Road, Gabriola Island, BC. |

**Planner:** Ian Cox

#### Planning Status

**Status Date:** 12-Oct-2021

No change in status.

**Status Date:** 26-Aug-2021

No change in status.

**Status Date:** 21-Apr-2021

Planner 2nd email requesting additional information.

***Islands Trust***  
 LTC EXP SUMMARY REPORT F2022  
 Invoices posted to Month ending August 2021

| 620 Gabriola            | Invoices posted to Month ending August 2021 | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|-------------------------|---------------------------------------------|-----------------|-----------------|-----------------|
| 65000-620               | LTC "Trustee Expenses"                      | 693.00          | 0.00            | 693.00          |
| LTC Local               |                                             |                 |                 |                 |
| 65200-620               | LTC - Local Exp - LTC Meeting Expenses      | 4,120.00        | 2,044.05        | 2,075.95        |
| 65210-620               | LTC - Local Exp - APC Meeting Expenses      | 444.00          | 0.00            | 444.00          |
| 65220-620               | LTC - Local Exp - Communications            | 1,000.00        | 0.00            | 1,000.00        |
| 65230-620               | LTC - Local Exp - Special Projects          | 588.00          | 0.00            | 588.00          |
| TOTAL LTC Local Expense |                                             | <u>6,152.00</u> | <u>2,044.05</u> | <u>4,107.95</u> |
| Projects                |                                             |                 |                 |                 |
| 73001-620-2001          | Gabriola OCP/LUB                            | 1,600.00        | 0.00            | 1,600.00        |
| 73001-620-4097          | Gabriola Housing Options & Impacts          | 5,000.00        | 332.10          | 4,667.90        |
| 73001-620-4104          | Gabriola Cannabis Regulations               | 1,500.00        | 0.00            | 1,500.00        |
| TOTAL Project Expenses  |                                             | <u>8,100.00</u> | <u>332.10</u>   | <u>7,767.90</u> |

## Gabriola Island Local Trust Committee Policies & Standing Resolutions

| No | Meeting Date      | Resolution No. | Issue                                                       | Policy and Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|-------------------|----------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | June 14, 2018     | GB-2018-040    | Processing non-medical cannabis retail license applications | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee;</li> <li>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;</li> <li>The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and</li> <li>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: <ul style="list-style-type: none"> <li>Name of the applicant and a description of the proposal in general terms;</li> <li>The location of the proposed establishment and the subject site;</li> <li>The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered;</li> <li>The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and</li> <li>How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul> |
| 2. | November 22, 2018 | GB-2018-122    | Applications for Federal Cannabis License                   | <p><b>It was MOVED and SECONDED</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3. | February 28, 2019 | GB-2019-031    | First Nations - Community Reconciliation                    | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|    |                |             |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|----------------|-------------|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                |             |                                    | <p>First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, 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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>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;</li> <li>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</li> <li>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.</li> </ul> |
| 4. | April 11, 2019 | GB-2019-038 | Limited Public Markets Enforcement | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5. | April 11, 2019 | GB-2019-040 | S219 Covenant                      | <b>It was MOVED and SECONDED</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



|    |               |             |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|---------------|-------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |               |             | Signatories                         | <p>that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>that 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 two members of the Local Trust Committee.</p> |
| 6. | July 30, 2020 | GB-2020-053 | Proactive unlawful STVR enforcement | <p><b>It was MOVED and SECONDED</b></p> <p>that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.</p>                                                                                                                                                                                                                                                                                             |

## Top Priorities Report

### Gabriola Island

#### 1. *Housing Options and Impacts Review Project*

#### Responsible

#### Dates

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.

Sonja Zupanec

Rec'd: 22-Nov-2018

#### 2. *Develop Cannabis Production Regulations*

#### Responsible

#### Dates

Rec'd: 21-Jan-2021

#### 3. *UBCM Active Transportation Grant Application*

#### Responsible

#### Dates

Grant application completed and submitted (October 29, 2020). Next steps pending confirmation of grant.

Mike Richards  
 Sonja Zupanec

## Top Priorities Report

### Gabriola Island

#### 4. *IN1 Zoning Review*

#### Responsible

#### Dates

Teresa Mahikwa

Rec'd: 17-Jun-2021

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## Projects Report

### Gabriola Island

#### 1. *DeCourcy Island OCP and Bylaw Review*

Responsible

Date Received

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

#### 2. *Hazardous areas/Steep Slopes DPA*

Responsible

Date Received

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

#### 3. *Coastal areas protection*

Responsible

Date Received

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

#### 4. *First Nations cultural references*

Responsible

Date Received

Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.

Lisa Wilcox

27-Jan-2011

#### 5. *Eelgrass protection*

Responsible

Date Received

Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).

14-May-2014



## Projects Report

### Gabriola Island

#### 6. *Snuneymuxw Protocol Agreement*

Responsible

Date Received

Implementation of Snuneymuxw First Nation Protocol Agreement

22-Jan-2015

#### 7. *Gabriola Village Plan*

Responsible

Date Received

Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core

02-Apr-2015

#### 8. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015

#### 9. *Green Energy*

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

#### 10. *Commercial Vacation Rental Review*

Responsible

Date Received

Review bylaws with respect to temporary use permits for commercial vacation rentals

07-May-2015

#### 11. *LUB Amendments*

Responsible

Date Received

## Projects Report

### Gabriola Island

- Review of temporary sawmill regulations
- Definition of personal use of animals for SRR zoned lots
- Review of how cisterns, solar panels and parking 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 and regulations for limited public market, and INI zone uses pertaining to market sales
- correction to WC3 mapped location to coincide with Green Wharf

08-Sep-2016

#### 12. *Water Resource Planning*

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

#### 13. *Water Taxi Feasibility*

Responsible

Date Received

Follow up items emerging out of water taxi feasibility (completed fall 2018)

22-Nov-2018

#### 14. *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)*

Responsible

Date Received

Implementation of the report recommendations into OCP policy and LUB regulations.

24-Jan-2019



## Projects Report

### Gabriola Island

#### 15. *GB LUB Accessory Buildings*

Responsible

Date Received

Review of regulations pertaining to the order of construction of accessory buildings on lots.

12-Sep-2019

#### 16. *Review of model antenna strategy*

Responsible

Date Received

27-Feb-2020

#### 17. *Develop a new Ecological Protection Zone*

Responsible

Date Received

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.

21-Jan-2021

#### 18. *Cannabis Production Regulations*

Responsible

Date Received

Review options to allow cannabis production in zones other than 'agriculture' and possible ways to regulate odour, noise, water use and light pollution related to agricultural activities when permitted in a zone.

15-Apr-2021

#### 19. *Update the IN1 zone to reflect community resource and recycling centre range of uses.*

Responsible

Date Received

13-May-2021

## Projects Report

### Gabriola Island

| 20. Review and update DAI bylaw | Responsible | Date Received |
|---------------------------------|-------------|---------------|
|                                 |             | 13-May-2021   |





File No.: 3026-10 (LTC General –  
Meeting Logistics)

DATE OF MEETING: October 21, 2021  
TO: Gabriola Island Local Trust Committee  
FROM: Heather Kauer, Regional Planning Manager  
Northern Team  
SUBJECT: 2022 Local Trust Committee Meeting Schedule

## RECOMMENDATION

1. That the Gabriola Island Local Trust Committee schedule its regular business meetings on the following dates in 2022: January 27, March 3, April 7, May 12, June 16, July 28, September 29, October 27, and December 1.

## DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2022. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Islands Trust Conservancy, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for in-person meetings. Meeting details will be advertised in accordance with legislated notification requirements.

If the LTC is anticipating amending their meeting procedures bylaw to allow for regular meetings to be electronic-only, the LTC has the option of designating which of the dates listed above are anticipated to be electronic vs. in-person. This would allow staff to plan further in advance for accommodating the logistics of each meeting. The alternative is that the format of each meeting is chosen at the end of each previous meeting. If the LTC chooses the latter, staff will book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only.

|               |                                                                  |                  |
|---------------|------------------------------------------------------------------|------------------|
| Submitted By: | Heather Kauer, MPA, RPP, MCIP, AICP<br>Regional Planning Manager | October 19, 2021 |
|---------------|------------------------------------------------------------------|------------------|

## ATTACHMENT

1. Tentative 2022 Northern Local Trust Committee Meeting Schedule

## ATTACHMENT 1 – TENTATIVE 2021 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

| LTC                          | Denman                 | Gabriola                        | Gambier     | Hornby       | Lasqueti             | Thetis                  | Ballenas-Winchelsea |
|------------------------------|------------------------|---------------------------------|-------------|--------------|----------------------|-------------------------|---------------------|
|                              | January 18             | January 27                      | -           |              | -                    | -                       | -                   |
|                              | -                      | -                               | February 3  | February 18  | February 7           | February 22             | -                   |
|                              | March 22               | March 3                         | March 31    | -            | -                    | -                       | March 16            |
|                              | -                      | April 7                         | -           | April 29     | April 6              | -                       | -                   |
|                              | May 31                 | May 12                          | May 26      | -            | -                    | May 3                   | -                   |
|                              | -                      | June 16                         | -           | June 10      | June 21              | -                       | -                   |
|                              | July 19                | July 28                         | July 7      | -            | -                    | July 12                 | -                   |
|                              | -                      | -                               | -           | -            | August 9             | -                       | -                   |
|                              | September 27           | September 29                    | September 1 | September 9  | -                    | -                       | -                   |
|                              | -                      | October 27                      | -           | -            | -                    | October 4               | October 12          |
|                              | November 8             | -                               | November 17 | November 25  | November 28          | -                       | -                   |
|                              | -                      | December 1                      | -           |              |                      | December 6              | -                   |
|                              |                        |                                 |             |              |                      |                         |                     |
| <b>Total</b>                 | 6                      | 9                               | 6           | 5            | 5                    | 5                       | 2                   |
| <b>Start Time</b>            |                        |                                 |             |              |                      |                         |                     |
| <b>-In Person</b>            | 10:30 am               | 10:30 am                        | 10:30 am    | 11:30 am     | 11:00 am             | 9:30 am                 | 10:00 am            |
| <b>-on Zoom</b>              | 10:00 am               | 10:30 am                        | 10:30 am    | 10:00 am     | 9:30 or 10 am        | 9:30 am                 | 10:00 am            |
| <b>Location if in person</b> | Denman Activity Centre | Gabriola Arts & Heritage Centre | TBD         | Room to Grow | Judith Fisher Centre | Thetis Community Centre | TBD                 |

### Key Dates

|                                     |                                                                                                                   |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Stat Holidays                       | Jan. 1; Feb. 21; Apr. 15, Apr. 18; May 23; Jul. 1; Aug. 1; Sep. 5; Oct. 10; Nov. 11; Dec. 26,27                   |
|                                     |                                                                                                                   |
| Trust Council                       | March 8-10, June 21-23, Sept 20-22 Nov 1-3 (all tentative)                                                        |
| Executive Committee                 | Jan 12, Feb 3, Feb 2, Feb 23, Mar 23, Apr 13, May 4, May 25, Jul 13, Aug 3, Aug 24, Oct 19, Nov 9, Nov 23, Dec 21 |
| Financial Planning Committee        | TBD                                                                                                               |
| Islands Trust Conservancy           | Jan 25, Mar 15, May 17, Jul 12, Oct 4, Nov 22 (tentative)                                                         |
| Trust Programs Committee            | TBD                                                                                                               |
| Local Planning Committee            | TBD                                                                                                               |
|                                     |                                                                                                                   |
| SD 79 (Cowichan) Spring Break       | Mar 14-25                                                                                                         |
| SD 46 (Sunshine Coast) Spring Break | Mar 14-25                                                                                                         |
| SD 68 (Nanaimo) Spring Break        | Mar 14-25                                                                                                         |
| SD 71 (Comox) Spring Break          | Mar 21-Apr 1                                                                                                      |
| AVICC Conference                    | April 1-3                                                                                                         |
| Salish Sea Conference               | April 25-29                                                                                                       |
| LGMA Conference                     | June 21-23                                                                                                        |
| UBCM Conference                     | Sept. 12-16                                                                                                       |
|                                     |                                                                                                                   |