



**Gabriola Island
Local Trust Committee
Minutes of a Special Business Meeting**

Date of Meeting: Thursday, October 23, 2013
Location: Gabriola Island Agricultural Hall,
465 South Road

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
Two (2) local media representatives and approximately five
(5) members of the public were in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:17am. He noted that there will be no town hall session because the topic of this special meeting is post-public hearing.

2. APPROVAL OF AGENDA

The agenda was approved by consensus with the following amendments:

- Late item added to 3.1– October 22, 2013 Supplemental report

3. Proposed Bylaw Nos. 265 and 266

3.1 Staff Report dated October 15, 2013 regarding Riparian Areas Regulation Implementation – Post Public Hearing and Supplemental Staff Report dated October 22, 2013

Planning Manager Simpson explained how the post public hearing procedure. She spoke to staff recommendations for amendments to the bylaw based on input received before and during the public hearing. She explained that the supplemental report responds to input from the trustees.

ADOPTED

Trustees discussed at length, reducing the development permit area, pursuing a simple assessment, and other recommendations in the staff report.

As requested from Trustee Malcolmson, Planning Manager Simpson then spoke about the different levels of mapping under the Riparian Areas Regulation. She explained that this process was started by the Ministry of Environment to identify the boundaries of watersheds and designate fish habitats. In an initial staff report there were a number of options developed for Islands Trust that included designating the entire area as watershed designating the entire watershed as a Development Permit Area, however, the Local Trust Committee decided not to do that. Instead, Madrone Environmental Services Ltd. was hired to come in and do the stream mapping, following the methods in the Riparian Areas Regulation. She went on to discuss simple assessments to determine the Streamside Protection and Enhancement Area noting that it seems that simple assessments may be the best option for Gabriola Island. Each recommendation in the report was discussed between staff and trustees.

GB 104/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff advice on amending proposed Bylaw No. 266 in F.3.2.1 to read “application of pesticides, herbicides, and/or chemical fertilizer”.

CARRIED

GB 105/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 266 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012” by adding the word “impervious” between the words “non-structural” and “or” to F.3.2.1e.

CARRIED

GB 106/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 266 by defining “landscaped area” as “an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete”, and amending exemption F.3.3.1d to read “gardening and yard maintenance activities, not involving the cosmetic application of pesticides, within a pre-existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land.

CARRIED

Speaking to the motion, Trustee Malcolmson noted that the exemption is the same wording as the North Pender Local Trust Committee bylaw, which was approved by the minister, the landscape area definition is copied from the Saanich bylaw, and both of these amendments would minimize confusion.

GB 107/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff advice on amending proposed Bylaw No. 266 to include an information note clarifying that, for certainty, existing development is not affected by the Riparian Areas Development Permit Area.

CARRIED

Trustee Malcolmson then started a discussion regarding the list of exemptions that were proposed before the public hearing. She noted that according to the staff report, staff does not think that the Province will agree that they comply with the Riparian Areas Regulation; however, she would rather ask the Province to know for sure. Discussion ensued.

Trustee Rudischer noted that the Land Use Bylaw does not need the minister's approval; therefore they should put whatever they feel necessary into it and just make sure that whatever they put into the Official Community Plan is compliant with the Riparian Areas Regulation.

GB 108/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 266 to add the following exemptions and refer to Forest, Lands and Natural Resource Operation for comment:

1. Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act*, farm uses as defined in Section 2(2) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation, and agriculture and horticulture as defined in the Gabriola Island Land Use Bylaw No 177;
2. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
3. With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
4. Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared;
5. The construction of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high water mark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared;
6. The construction of a private trail if all of the following apply:
 - a. The trail is 1 meter wide or less;
 - b. No native trees are removed;
 - c. The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - d. The trail is designed to prevent soil erosion where slopes occur; and
 - e. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream

CARRIED

Trustee Rudischer started a discussion regarding the amendment of F.3.3.1c in the bylaw where it speaks of the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property. She feels that homeowners shouldn't have to hire an arborist to determine whether or not a tree poses a danger. Trustee Malcolmson wondered how this would be interpreted in terms of bylaw enforcement. Discussion between staff and trustees ensued.

ADOPTED

GB 109/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend Exemption F.3.3.1c by removing the words “have been examined by an arborist and certified to”.

DEFEATED

Staff and trustees then discussed what happens when someone is not interested in complying with a development permit area and what would compel the applicant to provide a qualified environmental professional report. The Development Approval Information Bylaw was discussed. It was noted that some wording might need to change to ensure that staff have the authority to give this direction to land owners. Planning Manager Simpson will look into the wording of the Development Approval Information Bylaw.

GB 110/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 265 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2012”, by deleting the definition of watercourse from Appendix 1 (definitions).

CARRIED

GB 111/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee give second reading to proposed Bylaw No. 265, cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No.1 2012”, as amended.

GB 112/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amend the previous motion to replace the words “second reading” with the words “first reading”.

DEFEATED

The main motion (GB 111/13), as originally moved was then

CARRIED

It was noted that the Local Trust Committee would be making further changes to the bylaw based on the next staff report before third reading is considered.

GB 113/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee amends Bylaw No. 266 cited as Gabriola Island Land Use Bylaw 177, 1999, Amendment No 1, 2012 by:

- a) adding a new activity to the list requiring a development permit in section F.3.2.1: “application of artificial fertilizer, pesticides or herbicides”;
- b) Adding a new exemption to the list in F.3.3.1: “repair or replacement of a septic field on the same spot;
- c) Adding a new exemption to the list in F.3.3.1 “manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices”; and
- d) Adding a new information note after the list in F.3.3.1: “Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.”

CARRIED

GB 114/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee give second reading to proposed Bylaw No. 266, cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012”, as amended.

CARRIED

GB 115/13

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee direct staff to contract with Madrone Environmental Consulting Ltd. to conduct a simple assessment of the streams mapped in their 2012 “Gabriola Island Riparian Area Regulation Stream Identification” report.

CARRIED

4. BYLAWS

- 4.1 Proposed Bylaw No. 265 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1,2012” – for consideration of second reading.

There was nothing further to add regarding this bylaw.

- 4.2 Proposed Bylaw No. 266 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No.1, 2012” – for consideration of second reading

There was nothing further to add regarding this bylaw.

Trustee Malcolmson thanked the staff for their efforts as well as the media for their coverage in the newspaper.

Lastly, there was a short conversation between staff and trustees about the Official Community Plan and the Land Use Bylaw.

5. NEXT MEETING:

Thursday, November 28, 2013 at 10:15am at the Women's Institute, 476 South Road, Gabriola Island, BC

6. ADJOURNMENT

By general consent the meeting adjourned at 11:45am.

David Graham, Chair

CERTIFIED CORRECT:

Jessie Sherk, Recorder