



## Gabriola Island Local Trust Committee Minutes of Special Meeting

<b>Date:</b>	<b>March 30, 2017</b>
<b>Location:</b>	<b>Gabriola Island Community Hall 2200 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 Lisa Millard, Recorder</b>
<b>Others Present</b>	<b>There was one (1) member of the media and ten (10) members of the public in attendance.</b>

### 1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:00 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. BUSINESS ITEMS

#### 3.1 GB-RZ-2016.1 (Williams & Associates - Potlatch Properties and Pilot Bay Holdings) - discussion for consideration

The Island Planner advised the Local Trust Committee (LTC) of the options for potential next steps regarding the rezoning application as follows:

- Defer consideration to next regular meeting or request a special meeting for an alternate date.
- Request further information from staff.
- Consider third reading with amendments already identified.
- Consider other amendments and if related to use or density of lands an additional public hearing would be required.
- Proceed no further.

Discussion ensued and the following points were made:

- The required minimum cistern capacity was set at 5000 gallons based on requirements established in other areas within the Islands Trust as well as research done by the developers of the Yellow Point subdivision and is based on 30% of overall use for non-potable use.

- Speculation that the Regional District of Nanaimo (RDN) will not accept parkland due to the need for a flight path are potentially unfounded as the covenant language states that the Medical Clinic will be responsible for keeping the tree path clear.
- The public expressed a desire that the process follow that of the previous density transfer. However, many aspects of the current transfer are different and therefore the previous transfer cannot necessarily be considered the only model to be relied upon.

Discussion followed regarding the remainder parcel on the donor land and the following was noted:

- The LTC wishes to secure this land for the benefit of the community due to its ecological importance.
- The applicant has expressed support for right of first refusal to an agency, group, or the RDN and, when donor lands are dedicated, a covenant can be placed that specifies this right to select groups, and a time period can be designated to allow the agencies time to vet the offer.
- The Island Planner can provide further information regarding the RDN's interest in right of first refusal through the upcoming meeting with the Parks and Open Spaces Advisory Commission.

**By general consent** the meeting was recessed for a break at 12:24 pm and reconvened at 12:31 pm.

Discussion ensued regarding the public's concern that this application does not address affordable or attainable housing and the following was noted:

- The problem lies within the Official Community Plan (OCP) as it does not have enabling policies for multi-family or co-housing with the exception of those designated for seniors or special needs individuals.
- There are provisions to work within the density bank but there are no densities in the bank.
- Giving an individual or a group the option to purchase a lot for the purpose of affordable housing without providing certainty that the land could be developed as such is not feasible.
- The above issues are not the responsibility of the applicant to address.

Discussion followed regarding wildlife corridors, protection of habitat, and the creation of an ecological protection zone.

#### **GB-2017-055**

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

that the Gabriola Island Local Trust Committee add to its projects list creation of an ecological protection zone in the land use bylaw.

**CARRIED**

Discussion ensued regarding the feasibility of including reports and references referred to in the covenant within the body of the document versus the appendices. It was determined that staff will provide further information on this topic to the LTC at a later date.

Discussion followed regarding the Ministry of Transportation and Infrastructure (MoTI) requirement of proof of water at time of subdivision and the following was noted:

- There is concern that a pump test done for every three lots might not accurately reflect water availability due to fractured bed rock.
- This option is available through provincial subdivision regulations and is currently not included in the land use bylaws.
- A local government can develop requirements for proof of water that the Provincial Government will acknowledge.

**GB-2017-056**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the Project Charter for Housing Options Review Project to include review of subdivision regulation water requirements.

During discussion on the motion, a Trustee asked if the LTC could stipulate proof of water in the covenant and was advised that that requirement could not be stipulated. It was noted that the current focus of the Housing Option Review Project is secondary suites and if subdivision regulations are added, the perception of the purpose of the project might become confusing. It was also noted that by adding this review, the project will be delayed as all referrals will need to be re-done or a separate bylaw amendment will be required.

The question on the motion was then called.

**CARRIED**

**By general consent** the meeting was recessed at 2:00 pm for a break and reconvened at 2:15 pm.

Discussion ensued regarding the covenant and the following was clarified:

- The LTC cannot receive feedback from the public regarding the covenant because it is directly related to the bylaw.
- Staff will not recommend adoption of the bylaws until the covenant is completed and registered.

**GB-2017-057**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee confirm that it requires proof of registration of the covenant to be submitted to the Gabriola Island Local Trust Committee before final adoption of Bylaws No. 289 and 290.

**CARRIED**

Trustees contemplated taking more time to further consider the information received to date or moving to third reading. Staff reiterated that, as previously noted, the applicant had an offer of sale on the subject property that was conditional on third reading of the bylaws and said offer was due to expire March

31. Discussion followed and it was determined that Trustees had already considered all of the points that were made at the Public Hearing.

**GB-2017-058**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee proceed to third reading on Bylaws No. 289 and 290.

During discussion on the motion it was noted that the recommended amendments to both bylaws identified by staff had not been made and need to be considered before third reading.

**GB-2017-059**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee postpone the motion until technical recommendations have been implemented.

**CARRIED**

**GB-2017-060**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 289 cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016”, be amended as follows:

- i. That the ‘Resource’ (C) label on Plan No. 2 attached to and forming part of this bylaw be changed to ‘Resource’ (R).

**CARRIED**

**GB-2017-061**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 290 cited as “Gabriola Land Use Bylaw, 199, Amendment No. 1, 2016”, be amended as follows:

- i. Section 2., b., i., is amended by deleting the word “designation” and replacing it with the word “zoning”;
- ii. Section 2., e., i., is amended by deleting the word “designation” and replacing it with the word “zoning”;
- iii. Appendix 1, Subsection D.2.6 (A) – Resource Residential 2 (RR 2), Article D.2.6(a).2 – Buildings and Structures, Clause (a) – Permitted Buildings and Structures, Item (i), is amended by deleting the first bullet in its entirety and replacing with: “One single family dwelling per lot which must be connected to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres (5944 US gallons).

**CARRIED**

Discussion ensued and it was stipulated that cisterns are locally sold with capacity stated in US gallons. It was also noted that under the RR 2 zone it will be the principal single family dwelling that will be required to have a rainwater collection system connected at time of final occupancy.

**GB-2017-062**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee bring back the postponed motion for consideration.

**CARRIED**

The question on the following motion was then called:

**GB-2017-063**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 289 cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016”, be read a third time as amended.

**CARRIED**

Trustee O’Sullivan requested that the following written statement be included in the minutes for the record. She then stated the following:

“The Decision before us is to give Third Reading or to proceed no further. We have engaged in a comprehensive process, both in terms of LTC consideration and community consultation. Some who oppose the proposal question the procedure, criticize the mechanisms and regulatory tools leveraged to enable it, and call for the whole application to be scrapped and to start over. The likelihood of course is that starting over would ultimately be the equivalent of proceed no further. There is significant personal and financial cost involved in bringing forward a contentious application, and it is highly unlikely that there would be appetite to spend another 1 to 2 years on a new iteration, or 3 to 4 years if the application were broken down into 2 separate parts that could not be brought forward concurrently, especially given that the end goal that would be sought by the applicants would be roughly the same. I think it’s also fair to note that starting over would place a tremendous strain on the community – these contentious applications are very divisive, they poison relationships between neighbours, and they divert valuable resources away from the ongoing responsibilities of local government. We all know that no matter what the decision, there will be some that are happy and others that are disappointed, perhaps bitterly so. And having conducted a fulsome process, once the decision is made it will be important to move forward, heal the rifts, and work towards re-establishing a spirit of mutual support and co-operation. If the proposal succeeds, then it is my hope that islanders will pull together and participate in initiatives like RDN park management planning and other advocacy to help ensure that any changes are realized with the maximum benefit to our island. If the proposal fails, then it’s time for us to think of new and creative ways to obtain community benefits.

**Arguments in Favour**

**Significant Increase to Parkland**

Gabriola’s OCP considers the current percentage of protected land area to be inadequate and strongly encourages the creations of new parks. This goal is met

not only by the 336 acres of land to be donated in the donor lands but also by the 40.5 acres in the receiver lands.

#### Gabriola's OCP

As well as seeking increases to protected areas, Gabriola's OCP supports the dedication of Forestry land for wilderness recreation through the transfer of density. It also supports ensuring that development is undertaken in a manner which minimizes negative community and environmental impact. It mandates consideration of trails in new developments, and measures such as improved walkability to address climate change. It advocates for encouraging the retention of rainwater in cisterns (and other water conservation measures). All of these OCP provisions are met by this proposal.

#### Preservation of Habitat

The donor lands are particularly valuable in terms of habitat protection, forming, as they do, a contiguous parcel of over 1000 acres. The receiver lands also represent significant protection of habitat in terms of new parkland and the Mallett Creek corridor (which, even if it is not publicly accessible, will still be held safe from encroachment and development).

#### Water in Donor Lands

Protecting large areas of contiguous forested land is a responsible decision in terms of our water supply. There is great ecological value in protecting the watershed that feeds Coats Marsh. Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) analysis in the first referral to the Water Protection Branch identified protecting the donor lands as a potential benefit to groundwater recharge.

#### Safety (Church/Spruce Connector Road)

Much has been said about the importance of the proposed connector road for emergency services, and as an alternate route out of Phase 4 in case of fire, earthquake or other natural disaster. It also creates potential benefits for ferry users and Phase 4 residents through reduced congestion at the intersection of Taylor Bay and North Road due to the creation of an alternate route to the Village. Gabriola Environmentally Responsible Trans-Island Express (GERTIE), RCMP, Fire Dept., cyclists and private citizens have all spoken out in favour of this valuable potential connection.

#### Clustered Development and Lot Size

Gabriola's carbon footprint is relatively high in terms of emissions related to personal transportation, partly due to the fact that many of our lots are located far from the ferry and Village area. Encouraging development near transportation and goods and services is generally regarded as a significant way of addressing climate change issues by decreasing reliance on the automobile. This application encourages walkability and shorter vehicle trips by clustering development near the Village area, but at the same time avoids the stresses on resources and infrastructure that would be associated with a high-density development (i.e. small lot sizes).

Potential for Secondary Cottages

Much has been made of the Affordable Housing issue, and frankly, I'm in agreement with many of the concerns. I'm happy that we as an LTC are engaged in our Housing Options Review project, but I understand that it does not provide a quick fix. Like it or not, under our current OCP the only practical provision for affordable housing is secondary cottages on larger lots. Several of these lots would in fact qualify.

**Arguments Opposed**Water

The concerns raised about water are significant and have been taken seriously by the LTC. This is perhaps the issue that we have spent the most time addressing, and as such, I do not feel the need to rehash all of the detail here. The hydrogeologist's report which we required (with terms of reference arrived at with the input of FLNRO, who also provided a second referral response to the LTC which helped to refine the report), satisfies concerns about the potential impact of new wells, and many siting and conservation recommendations from the report will be included in the Covenant. In addition, the LTC will be requiring cisterns on all residences, should the application proceed. There are also significant protections afforded to existing well-owners under the *Water Sustainability Act*.

Technical Arguments/OCP

This is another item that has been discussed extensively. I am grateful that we sought legal opinions early in the process, and feel comfortable with the support they provided for the approach before us. While there might be changes, we could make to the layout such as requiring larger lots and fewer parks, I feel that the proposal as presented provides the best win-win for the community and the applicants while being in line with the overall vision of our OCP. And by using a specific zone to echo some of the restrictions that the covenant places on the proposed development, this approach actually provides layers of protection.

Incomplete Ecological Protection (Remainder Parcel)

I am disturbed by this and it is a problem I would very much like to see remedied.

Increased Traffic in Spruce Neighbourhood

I have sympathy for the concerns of residents who do not welcome an increase in traffic. However, those concerns are balanced with the safety and access issues raised by many, many other residents. It is true that there would likely be some houses who experience increased traffic. Likewise, there would be other houses who would see fewer vehicles passing their properties. The proposed connector would not increase the number of cars on the roads of Phase 4, but it would create a traffic pattern change. As for the concerns as to whether existing road surfaces and conditions are suitable for possible increased traffic, it would be the responsibility of MoTI to monitor any changes in use and maintain or upgrade existing roads as appropriate.

Name of Applicant's Company

I am indeed in complete concurrence with all the members of the community that have raised these concerns. Using the name Potlatch in this context is cultural appropriation, there's really no way around it, and I would like to find a way to

ensure that, if any sign is posted to identify the area of the lots, that some cultural sensitivity be employed.

#### Community Character

This application is for a density transfer and rezoning. While members of the community have speculated as to the type of housing that might eventually be built on these lots, it is in fact just that, speculation. There are no concrete facts available to determine the style of any eventual residences. The fact, however, that the proposal is low-density (i.e. larger lots) would seem to actually be consistent with rural community character.

#### Neighbouring properties (view concerns, driveway concerns, etc.)

I do have sympathy for those who bought thinking that they were next to land that would never be developed (particularly if, as I was told anecdotally by one person, they were told that by a real estate agent). However, the fact remains that your control of your property stops at your lot line, and neighbouring property owners have rights too. In this case the applicants have every right to make this application, and if they are not successful, there are legal uses that they could make of their property that would likely be even less appealing to residents. Regarding a number of issues, the applicants have expressed an intention to be mindful of neighbours' concerns to the best of their abilities, while also being clear that if the application proceeds, they will have to comply with not only the zoning requirements under the Islands Trust Land Use Bylaw and the requirements of the covenant, but also the requirements of MoTI for subdivision.

#### Loss of Forestry Lands

This proposal does in fact comply with a number of Forestry Objectives in terms of preserving large tracts of forested land, protecting groundwater resource and recharge areas, and encouraging the use of forested land for purposes of recreation, wildlife habitat and maintaining the island's biological diversity. It's also worth noting that while our OCP can encourage and advocate for sustainable forestry practices, we cannot regulate how foresters harvest their timber. They have many considerations – not just environmental but also safety and economic concerns, to name a few. We have seen in the past what some types of forestry looks like on the island, and it's not pretty. Historically, it hasn't been particularly well-received by the community.

#### ALR Buffer

Because of the geology of the area abutting ALR land, all developable portions of the proposed lots are above the bluff, which provides a very significant buffer.

#### We Already Have Enough Park

I have heard this many times, but our OCP is actually very clear that this is not the case. We actually have one of the smallest percentages of protected land area when compared to other islands in the Trust Area, and this represents an extremely significant opportunity for us to at least partially remedy that.

#### Perception as Gated Community

The applicant has stated that the common driveway will have an entrance feature which is desired to discourage ferry parking. It seems clear that the intent is not to restrict public access to the development, since the trails and parkland

donation in the receiver lands (which is significantly over the amount required by the *Local Government Act*) is intended for the use and enjoyment of the community. While I am strongly in favour of the applicant's plan to configure access as a common driveway instead of a dedicated road for reasons of character and environmental impact, and I understand that if access is a driveway rather than a road, it may limit our ability to regulate it, I would strongly encourage the applicant to take into consideration the strong feeling of the community regarding the entrance feature.

#### Lack of True Affordable Housing Component

I have enormous sympathy for this. And I do feel that some of the proposed lot locations would be ideal for a possible project, and I would love to see a housing group come forward to really look at bringing a pilot project forward, perhaps with an option on one of these lots in mind. However, determining what a housing project would look like is a tremendously complex undertaking, and not one that can reasonably be rolled into this density transfer. And so, as previously mentioned, we are left with the imperfect solutions allowed by our current OCP which clearly identifies accessory cottages on larger lots as the "Gabriola means of providing for single-dwelling affordable housing in a rural low-density context".

#### Strata Subdivision Issue

Much has been made of the potential for further subdivision under the *Strata Property Act*. I am comfortable with the covenant approach which would be used to prevent further subdivision of lots.

#### Build Out Potential of Island

While there are technically somewhere in the neighbourhood of 600 lots that could be built out on Gabriola, it's unrealistic to assume that every lot on Gabriola will be built out to its full potential. Many lots are not desirable building sites for a number of reasons. Some lots have been acquired by neighbours with the intent of leaving them empty to ensure privacy. Over the past many years our population has remained stagnant (in the last census we actually saw a slight decline). So while it is good to remain aware of our build out potential; that is not the only criteria we need to keep in mind for a healthy community. And clustering these lots nearer the Village core is consistent with many of our OCP goals.

#### Traffic/Noise/Taylor Bay Exit Location

Again, the placement of the exit of the common driveway would be part of MoTI's subdivision approval process, and they would take safety issues into consideration. Potential traffic increases would also be balanced by the proposed connector, and in the area of Taylor Bay Road, it's actually reasonable to anticipate a net traffic decrease. I also think we need to be realistic about the potential amount of traffic generated by the lots served by the common driveway. While there might be as much residential traffic as you would see on a small to medium size dead end street, we are not talking traffic to the level of a through road (even a very small one). That perspective seems to be lacking from the discussion".

Trustee Mamoser made the following comments:

- She supports density transfer provisions within the OCP to increase parkland.
- The application increases parkland by 25% and number of lots by 0.5 %.

- The parkland, trails and connectivity is beneficial and she is heartened to hear that the remaining parcel is open to right of first refusal.
- Within the receiver parcel, the parcel of forestry land is quite small and there will remain significant forestry land on the Island.
- Although the OCP does not encourage transfer from Forestry to Forestry, in this case it makes sense to transfer it to Forestry for the benefits it will bring.
- Water concerns were taken seriously and due diligence was done.
- The covenant will provide additional protections on the lands.
- She is hopeful that the LTC will consider a P4 zoning for ecological reserve purposes.
- She is inclined to support third reading as she does not feel more time will provide more information that has not already been brought forward and considered.

Chair Busheikin made the following comments:

- She appreciates the depth of thought the LTC has given to this process.
- The OCP density transfer policy supports this project.
- She believes that the receiving lot is very suitable to the development and that a forestry lot that close to amenities is not necessarily suitable.
- She has had a concern about densification moving away from the rural ideal, however, this application provides a substantial piece of parkland and any increased density through a transfer is done very carefully and she is confident that this has been done.
- She would prefer the proposal didn't exempt the remaining parcel.
- She acknowledged that her preference would have been for 23 densities and not 25.

**GB-2017-064**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 290 cited as "Gabriola Land Use Bylaw, 199, Amendment No. 1, 2016", be read a third time as amended.

**CARRIED**

**GB-2017-065**

**It was MOVED and SECONDED**

that Bylaw No. 289 cited as "Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**GB-2017-066**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 290 cited as "Gabriola Land Use Bylaw, 1999, Amendment No. 1, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

Chair Busheikin noted for the record that the name Potlatch was chosen by the applicant due to a personal connection to the word Potlatch that came from a different context prior to this term being more generally associated with First Nations and the applicant has stated that it was not intended as a cultural insensitivity.

**4. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:39 pm.

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Laura Busheikin, Chair

Certified Correct:

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Lisa Millard, Recorder