



Gabriola Island Local Trust Committee Minutes of Regular Meeting

- Date:** February 9, 2017
Location: The Haven - Heron Room
 240 Davis Road, Gabriola Island, BC
- Members Present** Laura Busheikin, Chair (by telephone)
 Melanie Mamoser, Local Trustee
 Heather O'Sullivan, Local Trustee
- Staff Present** Sonja Zupanec, Island Planner
 Teresa Rittemann, Planner 2
 Ann Kjerulf, Regional Planning Manager
 Miles Drew, Bylaw Enforcement Manager
 Lisa Millard, Recorder
- Others Present** There were twenty-one members of the public and one member of the media in attendance.

1. CALL TO ORDER

By general consent Trustee Mamoser will chair the meeting.

Trustee Mamoser, Acting Chair, called the meeting to order at 10:15 am. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations. She stated that Chair Busheikin was unable to attend the meeting due to the weather, and that she would be attending electronically, as an observer. She further noted that Local Trust Committee (LTC) members are not able to vote via telecommunications.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

10.1 GB-SUB-2016.3 Roundtuit Farms Ltd. was removed from the agenda.

14.2 Electronic Meeting Procedures was added to the agenda.

14.3 First Nations Reading list was added to the agenda.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The following points were made:

- Lot 1 Section 19 located within the proposed Potlach Properties development area has a restrictive covenant placed on it by the Regional District of Nanaimo (RDN)

which only allows for one residential dwelling and therefore this lot is unable to be subdivided.

- Why is it being proposed that the definition of affordable housing be removed from the background section and the definitions section of Draft Bylaw 292 Section 2.6?
- Why is the definition of affordable housing being addressed during this phase of the Housing Options Review project when it was to be addressed during the next phase?
 - Staff indicated that they would address these questions during the Housing Options Review portion of the meeting.
- Questions regarding if the development of 25 lots and the parkland dedication in the receiving parcel of the proposed Potlach development will adequately preserve and protect the ecosystems and habitat of the area.
- The proposed bylaws would potentially allow for each lot to have a single family dwelling, a secondary dwelling, home occupation, agri-tourism and agricultural uses. The green spaces can potentially be used for special events, playground equipment, outdoor and indoor sports facilities creating a cumulative effect that threatens habitats.
- Suggestion that the LTC explore Resource Conservation as defined in the Land Use Bylaw (LUB) D.2.5 as a tool for habitat protection free of human intrusion, or alternatively look at the possibility of P4 zoning that places habitat protection ahead of recreational uses.
- A community member is interested in starting a home based business for food production, which is allowed under current bylaws, but there is a conflict with health inspection authorities as they do not allow home kitchens to be used for commercial production purposes.
- Also, it is not permitted to construct an accessory building with a kitchen.
 - Planner Zupanec noted that she is correct that current bylaws do not allow a second kitchen in an accessory building, however, this topic is being discussed as part of the Housing Options Review project.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated January 12, 2017 – for adoption

The following amendments to the minutes were presented for consideration:

Page 7 in the first paragraph add a final bullet point which states “Trustee O’Sullivan noted that under the local government act an OCP is defined as a visionary document and in her opinion the goals and objectives of an OCP are at least as important as the policies designed to enable them.

Page 9 bullet point at top of the page last sentence should read “Planner Zupanec informed the meeting attendees about the Islands Trust marine mapping staff...”

Page 9 item 13.4 first bullet point should read “The concept is a community book club focussed on a First Nations reading selection which is augmented by a First Nations reading list.

Page 10 in Town Hall section correct spelling is Hetherington (no letter a).

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated February 1, 2017

Received for information.

6.3 Advisory Planning Commission Draft Minutes dated January 9, 2017 - for receipt

Received for information.

6.4 Mudge Island Advisory Planning Commission Minutes - none

6.5 Agricultural Advisory Commission Minutes - none

6.6 Transportation Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated February 1, 2017

Received for information.

7.2 Printing "Your Marine Waterfront Guide" – discussion

GB-2017-011

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee authorize the release of up to \$150.00 (one hundred and fifty dollars) from the Local Trust Committee Communication budget for printing 10 (ten) copies of “Your Marine Waterfront Guide”.

CARRIED

8. DELEGATIONS – none

9. CORRESPONDENCE

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

9.1 Email dated January 19, 2017 from Gabriolans Against Freighter Anchorages Society

Trustee O’Sullivan recognized that the Gabriolans Against Freighter Anchorages Society (GAFA) continues to set a very high standard for research and dialogue on this issue. She also noted that of particular concern to GAFA is Transport Canada’s goal of using the Federal Oceans Protections Plan to address anchorages outside of Port Authority jurisdiction.

10. APPLICATIONS AND REFERRALS

10.1 GB-SUB-2016.3 - Roundtuit Farms Ltd. (DeCourcy Is.) - Staff Report

This item was removed from the agenda.

10.2 Proposed Bylaw No. 294 - Staff Report

Planner Zupanec stated that proposed Bylaw No. 294 is to correct the map schedule reference for Development Permit Area 3 (DP-3) Riparian Areas in the LUB. She summarized the Staff Report and indicated that agency referrals had been sent out.

GB-2017-012

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 294, cited as “Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017” be read a second time.

CARRIED

GB-2017-013

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. 294, cited as “Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2017-014

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a public hearing for Proposed Bylaw No. 294 cited as “Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017”.

CARRIED

10.3 GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings – Memorandum

Allan Dakin, Senior Groundwater Engineer, joined the meeting by telephone conference call.

Mr. Dakin provided an overview of the Hydrogeological Assessment Report and highlighted the following:

- The purpose of the assessment was to determine if new wells in the proposed development area will have an impact on existing ground water users, groundwater levels and nearby streams.
- He reviewed existing information and studies available from Islands Trust and the RDN, a thirty-year record of water level measurements, and Ministry of Environment water well records.
- He noted that some of the monitoring occurred before many of the wells in the Village area were added, that seasonal fluctuations were taken into account, and that the Ministry water well records were often not complete.
- He estimated both the water use of a typical household and the overall use of the proposed subdivision and made calculations on the amount of water flow into the area from rainfall and snow melt.
- He reached the conclusion that the amount of water taken from these new wells would have little impact on water balance on this part of the aquifer and would have no measurable impact on existing wells that perimeter the development area.

Trustees had provided written questions to Mr. Dakin prior to the conference call. Discussion ensued and the following clarifications were provided:

- The yield of 5.4m³ per day at the well located on the Emcon works yard property noted on page 4 of the report came from a test done on the well 5 years ago. This is an estimate based on a specific test but the tests tend to be a good indication of longer term yield. All other yields quoted came from the Ministry of Environment website.
- Yield can vary seasonally as the water table in the area fluctuates seasonally but this change in water level makes little difference in the yield of a well.
- Problems with a well can be due to the pump not being placed at the bottom of the well or not being placed where the water enters into the well.
- All water levels and elevations noted in the report come from soon after the wells were drilled and before they had been pumped.
- Consistent patterns in static water levels typically indicate that there is a minimal chance the water level of an entire area will decrease when some wells are added.
- In areas where wells are close together, a localized depression in the water table can occur, however, in the proposed development the wells are further away from each other.
- Dr. Diana Allen, of Simon Fraser University, wrote a report that reviewed climate change in relation to ground water levels and it concluded that currently climate change does not seem to affect the levels but it may do so in the future.
- Anecdotal reports of local wells having less water in summer months could be due to higher water use in drier months and it is Mr. Dakin's speculation that problems are more likely due to a concentration of wells close together.
- The observation well located on the Emcon property was no longer monitored after 2002. At that time the summer lows in the well were being reported as lower than previous years. Mr. Dakin could not determine what caused this but did note that the well level recharged in the fall and winter months. The applicant stated that the monitoring well was located beside the school well

and the summer levels started to show a decrease at the same time the soccer fields were installed, which are heavily irrigated. It was further noted that Emcon uses water from this source for road dust control in the summer.

- It is not possible for contaminants from the proposed subdivision to affect neighboring properties as all new wells and septic systems will be down grade from existing wells. Current regulations require wells to be deeply drilled and have clay seals so that surface water cannot enter them.
- The scenarios used in the tables in the report are based on three different degrees of estimated use and conservation efforts.
- Water fluctuates during seasons and during the summer months there is almost no recharge from rain, however, there continues to be water storage in the water table.
- The recommended distance between wells in the proposed subdivision is 30 metres which is double the amount of provincial recommendations. It is Mr. Dakin's opinion that setbacks of 30 metres are more than adequate.
- The use of explosions when creating new wells in bedrock are rare. Mr. Dakin has not found evidence that hydro fracking is a problem as it is very localized and would not create a large fissure.
- Pump tests were not conducted when composing the report as one pump test on one well does not reflect results of pump tests on another well.

11. BREAK

By general consent the meeting was recessed at 12:30 pm and reconvened at 12:53 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Housing Options Review Project - Staff Report

Planner Zupanec summarized the staff report. Discussion ensued and the following was noted:

- Staff is not proposing to change the existing definition of affordable housing and it will remain as it is currently written in the OCP.
- In the Table of Recommended Revisions for the OCP Draft Bylaw No. 292 point 4 remove the word "appropriate" in the last sentence of the replacement wording.
- In Section 2.4 of the OCP a definition for affordable housing is repeated and should be removed from this section.
- In Draft Bylaw No. 292 Section 2.8 it is noted that a definition of affordable housing will be deleted from Appendix 1 however this is an error.
- Currently only one home occupation is allowed to operate on a property that contains a principal dwelling and an accessory cottage. The draft bylaws propose allowing one or more home occupations and this can be clarified at a future Community Information Meeting.
- Under Draft Bylaw No. 293 Section B.6.3.5 it was noted that secondary suites could be used for less time than a monthly basis if approved under the Temporary Use Permit process.

By general consent a recess was called at 1:51 pm and the meeting reconvened at 1:57 pm.

Planner Zupanec stated that the Agricultural Land Commission (ALC) regulations pertaining to residential uses in the ALR are not duplicated in the Agriculture zone provisions of Draft Bylaw No. 293. Staff will bring back revised regulations for the Agriculture zone section of the bylaw for LTC consideration.

GB-2017-015

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to come back with draft bylaw language for the agricultural zone regulations which are consistent with section 3.1.b of the Agricultural Land Reserve Use Subdivision and Procedures regulations.

CARRIED

GB-2017-016

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the change to Draft Bylaw No. 292 Section 2.8 removing the term affordable housing from the list of definitions.

CARRIED

GB-2017-017

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend Draft Bylaw No. 293 Section B.6.3.5 to add the words at the end “unless authorized by a temporary use permit”.

CARRIED

GB-2017-018

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and confirmed that Bylaw No. 292 cited as “Gabriola Island Official Community Plan (Gabriola Island), 1997, Amendment No. 1, 2017” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2017-019

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and confirmed that Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” is not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2017-020

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 292 cited as “Gabriola Island Official Community Plan (Gabriola Island), 1997, Amendment No. 1, 2017” be read a first time.

CARRIED

GB-2017-021

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” be read a first time.

CARRIED

GB-2017-022

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 292 and 293 be referred to the following agencies, organizations and First Nations for comment:

- Gabriola Island Advisory Planning Commission
- Regional District of Nanaimo Building Inspection
- Islands Trusts Bylaw Enforcement
- Gabriola Housing Society
- People for a Healthy Community Gabriola Island
- School District No. 68
- Agricultural Land Commission
- BC Assessment – Assessment Unit
- Island Health Protection and Environmental Services Branch
- Island Futures
- Gabriola Island Chamber of Commerce
- Snuneymuxw First Nation
- Penelakut Tribe
- Halalt First Nation
- Lyackson First Nation
- Cowichan Tribes
- Lake Cowichan First Nation
- Hul’qumi’num Treaty Group
- Stz’uminus First Nation
- Semiahmoo First Nation

CARRIED

Planner Ritemann and Bylaw Enforcement Manager Drew arrived at 2:00 pm.

12.2 Roadside Signage - Staff Report

Planner Ritemann summarized the staff report and highlighted the following:

- Agency referral feedback received to date.
- The Advisory Planning Commission (APC) recommended that the LTC consider the number of real estate signs allowed per lot.
- A Public Hearing will be scheduled for additional community feedback on the proposed amended bylaws.

Discussion ensued and Trustees made the following comments:

- Further additional community feedback is needed regarding the 12 square foot total size restriction for some signage.
- The APC noted that multi party signs can only be located in non-residential zones and this might not be feasible as many non-residential areas are surrounded by residential areas.
- The APC noted that the maximum of one third party sign per lot might be too restrictive on larger lots.
- The Chamber of Commerce provided feedback stating multi party signs would typically be placed in road allowance areas and would therefore be under the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI). Only allowing them in non-residential zones might be too restrictive.

GB-2017-023

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291, Section B.4.6.1.b to read: not be located in the Small Rural Residential zone.

CARRIED

GB-2017-024

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291, Section B.4.7.1. to remove subsection a. and amend and renumber subsection b. to read: third party signs shall not exceed 1.1 square metres (12 square feet) in sign area, per lot.

CARRIED

Miles Drew, Bylaw Enforcement Manager, noted that the terms “commemorative”, “historical” and “interpretive” within the exempted signs section of the bylaw should be defined. He further noted that a bylaw can be adopted and circumstances under which it would be expected not to be enforced can also be stated within a standing resolution.

GB-2017-025

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 291, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”, be amended as specified in Attachment 2 – “Appendix A” of the staff report received February 9, 2017.

CARRIED

GB-2017-026

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 291, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”, be read a second time, as amended.

CARRIED

GB-2017-027

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing to consider Gabriola Island Local Trust Committee Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No 2, 2016”.

CARRIED

Trustee O’Sullivan asked that the following be flagged for future discussion:

- The Bylaw Enforcement Manager’s comment about a standing resolution regarding non-enforcement circumstances.
- The Chamber of Commerce’s note regarding mail box notice boards being added to Obsolete and Derelict Signs.

12.3 Covenant for Manufactured Homes in the ALR - Staff Report

Regional Planning Manager Kjerulf summarized the staff report.

GB-2017-028

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approves the model covenant prepared by the Islands Trust solicitor dated February 2017, to be used for the purpose of satisfying Gabriola Island Land Use Bylaw regulation D.2.1(a)(ii) for manufactured homes in the Agricultural Land Reserve, and designates the Gabriola Island Trustees as authorized signatories for such covenants.”

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated February 1, 2017

Received for information.

13.1.2 Projects List Report dated February 1, 2017

Received for information.

13.2 Applications Report dated February 1, 2017

Received for information.

13.3 Trustee and Local Expense Report – none

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

Trustee O’Sullivan requested that the First Nations reading list, which will be used for the One Community One Book event, and potentially used for Islands Trust related purposes geared towards increasing opportunities for public engagements around truth and reconciliation opportunities to increase awareness and build relationships with local First Nations, be posted on the webpage.

GB-2017-029

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to post the First Nations reading list prepared by Trustee O’Sullivan on the Gabriola Island Local Trust Committee webpage.

CARRIED

13.6 Chair's Report

Trustee Mamoser reported on the following:

- February 10 is the deadline for community input for the upcoming Islands Trust budget and individuals can go to the webpage and fill in the survey to provide feedback.
- Trustee office hours are Mondays 10:00 am to 11:00 am.
- She will attend the local planning committee meeting next week.
- Trust Council meets on Gabriola in March and this is an opportunity for the community to be engaged in that process.

13.7 Trustee Reports

Trustee O’Sullivan reported on the following:

- Is seeking ways of increasing awareness in the community on First Nations issues, building relationships and working on truth and reconciliation

awareness. It has been her long-term goal to put together a comprehensive reading list, vetted by local First Nations. The list will be made available at the One Community One Book event taking place in April. The Gabriola Library has purchased several copies of "Medicine Walk" by Richard Wagamese and she encourages the community to read the book, and join the community conversation in April, which will be facilitated by Shelagh Rogers, with guests from Snuneymuxw First Nation.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - none

14. NEW BUSINESS

14.1 Provincial Private Moorage Policy Update January 2017

Regional Planning Manager Kjerulf summarized the policy update memorandum and noted that the Province designates areas as "application only areas" or "general permission areas" and if a dock is located in a general permission area one does not need to submit an application for a tenure. Gabriola is within an application area and will continue to receive applications for docks, however, tenure and tenure renewals fall under general permission guidelines.

Trustee O'Sullivan referenced the bullet point in the memorandum which states that the dock be constructed and placed so as to not unduly impede public access and to avoid impacts to neighbouring property owners, and asked who regulates that requirement. Regional Planning Manager Kjerulf replied that this is a provincial requirement..

14.2 Electronic Meeting Procedure

GB-2017-030

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct staff to draft an amendment bylaw to facilitate electronic meetings.

CARRIED

14.3 First Nations Reading List

This item was discussed under Item 13.5 and Item 13.7

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, March 9, 2017 at 10:15 am at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

16. TOWN HALL

The following points were made:

- The information used on the hydrogeological assessment is up to 40 years old.
- The report indicates that there is a large aquifer in the Ross Way / Burnside Road corridor with three wells that produce a high volume of water, however, two of the property owners state that these wells don't exist as reported.
- It is believed that those rates have diminished considerably since first tested and reported.
- There is no way to find out if these wells exist without pump tests being done.
- A community member attended a very brief meeting in which the applicant generalized the development and was assured it would not impact him. He later found out a road would be constructed within 10 metres of his property.
- It is his professional opinion as a geoscientist that if data is questionable then it needs to be brought to the attention of both the writer of the report and the applicant.

17. CLOSED MEETING - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:25 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder