



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date:	July 13, 2017
Location:	Mudge Island Driftwood Drive Public Access Mudge Island, BC
Members Present	Laura Busheikin, Chair Melanie Mamoser, Local Trustee Heather O'Sullivan, Local Trustee
Staff Present	Sonja Zupanec, Island Planner Ann Kjerulf, Regional Planning Manager Lisa Millard, Recorder
Others Present	There were approximately 30 (thirty) members of the public and 1 (one) member of the media present.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 10:19 am. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.1 Agency Referrals
- 13.2 Future Meetings on Mudge Island

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

A member of the public noted that last year during the Local Trust Committee (LTC) meeting on Mudge Island there was a discussion regarding a review of the Mudge Island Official Community Plan (OCP). He asked if there was any way to fast track the review. Regional Planning Manager Kjerulf replied that the LTC is responsible for identifying projects to work on as well as top priorities, that budget and time constraints dictate the number of top priorities that can be worked on at any given time and that one of the projects might potentially complete by the end of this year therefore allowing a project to be moved to the priorities list.

Several members of the public made comments regarding an application for a Pacific Shellfish Aquaculture License made to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) by the Snuneymuxw First Nation and referred to the Islands Trust. The comments and replies by staff or the LTC are summarized as follows:

- Are the letters sent to the LTC regarding this matter kept on file and should other letters be sent to other parties?
 - Correspondence is kept and if the referral advances to an application then the correspondence becomes part of the file. Public comments should also be directed to provincial staff who are reviewing the application.
- Does the information submitted by staff to the LTC represent views of the community or is it strictly technical? How can we view this information?
 - Staff noted it is their responsibility to provide unbiased, neutral, technical information to the LTC based on current policy, the OCP, policy statement, regulations, and public input which are all reviewed by the LTC as part of the decision-making process. Related staff reports are issued as part of an agenda package and posted on the website one week prior to an LTC meeting.
- What is the LTC's view on the application?
 - Trustees indicated that it was important to make clear this application is at the referral stage and a potential rezoning application is a separate process. It was noted that the Snuneymuxw First Nation had not made a rezoning application at this time, that there was no guarantee that the Ministry would approve the application before it, and the LTC would not consider the matter until a re-zoning application was filed. Community input would be sought upon receipt of a re-zoning application.
- Do staff have any idea when a decision will be made by the Ministry regarding the application?
 - Staff noted they did not know.
- The referral response indicated that the applicants could get a temporary use permit (TUP). Could this be used to avoid rezoning?
 - Trustees stated that there are various potential outcomes and it is difficult to speculate as the LTC is tasked with keeping an open mind when looking at the specifics of each application individually.
- It was noted that Islands Trust was initially bypassed at the referral stage of this application and that this oversight does not generate confidence in the opportunity for public input.
 - Trustees noted that the LTC has control over rezoning and should the application proceed there will be significant opportunity for public input.
- It was suggested that the referral response did not quote the relevant section of the OCP and should have quoted the section which states there can be no changes to land use designations.
 - Staff indicated that the language used in the OCP could not be considered binding as language developed by one LTC cannot fetter a future LTC from changing language within an OCP.
- The reference to the use of a TUP in the referral response appears to be a guidepost for the applicants to bypass the rezoning process.
 - Staff reiterated that the referral response must include technical information and the use of a TUP makes up part of that information.

- It was noted that the area related to the application is subject to treaty and, regardless of what the outcome might be at the local government level, treaty rights exist. The LTC was asked if they have experienced successful outcomes in other areas within the Trust when working with indigenous people with treaty rights.
 - Trustees indicated that there is currently work happening within the Trust to enable constructive conversation and that rezoning applications for similar land use around other Islands have resulted in a much higher standard of ecological protections than what is currently required.
- A member of the public stated she was an environmental planner working in habitat enhancement and First Nations have naturally enhanced beaches along the coastline with clam beaches which improve marine life.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated June 8, 2017 – for adoption

By general consent the Local Trust Committee meeting minutes of June 8, 2017 were adopted.

6.2 Local Trust Committee Special Meeting Minutes dated June 14, 2017 - for adoption

The following amendments to the minutes were presented for consideration:

Page 2, second bullet from the bottom change the response beginning with “A housing use agreement is a tool...” to “A housing agreement is a tool...”.

Page 4, fourth bullet from the top in the response beginning with “The timing is market driven...” put a space between the words “is” and “to”.

By general consent the minutes of June 14, 2017 were adopted as amended.

6.3 Section 26 Resolutions-Without-Meeting - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 5, 2017

Received for information.

7.2 Coats Marsh Regional Park Zoning – Memorandum

Discussion ensued regarding how this rezoning affects densities. Trustees noted that the OCP policy that automatically transfers a park rezoning density into the density bank might be contrary to the goal of creating a park which might include extinguishing the density associated with the land. It was noted that further

discussion on this topic would occur during the Top Priorities portion of this meeting.

8. DELEGATIONS - none

9. CORRESPONDENCE - none

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

10. APPLICATIONS AND REFERRALS

10.1 Forests, Lands and Natural Resource Operations (FLNRO) - Referral Application No. 1414427 - for discussion

A member of the public asked if there is any language in the Mudge Island OCP or LUB that allows for a TUP to be used for this type of application. Regional Planning Manager Kjerulf indicated that some OCPs and LUBs restrict the reasons that a TUP can be used however Mudge Island's OCP states that applications for a TUP can be made for any reason.

A member of the public asked if community input becomes automatic if a TUP application is submitted. Regional Planning Manager Kjerulf replied that a public hearing is mandatory as part of a rezoning application but at the LTC's discretion for a TUP.

A member of the public asked if the OCP could be changed to state what can and cannot be used in regard to a TUP and staff responded that the public can ask the LTC to amend the OCP. It was further noted that when a TUP application is made a file is opened, the LTC is notified, and the application is included as part of a LTC meeting agenda resulting in the application being open for discussion at the meeting.

By general consent the meeting was recessed for a break at 11:25 am and reconvened at 11:45 am.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Housing Options Review Project - Staff Report

Planner Zupanec summarized the staff report. In response to the LTC's request for further information about the proposed Restrictive Covenant under Section 219, it was noted that the use of a covenant is the only means available for the local government to register interest with the Land Title Office for the purpose of preventing unapproved strata subdivisions.

Discussion followed and Trustees indicated that while the covenant is a necessity they would prefer language be included in the OCP stating that it is not meant as a means to block future affordable housing projects.

GB-2017-106**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to propose an additional clause for inclusion in proposed amendments to Gabriola Island Local Trust Committee Bylaw No 292 which clarifies the Local Trust Committee's intent to exercise their discretion as regards the requirement for, or extinguishing of, a covenant in the context of securing attainable and/or affordable housing opportunities.

CARRIED

Discussion ensued regarding the number of dwellings allowed on a property located within the Agricultural Land Reserve (ALR). It was clarified that previously the Agricultural Land Commission (ALC) allowed a maximum of three dwellings on a property located within the ALR including the primary dwelling, a secondary dwelling located within the single-family residence, and a manufactured home for farm worker use or immediate family. The ALC has changed the regulations to allow for a primary dwelling and two secondary dwellings; one of which must be located within the primary residence and the other above an existing building if there is no manufactured home for immediate family. It was noted that even though a property might not have farm status they would be allowed to build two secondary suites if there is no manufactured home. **By general consent** the meeting was recessed at 12:47 pm for a break and reconvened at 1:12 pm.

GB-2017-107**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to prepare a Frequently Asked Questions document as background for a public education piece for the Housing Options Review Project.

CARRIED**GB-2017-108****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 amended as specified in Attachment 1 of the staff report dated July 13, 2017.

CARRIED**GB-2017-109****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 amended as specified in Attachment 2 of the staff report dated July 13, 2017.

CARRIED

GB-2017-110

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 as amended.

CARRIED

GB-2017-111

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 as amended.

CARRIED

11.2 First Nations Relationship Building - Staff Report

Regional Planning Manager Kjerulf summarized the staff report and noted that Fiona MacRaid, First Nations and Marine Planning Issues Local Planning Services Policy Advisor, was not in attendance due to transportation issues.

Trustee O’Sullivan stated that she wanted it noted that she is on the Steering Committee of the Truth and Reconciliation Series on Gabriola Island. She also mentioned Brian Thom, a University of Victoria Associate Professor and Hul’qumi’num Treaty Group based mapping expert, may be a potential speaker for the First Nations Relationship Building Project.

GB-2017-112

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the First Nations Relationship Building Project Charter v1., that the Gabriola Island Local Trust Committee commit to hosting one or two public events on Gabriola Island and/or Mudge Island to help raise awareness of local First Nation’s history, land and treaties amongst non-indigenous residents and visitors.

CARRIED

GB-2017-113

It was MOVED and SECONDED

that the Gabriola Local Trust Committee ask staff to draft an amendment to the introduction of the Official Community Plans in coordination with First Nations with asserted interests in the Gabriola Island Local Trust Area, that includes an explicit acknowledgement of local First Nation history, land-use and treaties in the Gabriola Island Trust Area, and if possible, prepare mapping for inclusion in the Official Community Plans to identify places of significant historical value to local First Nations.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated July 5, 2017

Discussion ensued regarding the Mudge Island OCP update and the possibility of convening an Advisory Planning Commission. Trustees determined that they did not wish to remove any of the current top priorities in order to move the targeted OCP review to the priorities list.

GB-2017-114

It was MOVED and SECONDED

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

CARRIED

GB-2017-115

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the top priorities item” develop a new ecological protection zone for the Land Use Bylaw” activity to include rezoning of Coats Marsh Regional Park and Burns Acres Nature Reserve to a park zone.

CARRIED

12.1.2 Projects List Report dated July 5, 2017

Received for information.

12.2 Applications Report dated July 5, 2017

Received for information.

12.3 Trustee and Local Expense Report dated May, 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No changes or additions.

12.6 Chair's Report

Chair Busheikin reported the following:

- She will be attending the Executive Committee meeting next week.

- Following the provincial election there was a decision made to meet with newly elected MLAs.
- The Salt Spring Island referendum occurs in early September and the Executive Committee will be watching the results.
- Denman Island will be hosting a First Nations representative from Comox for a historical event that the LTC has been working toward and she will be attending this event.

12.7 Trustee Report

Trustee Mamoser reported the following:

- She thanked Mudge Island residents for their attendance at the meeting as well as those individuals that helped with organization and hosting.
- She did a site visit at the proposed aquaculture site that morning.
- She congratulated residents on the development of their second park.
- She invited residents to attend the upcoming Groundwater and Well Workshop hosted by the Islands Trust on July 28.

Trustee O'Sullivan reported the following:

- She congratulated the community on the stewardship nominations and acknowledged the Mudge Island community spirit.
- She noted that the Mudge Island Citizens Society is at the heart of the community and acknowledged their work in community building.
- She thanked the attendees for their input into local issues.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report - none

13. NEW BUSINESS

13.1 Agency Referrals

Discussion ensued concerning the LTC not receiving referrals and if there was a means for the public to be notified of referrals and responses. Regional Planning Manager Kjerulf indicated that they have amended the file process and will provide the LTC with copies of referrals and post them on the website in the current applications section along with referral responses.

13.2 Future Meetings on Mudge Island

The option of holding an annual LTC meeting on Mudge Island in June or July was discussed and it was noted that the schedule for 2018 meetings would be presented at a future meeting and further discussion could occur at that time.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, September 7, 2017 at 10:15 am at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

15. TOWN HALL

A member of the public asked if there were other methods of achieving change, such as a petition, versus having an APC. Trustees noted that the LTC relies on the APC for input and that well supported, persistent communications backed up with evidence and research can impact the LTC decision making process.

A member of the public thanked the LTC for conducting their meeting on Mudge Island, noted that the community would likely support a First Nations presentation, and reiterated that the LUB restricting maximum land coverage to 10% is a primary concern for residents.

16. CLOSED MEETING - none

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:27 pm.

PRESENTATION ON FIRST NATIONS - FIONA MacRAILD

Due to transportation issues the presenter was unable to attend so the presentation was cancelled.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder