



## **Gabriola Island Local Trust Committee Minutes of Special Meeting**

<b>Date:</b>	<b>June 23, 2016</b>
<b>Location:</b>	<b>Gabriola Island Agricultural Hall 465 South Road, Gabriola Island, BC</b>
<b>Members Present</b>	<b>Laura Busheikin, Chair Melanie Mamoser, Local Trustee Heather O'Sullivan, Local Trustee</b>
<b>Staff Present</b>	<b>Rob Milne, Island Planner Ann Kjerulf, Regional Planning Manager Lisa Millard, Recorder</b>
<b>Others Present</b>	<b>There were approximately 75 (seventy-five) members of the public and 1 (one) member of the media present.</b>

### **1. OPEN HOUSE**

### **2. CALL TO ORDER**

Chair Busheikin called the meeting to order at 7:03pm. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

### **3. GB-RZ-2016.1 (POTLATCH PROPERTIES/PILOT BAY HOLDINGS - WILLIAMSON & ASSOCIATES)**

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

Chair Busheikin introduced the Members and Staff present and explained the purpose of a Community Information Meeting.

#### Presentation by Planner Milne

Planner Milne conducted a PowerPoint presentation which highlighted the following key points:

- The intent of the application is to transfer densities from three properties allowing for the creation of 25 new lots closer to the Island's Village core.
- The new lots, within the area of four receiving properties, will be an average of 1.9 hectares (4.7 acres) in size.

- The density transfer is allowable under the Gabriola Island Official Community Plan (OCP) Policy 5.2 (i), which was explained.
- A map of the donor properties was featured. The properties are currently zoned Forestry and are proposed to be re-designated to Forestry Wilderness Recreation 1.
- A map of the receiving properties was shown. These properties are currently zoned Forestry, or Resource, and are proposed to be rezoned to Resource Residential 2 (RR2).
- The density calculations for the donor and receiving properties were reviewed.
- Planner Milne explained that rezoning to Resource Residential is usually done in two stages however the bylaw amendments would allow the process to be done in one step for efficiency reasons.
- A timeline of the application process was reviewed.
- It was noted that any land that is currently zoned as Agricultural Land Reserve (ALR) is excluded from the application.
- A map of the proposed subdivision was shown.
- Seven of the proposed parcels allow for a secondary residence.
- A proposed extension between Spruce Avenue and Church Street was highlighted. This road would be under the jurisdiction of the Ministry of Transportation and Infrastructure.
- A common property driveway within the proposed subdivision would allow for public access to adjoining parkland.

#### 4. QUESTION AND ANSWER SESSION

Planner Milne responded to questions as noted:

- How wide is the trail to Taylor Bay Road and is it wider than the riparian set back?  
The lands would be given over to the Regional District of Nanaimo (RDN) which would be responsible for designing the trail systems.
- Why is the average lot size, which determines the number of total lots available, not being calculated according to OCP Policy 5.1 c (iv) which explains the formula for determining said lot size?  
It is necessary to look that information up to provide an accurate answer.
- In regard to the section of private road that provides access to the public trail who would guarantee, or enforce, public access? There are existing areas in which public beach access is supposed to be available but private property owners have blocked it.  
The first step would be to have the Bylaw Enforcement Officer deal with an access complaint.
- Are you able to calculate, or estimate, the effect on the water supply if the proposal goes forward on the basis that forest land is rezoned and as well if the forest land is not rezoned?  
There has not been a study done to assess that. In order for one to be conducted the Local Trust Committee (LTC), through the Islands Trust Trust Council, would need to allocate budget to do so.
- Why isn't the forestry land within the donor properties being zoned P or P2?  
We can reasonably assume that the RDN will accept the land but cannot guarantee this. If they do accept the land the designation can be changed to Parks 2 however if they don't accept the land then the Forestry Wilderness Recreation 1 designation allows for other options.

- When the reservoir that feeds Mallet Creek is investigated by the RDN, will they use existing information regarding fish habitat and the viability of Mallet Creek if the reservoir were drained because it has an earthen dam, and will Mallet Creek be recognized as part of the analysis?
  - The RDN has concerns that it is an earthen dam and if Mallet Creek didn't have a dam, it isn't clear if there would be some other method to provide water retention. It is a good question and one that perhaps the Ministry of Environment would need to address.
- Can you outline where the connecting corridors to Burnside Drive and Lochinvar Lane are?
  - The applicant can put a mechanism into the proposal in which an easement on affected properties would allow continued public access to trails, however, the RDN administers the trail systems and the connections and therefore makes those decisions.
- Is the concern about the dam one of fluidization related to an earthquake?
  - Yes that is the concern that the RDN has.
- Is there a plan for storm water management in the proposed subdivision and is there any opportunity for the proponent to provide details of where this water would go?
  - Storm water management is addressed by the Ministry of Transportation and Infrastructure through their subdivision approval process and the Ministry then sends a checklist to Islands Trust to go through to ensure compliance.
- Is there any vehicle that we have, or how many signatures do we need on a petition, to repeal OCP Policy 5.1 c (i)?
  - That could be affected through an amendment of the OCP by requesting that the LTC change the OCP. The LTC would go through the process of public consultation for the purpose of amending the OCP. This particular provision of the OCP policy was developed for the purpose of the creation of the 707 Community Park and is now being used for a similar type of density transfer.
- Why isn't the same principal of transferring densities out of the donor lands designated Forestry applied at the same rate as the receiving properties on Church Street which are also designated Forestry?
  - The application is to transfer densities from one area to another and from Forestry to Resource, and then to Resource Residential which currently allows for additional densities. The applicant has provided a comprehensive application and has done multiple studies. Once an application is submitted to Islands Trust, and a fee paid, the applicant is entitled to due process. The application is within the parameters of the OCP and the additional densities are part of the application.
- Some of the area around Coats Marsh has been mapped and designated as riparian area. Have the receiving lands been mapped and designated as riparian? Specifically has Islands Trust mapped Mallet Creek and designated it as a riparian area to date? A riparian designation provides for up to 30 metres on each side of the creek to be protected and if the creek was designated as riparian would the number of hectares in the receiving area be affected?
  - The area has been mapped and set backs from the creek have been established as riparian, or protected areas, but the area has not been designated riparian. The subdivision plan is conceptual at this point and when fine tuning occurs then mapping, designations and set backs have to be taken into consideration by all parties.

- Presuming a knowledgeable trust lawyer writes the legal documents regarding easements and covenants who has the authority and responsibility to register those legal documents onto the properties?  
The applicant has that responsibility.
- It was mentioned that rainwater harvesting might be a requirement for the property owners, however, rainwater is not supported by the Vancouver Island Health Authority (VIHA) as potable water.  
VIHA has indicated rainwater, as a potable drinking source, is not their preference but it can be used under certain recommendations and it can also be used for many other water purposes.
- The trails within the proposed subdivision are noted as being common property shouldn't they be designated as linear parks under the control of the RDN?  
The trails are not noted as common property, but the access to the trails is proposed to be common property within a bare land strata with easements placed on the properties to protect public access.
- Why change a Forestry designation to Resource Residential 2? Does that have any implications for the park within that area? Why not designate it as Park and then take the lots out of the park?  
The zoning creates the potential to subdivide the property and when there is a large enough subdivision then a minimum of 5% of the land must be designated for park purposes. If it is all zoned as Parks, then it is cannot be subdivided.
- Does the fee the developer pays to make the application cover the costs of Islands Trust staff or is that paid by the taxpayers?  
Application fees do not cover all of the costs required to work on the proposal.
- The common driveway in the subdivision appears to turn it into a gated community. It is a common road but easements can be put on it to ensure public access. As a bare strata road it can be made narrower than a regular road which allows for larger lots and more flexibility in subdivision design.

Chair Busheikin opened the floor to comments which have been summarized as follows:

- Those with concerns regarding the proposal stated the following reasons:
  - The area is forestry land and not suitable to subdivisions.
  - The area already has too many subdivisions and we cannot support road maintenance, water needs, septic or sewer needs.
  - There is no potable city water available, water tables are a concern and a well on each property will affect other property owners' wells.
  - The development does not seem to have rural character because it appears to potentially look like a gated community.
  - There are concerns about increased traffic and road safety when Spruce Avenue and Church Road are connected and some residents do not want the through road at all.
  - The proposal does not appear to address the community's concerns about affordable housing.
  - The addition of more park land will increase taxes required to maintain them.
  - The density calculations are done with the assumption that changing the existing two step process re-zoning has already been approved and the entire proposal is based on that. The actual density of the receiving properties is therefore incorrect. It should be a density transfer of 1 to 1 and the proposed bylaw does not change what the current density actually is. The transfer should remain density neutral.

- We do not need more density clustered near the Village.
- Potential benefits of the proposal were stated as follows:
  - The current Forestry designations allow for those lands to be harvested for timber while the designation of Resource Wilderness 2 will protect them.
  - Riparian mapping has not been done in some of the areas and they are therefore not protected from timber harvesting.
  - The proposal allows for a significant increase in park land which would otherwise be logged again if the Forestry designation is not changed.
  - More trails increase the connectivity of neighborhoods, improve walkability of the Island and also reduce the carbon footprint.
  - Currently the Gabriola Local Trust Area has the third lowest amount of protected land in trust area; the addition of 384 acres of parkland will increase Gabriola's protected land area from 9% to just over 11%.
  - The road connection is important for public safety.
  - If the lots zoned Forestry were logged, it would create a fire break.
  - There is a clear difference between land zoned forestry and that which is zoned park land and because Mr. Rooks currently allows free access to the land in question, which could be lost at any time, there is a perception that the community has more park land than it actually does.
  - The Fire Chief believes that increased traffic in the area would average out and the Ministry of Transportation and Infrastructure monitors road use and would upgrade accordingly.

Chair Busheikin asked if there were any further comments or questions and there were none.

## 5. ADJOURNMENT

**By general consent** the meeting was adjourned at 9:16pm.

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Laura Busheikin, Chair

Certified Correct:

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Lisa Millard, Recorder