



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: March 1, 2018
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: Ann Kjerulf, Regional Planning Manager
Sonja Zupanec, Island Planner
Jaime Dubyna, Planner 1
Lisa Millard, Recorder

Others Present: There were approximately fourteen members of the public and one member of the media in attendance.

1. CALL TO ORDER

“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”

Chair Busheikin called the meeting to order at 10:20 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

The In-Camera Meeting was cancelled.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

There were no public comments or questions.

4. COMMUNITY INFORMATION MEETING

4.1 Housing Options Review Project (Bylaw No. 293)

4.1.1 Planner Presentation

Planner Zupanec summarized the project and highlighted the following:

- Secondary suites will be permitted on all properties that currently allow an accessory cottage.
- The bylaw affects properties 2 hectares or larger, located in residential zones and not located in the Agricultural Land Reserve (ALR).

- A secondary suite can be located within a principal dwelling, attached to the principal dwelling, or within an accessory building.
- The Province defines secondary suite regulations on ALR properties.
- It was clarified that the Local Trust Committee (LTC) can not remove the farm status clause for an additional suite above an existing building located within the ALR.
- The LTC is currently not effectively able to monitor farm status and enforce use of the additional secondary suite above an existing farm building.
- The differences between a manufactured home used as a secondary suite within the ALR as a temporary structure versus a secondary suite that is a permanent structure were noted.
- Secondary suites can be a maximum of up to 968 square feet in size.
- If a secondary suite is attached to, or within, a single family dwelling it is limited to 40% of the floor area of the dwelling.
- A restrictive covenant will be required to be registered against the property prohibiting a strata plan if a secondary suite is built outside of the ALR.
- One home occupation per lot is currently allowed and the proposed bylaw clarifies the maximum floor area of said allowable home occupation, however, more than one home occupation can exist within the same maximum floor area.
- A bathroom and cooking facility can be included in one accessory building per allowable lot for the intent of home occupation use.
- The current proposed bylaw does not change secondary dwelling options on properties within the ALR as compared to the existing regulations.

4.1.2 Question and Answer Session

Regional Planning Manager Kjerulf arrived at 11:10 am.

Questions from members of the public, and answers given by staff, follow:

- Does the bylaw affect Bed and Breakfast businesses?
 - No
- Has the LTC received clarification from the Agricultural Land Commission regarding secondary suite allowances within the ALR?
 - Yes verbally but not in a formal bylaw referral response.
- Is the LTC proposing that every lot located outside of the ALR be allowed to build a secondary suite?
 - The bylaw only affects lots 2ha or larger that currently allow for an accessory cottage.
- How will the LTC stop an accessory building with a bathroom and kitchen from becoming an illegal dwelling?
 - The Land Use Bylaw (LUB) is clear about what density is permitted on any lot and illegal suites are subject to bylaw enforcement.
- Does the LTC have the option to further amend the bylaw based on what they hear at the Public Hearing?
 - Yes.

- The proposed bylaw language permitting a kitchen and bathroom within an accessory building indicates that it can be used for temporary dwelling purposes.
 - The crux of the bylaw is to allow for a bathroom and / or a kitchen to be used for home occupation purposes and it does not increase density.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

Public Hearing - Bylaw No. 293 (Housing Options Review Project)

By general consent the regular meeting was recessed at 11:18 am.

5.2 Recall to Order

By general consent the regular meeting was recalled to order at 11:46 am.

Chair Busheikin stated that no written or oral representations will be received by the LTC or its individual members as the Public Hearing for Bylaw No. 293 has concluded.

By general consent the regular meeting was recessed for a break at 11:46 am and reconvened at 11:52 am.

6. LOCAL TRUST COMMITTEE PROJECTS

6.1 Housing Options Review Project Bylaw 293 (LUB) for consideration of 2nd and 3rd readings - Staff Report

Discussion ensued and Trustees noted the following:

- There are concerns that a written referral response from the Agricultural Land Commission (ALC) has not been received which resulted in challenges.
- There is concern that a secondary suite could be decommissioned if farm status is not maintained and this contributes to the creation of insecure rental housing supply.
- Options regarding allowing additional options for the existing densities were discussed.

By general consent the meeting was recessed for a break at 12:30 pm and reconvened at 1:06 pm.

GB-LTC-012

It was **MOVED AND SECONDED**

that the Gabriola Local Trust Committee Bylaw No. 293, cited as "Gabriola Island Land Use Bylaw No. 177, 1999 Amendment No. 1, 2017", be amended as per Attachment 1 of the memorandum dated March 1, 2018 with the addition of changing the word "or" to the word "and" between "bathroom and areas" in 2.2.B.1.2.3.b and reverting to the original wording in 2.1 part b.

CARRIED

GB-2018-013

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017” be read a second time as amended.

CARRIED

GB-2018-014

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 293. cited as “Gabriola Island Land Use Bylaw No. 177, 199. Amendment No. 1, 2017” be read a third time.

CARRIED

GB-2018-015

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 293, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

GB-2018-016

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to update the ‘Housing Options Review Project – Frequently Asked Questions’ document to reflect changes made to Proposed Bylaw No. 293, including adding the pictorial examples of secondary suite configurations.

CARRIED

GB-2018-017

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add to the Phase 2 Project Charter of the Housing Options Review Project consider secondary suites above accessory buildings on Agricultural Land Reserve land.

CARRIED

Discussion ensued regarding options of communicating to the ALC the challenges that the LTC encountered due to lack of clarity and communication from the ALC. It was noted that there is a protocol agreement in place between Trust Council and the ALC regarding consultation.

GB-2018-018

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request senior staff to review the process of referrals with the Agricultural Land Commission in regard to proposed Bylaw Nos. 292 and 293 and request a response.

CARRIED

7. MINUTES

7.1 Local Trust Committee Minutes dated January 18, 2018 – for Adoption

The following amendments to the minutes were presented for consideration:

On page 3, Section 8.1 Diane Cornish made the presentation not Dyan Dunsmoor-Farley.
By general consent the minutes were adopted as amended.

7.2 Section 26 Resolutions-Without-Meeting Report dated February 21, 2018

Received for information.

7.3 Mudge Island Advisory Planning Commission Adopted Minutes dated January 19, 2018 - for Receipt

Received for information.

7.4 Mudge Island Advisory Planning Commission Draft Minutes dated February 18, 2018 - for Receipt

Received for information.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated February 21, 2018

Received for information.

9. DELEGATIONS - none

10. CORRESPONDENCE - none

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

11. APPLICATIONS AND REFERRALS

11.1 GB-TUP-2016.1 (McAfee & Loerzer - 1070 Chappel Place, Gabriola) - Staff Report

It was noted that the Applicant was in attendance.

Regional Planning Manager Kjerulf summarized the application and the recommendations outlined in staff report and noted the following:

- The application is in compliance with water, septic and parking requirements.
- Due to the age of the structure the Regional District of Nanaimo (RDN) is not able to provide an occupancy permit and staff recommend that the applicant provide home liability insurance for that use.
- Notice was distributed to neighbors by both mail and hand delivery and notice was also published in the local newspaper.
- To date no comments from neighbors, or other interested parties, have been received

Trustees questioned if it was necessary to have the phone number as part of the Temporary Use Permit (TUP) and staff clarified that the guidelines do not require that the phone number be included.

GB-2018-019**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2016.1 for a commercial vacation rental for a period of three (3) years from date of issuance, subject to the following conditions:

- a) the landowner must hold valid home insurance and liability insurance for the commercial vacation rental use;
- b) the landowner or an operations manager must reside on Gabriola and be available by telephone 24 hours/day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
- c) the landowner or an operations manager must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
- d) the landowner or an operations manager must post for guests: information on noise bylaws, water conservation, fire safety, storage of garbage, septic care, and control of pets (if pets are permitted), and information to remind guests that they are in a residential area, not a commercial area, and to be aware of and sensitive to First Nation sites and artifacts;
- e) the landowner or an operations manager must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
- f) the landowner or an operations manager must provide accommodation for a minimum of two vehicles for the commercial vacation rental use on the property;
- g) the maximum number of signs advertising the commercial vacation rental is restricted to one sign, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
- h) the rental or provision of motorized personal watercraft to rental clients is prohibited;
- i) the maximum number of bedrooms for the commercial vacation rental is 3;
- j) the maximum number of people that can stay in the commercial vacation rental is a maximum of 2 guests per bedroom;
- k) recreational vehicles and camping are prohibited; and
- l) the holder of the Permit, landowner, operations manager, or management company will be held accountable for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner, operations manager, management company or commercial vacation renter.

CARRIED**12. LOCAL TRUST COMMITTEE PROJECTS - CONTINUED****12.1 Water Taxi Zoning Review Project**

Planner Dubyna summarized the staff report.

Trustee O'Sullivan stated she informally surveyed other Trustees within the Islands Trust area about local water taxi services and she highlighted the following findings:

- Other islands surveyed have significantly more water taxi availability compared to Gabriola which has none.

- Gabriola has fewer docks, and limited community docks, and the one community dock has limited uses attached to it.
- The majority of islands surveyed use community docks for water taxi services and these areas are located close to their ferry docks.
- None of the islands surveyed have public facilities, or shore facilities, provided by the water taxi operators.
- Some islands surveyed have water taxi operators that share public facilities.
- There are both scheduled and unscheduled services available.

It was noted that when water taxis have been discussed with the Regional Director of the RDN he has suggested that the Green Wharf should be considered for water taxi use versus the RDN's dock at Descanso Bay, however the Green Wharf is not zoned for water taxi use. Trustee O'Sullivan asked that staff broaden its review to include Green Wharf, along with Descanso Bay. It was further noted that the existing Official Community Plan (OCP) policies support water taxi services.

GB-2018-020

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to amend the Gabriola Island Water Taxi Zoning Review draft project charter as discussed and bring it back to the next Local Trust Committee meeting with a draft survey regarding changes to the WC3 zoning.

CARRIED

12.2 Mudge Island Targeted OCP/LUB Review Project for Lot Coverage

12.2.1 Staff Memorandum

Regional Planning Manager Kjerulf summarized the staff memorandum and noted that the Mudge Island APC have met twice.

Discussion ensued and Trustees thanked the Mudge Island APC, and the community, for their interest and engagement in local issues. It was noted that Mudge Island residents had expressed a lack of interest in being incorporated as a special area.

GB-2018-021

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee staff do no further work on GB-2017-149 Point e. Incorporating Mudge Island as a "Special Area" under the Gabriola Official Community Plan and Land Use Bylaw.

CARRIED

12.2.2 Mudge Island Advisory Planning Commission DRAFT Report

Received for information.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated February 21, 2018

Received for information.

GB-2018-022

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Top Priorities List Item 3 activity be re-worded to 'review zoning provisions for water taxi service'.

CARRIED

13.1.2 Projects List Report dated February 21, 2018

Received for information.

13.2 Applications Report dated February 21, 2018

Received for information.

13.3 Trustee and Local Expense Report dated December, 2018

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

A link for the feedback that the ALC is seeking from the public should be posted to the webpage.

13.6 Chair's Report

Chair Busheikin reported the following:

- The Chair of the Executive Committee was in Ottawa recently to discuss the issues of derelict vessels, ocean plastics, aquaculture impacts, shipping safety and anchorages within the Trust area. He has met with the head of the Chamber of Shipping for BC and has an upcoming meeting with the Port of Vancouver.
- The Strathcona Regional District received a federal grant for a broadband fibre optic cable project with the primary goal of creating better connectivity for rural communities that might include Gulf Islands. This project will be monitored for information.
- The Executive Committee is getting ready for the upcoming council meeting on Saltspring Island and there will be a session on advocacy, a speaker on climate change, a tour of Saltspring, an affordable housing presentation, and the presentation of the upcoming budget.
- The Trust has been asking the Provincial Government for a new name for what is currently called the Islands Trust Fund and have heard that this request is potentially progressing at this time.

13.7 Trustee Reports

Trustee Mamoser reported the following:

- She attended a meeting of the Local Planning Committee (LPC).

- The LPC will be providing an update on the housing needs assessment and will do an information session with the consultant and the Trustees
- The LPC is moving forward on the coastal Douglas Fir Project and will be looking at ideas for ways that LTCs can adopt land use planning tools to protect Douglas Fir trees.

Trustee O’Sullivan reported the following:

- She attended a recent Trust Programs Committee (TPC) meeting and a governance review will be initiated as a result of the recent Saltspring Island referendum.
- She noted that the Ferry Advisory Committee (FAC) recently consulted with BC Ferries regarding ferry terminal development on Gabriola and Nanaimo.
- She is planning to attend an upcoming Trust Council meeting as well as the Fresh Water Forum.
- Doug White will be speaking about the Snuneymuxw Treaty and local issues at the March 10 From Truth to Reconciliation Series and she will be participating in a blanket exercise with Trustee Mamoser and Islands Trust staff members.

13.8 Electoral Area Director's Report

Received for information.

13.9 Trust Fund Board Report - January 2018

Received for information.

14. NEW BUSINESS

14.1 Farm Industry Review Board and Aquaculture – Memorandum

Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, April 12, 2018 at Gabriola Island Agricultural Hall, 465 South Road, Gabriola Island, BC

16. TOWN HALL

17. CLOSED MEETING

The closed meeting was cancelled.

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:45 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder