



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

**Date:** March 20, 2017  
**Location:** Gabriola Island Community Hall  
2200 South Road, Gabriola Island, BC

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

**Staff Present** David Marlor, Director, Local Planning Services  
Sonja Zupanec, Island Planner  
Becky McErlean, Legislative Clerk  
Emily Kozak, Recorder

**Others Present** There were approximately 60 (sixty) members of the public present.

### **1. CALL TO ORDER AND INTRODUCTIONS**

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

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

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

### **3. COMMUNITY INFORMATION SESSION GB-RZ-2016.1 - Potlatch Properties and Pilot Bay Holdings**

Chair Busheikin introduced the members and staff present and explained the purpose of a Community Information Meeting.

#### **3.1 Presentation by Island Planner Zupanec**

Planner Zupanec conducted a presentation on application GB-RZ-2016.1 and Proposed Bylaws 289 and 290.

#### **3.2 Public Questions & Answer Session**

Chair Busheikin read out questions that had been submitted in writing either

before or during the meeting, and they were answered by a Local Trust Committee (LTC) member, the applicant, or a staff person as noted.

- What are the parameters for the access road on Taylor Bay Road?
  - Applicant. The Ministry of Transportation and Infrastructure (MoTI) sets that and will be part of the subdivision approval.
- Why isn't the developer required to submit a pro-forma regarding cost and proposed return on the development?
  - Director Marlor. Pro-formas are used mainly when development is happening in a large city, to assess uplift value of subdivision and when the government wants to get something back as a proportion of the value, such as an amenity. It could be seen as trading amenities for density, whereas this is a density transfer.
- What is the proposed cost of the new parkland to taxpayers? It has been quoted as \$80,000.
  - Director Marlor. As the land is donated there is no cost upfront. The ongoing cost is up to Regional District of Nanaimo (RDN) and will depend on intended use of property. RDN would consult with community and the Local Trust Committee.
- Why doesn't the land use bylaw have regulations about water that we want MoTI to refer to?
  - Planner Zupanec. The bylaw could contain stronger water requirements for a subdivision, as other LTCs do, but does not currently.
- The pond and Mallet Creek initially were to be part of the park package but the RDN refused to take them. Is there a way to ensure public access?
  - Planner Zupanec. Staff are still working with the applicant on public access. There are groups on the Island who want to monitor and enhance the area rather than promote trails and general access. There is the possibility for limited access such as a Statutory Right-of-Way for enhancement only by people from approved agencies.
- How long will it take to hear back from the RDN whether they will accept the park and trails as presented?
  - Planner Zupanec. The current site plan has been sent to them formally and they will now go through their government process, through staff and their board. It will likely take a few months and will result in a formal resolution.
- Is there any way to force a name change for this application/development? The word potlatch is a cultural practise that was banned by the government for many years and seems inappropriate as we work towards reconciliation.
  - Planner Zupanec. The application name is unchangeable and is based on the business names of the applicants, but is not intended to be the name of the development.
  - Applicant. No name has been decided on for the development and the names on the application are the business names.
  - Chair Busheikin asked whether the LTC could require a name change, and Planner Zupanec reiterated that the name is for internal filing only and not a registered or legal name for the subdivision.
- Why are we proceeding piecemeal instead of developing a new OCP? Can we suspend development until the OCP is updated?
  - Trustee O'Sullivan. A targeted revision of the Official Community Plan (OCP) was just completed in 2015. While it would be nice to have a new

one to reflect the community's interests, it is not practical considering how much time it takes. Suspending development would be unfair to applicants as they could not be addressed in a reasonably timely fashion.

- Trustee Mamoser. They support the density transfer clause in OCP as it is valuable to increase parkland on the Island.
- What is the Trust's perception of the ecological and social values of the donor lands?
  - Trustee Mamoser. The RDN is responsible for parkland on the Island and RDN park planners said it was a valuable piece of parkland to acquire. The proximity to Coats Marsh and the 707 park are significant. From an ecological viewpoint, professionals have said it is a good acquisition. The social value is in the trails and use.
  - Trustee O'Sullivan. The continuity of protected land and potential for trails is valuable. The RDN identified the value of the land for protecting water in the aquifer. This would become part of the largest contiguous protected land on the island. The applicant is currently allowing public access on their privately owned land which could be prevented in the future unless the land is donated.
- The application would protect lands currently zoned forestry. Current zoning means they could be logged. How would the new zoning fit with forestry objectives in the OCP?
  - Chair Busheikin. Once made a park that land could not be logged.
  - Trustee Mamoser. Referred directly to the OCP. Sustainable forestry is needed on Gabriola but they also recognize that these lands are a good area to protect. The OCP allows for density transfer from forestry land because they are big areas of land.
- Will there be a bike path on just the stretch of the new road connecting Spruce and Church? If so, who will pay for it? How much are tax payers on the hook for creating and upgrading the new road connection?
  - Planner Zupanec. The Islands Trust has a letter of understanding with MoTI for all roads on the Island. That section has not been identified as a road for inclusion in the bike route plan for Gabriola but the intention is that bike plan would be updated to show that as a valuable connector if the subdivision as presented is approved. The two existing roads are gravel but the new road must be wide enough for a bike path and held to current road standards. If Spruce and Church are paved later it would be done through MoTI and the exact cost is unclear.
- If the rezoning and density transfer bylaws are adopted will the donor land be transferred without conditions?
  - Planner Zupanec. No conditions have been identified.
- If the bylaws are adopted, will the Church Street and Spruce Road connection and trails go to the community without further conditions?
  - Planner Zupanec. There may be some conditions stipulated by MoTI and not by the LTC.
- If public access to the creek and pond is not possible, can the applicant donate land near the village for affordable housing?
  - Chair Busheikin. The OCP supports the need for affordable housing but not via a density transfer and this option was not seen as fitting with this complex application.
  - Trustee O'Sullivan. The current OCP provision for affordable housing is

cottages and secondary cottages on parcels over 5 acres. The OCP needs to address other ways to have affordable housing but right now this application has 7 lots over 5 acres that could have potential to have affordable housing.

- Will the trustees consider a parallel process to make habitat protection and ecological reserves a clear priority whenever a subdivision or rezoning application is submitted where parkland dedication is involved?
  - Trustee Mamoser. Stated yes, she would consider creating a new park zone for ecological protection.
  - Director Marlor. There are two ways to get park land; by donation, on which the LTC can put stipulations or through a 5% park dedication required in new subdivisions but not for ecological reasons, these areas are meant for recreation. This is a Provincial requirement.
- The plan includes a driveway with 12 lots going on to Taylor Bay Road. Will there be any effect on traffic congestion?
  - Chair Busheikin. The LTC discussed the likelihood of a traffic study and decided not to because effect would not be significant.
  - Trustee O'Sullivan. MoTI would look seriously at the existing traffic pattern when considering the subdivision application and where the common driveway should enter to avoid hazards. Should the application proceed, the Church-Spruce connector would also have an effect on traffic patterns.
  - Trustee Mamoser. MoTI will consider upgrades to the gravel roads at either end of the connector.
- If it turns out that the estimated water quantity is overly optimistic is there any recourse or remedy for those affected, both landowners within the proposed development and those outside? Does Islands Trust bear any liability in the event of over estimation of water quantity?
  - Planner Zupanec. There is no recourse to government, which is why there was a water study required. The hydrological assessment was vetted by the LTC. There are wide variables on why wells become less productive. The study stipulated that there is a very small level of potential impact on surrounding wells. MoTI will require proof of quantity and quality of water.
  - Trustee O'Sullivan. The Water Sustainability Act does provide protection in terms of first in time, first in right. The LTC decisions are based on the information they have. First in time first in right provides protection for existing well owners, where if new wells are found to be diminishing existing wells there is recourse.
  - Trustee Mamoser. The RDN also has a program for monitoring wells. The LTC tried to assess water issues and make sure neighbouring wells would be protected. Plus, there is the requirement to have rain water containment on each property.
- Is the 2500L/dwelling unit per day, litres per dwelling or per lot, as some lots will be big enough for a second dwelling?
  - Planner Zupanec. Per lot, assuming each lot has one dwelling, as clarified by the Ministry.
- Is there old growth forest on the subdivision land? Is there any limit on clearing on those lots?
  - Planner Zupanec. A map in the presentation showed the mature conifer forested areas on the property. The LTC and staff are working on wording in the covenant to protect those sensitive areas from the impacts of

development, as also reported in the biological inventory.

- The applicant wants to keep 3.5 hectares of the donor lands. What is the minimum parcel area of the zoning of the donor lands?
  - Planner Zupanec. 60 hectares.
  - Director Marlor. This application could be viewed as a large portion being donated, rather than a small parcel being taken off.
- Isn't this an amenity zoning proposal, as the forestry lots only have 1 density each?
  - Director Marlor. This is a density transfer. There are some amenities being provided that they do not have to provide. Nothing in the OCP says they must. It is their good will based on what the community might like.
- Would you please postpone the public hearing until it is clear that the RDN will accept the proposed park within the helicopter path?
  - Trustee Mamoser. Right now, what we are hearing is that the RDN will hold the park. If something changes there will be a new public hearing.
- Why was it stated that there was no increase in density?
  - Director Marlor. There is no increase in density overall based on the redesignation and rezoning of the receiver lands. .
  - Chair Busheikin. It is in compliance with the intent of the OCP.
- Why would the LTC give the Island Planner or his or her delegate the power to make decisions on the community's behalf?
  - Trustee O'Sullivan. Staff provide the LTC and Trust Council with advice but ultimately the responsibility to make decisions rests with the LTC. They consider the OCP, advice of staff and what the community wants.
  - Planner Zupanec. The wording in the draft covenant is to ensure staff can make sure that the applicant is meeting conditions and following the process stipulated by the elected officials. They can go to the site to make sure that conditions are met and sign off as staff would for a Development Permit application. It is not unusual for language to be written in to ensure that the LTC has endorsed parameters of conditions and staff check that they are being met. This takes out the need to wait for next LTC meeting for an elected official to do this work that staff is able to do, or have political involvement in technical considerations.
- Who will hold the Statutory Right-of-Way on the trails?
  - Trustee Mamoser. Trails 1-2-3 are under consideration by the RDN. The LTC has asked the RDN to reconsider holding Trail 4. Alternatively, it could be held by the Gabriola Lands and Trails Trust (GALTT).

#### 4. ADJOURNMENT

**By general consent** the meeting was adjourned at 8:49 pm.

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Laura Busheikin, Chair

Certified Correct:

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Emily Kozak, Recorder