



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

<b>Date:</b>	<b>July 21, 2016</b>
<b>Location:</b>	<b>Gabriola Arts &amp; Heritage Centre 476 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>Sonja Zupanec, Island Planner Rob Milne, Island Planner Ann Kjerulf, Regional Planning Manager Lisa Millard, Recorder</b>
<b>Others Present</b>	<b>There were approximately eight (8) members of the public and one (1) member of the media in attendance</b>

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

Chair Busheikin called the meeting to order at 10:16 am. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

Chair Busheikin explained what a Special Local Trust Committee Meeting is and stated that this meeting is not a Community Information Meeting. Discussion ensued about adding a Town Hall to the agenda. It was decided that prior to the Trustee's discussion on Item Nos. 3, 6 and 7, an invitation to receive comments from the public would be made.

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

The following additions to the agenda were presented for consideration:

- 3.1.2** Email dated July 20, 2016 from Ryan Anderson GB-RZ-2016.2 (OTG Developments – James, Dempsey Rd).

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

### **3. APPLICATIONS AND REFERRALS**

#### **3.1 GB-RZ-2016.2 (OTG Developments - James, Dempsey Road)**

3.1.1 Staff Report dated May 26, 2016

Planner Zupanec noted that the Applicant was not in attendance but would be available by phone if necessary. She reviewed the Staff Report and summarized the Applicant's proposal to rezone the subject property from Resource to Resource Residential in order to facilitate the subdivision of a 10.7 hectare lot into two lots. She noted that the late correspondence received from the Applicant did not change staff recommendations for the proposal.

Discussion ensued and the following points were considered:

- The proposal was inconsistent with some Official Community Plan (OCP) policies.
- There are a limited number of properties zoned Resource and these properties were zoned as such for the purpose of protecting larger tracts of land.
- Residential build out comparisons.

**GB-2016-067****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee proceed no further with application GB-RZ-2016.2

**CARRIED****GB-2016-068****It was MOVED and SECONDED**

that the Applicant for GB-RZ-2016.2 be issued a refund in the amount of \$1300 as per Gabriola Fees Bylaw No.245.

**CARRIED****GB-2016-069****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to advise OTG Developments that they may reapply only after one year from this date.

**CARRIED**3.1.2 Email dated July 20, 2016 from Ryan Anderson, OTG Developments

Received for information.

#### 4. CLOSED MEETING

##### 4.1 Motion to Close the Meeting

**GB-2016-070**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(l)(a) consideration of appointments to Board of Variance, (d) adoption of Closed Meeting Minutes dated February 11, 2016 and (i) receipt of advice that is subject to solicitor-client privilege and that the recorder and staff attend the meeting.

**CARRIED**

The meeting was closed to the public at 10:46 am.

##### 4.2 Recall to Order

The meeting was re-opened to the public at 12:22 pm.

**By general consent** Item 4.3 was re-ordered to take place after Item 5.

#### 5. BREAK

**By general consent** the meeting was recessed at 12:22 pm and reconvened at 12:45 pm.

Approximately twenty-five (25) members of the public joined the meeting and Chair Busheikin reiterated that this was not a Community Information Meeting, nor was there a Town Hall on the agenda. However, prior to the Trustee's discussion on Item Nos. 6 and 7, an invitation to receive comments from the public would be made.

##### 4.3 Rise and Report

Chair Busheikin reported that in the closed meeting

- The Local Trust Committee (LTC) appointed Sheila Ray, Jack Woodward and Laurie Jackson to the Board of Variance for the Gabriola Island Local Trust Area.
- Legal advice was requested and received on the interpretation and application of density transfer policies in the Gabriola Island Official Community Plan in relation to the Potlach Proposal. The legal opinion was prepared by Islands Trust Solicitor Bill Buholzer who wrote the publication *British Columbia Planning Law and Practice* which is the acknowledged authority on interpreting and using the *BC Local Government Act*.

- The Local Trust Committee may consider density transfer proposals that do not fit the literal scope of the density transfer policies set out in the Official Community Plan in regard to the current zoning of the receiver site (in this case, Forestry rather than Resource).
- With respect to density calculations, it is feasible to apply Resource zoning to the entire receiving site, despite that some of it is currently in the Forestry zone, to illustrate that the proposed density of 25 lots on the receiving lands meets the intent of the Official Community Plan density transfer policies.
- Generally speaking, density transfers under Part 14 of the *Local Government Act* involve concurrent rezoning of donor and receiver sites in the manner reflected in proposed Bylaw Nos. 289 and 290, and there is no legal need to undertake a two-step rezoning process.

## 6. APPLICATIONS AND REFERRALS CONTINUED

### 6.1 GB-RZ-2016.1 (Potlatch Properties and Pilot Bay Holdings)

The following comments were received from members of the public:

- Written comments received from the public did not seem to be addressed in the July 11, 2016 Staff Report.
- Affordable housing, roads, septic issues, environmental impact, and riparian concerns have not been fully addressed to date.
- There is concern about the impact on aquifer recharge areas and that tree loss will continue, or occur, with the proposed development.
- The Gabriola Land and Trails Trust (GaLTT) is in support of the proposal due to the park lands that will be received through the donor lands, and if the Regional District of Nanaimo (RDN) does not accept the lands then GaLTT is willing to help explore other options for land maintenance.
- It was suggested that trail connections in the receiver parcels be established and protected by means of creating linear parks or trail licenses held by GaLTT and then subsequently transferred to a strata group.
- Decisions regarding trail licenses might better be made by elected officials.
- It was suggested that the LTC consult with individuals that were affected by the density transfer that resulted in the creation of the 707 Community Park.
- Added population in the Taylor Bay Road area is a concern.
- Secondary dwelling cottages, where allowed, could partially address the affordable housing issue.

#### 6.1.1 Staff Report dated July 11, 2016

Planner Milne summarized the report and addressed the following concerns that were raised at the June 18, 2016 Community Information Meeting as follows:

- That the rezoning of the receiving properties directly to the proposed Residential Resource 2 zone without first rezoning the Forestry parcel to Resource was determined to be acceptable as per the legal opinion received.
- The method of calculating the density of the receiving areas was done in alignment with, and within the context, of the OCP and that this method has been legally confirmed.
- That upon review it was confirmed that it had previously been determined that there was not a requirement for a covenant between Lots 6 and 7 of Plan VIP86742.
- The concern about the use of using rainwater as a potable source of water was addressed through the publication “Rainwater Harvesting, Best Practices Guide”, which is posted on the RDN website. Planner Milne also indicated that the installation of cisterns could be placed as a condition of approval for this proposal.
- That the existing Forestry designation on some of the lands does not provide environmental protections.
- That there are seven potential lots in the proposed subdivision that allow an accessory cottage building which could be recognized as providing affordable housing options.
- The Mallett Creek area is protected through the provincial Riparian Areas Regulation (RAR).
- Trail locations, connections and access agreements will be addressed through the receiving organization of these donated lands and that the RDN has expressed interest in engaging in discussion regarding said trails and parks.

Planner Milne stated that the application was in the early referral process and that any concerns brought forward through the referral process will be addressed. He also noted that the Advisory Planning Commission will be giving consideration to the Application during a July 26, 2016 meeting.

Discussion ensued regarding the following topics:

- The designation of Small Rural Residential versus Resource.
- The size of the parkland donated in relation to average lot size calculations and if the parkland is decreased would lot size, and thereby densities, increase. Planner Milne stated that the intent is not to increase densities beyond the current proposed number.
- There are discrepancies in the sizes of the lots when comparing BC Assessment information and actual survey sizes. It was noted that the smaller sizes were used for the purpose of density calculations.
- The importance of communicating that the areas zoned Large Rural Residential and Agriculture are excluded from the rezoning proposal.

- There are Large Rural Residential and Agriculture zoned areas of parts of receiving parcels which are outside of the receiving area making these split zoned lots. Each portion of a split zoned lot is regulated by the bylaws related to each specific zoning designation which includes the number of residences allowed.
- The portion of the lot that includes some Agriculture zoned land would require Agricultural Land Commission approval to subdivide.
- Clarification on the benefits and drawbacks of amending the Riparian Areas Regulation to include Mallett Creek and what protections might be allotted to the area based on a Qualified Environmental Professional's (QEP) assessment.
- Trails and trail connections have been identified as a public concern and options such as linear parks, access agreements, easements and covenants are options to be considered. It was suggested that these be included in the Applicant's proposal and a more detailed conceptual lot layout showing trails and accesses be provided.
- The Ministry of Transportation and Infrastructure (MoTI) evaluates the roads based on anticipated traffic volumes. MoTI is responsible for road access off of the bare land strata common driveway but the driveway itself would not be under the Ministry's jurisdiction. MoTI's primary concern regarding bare land strata roads are public health and safety, emergency access, and the potential for accidents.
- Perceptions that the bare land strata common road denotes a gated community which would restrict access. While the proposal does not include provisions for a gate, public access agreements can be considered and put into place.
- Ensuring the public knows that in this proposal the term bare land strata means a common driveway maintained by property owners and that the connector road is the Spruce – Church connection which would be maintained by MoTI.
- What are the differences between re-designating donor lands as Park, Forestry / Wilderness Recreation or Resource Conservation?
- The task facing the community is to weigh the concerns about the impact of the development versus the increased park land that is being offered in exchange.
- The possibility of including issues such as maximum dwelling size, rain water catchment, water conservation, and gray water use in the community conversation at upcoming Community Information Meetings.

**By general consent** the meeting was recessed at 2:29 pm and reconvened at 2:41 pm.

**GB-2016-071**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to send Bylaw Nos. 289 and 290 to the Ministry of Transportation and Infrastructure for early referral.

**CARRIED**

**GB-2016-072**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to prepare an updated report addressing the following:

1. Designation to Resource (R), instead of Small Rural Residential (SRR).
2. The calculation of the average lot size based on the full receiver parcel size.
3. More detailed information on lot and zone sizes in donor and receiver parcels.
4. Clarity on what is being done with the Large Rural Residential (LRR) zoned portion of the lots, the Agricultural zoned portion of the lots, and the remainder of the lots in the donor parcel.
5. Benefits and drawbacks of amending the Riparian Areas Regulation Development Permit Area versus Park protection on Mallett Creek.
6. Options for designating and rezoning the donor lands.
7. Bike trail provisions on the Spruce – Church connector.
8. A communication plan including Town Hall sessions addressing specific issues such as, but not limited to, public green space and water.
9. Adding clear language around water catchment and conservation covenants and trail access agreements and / or easements.
10. The impact on proposal of having the common driveway be a dedicated road instead.

**CARRIED**

Planner Milne and Regional Planning Manager Kjerulf left the meeting at 2:49 pm.

**7. LOCAL TRUST COMMITTEE PROJECTS**

**7.1 Gabriola Housing Options Review Project**

Chair Busheikin asked if any members of the public wished to speak and the following comments were noted:

- The project calls for reviewing the possibility of permitting secondary suites or accessory cottages on lots larger than 2.0 hectares versus smaller lots and this provision might minimize the impact of extra water use for those with neighboring properties.
- Why were trailers not considered permanent housing? Planner Zupanec stated that manufactured homes attached to concrete rail foundations are considered a permanent dwelling but if on a chassis they are considered a temporary dwelling.
- Clustered housing is typically needed for affordable housing and if it were to be developed then infrastructure such as sewer systems, common water systems, and solar systems would be needed.
- Shipping containers could be considered as an affordable housing option as part of the tiny home and temporary dwelling review.
- Smaller housing requires less expensive building permits.
- Attracting and maintaining young families who will support the businesses required for an aging population needs to be considered.
- Bylaw No. 250, which states toilets are not allowed in secondary buildings, should be reviewed.
- There are also limited options for senior citizens wishing to downsize.
- The existing land use bylaws restrict the possibility of affordable housing. There are allowances for increased densities for multi-family buildings for seniors but not for those with special needs.

#### 7.1.1 Supplemental Staff Report dated July 5, 2016

Planner Zupanec summarized the Staff Report and highlighted the following:

- The refined objectives of the project.
- The scope of the project in Phase 1 and the proposed scope for Phase 2 which could occur in the 2017 / 2018 Islands Trust fiscal year.
- The 2016 Census Data is anticipated to provide information that can further define the scope of Phase 2.
- The proposed project timeline and work plan overview.
- The Advisory Planning Commission was identified as a key group to engage and work with.
- The budget allocated to the project.

Discussion ensued and it was noted that:

- Most properties that were 2.0 hectares in size or larger were further removed from the village core and ferry services, therefore properties of this size might not be ideal for affordable housing.
- Is it possible to determine how many cottages have been built and are currently being used as an affordable housing option?



- Is it known why commercial building owners are not constructing apartments on the upper level of their buildings as is allowed?
- There is potential to develop a survey to attempt to determine what is currently in use and working based on what is currently allowed in terms of secondary dwelling buildings.

Further discussion ensued regarding items that might be included in Phase 2 of the project, specifically, a review of Bylaw No. 250, as well as items that might be added to the out of scope list for consideration in Phase 2 of the project.

**GB-2016-073**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse the Gabriola Housing Options Review Project Charter (as revised).

**CARRIED**

**8. NEW BUSINESS**

**8.1 Local Trust Committee Budget Request for 2017-2018**

**8.1.1 Staff Report dated July 12, 2016**

Planner Zupanec summarized the Staff Report and the proposed LTC project budgets for the 2017 / 2018 fiscal year.

**GB-2016-074**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve and forward the draft 2017-18 budget submission to the Financial Planning Committee as presented.

**CARRIED**

**9. UPCOMING MEETINGS**

**9.1 Next Regular Business Meeting Scheduled for Thursday, September 8, 2016 at 10:15 am at Gabriola Arts & Heritage Centre, 476 South Road, Gabriola Island, BC**

**10. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:52 pm.

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Laura Busheikin, Chair

Certified Correct:

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Lisa Millard, Recorder