



**Gabriola Island
Local Trust Committee
Minutes of a Regular Meeting**

Date of Meeting: Thursday, July 18, 2013 at 10:15am
Location: Women's Institute
South Road, Gabriola Island, BC

Members Present: David Graham, Chair
Gisele Rudischer, Local Trustee
Sheila Malcolmson, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Jessie Sherk, Recorder

Media and Others Present: Howard Houle, Regional Director
Seth Wright, Student planner
2 members of the local media and 16 members of the public were in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:17am. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. Staff and trustees were introduced. He also acknowledged that it was Nelson Mandela day.

2. APPROVAL OF AGENDA

The agenda was approved by consensus with the following amendment:

- Late item added, 14.1.3.iii, Email from Robert Seaton dated July 3, 2013 regarding Riparian Areas Regulation (RAR).

3. MINUTES

3.1 Local Trust Committee Special Meeting Minutes from the Community Information Meeting of June 26, 2013

The adoption of the Community Information Meeting Minutes was deferred to give the members a chance to review the minutes.

3.2 Local Trust Committee Meeting Minutes of June 27, 2013

The minutes were adopted by consensus with the following amendments:

- Page 2, item 5.1, after "...regarding this matter", add ", and advised that Bonny's towing would write to the Local Trust Committee again with an updated request", and delete the second sentence starting "It was decided..."
- Page 3, 3.3, 3rd paragraph, "The following motions.." should read "motion..."
- Page 7, Town Hall Session, delete the words "to speak" in the second sentence after "Trustee Malcolmson used this time..."
- Page 7, 7.4, add the word "to" after "...Local Planning Committee has decided...."

3.3 Section 26 Resolutions Without Meeting – None.

3.4 Gabriola Island Advisory Planning Commission Meeting Minutes – None.

3.5 Mudge Island Advisory Planning Commission Meeting Minutes – None.

3.6 Gabriola Island Agricultural Advisory Commission Meeting Minutes – None.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated July 10, 2013

Planning Manager Simpson reviewed the Follow-up Action List. She requested that the Local Trust Committee move item number one under July 26, 2012 regarding staff advice on how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain in future LTC project work, to the Projects List. She also gave an update on the two items regarding bylaw enforcement under November 1, 2012 noting that the Director of Local Planning Services has indicated that the resources to deal with individual requests are not available and that it is the hope that this could be added to local trust committee work program/projects list. The possibility of removing the second item under November 1, 2012 on the Follow-up Action List was also discussed. After some discussion, the target dates for the second item under November 1, 2012 was changed to September 2013.

Trustee Malcolmson gave an update on the second item under March 14, 2013 regarding scheduling a meeting with the Ministry of Transportation and Infrastructure and the Gabriola Chamber of Commerce regarding signage in the road right-of-way saying that staff has passed the contact information to the trustees and she is working on dates for the meeting.

4.2 Letter of Opposition to Duke Point Incinerator

GB 065/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that its Chair convey to the City of Nanaimo the Local Trust Committees opposition to incineration of Metro Vancouver garbage at Duke Point, using the July 17 draft by Trustee Malcolmson as the basis for a letter.

CARRIED

Speaking to the motion Trustee Malcolmson talked about the advocacy policy that council adopted this term saying trustee committees can do their own advocacy. She suggested copying the Executive Committee and also recognized that there be some staff advice that the Chair might get giving better direction. She also noted that having the garbage incinerator at Duke Point would violate some of the principals of our founding documents. Chair Graham and Director Houle both expressed their support of the letter.

5. CORRESPONDENCE

“Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application or project is on the Agenda for Consideration”

5.1 Email dated June 24, 2013 from Scot Merriam of Sustainable Resource Mechanical Engineering and Project Management regarding Marine Energy

After some discussion, Trustee Malcolmson stated she would be happy to write back to the author of this email to let him know that they are not the initiators of this.

5.2 Email dated June 24, 2013 from Ode Howard, Contact Person for Property Owners in the Seymour/Ferne/Tait Road Area regarding Gabriola Gun Club and Ground Water Concerns

It was noted that the author of this email is appearing as a delegation scheduled at 11:00 am. The committee will come back to this item then.

5.3 Email dated July 2, 2013 from Don and Glenna Gatley regarding Gabriola Gun Club and Lead Contamination

It was noted that the author of this email is appearing as a delegation scheduled at 11:00 am. The committee will come back to this item then.

6. REPORTS

6.1 Work Program Reports

6.1.1 Top Priorities Report and Projects List dated July 10, 2013

The Top Priorities Report and Projects List was discussed. The Planner and trustees discussed the items that were suggested to be moved to the project list. It was decided to leave the list as is.

6.2 Applications Log

6.2.1 Report date July 10, 2013

No updates.

6.3 Trustee and Local Expenses

6.3.1 Expenses posted to June 30, 2013

Reviewed for information.

7. NEW BUSINESS – None.

8. TRUSTEES' REPORT

Trustee Rudischer read her report from last month and indicated that it was also published in the newspaper. Highlights included her attendance at meetings with the Transportation Association, Trust Council on Mayne Island, and The Gabriola Streamkeepers Association.

Trustee Malcolmson noted some highlights since the last meeting including her attendance at the Canada Day celebration saying it was nice to see the community bus shuttling people around. She was reminded of what a rich ecological area we live in during her time last week kayaking along Valdes and Galiano Islands. Also noted was the new brochure that the Chamber of Commerce and Sustainable Gabriola created about food growers and she thanked those groups. Also noted was that her first report on her Norway trip about oil spill preparedness is available in this week's Island Tides. Lastly she spoke of the presentation she attended yesterday by the Gabriola Rescue of Wildlife Society on river otters, noting that the organization does great work and is always looking for volunteers and donations.

9. CHAIR'S REPORT

Chair Graham attended meetings on Keats Island for the Gambier Local Trust Committee, Hornby Island, and mentioned that Denman Island is still trying to solve affordable housing.

10. REGIONAL DIRECTOR'S REPORT

Howard Houle read his report that will also be available online. Highlights included the Gabriola Island Canada Day celebration, the Parks and Open Spaces Advisory Committee meeting on July 2, 2013 and a meeting between the Regional District of Nanaimo and the Snuneymuxw First Nations. Also discussed were reports presented to the Sustainability Select Committee and the Renewable Energy Best Practices Guidebook that the committee has been working on. Director Houle also stated that at the Committee of the Whole meeting on July 9, 2013, a motion was passed that expressed their desire to not have an incinerator at Duke Point. Lastly he discussed the Huxley Park Management Plan.

11. DELEGATIONS

11.1 Ode Howard regarding Seymour/Ferne/Tait Road Area Groundwater Quality

Ode Howard read a letter he had prepared saying that he was speaking on behalf of himself and other property owners living near the gun club. He stated that several years of research has indicated that the Gabriola Gun Club may threaten groundwater and he was attending this Local Trust Committee meeting to request that the Islands Trust, with its mandate to preserve and protect, make serious inquiries to the gun club to ascertain whether this land is being managed in a way to prevent a serious environmental accident. Also requested is that an independent assessment be done to make sure there isn't contamination, or find out the extent of contamination, and what a cleanup would entail.

Discussion between Mr. Howard and the Trustees ensued. Mr. Howard spoke about what steps he has taken in speaking with the Province about this matter.

12. TOWN HALL SESSION

Marie Brannstrom, representing the Gabriola Rod Gun and Conservation Club (the Gun Club), stated that they are in full compliance with the requirements of the Ministry of Forests, Lands and Natural Resource Operations, and that there are no outstanding issues with any Ministry. She also noted all communication on this subject emanates from a current civil suit against the Province and the Club that is seeking a permanent injunction against firearm use at the Tait Road range.

A member of the public wanted to remind everyone that they are here today about water, soil and all the animals and birds that inhabit the island. She wanted to eliminate the personalities and other discussions around the Gun Club and focus on the environmental issue.

ADOPTED

A member of the public who used to belong to the Gun Club but does not currently, spoke about this topic saying she had never thought about the lead concept until now. As a wildlife rescuer and a concerned Gabriolan, and knowing that lead shot has been banned in the hunting world, she feels that the right thing for the Gun Club to do, would be to take responsibility and find out if there is lead there or not, and settle all of this. Also noted; that although she is a member of Gabriola Rescue of Wildlife Society (GROWLS) she was making comments as a private citizen and was not representing GROWLS at this meeting.

Paul Metcalf who is an Executive of the Gun Club, but was speaking in a personal capacity, spoke about the toxicity of lead stating it is only a danger if it were to settle in a swamp and that there are no swamps at the Gun Club.

Mrs. Godson stated she is not a plaintiff, just a concerned person. She feels that there may be a misconception, and that the idea isn't to shut the Gun Club down, but to come into compliance about their interpretation of the lease on the property. Her opinion is that it would make sense for the Gun Club to get the environmental assessment done so this can be cleared up

Mr. Howard spoke again and thanked the Islands Trust and everyone for their input. He reiterated that he has come to ask Islands Trust to encourage the Province and the Gun Club to have the assessment done and put an end to all speculation.

Town Hall session closed.

- 5.2 Email dated June 24, 2013 from Ode Howard, Contact Person for Property Owners in the Seymour/Ferne/Tait Road Area regarding Gabriola Gun Club and Ground Water Concerns
- 5.3 Email dated July 2, 2013 from Don and Glenna Gatley regarding Gabriola Gun Club and Lead Contamination

It was noted that the Ministry of Environment did write back and say that the water is not contaminated on the site. The trustees and staff discussed if Islands Trust has the authority to do an independent environmental assessment on a property. It was agreed that it is out of the Local Trust Committee's authority to require and it would be up to the Province. Paul Metcalf of the Gun Club stated that they are conducting environmental assessments right now but they will not be complete until November, 2013.

Trustee Malcolmson stated that the Islands Trust's ability to affect the outcome of this is very limited but what they can do is convey to the province that this is still an area of conflict and is causing tension in the neighborhood.

GB 066/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that it's Chair convey to the Province of BC the correspondence and concerns of the neighbors about water contamination on the Gabriola Rod Gun and Conservation Club property.

CARRIED

Speaking to the motion, Trustee Malcolmson stated that this is simply a way to put this responsibility where it belongs.

13. APPLICATIONS AND PERMITS

13.1 GB-RZ-2010.2 (Gabriola Medical Clinic)

Memorandum dated July 10, 2013 regarding Covenant Planning Manager Simpson reviewed the memorandum that explains that the conditions of the rezoning have been completed.

Discussion ensued regarding occupancy permits and permissions.

Trustee Malcolmson thanked the Gabriola Medical Clinic for living up to the spirit of the Covenant and also noted that she received feedback that the planners who did the site visit were very professional.

13.2 GB-DP-2013.1 (Bishop – Flat Top Islands (Gaviola))

Staff Report dated July 7, 2013

Planner Wright reviewed his report noting that there was an error on Page 4 (69 of the agenda), it should read that the “photos do **not** suggest...”

Trustees and staff discussed the possibility of increasing the development permit fees if they are applied for after the fact/development. Trustees and staff also discussed climate change mitigation and sea level rise at length.

Trustees supported the first recommendation in the report but since the trustees haven't yet seen the development permit GB-DP-2013.1, the second recommendation will be decided during Resolution Without Meeting after they have had a chance to review it.

ADOPTED

GB 067/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to draft a mail-out for trustees' signature to inform all Flat Top Island landowners of 1) the DP Area 4 – Flat Top Islands and their obligations in regard to any development, 2) the Natural Area protection Tax Exemption program, 3) A place in the islands, and 4) Greenshores for Homes Stewardship materials.

CARRIED

GB 068/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that staff add to the Land Use Bylaw housekeeping amendment list the inclusion of “ground-level detached deck” in the definition of “structure”.

CARRIED

Trustee Rudischer requested that a list of housekeeping bylaw amendments is sent to the trustees.

GB 069/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that staff add the topic of “notification to property owners that Development Permits may be required” to the next Regional District of Nanaimo protocol meeting agenda, in relation to the landowners comments on page 79 of the Gabriola Island Local Trust Committee July 18, 2013 agenda.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Official Community Plan/Land Use Bylaw Review

14.1.1 Agriculture Policies

Staff Report dated July 2, 2013

Planning Manager Simpson gave an introduction to the staff report and then staff and trustees reviewed and discussed each recommendation.

ADOPTED

GB 070/13

It was MOVED and SECONDED,

That the Gabriola Island Local Trust Committee request staff to draft Land Use Bylaw amendments for consultation including suites or cottages as an allowed accessory use on agricultural lots of two hectares or larger.

CARRIED

It was decided to delete the last 2 bullets on page 102 that say: "Permitting accessory dwelling units in the Agriculture designation" and "Appropriate average and minimum parcel sizes in the Agriculture designation".

The agricultural zoned land and Agricultural Land Reserve differences were discussed.

No direction was given to amend the minimum average lot size.

Chair Graham noted that on page 91 under number 4. "LUB Small Lot/Large Lot Residential Zone Regulations", should say "on lots 2.47 acres or **less**", not larger. It was noted by staff that the bylaw is correct, it was just the report had the error.

The second recommendation on page 93 of the staff report regarding inventory of agricultural land on Gabriola was discussed.

GB 071/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request advice from the Regional District of Nanaimo and Ministry of Agriculture on whether they can support an inventory of farmland on Gabriola, and that the Local Trust Committee add a policy in the Official Community Plan that farmland should be inventoried.

CARRIED

GB 072/13

It was MOVED and SECONDED,

That the Gabriola Island Local Trust Committee request more background on why a stronger position on Genetically Modified Organism isn't being recommended by staff, since other local governments are taking stronger positions.

CARRIED

The examples of agri-tourism activities on page 93 were discussed and how these could be regulated as per the

ADOPTED

Agriculture Advisory Commission recommendation on page 100 of the report.

Trustees and staff discussed setbacks.

The last recommendation under “The amendment of LUB regulations for;” on page 102 was discussed..

The potential Land Use Bylaw amendments on page 116 were discussed including the possibility of adding a bullet to “The Amendment of LUB Regulations” on page 102 that would read: “allow produce stands in front property line setbacks”.

Trustee Malcolmson summarized the changes discussed:

- last bullet under “The amendment of LUB regulations for:” should read “The addition of specific regulations for setbacks on lands adjacent to the Ag zone”;
- add bullet allowing produce stands; and
- delete the last two bullets on page 102 of the agenda.

BREAK 12:45 – 1:08 pm

16. COMMUNITY INFORMATION SESSION

Questions and Answers for Proposed Bylaw no. 267 (Mudge Island) & Proposed Bylaw No. 268 (Decourcy Island)

Planning Manager Simpson reviewed the purpose of the proposed bylaws. There were no questions from the public.

Community Information Session Closed

14.1.1 Agriculture Policies - Continued Staff Report dated July 2, 2013

Chair Graham recognized that Veronica Hartman, chair of the Agriculture Advisory Commission was now in attendance.

- Allowed location of public markets was discussed.
- Home occupations adjacent to agricultural lands and potential negative impacts as well as the extraction, processing and sale of water was discussed.

GB 073/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee direct staff to prepare a project charter and a communications strategy to guide the Gabriola Island Agricultural Policies project and to include the following items within the scope of the project:

- The amendment of current Official Community Plan policies:
 - To remove the provision that allows a temporary use permit for water extraction/processing/sale to be applied for in the Agriculture designation.
- The addition of new Official Community Plan agriculture policies:
 - Respecting the right to farm by not permitting land uses on adjacent properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties;
 - Supporting partnerships with the farming community, senior government and private enterprise to promote the development of the agriculture sector;
 - Supporting local farmers' markets; and
 - Supporting the amalgamation of lots in the Agriculture designation.
- The addition of new Official Community Plan agriculture advocacy policies:
 - Discouraging the severance of agricultural land by utility corridor development;
 - Encouraging farm operators to participate in the Canada-BC Environmental farm plan program;
 - Encouraging farm operators to select production methods to maintain soil quality and to ensure surface and groundwater recharge areas are not contaminated by agricultural activities;
 - Encouraging farm operators to construct physical barriers, including fencing and appropriate indigenous vegetation, to restrict access by farm animals to watercourses;
 - Encouraging farm operators to employ sound environmental practices in accordance with current best practices;
 - Encouraging farm operators and landowners and farms to preserve and protect seasonally flooded agricultural fields; and
 - Discouraging farm operators from growing GMO food or nut trees, shrubbery, vegetables and commodity crops and from conducting any and all field tests for medical and experimental crops.
- The amendment of Land Use Bylaw regulations for:
 - Pet breeding/boarding facilities to include a setback from domestic water supply intakes (i.e. wells);
 - Greenhouses to reflect ALC recommendations and to clarify setbacks for large, non-illuminated greenhouses;
 - Setbacks to watercourses;
 - The addition of agriculture and horticulture as permitted uses in additional zones;

ADOPTED

- The addition of specific regulations for setbacks on non-agricultural lands adjacent to the agriculture zone; and
- Allow produce stands in front property line setbacks.
- The conduction of additional research, analysis and consultation, and the development of policy and regulatory recommendations for:
 - Regulating land-based aquaculture; and
 - Regulating agri-tourism operations.

CARRIED

15. ISLANDS TRUST WEBSITE

Gabriola Pages

No updates or comments

RECESSED FOR PUBLIC HEARING – 1:31pm

RECONVENED – 1:42pm

14.1.2 Climate Change Policy Implementation Staff Report dated July 5, 2013

Seth Wright reviewed the report by showing a PowerPoint presentation regarding climate change policy implementation recommendations.

The staff and trustees went through each “Potential LUB Amendment and Action” and “Potential LTC Actions” recommended in the report and discussed each item at great length.

It was decided to add “Promoting NAPTEP on Gabriola” to the next agenda.

GB 074/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that staff include in the next agriculture policy report, the produce stand recommendation from page 116 of the July 18 agenda, with a caution on the extent of food processing.

CARRIED

GB 075/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to draft an amendment to Guideline 7 from DP-7 The Village to require that parking is at the rear of businesses and that

ADOPTED

businesses open to the street to create a greater sense of intimacy and walkability in the village core.

CARRIED

Speaking to the motion, Trustee Malcolmson noted that only new developments would be affected.

GB 076/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that staff draft the following amendments:

- In section B.5 Parking, define parking maximums instead of parking minimum requirements. Such an amendment would recognize that accommodation parking for average needs instead of peak parking needs more effectively balances the need for parking with its significant impact;
- In section B.5 Parking, include requirements for bicycle parking in a manner similar to how vehicle parking is currently required as a ration of spaces to interior square footage. Ensure bike racks are located in a secure and accessible proximity to entrances. The provision of covered bicycle parking may also be considered as a desirable amenity in this climate; and
- In DP-7, the Village require permeable parking, including gravel, as an alternative to impervious parking surfaces. Where parking lot traffic demand requires hard surfacing, parking spaces shall be permeable. Interlocking brick pavers, or other visually appealing options, should be encouraged to support the village character.

CARRIED

GB 077/13

It was MOVED AND SECONDED,

that the Gabriola Island Local Trust Committee request that staff draft an amendment to the definition of Floor Area within the Gabriola Land Use Bylaw No. 166 from “the outer surface of the exterior walls” to “the interior surface of the exterior walls.”

CARRIED

Planner Wright explained the rationale behind his suggestion on page 121 of the agenda regarding the structural lifespan of buildings saying that by 2050 we should be examining what the latest science is and project accordingly. Discussion with trustees ensued.

ADOPTED

GB 078/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee submit a resolution to Trust Council to amend development application forms to include climate change considerations such as energy efficiency, renewable energy and carbon sequestration.

CARRIED

GB 079/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee include passive solar, renewable energy, and energy efficient design into the scope of the village area plan review.

CARRIED

In closing, Planner Wright stated that there have been some critical moments in climate change awareness politically recently, and if the provincial and federal governments are encouraged to take action, it will make the Islands Trust work more possible, easy and likely that more significant action can be taken.

Trustees thanked Planner Wright for his work.

14.1.3 Riparian Areas Regulation Implementation

14.1.3.i Staff Report dated July 12, 2013

Planning Manager Simpson introduced the report saying that since the report was finalized she has received some further information about the issues from colleagues in the Islands Trust and has updated her recommendations from those in the report. In particular, more information is needed about the potential for using a simple assessment to influence development of the bylaws that amend development permit areas to implement the RAR. This is a new idea for the Islands Trust Area; the advice from senior staff over the past several years and until recently, has provided a few options for a local trust committee to become compliant with the RAR, and these options have all followed a strict interpretation of the legislation. The concept of using a simple assessment under the RAR to narrow down development permit area boundaries is a very new idea and needs to be further explored if it is to be pursued by the LTC.

Regional Planning Manager Simpson advised that she no longer recommends that the limit of pruning two

ADOPTED

trees without the need for a development permit changes to allow two trees per 200 metres of stream because there are other problems with this approach, such as the number of trees that are on the property in the first place.

Regarding an exemption for “public bodies” undertaking restoration work, more research needs to be done to determine who can be considered a public body under the RAR.

Discussion ensued around the following topics:

- Simple assessment costs;
- Streamside protection and enhancement areas;
- Possibility of reducing the development permit area; and
- The need for further planning research.

GB 080/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request funding in the 2014/2015 trust council budget to survey a simple riparian area regulation assessment to reduce the area affected by riparian area regulation on Gabriola.

CARRIED

GB 081/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request advice from staff, regarding the invasive species removal issue, in F.3.1.3 (f) “undertaken or authorized by public body” on how public body will be interpreted.

CARRIED

14.1.3.iii Email from Robert Seaton dated July 3, 2013

Staff and trustees discussed Robert Seaton’s recommendations.

14.1.3.ii Email dated June 26, 2013 from Eeva Gibson

Reviewed for information.

ADOPTED

GB 082/13

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

that the Gabriola Island Local Trust Committee request staff to forward the correspondence at 14.1.3.ii to the Ministry of Transportation.

CARRIED

17. BYLAWS

17.1 Proposed Bylaw No. 267 cited as "Mudge Island Official Community Plan Bylaw 227, 2007, Amendment No. 1 2012"- for consideration of second and third readings and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval

Deferred.

17.2 Proposed Bylaw No. 268 cited as "Decourcy Island Official Community Plan Bylaw 16, 1981, Amendment No. 1, 2012" for consideration of second and third readings and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval

Deferred.

18. NEXT MEETING

Thursday, September 5, 2013 at 10:15am at the Women's Institute, 476 South Road, Gabriola Island, BC.

19. TOWN HALL SESSION - None

20. ADJOURNMENT

By general consent the meeting adjourned at 3:30pm.

David Graham, Chair

CERTIFIED CORRECT:

Jessie Sherk, Recorder