



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** March 9, 2017  
**Location:** Gabriola Arts & Heritage Centre  
 476 South Road, Gabriola Island, BC

**Members Present** Laura Busheikin, Chair  
 Melanie Mamoser, Local Trustee  
 Heather O'Sullivan, Local Trustee

**Staff Present** Sonja Zupanec, Island Planner  
 Theresa Rittemann, Planner 1  
 Ann Kjerulf, Regional Planning Manager  
 Lisa Millard, Recorder

**Others Present** One (1) member of the local media and twelve (12) members of the public were in attendance

### 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.

### 2. APPROVAL OF AGENDA

9.1 Late Delegation Marie Brannstrom and Paul Metcalfe regarding GB-RZ-2016.1 Potlach Properties and Pilot Bay Holdings

13.3 Chair Participation at the One Book One Community Event

13.4 Ferry Advisory Committee meeting with the Ministry of Transportation and Infrastructure and BC Ferries

By general consent the agenda was approved as amended.

### 3. TOWN HALL AND QUESTIONS

Gabriola Land and Trails Trust (GaLTT) provided a written submission indicating their support of the GB.RZ.2016.1 Potlach Properties and Pilot Bay Holdings rezoning application and noted that GaLTT has authority to hold Section 218 Statutory Rights-of-Way in regard to a proposed trail linkage previously discussed with the Applicants.

A member of the public provided a written submission requesting the Local Trust Committee (LTC) sever all existing Riparian Areas between roadside ditches or, alternatively, request the Attorney General of BC investigate the LTC's passage of Riparian Bylaws, and as well, request the Auditor General of BC conduct a value for money performance audit of the Islands Trust.

A member of the public noted that a previous LTC had stated that the Riparian Bylaws and their content were mandated by the Provincial Government.

#### 4. COMMUNITY INFORMATION MEETING

##### **Planner Presentation Proposed Bylaw No. 294**

Island Planner Zupanec summarized the proposed bylaw and highlighted the following:

- It is an amendment to correct text labeling in Section 9.1 of the Official Community Plan (OCP) development permit area three (DP3) Riparian Areas to replace all references to D1 and D2 on the schedule with D as shown on the schedule.
- This correction to the reference is necessary.

##### **Question and Answers**

The Island Planner asked if there were any questions and there were none.

##### **Planner Presentation Proposed Bylaw No. 291**

Planner Rittemann summarized the proposed bylaw and highlighted the following:

- Based on the Advisory Planning Commission's (APC) recommendation the LTC determined that two real estate signs per lot would be permitted.
- The Ministry of Transportation and Infrastructure (MoTI) noted that road side allowances fall within their jurisdiction and are subject to their regulations.
- The Gabriola Island Chamber of Commerce noted that there was no reference to mail box notice board signs.
- The Bylaw Enforcement office indicated that the LTC continues to have the option of making a standing resolution regarding non-enforcement of bylaws.
- There is a proposed amendment to Table 1: Sign Regulations to allow for a sign on an adjacent upland lot in water general (WG) zones.
- Commemorative, historical and interpretive signs have been exempted in the P1, P2, and P3 zones.
- The term directional signs was proposed to be removed due to more specific regulations in the proposed bylaw.
- Section B.4.3 regulates which types of temporary signs are allowed and when.

##### **Questions and Answers**

Planner Rittemann responded to questions as follows:

- In the water general zone can one put a sign on a land lot?
  - One could only put a sign on an upland lot in a WG zone if there is a water lease.
- If the maximum number of signs and size are removed in the P1, P2, and P3 zones why do you need an exemption?
  - The table indicates that there is no maximum number of signs and no maximum area and within the exemptions it states which signs are exempted from the provisions of this section. In section B.4 it states "notwithstanding the exemption" and therefore one would need to consider if the sign is commemorative, historical, or interpretive.

Trustee O'Sullivan stated that she intended to propose to move WP1 and WP3 into the same row as WG as WP2 relates specifically to water parks and should not correlate with WP1 and WP3 which are water protected zones but not parks.

- Real Estate signs are allowed everywhere except water zones and temporary signs are allowed in all zones. Why would a sign for real estate purposes not be in a water zone but a temporary sign for an event be permitted? The same applies for B.4.3.4 which refers to temporary directional signs.
  - If a sign is put up in a water zone advertising a community event you would have to turn to the zone specific regulations to review if it is allowed as some water zones prohibit commercial uses.

## 5. PUBLIC HEARING

### 5.1 Recess for Public Hearing

5.1.1 Bylaw No. 294

5.1.2 Bylaw No. 291

**By general consent** the meeting was recessed at 10:45 am to conduct a Public Hearing on Bylaws No. 294 and 291.

### 5.2 Recall to Order

**By general consent** the meeting was recalled to order at 10:54 am.

## 6. LOCAL TRUST COMMITTEE PROJECTS

### 6.1 Proposed Bylaw No. 294

**GB-2017-031**

**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 third time.

**CARRIED**

**GB-2017-032**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

### 6.2 Proposed Bylaw No. 291

**By general consent** the meeting was recessed at 11:01 am and reconvened at 11:11 am.

**GB-2017-033**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee rescind second reading of Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016.

**CARRIED**

**GB-2017-034**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016" such that the preamble for Part 2 reads: "Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the current definition of third party sign and adding the following definitions in alphabetic order:"

**CARRIED**

**GB-2017-035**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016" such that in Table 1: Sign Regulations, WP1 and WP3 be moved to the same row as the WG zone.

**CARRIED**

Discussion ensued regarding signage in water zones for advertising purposes. It was noted that WG, WP1 and WP2 zones have prohibitions that state no float, dock, or other structure can be used for commercial or industrial use. Previously there were no restrictions on signs in water zones with the exception of signs for commercial purposes and now the bylaw limits size and number of signs and does not allow real estate signs.

**GB-2017-036**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee give second reading to Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016" as amended.

**CARRIED**

**GB-2017-037**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be read a third time.

**CARRIED**

**GB-2017-038**

**It was MOVED and SECONDED**

That Gabriola Island Local Trust Committee Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**7. MINUTES**

**7.1 Local Trust Committee Minutes dated February 9, 2017**

The following amendments to the minutes were presented for consideration:

On page 1 of the minutes Item 1 delete the second paragraph which states "Trustee Mamoser stated that Chair Busheikin will be attending the meeting electronically". and replace it with "Trustee Mamoser, Acting Chair, stated that Chair Busheikin was unable to attend the meeting due to weather and that she would be attending the meeting electronically as an observer and she further noted that Local Trust Committee (LTC) members are not able to vote via telecommunications."

**By general consent** the minutes were adopted as amended.

**7.2 Section 26 Resolutions-Without-Meeting - none**

**7.3 Advisory Planning Commission Minutes - none**

**7.4 Mudge Island Advisory Planning Commission Minutes - none**

**7.5 Agricultural Advisory Commission Minutes - none**

**7.6 Transportation Advisory Planning Commission Minutes – none**

**8. BUSINESS ARISING FROM MINUTES**

**8.1 Follow-up Action List dated March 1, 2017**

Regional Planning Manager Kjerulf noted that a meeting with the Regional District of Nanaimo (RDN) was being scheduled as a precursor to the inter agency meeting.

**9. DELEGATIONS**

**9.1 Marie Brannstrom and Paul Metcalfe regarding GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings**

The delegates provided a presentation featuring a map of their property and the proposed development area and made the following points:

- When the subdivision development was first proposed they were advised by the applicant that there would not be any impact on their property.
- It appears that the strata access road will be built down the steepest part of the slope which runs along their property line.
- There is lightly treed open yard space between their house and the proposed road and vehicle headlights will illuminate their house.
- They advised the applicant of their concerns.
- The LTC is being asked to consider the application before a formally proposed access road location has been identified.
- They have suggested an alternative road route further away from their home and further away from the Riparian area.
- In a recent discussion with the applicant they were advised that the proposed road has not been finalized or engineered and that many concerns need to be addressed before the location is finalized. They were also advised that the determination of the path of the road would not be made until after the connector road was built and the eastern residences were completed.
- They are not against a road being built on the lot identified on the map, providing it doesn't impact the use of their land in a substantial manner.

Discussion ensued and the following points were made:

- The delegates are referring specifically to the strata driveway.
- MoTI will comment about the siting of the common driveway at the time of subdivision when the application is put before them.
- The MoTI approving officer does have to take the public interest into consideration.
- There are currently no established setbacks for a new subdivision or restrictions to building a common access driveway on a lot on which the residences are not located.

## 10. CORRESPONDENCE

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

## 11. APPLICATIONS AND REFERRALS

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

Regional Planning Manager Kjerulf summarized the staff report.

#### **GB-2017-039**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee accept a covenant for GB-SUB-2016.3 under Section 219 of the *Land Title Act* from the registered owners of PID 000-991-694; Block F, Sections 10, 23, 24, Nanaimo District, Plan 41970 and authorize the Chair and Trustee O'Sullivan of the Gabriola Local Trust Committee to sign the covenant.

**CARRIED**

**GB-2017-040****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee add “review of subdivision policies and regulations” to the Projects List under the item “Decourcy OCP review” and that the “Decourcy OCP review” item be expanded to “Decourcy OCP and bylaw review”.

**CARRIED****11.2 GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings - Staff Report**

The Island Planner summarized the staff report and highlighted the following:

- The APC and the RDN requested they have further opportunity to comment.
- The hydrological assessment report was reviewed by the Water Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) and a detailed response was provided. The applicant has requested that their consultant review said response and answer outstanding questions.
- A draft covenant has been prepared and it was noted that covenants can be changed up to the point of registration if necessary.
- A Community Information Meeting and Public Hearing can now be scheduled.
- The applicant has prepared a conceptual layout of parks and trails and this has been forwarded to the RDN for review.
- In the chart of referral responses it should state that FLNRO’s interests are affected by the bylaw.
- MoTI will not participate at the Community Information Meeting as they do not become involved until a subdivision application is received .

The applicant made the following comments:

- He received a letter from Paul Metcalfe and Marie Brannstrom and he spoke with them regarding their concerns about the access road.
- The access road is conceptual and is shown on the plan now so that elevations and grades of the hill can be determined.
- There is a possibility that the road can be moved 50 to 60 metres away from the property boundary.
- They will look at options to create separation.

Discussion ensued and Trustee Mamoser indicated that she would like an organization, such as GaLLT, to have access to Peacock Pond, Mallett Creek and the trails for the purpose of ongoing maintenance and rehabilitation.

**GB-2017-041****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff enter into discussion with Gabriola Land and Trails Trust and Applicant to evaluate options to allow ongoing monitoring and potential rehabilitation work on Mallett Creek as a condition in the covenant.

**CARRIED**

**By general consent** the meeting was recessed for a break at 1:01 pm and reconvened at 1:18 pm.

Discussion ensued regarding the requirement that residences in the development have a cistern, however, the cistern capacity has not been determined. A Trustee proposed 5000 imperial gallon cisterns be considered based on the requirements established by the Yellow Point development permit area.

**GB-2017-042**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff establish a 5000 imperial gallon minimum cistern size per principal dwelling in the covenant.

**CARRIED**

Discussion ensued and the following was noted:

- Staff will prepare a document of frequently asked questions and answers about the proposal and information summarizing concerns and benefits and these can be available at the Community Information Meeting.
- Linear parks are defined as dedicated park land with ownership held by the RDN and the trails in the proposed park land are common property corridors which will have statutory rights-of-way held by the RDN.
- Staff confirmed that the LTC could ask the RDN or GaLTT to hold a statutory right-of-way or a license of occupation to secure access to the trail to the viewpoint.

**GB-2017-043**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to bring forward an amendment to Proposed Bylaw No. 290 for consideration at third reading which would amend the RR2 zone to include a new regulation requiring each principal residence to be constructed with a connection to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres for domestic use.

**CARRIED**

Discussion ensued and the following was noted:

- A public hearing will be held before the RDN confirms receipt of the public parkland.
- If the RDN does not confirm receipt the LTC would have to look at a cash in lieu option and this would be considered fundamentally substantial new information with the result of changing the application immensely and it would therefore need to be reconsidered and would result in a new public hearing.
- The strata owners need to be made aware of potential archeological zones flagged in the archeological study and the applicant stated this will be addressed at time of subdivision through a separate covenant.
- If irrigation requirements were included in the covenant it would be necessary to ensure language and standards are consistent with irrigation industry standards.

- Drainage requirements will be addressed through MoTI at the time of subdivision.

Discussion ensued regarding water use and the following comments were noted:

- There have been comments within the community regarding the reliability and validity of data in the hydrogeological report due to individual residences having difficulties with their wells in the summer months when demand is greatest. The purpose of the study was to determine the effect of wells on the water table overall.
- The *Water Sustainability Act* protects the rights of existing users in times of scarcity within the first in time first in rights clause and individuals can choose to register their wells if they are concerned.
- The MoTI stage of the process also provides a level of protection as water availability needs to be proven at that stage and if not then, it can result in a decrease in the number of allowable lots.
- The LTC has made a requirement for the installation of cisterns on each property.
- Homeowners can sign up with the RDN for well monitoring.

**GB-2017-044**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016” and Bylaw No. 290 cited as “Gabriola Island Land Use Bylaw No. 177, 1999 Amendment No. 1, 2016”, to the Advisory Planning Commission for comment.

**CARRIED**

**GB-2017-045**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request that Advisory Planning Commission members be formally invited to attend the Community Information Meeting to consider proposed Bylaw Nos. 289 and 290, in advance of the Advisory Planning Commission meeting.

**CARRIED**

**GB-2017-046**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016” and Bylaw No. 290 cited as “Gabriola Island Land Use Bylaw No. 177, 1999 Amendment No. 1, 2016”, and for consideration of accepting Trail No. 4 as a statutory right of way, to the Regional District of Nanaimo for a decision regarding proposed parkland dedication on the receiving lands.

**CARRIED**

**GB-2017-047**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016”.

**CARRIED**

**GB-2017-048**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 290, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2016”.

**CARRIED**

Discussion ensued regarding the two referrals currently in front of the APC and if it is feasible to discuss both topics at the upcoming APC meeting.

**GB-2017-049**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee rescind referral of the Housing Options Review project to the Advisory Planning Commission.

**CARRIED**

**12. REPORTS**

**12.1 Work Program Reports**

12.1.1 Top Priorities Report dated March 1, 2017

Received for information.

12.1.2 Projects List Report dated March 1, 2017

Received for information.

**12.2 Applications Report dated March 1, 2017**

Received for information.

**12.3 Trustee and Local Expense Report dated January, 2017**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

Received for information.

**12.5 Local Trust Committee Webpage**

No additions or changes.

## 12.6 Chair's Report

The Chair reported the following:

- She is preparing for the upcoming Trust Council meeting taking place on Gabriola and she invited the public to attend.
- Some of the meeting topics include protecting archeological sites, adopting the budget, funding for a temporary full time Fresh Water Specialist staff position and an update on work being done to create a more coherent visual identity for Islands Trust.
- An electronic meetings guide is being worked on.
- The Executive Committee is planning to go to the Association of Vancouver Island Coastal Communities annual convention in Campbell River and the Islands Trust will be initiating an action around the regulation of styrofoam and hard foams in marine areas.

## 12.7 Trustee Reports

Trustee O'Sullivan reported on the following:

- She attended a Trust Programs Committee meeting and one of their projects is the Community Island Stewardship Awards. She encourages community members to put forward nominations for this award which are now open.
- The Trust Programs Committee is focusing on water conservation and education and FLNRO will be presenting a series of well owner education workshops.
- She participated in a gathering of a group of individuals looking at furthering truth and reconciliation opportunities on Gabriola.
- She participated in, and observed, a gathering organized by Sustainable Gabriola and there were several discussions about transportation, energy, housing options and food production.
- The Ferry Advisory Committee (FAC) recently met with BC Ferries and MoTI about issues related to the ferry line up.
- She recognized that March 8, 2017 was International Women's Day and acknowledged the hard work of the LTC members and Islands Trust staff.

Trustee Mamoser reported on the following:

- She is on the Trust Council's local planning committee which will be working with the Northern Island Trust office to assess a phased approach to conducting and funding a needs assessment as part of the community housing and needs project. The assessment will begin on Gabriola and will include both a quantitative and qualitative analysis. A consultant will attend and speak with the community as part of this analysis.
- She watched the museum's annual general meeting and the presentation by Fiona MacRaid, Islands Trust First Nations Senior Intergovernmental Policy Advisor, regarding the Douglas Treaty.
- She spoke to the Power Squadron about Islands Trust and local marine issues.
- She stated that Trustee office hours continue.

**12.8 Electoral Area Director's Report - None**

**12.9 Trust Fund Board Report - February, 2017**

Received for information.

**13. NEW BUSINESS**

**13.1 Advisory Planning Commission Appointments - Staff Report**

The Island Planner summarized the staff report and stated that the Advisory Planning Commission currently has six members with terms expiring in April.

**GB-2017-050**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request that staff advertise for expressions of interest for the Gabriola Island Advisory Planning Commission.

**CARRIED**

**GB-2017-051**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms will expire on April 2, 2017, inviting their expressions of interest for reappointment to the Advisory Planning Commission.

**CARRIED**

**GB-2017-052**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission bylaw for consideration of the Local Trust Committee.

**CARRIED**

**13.2 Camp Miriam - for Discussion**

Received for information.

**13.3 Chair Participation at the One Book One Community Event**

Chair Busheikin would like to attend the event as a LTC representative.

**GB-2017-053****It was MOVED and SECONDED**

that the Chair be authorized to attend the One Book One Community Event and that funds be released for her travel expenses.

**CARRIED****13.4 Ferry Advisory Committee meeting with the Ministry of Transportation and Infrastructure and BC Ferries.**

Trustee O'Sullivan attended the meeting on March 6, 2017 and noted the following:

- The purpose of the meeting was to discuss safety issues of the ferry line up on Taylor Bay Road, the u-turns and the risks of illegal u-turns.
- FAC would like MoTI to do a study and establish a solution to the problem.
- BC Ferries was supportive and indicated the most effective way to get them to initiate a study is for the local government and local authorities to write to the Ministry outlining community support for the study.
- The FAC website has a summary of the meeting

**GB-2017-054****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to write a letter for the Chair's signature to the Minister of Transportation requesting a safety study for the Gabriola Island ferry line up by the Ministry of Transportation and Infrastructure.

**CARRIED****14. UPCOMING MEETINGS****14.1 Next Regular Meeting Scheduled for Thursday, May 11, 2017 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC****15. TOWN HALL**

Members of the public made the following comments:

- Once a qualified, licensed, engineer signs off on a document that they are qualified to speak about, the document is effectively admissible in court. The LTC can commission a review of the findings by an independent, qualified professional with knowledge of the issue, however, it is not necessary to do so.
- There is concern about liability issues around the Peacock Pond and Mallett Creek and if ownership is transferred to a strata council they could determine to dry the pond to eliminate liability and the dam supplies water to lower Mallett Creek which is a salmon bearing creek.
- The professional that wrote the hydrogeological report did not consult residents about their experiences and therefore underestimated the value of local knowledge.
- There is concern about donor land on Coats Marsh Regional Park that is being zoned forestry and the owner will be allowed to build one residence. He questioned the advantage of this rezoning as protection against development is not being

provided. The recommendation that this land be zoned habitat has not been considered.

- Trustee response was that current zoning allows for ecological reserve whereby park zoning does not.
- Treatment of large lot residential (LLR) parcels has been segmented from the other parcels within the proposed Potlatch development and once formalized, this can set precedent allowing the RDN to take away a community's ability to determine what happens on a LLR zone.

**16. CLOSED MEETING- none**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:54 pm.

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Laura Busheikin, Chair

Certified Correct:

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Lisa Millard, Recorder