

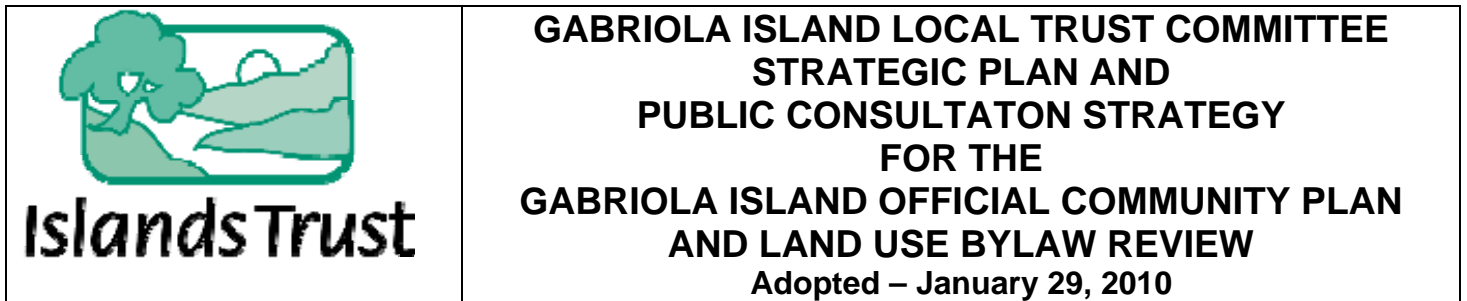


**GABRIOLA ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

AGENDA
Special Business Meeting
Wednesday, July 7, 2010 at 10:00 a.m.
at the Agricultural Hall
465 South Road, Gabriola Island, BC

	<i>Page No.</i>	<i>*Approx. Time*</i>
1. CALL TO ORDER		10:00 am
2. APPROVAL OF AGENDA		
2.1 Adjournment Time Discussion		
3. LOCAL TRUST COMMITTEE PROJECTS		
3.1 Official Community Plan and Land Use Bylaw Review		
3.1.1 Local Trust Committee Official Community Plan Strategic Plan and Public Consultation Strategy - <i>attached</i>	1-4	
3.1.2 Project Scope Draft dated June 11, 2010 - Trustee Ferens	5-6	
3.1.3 Submission from Trustee Malcolmson dated June 9, 2010	7-10	
3.1.4 Draft List of Official Community Plan Focus Areas		
3.1.4 Community Workshop Discussion		
3.1.5 Report on Bringing Secondary Suites into Compliance	11-15	
Staff Report dated June 10, 2010, Revised – <i>attached</i>		
3.1.6 Experience with Legalizing Secondary Suites	16-23	
Staff Report dated June 10, 2010, Revised – <i>attached</i>		
3.1.7 Volunteer Review Committee Recommendations for the Official Community Plan	24-48	
Memorandum dated June 15, 2010 - <i>attached</i>		
3.1.8 Volunteer Review Committee Adopted Minutes dated May 18, 2010 - <i>attached</i>	49-54	
3.1.9 Updated Timeline for the Gabriola Island Official Community Plan Review - <i>attached</i>	55-57	
3.1.10 Common Definitions and Terminology for the Official Community Plan Review Process		
– <i>to be distributed</i>		
4. TOWN HALL SESSION		
5. ADJOURNMENT		1:00 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice



GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW REVIEW

A: STRATEGIC PLAN

1) STATEMENT OF NEED

Given that:

- Official Community Plans are generally intended to have a 5 to 10 year lifespan and the existing Official Community Plan (1997) and Land Use Bylaw (1999) are both over 10 years old;
- economic, social, and demographic changes have occurred on Gabriola Island in the last ten years;
- new approaches have emerged that focus on sustainability, green infrastructure, climate change and increased awareness of our ecological footprint;

It is time to review this foundational planning document and revisit the objectives and policies of the plan in the best interests of the Gabriola Local Trust Committee and of the community.

2) MISSION

To produce the highest quality Official Community Plan and Land Use Bylaw for Gabriola Island and the two smaller islands, Breakwater and Entrance as well as the Flat Top Islands, and to ensure the meaningful and relevant participation of the community, to support the focused energy of the Volunteer Review Committee (VRC) in a cost effective and timely manner.

3) GOAL

To meet legislated requirements of the Local Government Act regarding an Official Community Plan; and to ensure that the Official Community Plan and Land Use Bylaw are fully aligned and work well together with no inconsistencies; and to provide clarity for the community and for the Gabriola Local Trust Committee in making well-informed land use decisions.

4) OBJECTIVES

This is a targeted and focused review that affirms the community values of the existing Official Community Plan, acknowledges what is working well, identifies gaps and inconsistencies, incorporates thoughtful and relevant community input and newly emerging issues. To this end we will review and put forward an Official Community Plan and Land Use Bylaw that meets the following objectives:

- 4.1 Upholds and strengthens the “preserve and protect” mandate;
- 4.2 Reflects the community’s values within a framework of environmental, social economic and cultural sustainability;
- 4.3 Provides an effective communication tool that promotes stewardship of island resources;
- 4.4 Incorporates new legislation and regulations as required (Greenhouse Gas Emissions (GHG) and Riparian Area Regulations (RAT), etc);
- 4.5 Remains aligned with the Trust Policy Statement and “high level” parts of the Trust Council Strategic Plan;
- 4.6 Has been successfully formatted for consistency and revised for punctuation, grammar and spelling;
- 4.7 Has fully aligned the Official Community Plan policy and objectives with the Land Use Bylaw regulations;
- 4.8 Has been completed in a cost effective and timely manner;
- 4.9 Measures and evaluates the process to determine that the community felt that it was heard and had the opportunity to participate in a meaningful and relevant way.

5) ACTIVITIES

The activities required for the Official Community Plan review will generally follow the Time Line prepared by Islands Trust Staff that outlines the steps for research, consultation, analysis and approval necessary to complete a successful Official Community Plan and Land Use Bylaw Review. The Time Line will be reviewed by the Gabriola Local Trust Committee on a regular basis and feedback will be provided as required.

6) MEASUREMENT TOOLS

The success of the Official Community Plan and Land Use Bylaw Review will be measured through follow up consultation with the Volunteer Review Committee and the community in order for the Gabriola Local Trust Committee to answer the following questions:

- 6.1 Does the plan uphold the legislated “preserve and protect” mandate?
- 6.2 Does the plan reflect the community’s values?
- 6.3 Does the plan promote the stewardship of the islands resources?
- 6.4 Does the plan incorporate the required legislation and regulation?
- 6.5 Does the plan align with the Islands Trust Policy Statement and Islands Trust Council Strategic Plan?
- 6.6 Is the document formatted so that is easy to read and consistent throughout?
- 6.7 Was the plan completed in a cost effective and timely manner?
- 6.8 Was the community engaged appropriately and meaningfully in the process?

7) TIMING

It is the goal to have the document ready for public hearing in the spring of 2011 and to submit to the Minister and adopted prior to fall 2011.

B: PUBLIC CONSULTATION STRATEGY

1) PURPOSE OF CONSULTATION

The purpose of a public consultation strategy is to undertake the best methods for gaining public involvement, engaging the community and gathering the maximum amount of information for the preparation of policy for the Official Community Plan.

A variety of public consultation methods will be used to ensure that a means of participating in the review will be available to all interests. Community consultation will be initiated early in the process and on-going consultation will be practiced throughout the process.

As per Section 879 Local Government Act, the Local Trust Committee has wide latitude to determine consultation methods that will be used, but it must provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it considers will be affected in the development of an official community plan. Consultation under this section of the Act is in addition to the public hearing required under section 883 (3) (d).

2) CONSULTATION METHODS

- 2.1 Volunteer Review Committee: appointed to assist with the review of the Official Community Plan and Land Use Bylaw. The purpose of the committee is to provide community input, to review the Official Community Plan and Land Use Bylaw and to make recommendations to the Local Trust Committee;
- 2.2 Community newspapers: press releases, articles, interviews, ad placements, inserts;
- 2.3 Community Survey: widely distributed, including to non-resident owners;
- 2.4 Request for verbal and written submissions from individuals and group;
- 2.5 Community events: opportunities at other community venues & events to display Official Community Plan materials and provide information, comment sheets;
- 2.6 Public Meetings: community workshops, design charettes, open houses;
- 2.7 Co-hort Meetings: youth, seniors, teenagers;
- 2.8 Community Information Sessions: displays, comment sheets, information, opportunities for communication between community members and trustees;
- 2.9 Website: regular updates, maps, background reports, meeting notices;
- 2.10 Agency consultation and referrals: a) as required by the Local Government Act – First Nations, Regional District; Municipal Councils, School District; Provincial and Federal governments; b) community agencies such as the local Fire Department, BC Ferries, RCMP;

2.11 The Protocol Agreement between the Islands Trust and the Snuneymuxw First Nation includes provisions for consultation and information exchange on the development of community plans, zoning and land use by-laws

3) PRINCIPLES OF CONSULTATION

- Inclusivity
- Transparency
- Fairness
- Timeliness
- Accessibility

The principles of consultation will be applied to all manner of meetings, information, communication, resources, materials, and community participation during the Official Community Plan and Land Use Bylaw Review.

PROJECT SCOPE DRAFT

June 11, 2010

D. Ferens

Gabriola Island Official Community Plan and Land Use Bylaw Review**Terms of Reference: Project Scope and Objectives****Endorsed by the Gabriola Island Local Trust Committee DATE****Preamble:**

- In light of the Local Trust Committee Strategic Plan and Public Consultation Strategy;
- With the intention that this is a targeted review and that many aspects of the OCP remain true & relevant;
- Considered achievable given the limits of resources, budgets and time;
- In recognition that several of the following items are in progress (iterative & sequential)

Project Scope:**The following actions endorsed by the GBLTC shall determine the scope of the Review:**

1. Confirm the areas of focus for the review (as per GB-009-2010; Staff Report April 20, GB-/04-1-i.a –Consolidated List of Issues)
2. Technical and housekeeping amendments, consolidations & edits conducted by staff;
3. Completion of mapping and incorporation into the OCP.
4. Compliance with Riparian Area Regulations;
5. Recognize the roles and interests of First Nations;
6. Separate OCP drafting from LUB drafting in timeline (as per GB-009-2010);
7. Proceed with work on the LUB (or leave until next term).
8. Review comprehensive list of proposed OCP policy revisions prepared by staff based on LTC endorsed principles and provide direction to staff to draft amending bylaws.
9. Hold OCP amendment applications in abeyance during the course of the Review.

Specific Objectives:**The following objectives endorsed by the GBLTC shall guide the process of the targeted review. The GBLTC may:**

10. Confirm elements of the Plan Principles and Goals (OCP 1.1 and 1.2) which have been identified and supported by the community;
11. Determine inclusion of a vision statement and incorporation within the OCP;
12. Commission further research and topic papers as required (as per GB-009-2010);
13. Consider amendments, revisions, and/or additions to objectives, policies <and regulations> to the following areas of focus:
 - **Review Village Core section/policies (Community Workshop recommended by VRC Resolution Apr 20);**
 - **Focus area b**
 - **Focus area c**
 - **Focus area d**

provided any proposed amendments are compatible with the objectives and policies to address Greenhouse Gas emission reductions.
14. Determine new or revised DPA to reflect findings from the Review Hazard Land & Steep Slope Assessment (as per LTC Resolution & funding);
15. Consider organizational & structural changes to the Plan;

General Principles:

- 16. Recommendations are not binding on the LTC. By law, the LTC maintains unfettered discretion to amend bylaws and considers advisory recommendations, community viewpoints, along with technical advise from staff and other agencies.**
- 17. Any changes during the course of the project review would necessarily entail a change to the scope of the project resulting in changes to timelines, costs or both.**
18. An OCP is a broad policy document intended to guide future LTC decision-making and which is implemented by other tools, principally zoning.
19. Advocacy policies may only state the broad objectives, not specifics.
20. An OCP should not include specifics that are beyond the jurisdiction of the local government nor policies that cannot be implemented.
21. The OCP adopted within the Trust Area must not be contrary to or at variance with the Islands Trust Policy Statement or the Islands Trust Act.
22. Although the policies in an OCP are legally binding on the LTC in the sense that a bylaw that is contrary to an OCP policy cannot be subsequently adopted, there is no compulsion on an LTC to implement particular policies in an OCP.

June 10, 2010 Sheila Malcolmson's draft list of OCP Focus Areas

This is my reorganization of Trustee Ferens' June 9 list (which was itself a reorganization of the consolidated staff issues list). I'm attempting to slot the topics that have been raised, without prioritizing them, so that the list more explicitly reflects the Focus Areas being considered.

I'd like to discuss at the June 24 GLTC meeting a Community Workshop or Open House that examines a list like this, identifies OCP Focus Area priorities from it, and inventories what research is available and what research is still needed. The LTC might in the meantime adopt a Terms of Reference with OCP Focus Areas prioritized, and recommit to it after the summer Community meeting.

1. HOUSING (An official community plan must ~~include~~ *consider* housing policies respecting affordable housing, rental housing and special needs housing).

- a. **Affordable Housing**

1. Secondary Suites (January 29, 2010 LTC direction – staff research)
 2. Homelessness
 3. Accessory buildings (incl “toilets in”, Staff Report January 29, 2010, and floor area measurements, staff report Feb 29/08)
 4. Multi-family

Resources: Needs Assessment Study, Housing Task Force Report, Trust Council Toolkit

- b. **Assisted Housing**

1. Seniors & Special Needs

Tasks: Review DP8 policies –Form and Character of Multi Family Residential Development, Special Needs and Seniors Multi Family Housing

- c. **Foot print**

1. Footprint analysis (January 29, 2010 LTC direction – staff research)
 2. Size of houses
 3. Dark sky/lighting levels (June 19/09 & Feb 29/08 staff reports)
 4. Developable Areas on lots, shadowing on adjacent lots, setbacks (June 19/09 & Feb 29/08 staff reports)

Task: Consider new DPA for GHG, Energy and Water Conservation

2. DENSITY (an OCP must include statement & map designations respecting the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years)

- a. **Density Transfer**

1. Consider density transfer for affordable housing, and clustering to reduce ghgs (January 29, 2010 LTC direction for research – currently under review by staff)
 2. review existing density transfer provisions

- b. **Concentrating/Clustering Development** , to reduce ghg emissions, and/or to facilitate affordable housing (January 29, 2010 LTC direction for staff report on VIHA view of, and, January 29, 2010 LTC direction for staff report on mapping to reveal areas to concentrate dev't, areas to downzone)
 - 1. Tasks: Update the Build Out report (January 29, 2010 LTC direction – staff report)
 - 2. Definitions (January 29, LTC 2010 direction – staff preparing report)
 - c. **Hazardous Areas and Steep Slopes** (Development Permit Area DP6; GILTC Top Priority List and hiring consultant authorized at April 15, 2010 LTC Meeting)
3. WATER and SEPTIC
- a. **Community water and sewer systems** (January 29, 2010 LTC direction – staff report)
 - b. **Rainwater collection** ~~– eastern construction~~ – Mandatory, incentives
 - c. **Septic fields and alternatives**
 - d. **Water conservation** - *Green infrastructure* [SM wasn't sure what green infrastructure meant in this context, so am guessing]
 - e. **Watershed and groundwater protection** - Increased sustainability and quality of freshwater supply (resource: RDN DWWP Program). Overlap with RAR.
 - Tasks: Consider DPA for water conservation, for watershed & groundwater protection.
 - Ground water study
 - ~~f. Bulk water extraction and sales~~
4. AGRICULTURE (an OCP may include policies respecting the maintenance & enhancement of farming)
- a. **Protection and enhancement of agricultural lands**
 - b. **Food security**– (reducing greenhouse gas emissions by growing and buying local food)
5. ALTERNATIVE ENERGY
- a. **Renewable energy policies** (Siting and height for wind turbines, biofuels)
 - b. **Community energy plan** (define)
 - Resource: housekeeping staff report Feb 29/08 page 10, wording from draft Commons bylaws
6. LAND TRANSPORTATION
- a. **Zero Emissions Vehicles** (GILTC Top Priority List), incl speed limits
 - b. **Cycle route** (GILTC Top Priority List) (Sharing Our Roads Report)
 - c. **Public Transit** (bus route prepared by Ad Hoc Transportation Committee)
7. ENVIRONMENTAL (An OCP may include policies relating to the preservation, protection, restoration, and enhancement of the natural environments, its ecosystems and biological diversity)
- a. **Protection of sensitive and significant lands and ecosystems**; Sensitive eco system mapping – incorporate the new mapping and information
 - b. **Stewardship of coastal areas and marine shoreline & eco systems**

e. ~~Develop a conservation plan (GILTC Top Priority List)~~

Tasks: Review DPA policies – The Tunnel, Locke Bay Area, Hoggan Lake Area, Flat Top Islands Area, Gabriola Pass Area. Protect Eagle Trees (GILTC Top Priority List) - consider DPA

8. ECONOMIC ACTIVITIES

- a. **Tourist Commercial** (eg Haven) – TC Build-out, and unit size
 - 1. floor area ratio and lot coverage values (staff report Feb 29/08)
- b. **Village core plan**
- a. ~~clear determination of the boundary of the village core to establish transportation policies and form and character policies~~
 - 1. employee/affordable housing in VC zone
 - 2. review DP7: Form and Character of Commercial Development
- c. **Silva Bay plan** – consider new DP form and character guidelines
- d. **Twin Beaches mall** – consider new DP form and character guidelines (GILTC Top Priority List)
- e. **Light Industrial** - Review DP9 policies – Form and Character of Industrial Development, Light Industrial Use

9. PARKS AND OUTDOOR RECREATION

- a. **Trail linkages and beach access** – update OCP Figure 2, proposed Trail Connections (resource: GaLTT is working to increase linkages for walking and cycling – coordinate with the Cycle Plan)
- b. **Youth recreation** (eg skateboard park)
- e. **Density Transfer** for parkland (link to 2a)
- d. **Protected Area Network** (link to Environmental)
- e. **Regional Conservation Plan** – Trust Fund Board
 - 1. Optimum amount of park land
- f. ~~Develop a conservation plan~~ [sm thinks this comes in RCP, below
- g. ~~encourage park and sensitive areas to be donated~~
 - 1. Task: RDN Park rezonings

Items for OCP Review process but not necessarily “issues” for the OCP Topic List:

- 10. Communication Towers
 - a. Policies and restrictions – advocacy – build in the new checklist and policies into the OCP (GILTC Top Priority List)
- 11. Green Wharf
 - a. Advocacy and retention of the wharf (GILTC Top Priority List)
- 12. Culture/Institutional
 - a. ~~The Commons/The Haven~~ – unique zoning and uses
 - b. Camp Miriam – definition of recreation camp (GILTC Top Priority List)
 - c. *Health Clinic*
- 13. bylaw amendments identified in Feb 29/08 staff report, page 6-11

Already Included in the Project Scope (if adopted)

14. First Nations
 - ~~a. Lands and uses~~
 - b. Cultural references
 - c. Protection of archaeological sites (GILTC Top Priority List)
 - d. Snuneymuxw First Nation Protocol Agreement Implementation (GILTC Top Priority List)
 - e. Policies about inclusion and harmonization (GILTC initiative)
15. Riparian Area Regulations
 - a. Mapping and policies to protect and meet Provincial Guidelines (staff research)
16. Climate Change
 - a. Targets and policies – ensure that the other policies in the OCP conform to the May 2010 OCP amendment for Greenhouse Gas Emissions.
17. Development Permit Areas (these are already embedded within each topic area – eg housing, environment)
 - a. Hazardous Areas and Steep Slopes (GILTC Top Priority List and hiring consultant authorized at April 15, 2010 LTC Meeting)
 - b. Village Core
 - c. Twin Beaches (new)
 - d. Eagle Trees (GILTC Top Priority List)
 - e. Review DPA policies – The Tunnel, Locke Bay Area, Hoggan Lake Area, Flat Top Islands Area, Gabriola Pass Area, Form and Character of Commercial, Industrial and Multi Family Residential Development, Special Needs and Seniors Multi Family Housing, Light Industrial Use
 - f. DPA for GHG, Energy and Water Conservation
18. Implementation and Enforcement
 - a. Legislative review –staff work in progress
 - b. Formatting –modifications to tie the goals to the policies and to make the document more user-friendly
 - c. Mapping (January 29, LTC 2010 direction – staff are currently updating and aligning all mapping for Gabriola)
 - d. Soil removal bylaw (GILTC Top Priority List)
 - e. Islands Trust Policy Statement Review (by staff) – identify directive statements missing from Gabriola OCP.

~~Sensitive eco system mapping – incorporate the new mapping and information~~

19. Covenants restricting further subdivision (GILTC Top Priority List)

20. ALR Policy re subdivision for a relative - Section 946 (GILTC Top Priority List)

Other advocacy/partnership projects outside OCP:

Heritage/scenic roads (currently in the OCP, MOTI has no definition or distinction for these roads – determine how OCP should deal with them)

Section 42 roads – how to get them designated properly (Wharf Road and sections of North Road in particular)

STAFF REPORT

Date: June 10, 2010 – Revised

File No.: GB/04-1-i.a
Gabriola OCP Review

To: Gabriola Island Local Trust Committee
For the meeting of June 24, 2010

From: Patricia Maloney, MCIP

Re: Report on Bringing Secondary Suites into Compliance

BACKGROUND

At the January 29, 2010 Gabriola Island Local Trust Committee meeting, the following resolution was passed:

GB-012-2010 It was moved and seconded that the Gabriola Island Local Trust Committee instruct staff to report back to the Local Trust Committee on the following areas of research:

- Update 2006 Gabriola Build-out report (using Regional District of Nanaimo building permit statistics to update the number of dwellings, if a new build-out map is not possible).
- Align mapping (soils, farmable land, groundwater vulnerability, sensitive ecosystems, archaeological sensitivity) to identify areas from which development potential should be reduced, and to assess the Village and ferry neighbourhoods' capacity to receive transferred density.
- Research potential barriers to concentrating density, specifically:
 - Report on VIHA view of concentrating development potential (i.e.: will VIHA prevent densification because of septic and water limitations?)
 - Report on the experience with legalizing secondary suites in rural areas (e.g.: are the required fire code and septic upgrades cost prohibitive to landowners? Why have no secondary suites been confirmed in Bowen Islands legalization process?)
 - **Report on how illegal secondary suites/cottages could be brought into compliance with building code regulations (since all were built without building permits) and whether that might be cost prohibitive to landowners.**
 - If community water and sewer is a requirement of concentrating density, advise on who pays and who owns the infrastructure (e.g.: what agency cooperation would be necessary?)
- Provide examples of density transfer being used to achieve affordable housing and clustering to reduce Greenhouse Gas Emissions (e.g.: Denman and Saturna Local Trust Committees have adopted density transfer provisions for affordable housing; how to they work, and are they advisable for Gabriola?)
- Advise on how the footprint analysis proposed in the Affordable Housing Needs Assessment Report (November 2009) could be incorporated into Gabriola's bylaws to assess secondary suites or concentration of density

- Quantify extent of illegal secondary suites/cottages
- Propose common language to use for “density” in the Official Community Plan review process (e.g.: rely on existing definition (the number of single family units allowed on a lot) and say transferring density if discussing moving it around, instead of “adding density” or “higher density”, which infers creating additional densities.

This Staff Report deals with the highlighted research item on experience with how illegal secondary suites and cottages could be brought into compliance with the building code regulations.

THE PROPOSAL

Report on how illegal secondary suites/cottages could be brought into compliance with building code regulations (since all were built without building permits) and whether that might be cost prohibitive to landowners.

The Local Trust Committee resolution specifically asked about the cost-prohibitiveness of compliance with the Building Code to legalize suites. There are also fire codes to be met as well, there are also application fees collected by the municipalities or planning jurisdiction.

The Regional District of Nanaimo (RDN) Building Inspector indicates that if zoning were in place, then the building code requirements would primarily include the provision of:

- Smoke detectors
- 2 meter high ceilings
- Separate Heating System
- Dry walling and separation between units

In terms of sewage disposal, the RDN will only issue a building permit if the sewage system is designed to the appropriate size and capacity of the dwelling unit being proposed, the soils and percolation tests prove suitable, and is approved by the Vancouver Island Health Authority. In addition, there is the cost of the building permits and inspections. Construction of a new septic field/tank system can cost anywhere from \$5,000 to \$50,000 depending on the soils, the size and the design. However, all new construction must provide this and the incremental cost of oversizing a private sewage system to accommodate a suite is generally not a 50% increase in total cost.¹

In November 1999, the BC Non-profit Tenant and Advisory Centre published a study entitled the Impact of Secondary Suites on Municipal Infrastructure and Services. This paper concluded that homes with suites do not consume twice the amount of (water, sewer, garbage and recycling) as those without (suites). It was found that a secondary suite typically consumes 35% to 63% more in “services” than a typical single family dwelling.² This is similar to the view of the Vancouver Island Health Authority in that if the original septic field was designed and constructed to the full capacity of the home then a secondary suite may not create an unacceptable load on the sewage or water system. Staff recognizes that such broad statements should not be taken as a blanket all encompassing approvals or as indicators that increased dwelling density is appropriate for Gabriola Island; instead each property has unique characteristics that may or may not require sewage system upgrades to accommodate a secondary suite, or in fact an addition to the primary residence.

¹ www.tenants.bc.ca Impact of Secondary Suites on Municipal Infrastructure and Services, November 22, 1999.

² www.tenants.bc.ca Impact of Secondary Suites on Municipal Infrastructure and Services, November 22, 1999.

At this time, secondary suites are not permitted on Gabriola Island, nor have any previous community bylaws had such permissions. In order to proceed with a secondary suite proposal, bylaw amendments (i.e.: re zoning applications) are required with each application reviewed on a case by case basis. Final approval is determined by the Local Trust Committee after public and community discussions.

Currently the Official Community Plan and the Land Use Bylaw would require amendments with a combined application fee of \$3,500. Changes would be required to the OCP to allow secondary suites in residential zones as an appropriate housing form in order to allow the Land Use Bylaw to be amended to increase the density. This process could require that all issues identified, such as compliance with building and fire codes, installation of rain water catchment, or any sewage system upgrades must be dealt with or approval will not be granted.

The costs for applications noted above are set by the Local Trust Committee through the Gabriola Island Local Trust Committee Fees Bylaw No. 245, 2007

Separate to land use and zoning issues, is the issue of building code compliance and associated costs. Two purposes of ensuring that the suites meet the codes are: to ensure the unit conforms to regulations; and individual health and safety is guarded and protected. If the landlord is not willing to make the upgrades required, the unit should not be rented out. If the costs of the repairs and upgrades are cost prohibitive, then it would not, in all likelihood provide an affordable option.

Several municipalities issue guides to getting approval for secondary suites. For example, the City of Vancouver has a six step process for “legalizing” suites. These steps include:

1. Apply for a Special Inspection and book an appointment.
2. Receive a letter outlining what needs to be done.
3. Get the permit.
4. Call for inspections on the upgrading work during, along with a final inspection.
5. If work meets all approvals, a letter is issued certifying this.
6. An annual business license will be required for rental suites.

As an example, these inspections by the City of Vancouver can cost a minimum of \$630, and the annual business license is \$58. In addition, they are charged 50% increase in garbage and recycling fees.

For the Regional District of Nanaimo the building permit fees range between \$150 and \$250 per application, with a permit processing fee of approximately \$450 and various inspection fees. Prices are based on construction value and will be assessed at the time the drawings are submitted.

While the Gabriola Island Local Trust Committee would have to negotiate much of this with the Regional District of Nanaimo for inspection, letters of compliance etc., it would provide some level of assurance that the development was done properly. As requested and provided earlier, Bowen Island Municipality provided a one year grace period for homeowners/landlords to come in and register their properties.

DISCUSSION

Should the Gabriola Island Local Trust Committee determine that secondary suites may be acceptable for some areas of Gabriola Island, and once community consultation has been completed, there are several ways to implement this policy. Options may include: specific areas can be identified as suitable and zoned appropriately, or all applicants make individual

application and “prove” the suitability of their site. All appropriate building and fire codes would require compliance and all fees paid.

If an individual land owner determines that the costs are prohibitive, then the suite would not be applied for or approved.

It was noted by the Senior Bylaw Enforcement Officer, Miles Drew, that there are certain bylaw infractions that can be inspected and enforced without being complaint drive (as directed by Island Trust Policy). Secondary suites would likely fall into this category due to the potential environmental risk by inappropriately sized septic systems.

ADDITIONAL INFORMATION REQUESTED AT THE JUNE 10, 2010 LOCAL TRUST COMMITTEE MEETING

1. The Trustees asked at their June 10, 2010 Special Meeting for information regarding compliance construction cost estimates.

There can be no conclusion reached as to the cost of coming into compliance. Each dwelling is unique, was built at different times, and was built with different expectations and design. While some dwellings might have been constructed with the long term intent to legalize a suite and as such have sufficient ceiling height, separate wiring and fuse boxes, fire wall separation and separate heating systems, others may have to achieve all of this. For a suite in a house, the septic field may have been originally constructed for the entire square footage and number of bedrooms while others may have been constructed only for the main floor development.

Therefore, there is no way to estimate the compliance construction cost estimates to bring a suite into conformity with building and fire codes.

2. The Trustees asked at their June 10, 2010 Special Meeting for models for inspection and compliance in rural areas.

There are several options for inspection in rural areas. Some jurisdictions hire their own building inspector (such as Bowen); others utilize the Regional District services (such as Gabriola). In other situations, some municipalities identify an independent inspection service company that is paid directly by the applicant.

3. The Trustees asked at their June 10, 2010 Special Meeting for clarification regarding comments on municipal fees.

The reference to fees that a municipality or planning jurisdiction can require includes:

- Rezoning fees – if the legalization of the suite requires rezoning (which is a good way to control the units because each application is reviewed on its own merits and must meet criteria and guidelines)
- If in a development permit area, development permit fees – in this case a development permit could reflect the potential environmental concerns of the septic/groundwater contamination.
- Building inspection fees – either paid to the Regional District or municipality such as Bowen or to the private Inspection Company. The private inspection company does the inspections of the upgrades, completes an approval or rejection depending on the work and ultimately submits the approvals to the Regional District or municipality for final certification of the suite that it meets all of the codes and regulations.

4. RDN Director Rudischer submitted an email to the Trustees making several points and the Trustees ask Staff to respond to issues raised in the email (which the planner chooses to address or incorporate).

- a) Director Rudischer suggests that suites and cottages are different and should be dealt with differently. It is true that a legal cottage requires a separate septic field, and as such is different than a suite in a house. However, many municipalities allow both or either type under their bylaws.
- b) Director Rudischer states that the costs to bring units into compliance with building and fire regulations (not to mention health regulations), will prohibit landowners from bringing the units into compliance. Director Rudischer states correctly that “there is no motivation for landowners to enter into either process when they can operate with impunity and incur no expenses...unless there is pro-active bylaw enforcement there is no way to force people to comply.”

RECOMMENDATIONS

It is recommended that the Gabriola Island Local Trust Committee accept this report for information and refer this report to the Volunteer Review Committee for the Official Community Plan and Land Use Bylaw Review for their consideration and comment.

Respectfully submitted by:

Pat Maloney
Island Planner

June 10, 2010
Date

Reviewed and concurred by:

Chris Jackson
Regional Planning Manager

June 10, 2010
Date

STAFF REPORT

Date: June 10, 2010 – Revised

File No.: GB/04-1-i.a
Gabriola OCP Review

To: Gabriola Island Local Trust Committee
For the meeting of June 24, 2010

From: Patricia Maloney, MCIP

Re: Experience with Legalizing Secondary Suites in Other Jurisdictions

BACKGROUND

At the January 29, 2010 Gabriola Island Local Trust Committee meeting, the following resolution was passed:

GB-012-2010 It was moved and seconded that the Gabriola Island Local Trust Committee instruct staff to report back to the Local Trust Committee on the following areas of research:

- Update 2006 Gabriola Build-out report (using Regional District of Nanaimo building permit statistics to update the number of dwellings, if a new build-out map is not possible).
- Align mapping (soils, farmable land, groundwater vulnerability, sensitive ecosystems, archaeological sensitivity) to identify areas from which development potential should be reduced, and to assess the Village and ferry neighbourhoods' capacity to receive transferred density.
- Research potential barriers to concentrating density, specifically:
 - Report on VIHA view of concentrating development potential (i.e.: will VIHA prevent densification because of septic and water limitations?)
 - **Report on the experience with legalizing secondary suites in rural areas (e.g.: are the required fire code and septic upgrades cost prohibitive to landowners? Why have no secondary suites been confirmed in Bowen Islands legalization process?)**
 - Report on how illegal secondary suites/cottages could be brought into compliance with building code regulations (since all were built without building permits) and whether that might be cost prohibitive to landowners.
 - If community water and sewer is a requirement of concentrating density, advise on who pays and who owns the infrastructure (e.g.: what agency cooperation would be necessary?)
- Provide examples of density transfer being used to achieve affordable housing and clustering to reduce Greenhouse Gas Emissions (e.g.: Denman and Saturna Local Trust Committees have adopted density transfer provisions for affordable housing; how to they work, and are they advisable for Gabriola?)
- Advise on how the footprint analysis proposed in the Affordable Housing Needs Assessment Report (November 2009) could be incorporated into Gabriola's bylaws to assess secondary suites or concentration of density

- Quantify extent of illegal secondary suites/cottages
- Propose common language to use for “density” in the Official Community Plan review process (e.g.: rely on existing definition (the number of single family units allowed on a lot) and say transferring density if discussing moving it around, instead of “adding density” or “higher density”, which infers creating additional densities.

This Staff Report deals with the highlighted research item on experience with legalizing secondary suites.

DISCUSSION

EXPERIENCE OF LEGALIZING SUITES

Report on the experience with legalizing secondary suites in rural areas (e.g.: are the required fire code and septic upgrades cost prohibitive to landowners? Why have no secondary suites been confirmed in Bowen Islands legalization process?)

1. Bowen Island Experience

Bowen Island amended their planning documents in 2006 to allow secondary suites. The Bowen Island Land Use Bylaw defines secondary suites as follows:

“Secondary Suites” means an additional self-contained dwelling unit, having a separate entrance and containing kitchen and bathroom facilities, located within a residential building that contains only one other dwelling unit and is smaller than the primary residential unit.

There are now seven suites either approved or going through the building permit process. The Building Inspector for Bowen Island, Mr. Konrad Jaschke¹, has provided information regarding the requirements for “legalizing” a suite. The issues with the building code are primarily related to ceiling height, smoke detectors, separate heating systems (which can be electric baseboard heating), fire walls and parking spaces. The building inspector has taken the approach that if the septic field was constructed for the full occupancy of the house (based on a capacity of 2 persons per bedroom and a septic field size calculation based on a combination of bedrooms and square footage) then an additional dwelling unit within the home will not increase sewage demands beyond what the septic system was designed to handle. They acknowledge that there are many lots where suites are not going through the process of legalization. In such cases enforcement will be conducted on a complaints basis. To date, one complaint has been registered and investigated. Consideration and approval of a secondary suite is processed completely by the building inspector and is not referred to the Council or the Planners.

2. Other Rural Municipalities

Many rural municipalities are implementing secondary suites as one of the solutions to affordable housing. Many rural municipalities have also identified that this approach could provide housing for special circumstances (such as permanent or temporary farm help, aging parent(s), handicapped child who still requires some supervision but wants some independence, students on work programs, or “nanny” accommodation).

Cortes Island – The Cortes Island Official Community Plan No. 1740, 1995 is currently under review. However, the existing Official Community Plan and Zoning Bylaw include provisions for

¹ Telephone Conversation on April 13, 2010 and Personal Interview with Planner Maloney on April 27, 2010 at the Islands Trust Office on Gabriola.

secondary suites. The existing OCP document includes plan objectives that address forms of residential development and include:

- To allow for the grouping of dwellings on one parcel, following appropriate zoning density provisions, but without subdivision, in order to foster the protection of the environment and provide affordable housing.
- To provide affordable housing in a variety of forms, tenures and densities.

In the Cortes Zoning Bylaw, secondary suites are defined as “a dwelling unit located within a building which is a single real estate entity used for residential use and which contains only one other dwelling unit. In the Rural Residential 1 zone, on lots less than 2.0 ha in size, the permitted residential uses include one single family dwelling and one secondary suite, or one single family dwelling and 1 cottage limited to 60 square meters (645.85 sq.ft.) in total floor area.

In addition, Cortes has received a \$5,000 grant from Canada Mortgage and Housing to hold a community workshop to look at changing the zoning to allow multi-family dwellings, cluster housing and land trusts. The changes aim to help over 30 families and 15 individuals who have housing during the winter months of September through May, but are camping from June to August when summer cottage owners return to the island².

Mountain View County - A large rural area approximately 40 minutes north of the City of Calgary, Mountain View County approved the practice of allowing secondary suites in November 2008. Under the policy landowners may apply to develop secondary suites on their property as long as they do not negatively impact adjacent developments. The suites permitted in the new guidelines range from a single traditional secondary suite (a dwelling attached to the house or above the garage) to a detached secondary dwelling unit (such as another house or mobile home). The County Council states that “this as another form of affordable housing”.³

Cowichan Valley Regional District – the CVRD allows secondary suites and small suites in all residential zones⁴ including the Residential 3 zone which allows a lot size as small as 0.2 ha in size. A secondary a suite is defined as a development that does not exceed the floor area limit established in the General Regulations section of the bylaw, is located within a single family dwelling that is capable of being occupied year round with a separate entrance, living facilities and provision for sleeping, cooking, sanitation, food storage and preparation. A small suite is the same definition except that it is not attached to the principle residential dwelling.

Rocky View County – Surrounding the City of Calgary, this rural municipality is concentrating urban type development in hamlets to protect the good agricultural land. Accessory Dwelling Units (defined as secondary suite within the primary residence, a suite within a building such as a barn or garage, and a garden suite which is a stand-alone unit) were allowed in the rural area to increase the opportunity for affordable housing, financial support for the landowner, and supportive living arrangements and lifestyle choices for a variety of community members. On larger lots (over 2 acres in size) only a building permit is required ensuring that the unit conforms to building and fire codes. An accessory dwelling unit may not exceed 110 square meters in size.⁵

3. Urban Areas

² www.cmhc-schl.ca Affordability and Choice Today Initiatives, Canada Mortgage and Housing, Grant Recipients June 2009

³ www.mountainviewcounty.com What's New in Mountain View

⁴ www.bc-cowichanvalley.civicplus.com Area B Shawnigan Lake Zoning Bylaw No. 985, updated consolidated amendments to November 2009

⁵ www.rockyview.ca Accessory Dwelling Units

City of Fernie – In the 1990's the City of Fernie, BC was experiencing secondary home construction. People who lived full time in Calgary were building homes in Fernie to ski in the winter and golf in the summer. This high second home population find that the secondary suite can be used for a "caretaker" and that the secondary suite not only provides security when the primary residence is only inhabited on weekends or vacation periods, but it also ensure that the insurance on the house is valid by having someone permanently in the house. The City of Fernie developed a land use zone (R1-A) that specifically allowed for a secondary suite to be constructed either attached or detached. The only size restriction was that it had to be smaller than the primary residence.

Town of Edson – In February of 2010, the Council of the Town of Edson, Alberta approved secondary suites but only if the primary residence portion of the home is occupied by the owner. This allows homes to have a revenue potential for new buyers as well as providing an affordable housing option while making best use of existing residential development and deterring sprawl. The suites can be as small as 355 square feet in size. Homeowners must apply for a permit through the Town and must also comply with provincial building and fire codes.

City of Calgary – During the 2005 Land Use Bylaw Review, the City of Calgary amended their bylaws to allow for secondary suites as a method to provide affordable housing (Affordable Housing Implementation Plan – Stage 1) and provide new home buyers with financial/mortgage assistance. The inclusion of a secondary suite also attempts to build up density in areas as part of the implementation of the Sustainable Suburbs Study, particularly in areas close to transit stops, community centres and neighbourhood nodes. A secondary suite is defined as an additional dwelling (encompassing a bedroom, bathroom and kitchen) in conjunction with a principle dwelling. Generally, these occur in the form of a "basement" suite in Calgary but can also be part of a detached garage, above the main floor of a single detached dwelling, attached at-grade to a single detached dwelling or a detached (stand alone) unit such as a garden suite. They must comply with the Alberta Building Code. The City has commented that there are many suites that are substandard and may pose a health or safety risk⁶.

City of Vancouver - The City of Vancouver has permitted secondary suites since March 23, 2004. At that time, changes were made to the Zoning and Development Bylaw to make it possible for every single family house in Vancouver to have a secondary suite. These changes include:

- "One-Family Dwelling with Secondary Suite" to be permitted in all residential RS, RM, and RT zones;
- One on-site parking space will be acceptable for a house with a secondary suite, if the house was built prior to March 23, 2004;
- Partial sprinkler system will no longer be a requirement for existing non-sprinklered houses (certain conditions apply). Instead, interconnected hard-wired smoke alarms equipped with battery backup and manual silencing device are to be installed; and
- Ceiling height requirement for an existing house reduced to 6'6" over 80% of the suite area and in all areas of exit from the suite.

The City has published the Secondary Suite Guide⁷ to assist owners wishing to either put in a new secondary suite in an existing house, or keep and legitimize an existing suite that does not have proper permits.

⁶ www.calgary.ca/landusebylaw Secondary Suites and the Land Use Bylaw.

⁷ www.vancouver.ca/commsvcs/licandinsp/compliance/bylawadmin/secondariesuites

ADDITIONAL INFORMATION REQUESTED AT THE JUNE 10, 2010 LOCAL TRUST COMMITTEE MEETING

- 1. The Trustees asked Staff to provide information on the “take-up” of suites and the affordability mechanisms. The concern is that the cost of bringing suites into conformance is cost prohibitive for the landlord.**

In the case of Bowen Island, the “take-up” has been 7 units, all of which are new construction. The Building Inspector indicated that no existing suites had come forward to legalize. This situation appears to be fairly universal. All information is anecdotal coming from the municipalities used as examples. The Cities are also having problems getting existing suites to legalize. The issues seem to be: consequences and costs.

The lack of consequence is the main reason that most people do not bother to legalize their suites. If bylaw enforcement is complaint driven and there have been no complaints, the odds of being caught are very small. Even if caught, the consequences are minimal. If the fines were greater, if the enforcement was proactive and if the actions were swifter, possibly people would initiate the “legalization” process.

The cost of conversion and meeting building codes etc can be expensive. However, there are grants and funding available to homeowners. The RRAP program offered by the Federal Government, housing assistance grants offered by the provincial government and various charitable grants if the house is rented as affordable housing can all contribute to financially supporting the conversion and bringint the suite into conformance with the building codes. The cost of bringing suites into conformance can vary drastically from merely wiring a separate smoke detector system, to raising the entire house, to reconstructing a septic field.

- 2. The Trustees asked Staff to clarify which municipalities cited as examples, were reliant on septic fields and wells.**

The examples of municipalities/planning jurisdictions and there servicing standards are listed below (all of the urban examples have piped and treated water and sewer systems):

- Bowen Island – individual well and septic
- Cortes Island – individual well and septic
- Mountain View County – individual well and septic
- Rocky View County – individual septic, individual well, with some portions of the County on piped treated water through a private water co-op
- Cowichan Valley Regional District – Mill Bay – individual septic and well

- 3. The City of Fernie example indicated that the owner of the house had to reside in the primary residence. Is that “legal” in British Columbia and is it something that Gabriola could enforce?**

The City of Fernie has removed the requirement for the owner of the home to be a resident. Anecdotal information from the City staff indicates that while the legality of the requirement was questioned, it was also a very difficult requirement to enforce. Therefore, the requirement was removed and the land use zone that allows secondary suites is used for “spot zoning” for a residence that wants to include or legalize a suite.

The purpose listed for the R1-B zone in the Zoning Bylaw is to provide for the development of a single attached residential unit with the option of developing a secondary residential dwelling in the form of an attached or detached residential unit.

This has negated the need for resident landlord but allows either an attached or detached unit (which could be a cottage in the back yard or a unit above a garage). It should be noted that the City of Fernie has piped community water and sewer services to all development. Attached secondary suites are allowed in the full range of residential zones.

However, the Mill Bay/Malahat Zoning Bylaw, under the Cowichan Valley Regional District, does include the requirement for the owner of the parcel to occupy either the secondary suite or the principle dwelling. The bylaw states, "An owner of the parcel must occupy either the secondary suite or the principal dwelling".

In conversation with the Manager of Development Services, Mr. Rob Connelly, it was determined that while the phrase exists, it cannot be required legally. There is no way to enforce it and it was a "political" consideration when the bylaw was adopted 10 years ago. Now the Directors generally support secondary suites. They have very few complaints about secondary suites. There is one Development Permit area that requires a more detailed scrutiny of secondary suites because of ecological issues. If someone applies for a suite, there are several fees and processes to go through including paying the Building Permit fee to the RD, paying the electrical inspection fee to the province, paying the inspection fees to the Health Authority. In addition, if the unit is a detached small suite, a covenant is required stating that the unit will never be subdivided. There is no proactive bylaw enforcement and the staff at the Cowichan Valley Regional District know that there are many illegal suites in existence but have not impacted the community to the point where a complaint is made.

The bylaw allows both attached and detached units. Prior approval of their jurisdictions having authority for domestic water supply and liquid waste disposal shall be obtained before issuing a building permit. The bylaw does indicated that "A secondary suite shall not be permitted on parcels less than 0.4 ha (0.988 ac) in size".

4. RDN Director Rudischer submitted an email to the Trustees making several points and the Trustees ask Staff to respond to issues raised in the email (which the planner chooses to address or incorporate).

- a) Director Rudischer states that since only 7 people have come forward to legally develop suites, that it must be cost prohibitive to bring suites into compliance. This may certainly be the case, although with no enforcement there is no incentive for people to go through the approval process. If the bylaw was being enforced and there were fines, people may be motivated to make their suites legal. However, there is no information to quantify either of these assumptions.
- b) Director Rudischer makes some assumptions about Counties in Alberta and while they are geographically large, they are full municipalities and do not include the cities and towns within their area. They were included as examples because they are rural, they have acknowledged a need for additional residential units and have legalized suites and detached units (carriage houses, granny suites). They acknowledge the need for "affordable housing" for students, aging parents who do not want to go into the City, part time farm help and people who work for the County. In the case of both Wheatland and Rocky View, neither have piped sewer services (community services) to the rural area. There is no piped water in Wheatland County. In some parts of Rocky View there is a water co-op that

provides piped treated water to residential development but the majority of development is service by individual wells.

- c) Director Rudischer states that Mill Bay would be a better example than Cortes Island. Mill Bay allows both secondary suites and small suites (which are detached units either developed as cottages or as carriage houses). If the lot is service with community piped water and sewer, the lot size can be as small as 0.1675 h (in the R-3 zone). Without piped water and sewer, the lot size minimum is 2.0 ha. The
- d) Director Rudischer states that most of the examples provided allow secondary suites on lots larger than one half acre. This is true. An additional unit on a small lot certainly can cause issues with the septic and well capacity. It is staff understanding that this is the primary concern with secondary suites on Gabriola and the fact that most of them occur on the half acre lots. However, the rationale for this is that the half acre lots are generally located closer to services, ferry and facilities.

SUMMARY

The concerns regarding allowing secondary suites on Gabriola were raised at the community workshop (March 27, 2010) and in the community survey (April 2010) were related to:

- Depletion of ground water by additional densities
- Groundwater contamination by septic fields
- Additional traffic in rural neighbourhoods
- Additional noise from additional residents
- Increased crime due to increased population
- Change in rural character of a neighbourhood

Benefits regarding allowing secondary suites on Gabriola identified at the community workshop (March 27) and in the community survey (April 2010) were related to:

- Provision of affordable housing
- Provision of caretaker suites for seniors
- Provision of aging parents independent living accommodation close to children

The resolution from the Trustees asked about the experience with legalizing secondary suites. The first thing that a planning authority must do to legalize a suite is to change the zoning to allow secondary suites in specific zones and to outline the guidelines for development and the requirements of the owners. **IF**, the Gabriola Island Local Trust Committee thinks that there is merit in allowing secondary suites (recognizing that they currently exist), then bylaw amendments would be required as the first step to legalizing the units. Once they were permitted by bylaw, then the issues of enforcing current illegal units and approving new units would be at issue. The use of an eco footprint analysis to determine if the site is appropriate for a secondary suite would be one method of assessment.

RECOMMENDATIONS

It is recommended that the Gabriola Island Local Trust Committee accept this report for information and refer the report to the Volunteer Review Committee for the Official Community Plan and Land Use Bylaw Review for consideration and provision of recommendations to the Local Trust Committee.

Respectfully submitted by:

Patricia Maloney
Island Planner

June 19, 2010
Date

Reviewed and concurred by:

Chris Jackson
Regional Planning Manager

June 10, 2010
Date



Memorandum

3.1.7

Date June 16, 2010 File Number GB/04-1-1.a
OCP/LUB Review

To Gabriola Island Local Trust Committee
For the Meeting of June 24, 2010

From Patricia Maloney, MCIP

Re Resolutions from the Volunteer Review Committee from their June 15, 2010 Meeting

Attached are resolutions carried by the Gabriola Island Volunteer Review Committee for the Official Community Plan and Land Use Bylaw Review at their meeting of June 15, 2010. There are a total of 11 resolutions. Final minutes of the meeting had not been prepared at time of preparing this report to the Local Trust Committee and as such, the appropriate numbers are not attached to the resolutions.

The voting on each item has been included (for-against-abstain) and it should be noted that the Chair did not vote on any resolution.

Resolution # 1

Moved and seconded that the VRC at its May 18, 2010 meeting discussed documents referred to it by the GILTC. The VRC agreed with the items listed in the April 20 Staff Report "Consolidated List of Identified Issues and Concerns for the Gabriola Island Official Community Plan Review" but noted some needed additions. These were:

Item 2. Infrastructure: Add (h) Community composting site, including yard waste.

Item 6. First Nations: Add (f) Updated survey of archaeological resources.

Item 8. Environmental: Add (h) Open burning.

Item 9. Transportation: Add (g) Ongoing maintenance policies and Memorandum of Understanding re maintenance of roads and emergency access and rights of ways, and (h) Traffic safety at Ferry Terminal and in Village Core

Item 10. Open Space: Add (h) Provide adequate visitor services (e.g.: garbage collection in parks)

Add Item 18. Economy: Separate section needed in OCP on this topic.

Add Item 19. Emergency Services, in particular priorities for improved access.

Carried 9-0

Resolution # 2

Moved and seconded under Item 17(b) in the April 20 Staff Report "Consolidated List of Identified Issues and Concerns for the Gabriola Island Official Community Plan Review", there is reference to VRC discussions re improved formatting of the OCP. Specifically the VRC recommends:

1. The format of the OCP should be revised to consistently separate out context, objectives, policies and advocacy policies into separate paragraphs. Currently these topics are mixed together.
2. There should be a clear linkage established between objectives and policies and some measure of accountability should be established wherever possible.
3. Some detailed sections of the OCP (e.g.: bulk water section) would be more appropriate in the Land Use Bylaw. Review the rationale for putting such detailed items in the OCP and move to the LUB if feasible.
4. Write a new outline of major topic headings so that it becomes clear where new topic areas are needed, e.g.; water.

Carried 9-0-1

Resolution # 3

Moved and seconded that in the VRC's discussion of the formatting of the OCP on May 18, 2010, the need for contextual background for the OCP was discussed. Often contextual background is too long to include in the OCP itself. The VRC recommends that the LTC consider revising the Community Profile, completed by VIU students, using expertise in the Community, and that this new document could become a core reference for the OCP. It should be updated every 5 years.

Carried 9-0-0

Resolution # 4

Moved and seconded that with regard to Areas for Research Needed, the VRC members used the April 20, 2010 Staff Report, as expanded above, to vote on priorities. Emphasis was placed on the areas where more information is required rather than the perceived importance of issues. Each member had 4 votes, meaning a possible 48 votes amongst the 12 members present. The following five areas were chosen (collectively representing 2/3 of the possible votes), and discussed in more detail.

1. **Housing – Eco-footprint Analysis** (5 votes). The community needs to see a practical example of what this might look like and what sort of development applications it would be applied to. We would like to see several examples showing how other communities have applied this approach and a detailed proposal for how it might be applied on Gabriola.
2. **Infrastructure – Water/Septic** (6 votes). Areas where more understanding is needed include what is possible in terms of an “aquifer map” – see discussion in water document still being reviewed by VRC, possible solutions for bulk water sales problem, realistic alternatives for more control on maintenance of septic systems, including regular inspections, and an investigation into possible grants that might assist the community in understanding septic problems.
14. **Commercial/Village Core** (6 votes). The VRC has already made a recommendation for a Community Research and the LTC have agreed that this is needed once all research currently underway is completed. Under this topic we recommend that some discussion be devoted to the concepts of secondary commercial nodes (e.g., Silva Bay and Twin Beaches) and how do we facilitate the growth of home-based businesses into something larger that requires a light industrial zoning or something similar.
16. **Density** (9 votes). This is the highest priority area for additional work. A discussion paper by Staff should clarify the following issues:
 - Carrying Capacity – how many additional densities might be created under future sub-divisions and how many additional single family units and secondary cottages are possible, given the current build out map?
 - Some clear definitions are needed for terms like density, density unit, density transfer, population of the island, etc. The LTC has already asked for this. These definitions are critically needed in order for the Community to have a rational discussion on related topics.
 - Density transfer model. State clearly how the current model works and propose some alternatives. Specifically address how density transfer might affect possible multi-family housing proposals and how environmental trade-offs might be evaluated. Specifically some sort of environmental impact assessment process is needed that considers the environmental needs of the whole island. Would

density units be able to be sold to another land owner independent of a specific development or subdivision proposal?

- 18. Economic Diversity/Sustainability** (7 votes). We need to have discussion around what limits to economic diversity the Community wants. We need to have some Objectives and Policies regarding the development of sustainable economic ventures within the overriding Preserve and Protect philosophy. We note that sustainable does not mean self-sufficient. Perhaps the Sustainable Gabriola Group could be asked to develop these ideas.

Resolution # 5

Moved and seconded that the VRC forward to the GILTC the attached Recommendations on Water Supply and Liquid Waste Management ("WSLWM Recommendations") with the attached covering memo. Our votes of support on groups of recommendations or individual recommendations within the document are enumerated in our minutes of the June 15 meeting (section 8.4 Water Supply Draft of May 31, 2010).

Carried 8-0-1

Resolution # 6

Moved and seconded that the VRC supports Water Supply Objectives #1-3 being:

1. To manage the island's water resources on a sustainable basis.
2. To have a sustainable long term domestic water supply available to all individual properties sourced from within each property.
3. To promote groundwater resource conservation in order to maintain water table levels for both domestic and agricultural consumption and protection of tree canopy coverage.

Carried 9-0-0

Resolution # 7

Moved and seconded that the VRC supports the Water Supply Policy #1, mapping groundwater availability being:

1. To undertake a program to map groundwater availability levels on all of Gabriola.

Carried 9-0-0

Resolution # 8

Moved and seconded that the VRC supports the Water Supply Policy #2, allowing Bulk Water Sales under 4 conditions, being

2. Bulk water sales from Gabriola sources are essential as a safety factor acting as a backup to individual property supplies. Bulk water sales (as currently permitted by a Temporary Use Permit in the OCP) as a home activity should be limited as follows:
 - a) At least two bulk water source extraction areas should be necessary as a long term supply.
 - b) Sources should be limited to high aquifer groundwater availability areas as defined in the Islands Trust Aquifer Groundwater Availability Map.
 - c) Paved roads to the property are required to prevent summer dust.
 - d) Surrounding wells shall be supplied with well watchers, and pumping will cease if water table falls to within a reasonable safety level of the bottom of the surrounding well. For a well to continue to produce water, there must be a large enough intercept of the water table to provide sufficient flow in addition to a working coverage of the pump.

Defeated 0-9-0

Defeated because bulk water sales from other sources than private wells were not considered. Anticipate rewriting and discussing again next week.

Resolution # 9

Moved and seconded that the VRC supports the Water Supply Policy #3, disallowing Bulk Water Sales from ALR land, as being;

3. Recommendations for Bulk Water sales from ALR lands will be disallowed in order to sustain water table levels for agricultural use.

Defeated 3-5-1

Defeated because bulk water sales from other sources than private wells not considered. Anticipate rewriting and discussing again next week. Some people felt ALR sales OK if other constraints met.

Resolution # 10

Moved and seconded that the VRC supports the Water Supply Policies #4-6, as being:

4. Islands Trust staff will maintain a water table map and recording system, calibrated water depth measurement systems, with records kept on a monthly basis.
5. Water storage in any form shall be encouraged, particularly in ponds, dugouts, cisterns and wetlands.
6. A public education program shall be encouraged to promote water conservation policies.

Carried 9-0-0

Resolution # 11

Moved and seconded that the VRC request the Gabriola Island Local Trust Committee to authorize the holding of two additional cohort meetings this summer for 1) residents who are under 40 (to be supplemented with childcare opportunities during the meeting), and 2) people with multiple physical and/or mental disabilities.

Carried 9-0-0

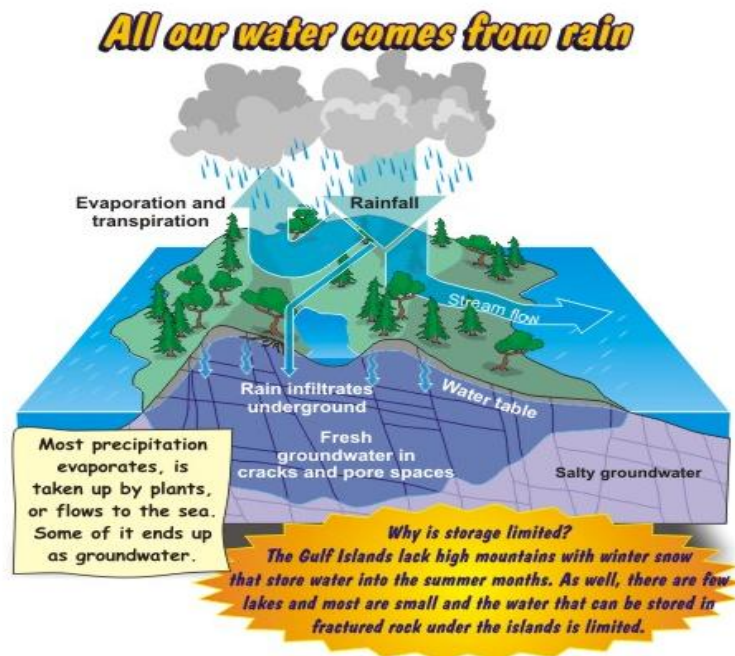
The Volunteer Review Committee will continue the review of the water document and provide additional resolutions for the July 22, 2010 Local Trust Committee meeting.

pc

(this version includes corrections/changes from June 15 meeting;
more changes to discussion to be submitted by VRC members)

Water Supply and Liquid Waste Management Objectives and Policies – Recommendations for the Official Community Plan

Context:



Source: Geoscape Canada – Waterscapes – Gulf Islands

Further Context:

Aquifers on Gabriola in their Geological Context

prepared as part of the Water Document (Young et al., 2010) being prepared for input to the Official Community Plan (OCP)

by John Peirce, P. Geo., and Nick Doe, P. Eng., May, 2010

A. Water Supply Objectives

1. To manage the island’s water resources on a sustainable basis.

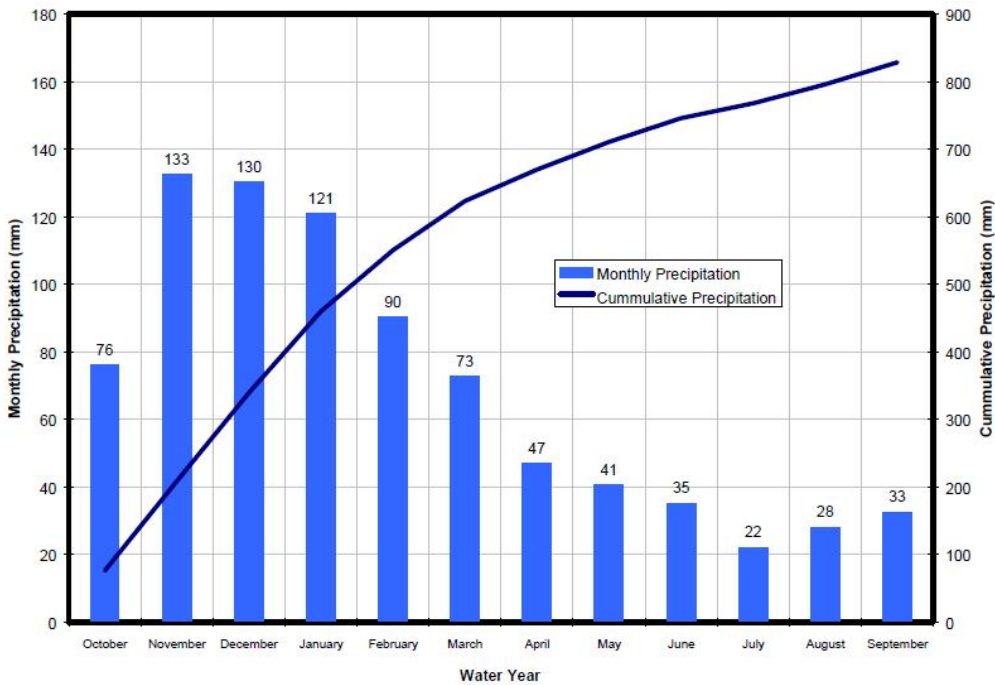
Reasoning:

A long term reliable water supply is essential for everyone. In addition some climate change models show the likelihood of warmer and somewhat drier weather in the future. Various models do not predict drier weather with any consistency. They do predict an increase in seasonality, but there is no evidence of this at the moment. What is agreed is that there will be less groundwater. Even more important is the possibility of a longer duration of warm dry summer like weather, and a higher variability of weather.

Water supply over the dry summer period requires storage. The following chart is from “Rainfall Availability and Household Water Consumption for Mayne Island” *Ken Hughes-Adams, Madrone Environmental Services Ltd.* prepared for Islands Trust.

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Figure 1. Mean Monthly Precipitation - Mayne Island Weather Station

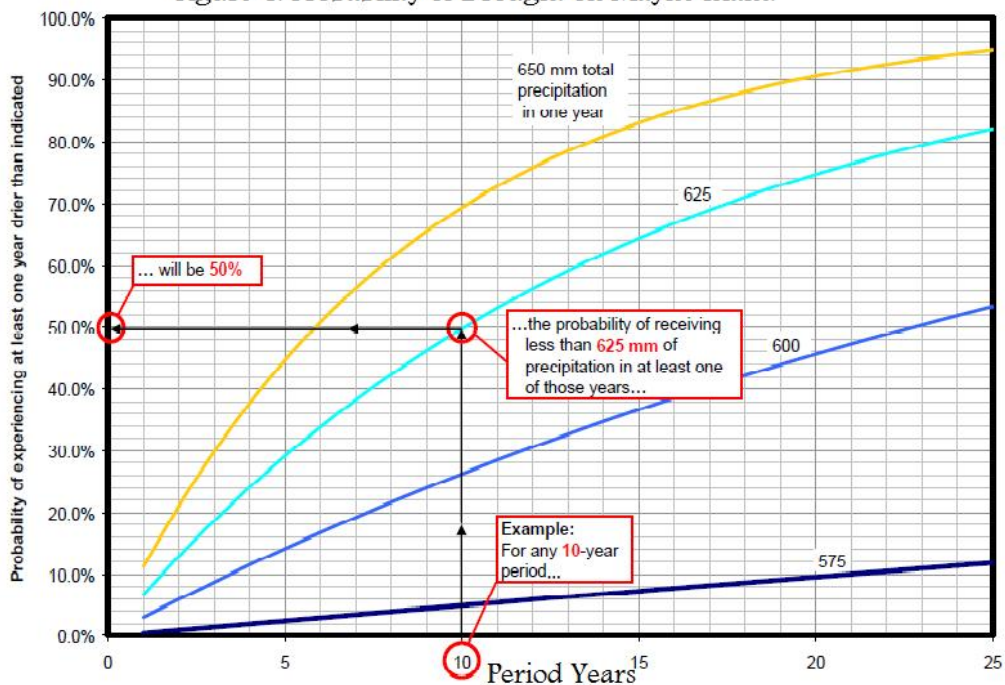


2. To have a sustainable long term domestic water supply available to all individual properties sourced from within each property.

Reasoning:

Today every property can obtain a sustainable supply by means of rainwater collection and storage. Cisterns of 10,000 Imp. gallons (45,459 liters) are usually considered sufficient for two people to store sufficient domestic water for the summer dry period. Groundwater resources are also available in many areas, so that existing or new wells provide a sustainable supply, but these depend on water table levels being maintained. Hence the most economic solution may be a mix of rainwater collection and groundwater usage, depending on individual preference and location. The variability of future rainfall needs to be considered. The following chart is from “Rainfall Availability and Household Water Consumption for Mayne Island” *Ken Hughes-Adams, Madrone Environmental Services Ltd.*

Figure 4. Probability of Drought on Mayne Island



- To promote groundwater resource conservation in order to maintain water table levels for both domestic and agricultural consumption and protection of tree canopy coverage.**

Reasoning:

Domestic Consumption

Wells remove water from aquifers, and then return the water to the surface in the septic fields. Most will eventually percolate back into an aquifer, but some will be lost to evaporation. Many methods are available to reduce domestic consumption such as composting toilets, dual flush toilets, and reuse of grey water.

Horticulture

Vegetable gardens and flowers are a major benefit to Gabriola. Unfortunately much of the water used for irrigation will be lost to evaporation. The volume of irrigation water used and the amount of evaporation can be significantly reduced by using drip irrigation systems rather than sprinkler systems. Responsible users will provide winter storage of water in ponds, cisterns, or tanks for use in summer gardens. A new moisture sensor that does not rust is available for irrigation systems, and has been presented on Gabriola by the RDN. Groundwater usage for horticulture should be discouraged in water table sensitive areas.

Agriculture

Significant quantities of water can evaporate because of irrigation, which is a major issue in other areas. The B.C. Agriculture Department is very sensitive to this issue, with recommendations for required usage. Agriculture numbers for open water stored for irrigation indicate a loss of 14” (35.56 cm) evaporation on Vancouver Island over the summer. Groundwater use for irrigation should be discouraged in water table sensitive areas, and monitored, where permitted, in all areas.

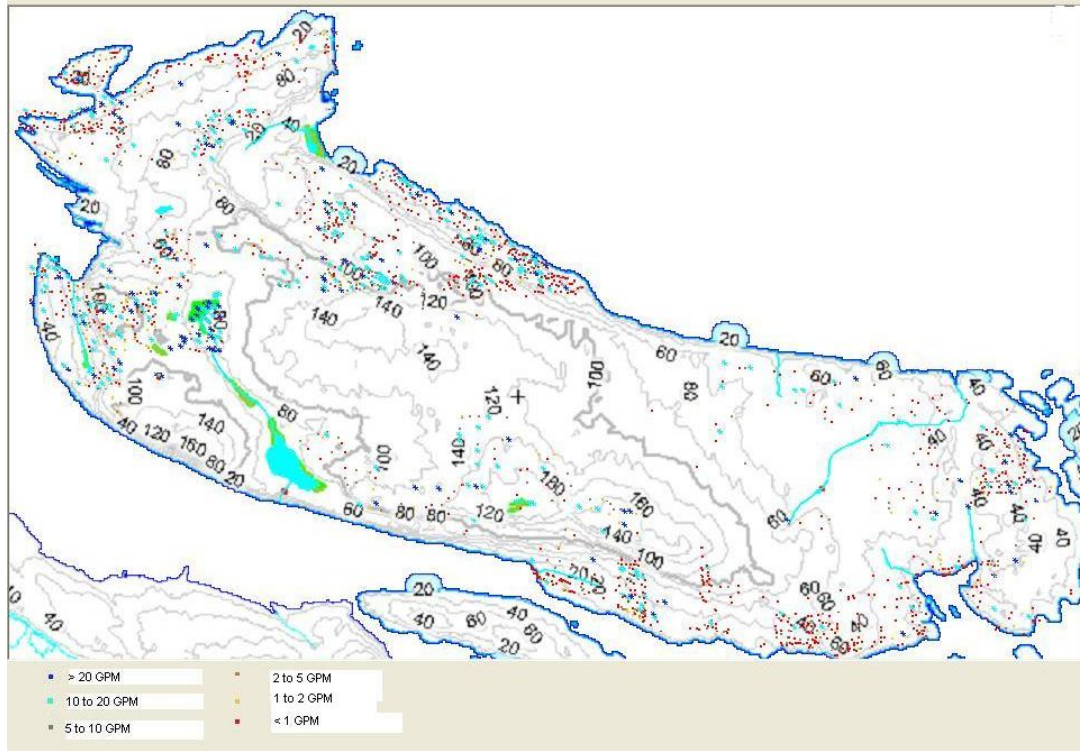
B. Water Supply Policies

Reasoning:

Many, if not most, policies can depend on community cooperation, and other off island authorities. However the use of regulation is necessary where irresponsible action results in damage to another. We have a good method in the ‘danger tree letter’ used by residents to inform a neighbour that a tree represents a danger. This removed the plea of not being aware of any problems in any legal action. Unfortunately, cause and effect is not as clear in cases where irresponsible use of groundwater runs a neighbour out of

water. This situation can be improved by the widespread use of well watchers, which can document water table reductions, and zones of influence of heavy users.

The following map shows wells and flow rates when the wells were drilled.



1. To undertake a program to map groundwater availability levels on all of Gabriola.

Reasoning:

An aquifer groundwater availability map of Gabriola is necessary to provide guidance for development and consumption. Catchment areas usually have a considerable amount of water stored, until it either runs off, or percolates through the aquifers to the ocean. Rubble along cliff faces may store a great deal of water and the higher elevation water runs out at the cliff base. In any case wells directly adjacent to the bottom of the rubble areas can have a large supply and a large flow. The reverse is usually the case for the areas on top of the cliff, as in general, water flows downhill. There are other differences based on

fracture geometry, the composition and structure of individual geological formations, and the porosity and permeability of individual layers and fractures.

One line of reasoning says that bulk groundwater removal should not be permitted anywhere on Gabriola, in which case a groundwater availability aquifer map would not be necessary. The difficulty with this is that bulk water transport from Nanaimo would become necessary, and ultimately Gabriola would be dependent on the continuity of the Nanaimo supply.

Careful consideration of the following suggestions by Islands Trust is necessary in order to create a reliable aquifer storage map to evaluate the suitability of bulk groundwater extraction as follows:

- a) An independent assessment of the subject location for ground water availability by an independent, registered, professional Engineer/Hydrologist who has a proven history of planning a community water supply, and who has liability insurance to cover potential errors.
- b) The perimeter limits of the subject aquifer shall be delineated by a similarly qualified professional Engineer/Hydrogeologist. Water catchment area boundaries are relevant to bulk water.
- c) A dedicated monitoring well shall be in place for a minimum of one year in the subject aquifer or as recommended by the mapping expert. The monitoring shall be capable of recording daily baseline groundwater levels or as recommended by the mapping expert.
- d) All residents living on the subject aquifer shall be notified one year in advance of application to extract, to provide existing residents an opportunity to establish pre-existing groundwater conditions in their residential wells.

2. Bulk Water sales from Gabriola sources are essential as a safety factor acting as a backup to individual property supplies. Bulk water sales (as currently permitted by a Temporary Use Permit in the OCP) as a home activity should be limited as follows:

- a) **At least two bulk water source extraction areas should be necessary as a long term supply.**

- b) Sources should be limited to high aquifer groundwater availability areas as defined in the Islands Trust Aquifer Groundwater Availability Map.**
- c) Paved roads to the property are required to prevent summer dust.**
- d) Surrounding wells shall be supplied with well watchers, and pumping will cease if water table levels fall to within a reasonable safety level of the bottom of the surrounding well. For a well to continue to produce water, there must be a large enough intercept of the water table to provide sufficient flow, in addition to a working coverage of the pump.**
- e) Alternate Views:* Well watchers from producing wells will produce misleading readings during pumping, and until the well has recovered to the static water table level. A formal monitoring well complete with monitoring equipment is necessary.
- f) Alternate Views:* A government run well on public lands should provide water for truckers to distribute on an emergency basis.

A letter from Gabriola Groundwater Management Society (GGMS) follows:

Reasoning:

GABRIOLA GROUNDWATER MANAGEMENT SOCIETY

OCTOBER 29, 2009

ISLANDS TRUST LOCAL TRUST COMMITTEE

**Trustee Gisele Rudischer
Trustee Sheila Malcolmson**

Dear Sheila and Gisele:

In the recent debates on groundwater pumping of bulk water for sale on Gabriola there have been certain bits of information that do not seem to be completely understood.

First of all, well records of static levels of water in the well kept for a few years prior to the beginning of pumping of groundwater for bulk water sales are very useful. This refers to the Well Watchers we have seen installed around prospective bulk water sales operations.

These records and readings can be used to signal to the homeowner when their well is under stress and when water use should be reduced. They can signal that a well is or is

not recovering quickly or if there is a slowing down of the measured recovery rate of water in the well itself.

A body of seasonal records can be used to establish a benchmark level below which the static level of groundwater in the well should not drop (in each season) as this might indicate that the level of the groundwater in the aquifer had dropped and this would indicate that the well (and the aquifer) were under stress.

There is a problem, however, in using this information legally as the well being monitored also is used by the person/family for domestic and/or horticultural and in some cases, agricultural use. It could be argued that the personal use of the water had escalated in the period of time when water levels recorded indicated a drop in the static level or recovery rate of the personal well. That increased personal use could be argued as the reason for the indicated changes in static water level or recovery rate, and the possible result of reduced water quality and/or loss of water to the well.

It can also be argued that when the Well Watcher is installed at or around the same time that the bulk water operation starts that there is no prior data, no control statistics going back a few years to indicate what the performance of the personal well was like before the bulk water extraction process commenced. Therefore there would be no way to prove the reduced or changed groundwater in a well was the result of bulk water extraction.

A true observation well must not be used for any other purpose but recording static water levels and water quality testing. Readings taken from the well would then be a more accurate indication of groundwater conditions in the aquifer.

Observation wells should ideally be placed not only next to the bulk water source but also in positions that access the same groundwater source (aquifer). This can span a distance of one or two kilometers. This situation is ideal and will give the most nearly complete picture of groundwater conditions.

I am told that to determine which wells are sourced from which aquifer can be determined by water conductivity tests. You can chart the "footprint" of water by matching the chemical components of each groundwater sample. This part of determining a "zone of influence" of the effects of pumping is simple.

To determine the complete "zone of influence" of a groundwater pumping operation would require monitoring the freshwater/saltwater interface to determine whether it was retreating inland in the dry season. This would indicate a decrease in pressure in the aquifer (groundwater) and the possible threat of saltwater intrusion in wells in that interface area.

Conductivity testing also indicates the stress an aquifer might be under. As groundwater levels in an aquifer fall the chemicals (minerals, metals, salts) in the water become more concentrated. This increase in conductivity can also indicate the threat of salt-water intrusion as the pressure within an aquifer drops because the volume of fresh water drops, or the increasing mineralization of the water makes it less than ideal for human consumption.

So we believe that observation wells and testing for bacteria (as per health regulations) should also be accompanied by conductivity testing to give a more nearly complete set of indicators of groundwater quality and volumes available and a better assessment of aquifer health.

Sincerely,
Jenny MacLeod

3. Recommendations for Bulk Water sales from ALR lands will be disallowed in order to sustain water table levels for agricultural uses.

Alternate Views:

Bulk water extraction should be based on water availability and a monitoring system to ensure that neighboring wells are not impacted. ALR lands cover large amounts of our catchment areas that are logical sources of bulk water.

4. Islands Trust staff will maintain a water table map and recording system, based on calibrated water depth measurement systems, with records kept on a monthly basis.

Reasoning:

Education of new residents and summer residents is necessary in order to achieve our water supply objectives. Current Information is essential to make residents aware of their responsibilities.

The B.C. Ministry of Environment maintains several test wells that are monitored. In other areas there are many water depth measurement systems maintained by individuals. Water table levels can be obtained by calibrating the water depth measurement systems, measuring the distance from the surface to the water table, and the elevation of the surface. From that point on the water table can be calculated from the water depth measurement systems reading. Generally the aquifer will be filled up to the surface in the winter. Monitoring the dropping table levels in the summer will indicate problems and provide information to indicate water table sensitive areas.

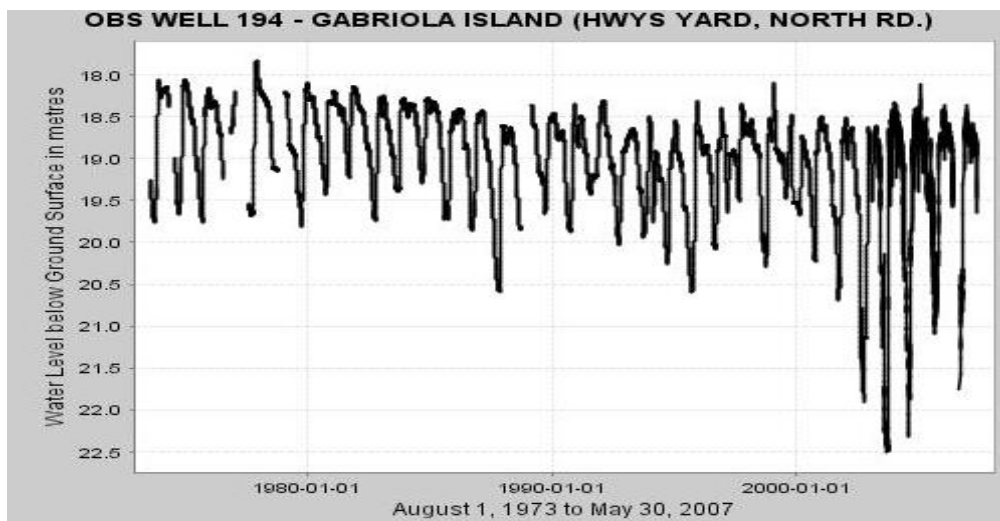
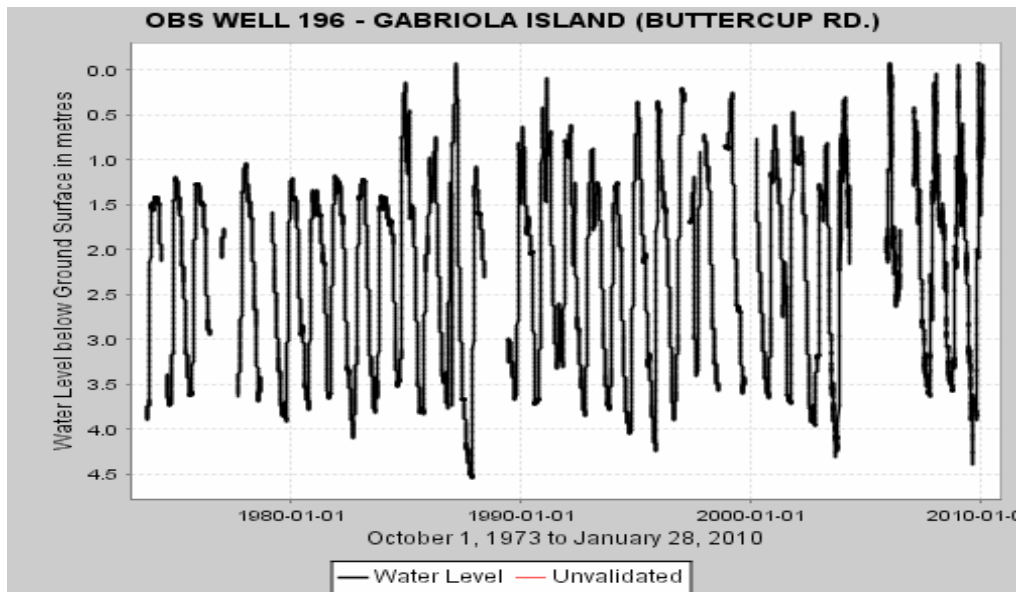
5. Water storage in any form shall be encouraged, particularly in ponds, dugouts, cisterns and wetlands.

Reasoning:

Storage of winter rainwater in cisterns for summer use reduces summer demand on the aquifers. Storage in ponds provides some recharge as water table levels drop. If pond water is used for irrigation, then there is less irrigation demand on the aquifers in summer.

The following are graphs of the Ministry of Environment observation wells. Logs of water level from two observation wells on Gabriola. Note that there is a variation of about 1.5-4.0 m in water level between winter and summer. At the well 196 on Buttercup Road there has been little significant change in

water levels over the last 27 years except that there is an increase in summer to winter variability. At well 194 at the Highways Yard on North Road there has been a marked decrease in summer water levels since 2001.



6. A public education program shall be encouraged to promote water conservation practices.

Reasoning:

Keeping lawns green in the summer by using groundwater or purchased water is not part of the island social contract. This and quite a few other conservation methods may be the reverse of common practice in urban areas.

C. Water Supply Advocacy Policies

1. The RDN parks shall be requested to allow a pond in the swamp area of the 707 Acre Wood.

Reasoning:

The swamp area of the 707 would be a good location to encourage a beaver pond. The elevation would feed aquifers stretching across the central area of Gabriola.

2. The RDN building code approval will require cisterns and rain catchment plumbing and filters in all new houses in water catchment areas marked on the aquifer storage map as having minimal groundwater.

3. The RDN building code approval will include requirements for house tanks in all new house construction not requiring cisterns.

Reasoning:

House tanks for wells to be pumped slowly, reducing local drawdown. They also allow for hydrogen peroxide treatment of water to help with bacterial problems and also with manganese. The following is an excerpt from:

“Dissolved Manganese in Drinking Water on the Gulf Islands: Occurrence and Toxicity” *Dr. Diana Allen and Krista Pelude, Department of Earth Sciences, Simon Fraser University*

2.3 Chemical Relations

Manganese often occurs together with iron. It resembles iron in its chemical occurrence in groundwater, but is less abundant. Dissolved manganese concentrations in ground and surface water can reach several milligrams per litre

under poor oxygen conditions. This often occurs in deep wells. If exposed to oxygen, manganese can form insoluble oxides that may result in the formation of deposits and colour alteration. Soluble manganese can become insoluble through the following chemical reaction:



Therefore, when soluble manganese bicarbonate dissolved in water is exposed to higher concentrations of oxygen, oxidation of the compound takes place. A new insoluble manganese oxide is formed and precipitates out of solution. Carbon dioxide is lost from the system as gas. In other words, it is expected that elevated manganese concentrations will exist in anaerobic conditions. The manganese hydroxide precipitate has the consistency of gel and may over time develop into black scale deposits.

- 4. The RDN building code approval will include requests for permeable parking lot surfaces to reduce run off.**
- 5. The Ministry of Transport (Highways) shall be encouraged to use run-off areas for highways ditches to allow water to soak into the aquifers prior to being channeled into creeks to the ocean.**
- 6. Bulk water importation to Gabriola by pipeline shall not be permitted (as per Islands Trust policy), and by truck shall be discouraged. Until the aquifer storage map issues are resolved, emergency deliveries of bulk water shall be permitted from Nanaimo.**

Reasoning:

Vancouver Island water sources may not be sustainable in the long term, and may be interrupted if there are water shortages in Nanaimo, or river levels are not sufficient to maintain fisheries-mandated flows. The appropriate authority is unknown.

Alternate Views:

Large new water storage dams may be necessary for central Vancouver Island. The Provincial Government may then mandate a central water supply for the entire area.

- 6. Excessive well extensions and fracturing with water or explosives is discouraged.**

Reasoning:

The 'race to the bottom' in order to improve water recovery often does not work and may have a negative effect on surrounding wells. In coastal areas it may result in salt water intrusion which makes the well unusable. The appropriate authority is unknown.

Future:

- A revised B.C. Water Act is in process, currently in the proposal stage. Whether any of the above proposals are included we will have to wait to find out.
- Desalination is currently commercially viable, being used in boats and several marine installations that have access to docks and piers.

A. Liquid Waste Management Objectives

- 1. To ensure domestic, commercial and agricultural sewage does not produce biological contamination of groundwater, surface water, and the marine environment.**

Reasoning:

Health dangers exist not only in well water contamination, but contamination can also result from recreational activities, and affect marine products such as clams and oysters. A current indicator of such a problem is the Fisheries and Oceans closure areas for marine harvests surrounding Gabriola.

- 2. To ensure chemical and other contaminated runoff and seepage does not pollute the groundwater, surface water, and the marine environment.**

Reasoning:

Petrochemical contamination of groundwater from leaking storage tanks is frequent, particularly as the tanks age and corrode. Every year we treat our roads with chemicals for ice removal and dust suppression. . Wear from rubber tire and break pad worn out on the roads end up in ditches together with discarded plastic. Prevention of toxic chemical spills should require a permit for transport of hazardous chemicals. Do we have emergency responses able to deal with spills?

- 3. To preserve groundwater aquifers as a viable storage medium for domestic and commercial consumption.**

Reasoning:

The original Gabriola Groundwater Management Society signs at Gabriola entrances proclaiming that 'Gabriola is a groundwater sensitive area' were necessary because in most large urban areas groundwater quality is irrelevant. As we move to more and more rainwater collection, it is tempting to ignore groundwater contamination. 'Out of sight, out of mind' is tempting, but for long term sustainability we need the aquifer storage option.

B. Liquid Waste Management Policies

Reasoning:

From the *Sewerage System Standard Practice Manual* the “Authorized Person planning, constructing, or maintaining an installed sewerage system, has the responsibility to ensure that all local zoning and/or bylaws are complied with”. Islands Trust, through zoning and bylaws, thus has the ability to create policy concerning sewage systems.

A much larger problem is the maintenance and operation of existing sewage systems. Often constructed many years ago, these existing systems may or may not have been maintained. The likelihood that such septic fields remain in good condition is even lower.

- 1. The old ‘biffy’ hole in the ground on appropriate soils conditions, should be permitted for all single family properties**

Reasoning:

In spite of our wish to be modern and progressive, the old biffy is perhaps one of the most environmentally sound sewage methods. As no water is involved, sewage decomposes gradually, and seldom migrates into the aquifers. Eventually the material becomes compost.

- 2. Composting toilets operate without sending contamination into the aquifer. These facilities should be allowed without a septic system installed provided there is a functional grey water cleaning system. Power back up sources (i.e. generators) would obviate the issue of operability during a power outage.**

Reasoning:

An existing septic system is still required to handle kitchen sinks, bath tubs and showers, unless there is an alternative grey water system. Vegetative systems have been developed and do work for grey water. They have not been proven for sewage.

- 3. Farms with intensive livestock operations located on sloping properties or containing winter running streams should be required to install ponds and vegetative buffering systems to process agricultural runoff.**

An exception for closed feeding systems such as chicken farms, where all waste is removed to a second location should be allowed.

Reasoning:

Agricultural runoff can range from nothing at all to enough to turn the Black Sea into a dead zone. Living fish in a runoff pond are proof of viable biological oxygen demand in the water.

- 4. Runoff from the Village area should be sampled by having a sampling sump downstream of the Village area. Samples should be tested by the BC Ministry of Environment in the same manner as industrial areas, and the results published on a regular basis.**

Reasoning:

Education of island residents requires hard data rather than appeals to motherhood. Many industrial areas have run off water sampling and testing, usually by using trout fingerlings. 'The fish died' has a direct incentive to do better on all of the various things we can control.

- 5. Plowing and sanding the winter snow on our roads is much appreciated. Highways should be encouraged to use sand rather than salt wherever possible.**

Reasoning:

Winter rural roads have been traditionally a challenge. We have gradually moved into the assumption that we would not install winter tires and chains, but would expect the roads to be maintained to a summer level. Not driving in snow is an option, but eventually people get caught with changing weather conditions.

Summer dust remediation involves adding salts to the carbonate dust embedded in 'Texada Aggregate'. While paving is expensive, a chip seal program should be established to eventually replace the rural gravel roads.

Reasoning:

Chip seal road surfaces have lasted for many years on low traffic roads, depending on the quality of the base. Gravel roads have a much higher maintenance cost with gravel additions, grading, and summer dust remission. Driver's costs for damaged brake linings are significant.

- 6. Property transfer is an ideal time to bring sewage maintenance up to a reasonable standard. Islands Trust should provide a recommended check list for new property purchasers which would include building inspections, septic tank inspections, and septic field inspections for inclusion in the “subject to” clauses at the cost of the seller. The pumping of the tank could be a subject condition put in by the buyer and such cost borne by the seller-unless the buyer can show proof of a recent pumping.**

Reasoning:

Although sellers are responsible for full disclosure of defects prior to sale, the more frequent response is that they were unaware of any problems. Although the process is voluntary on both parties, Real estate sales include many pieces of paper, and often some of the warnings go unheeded in the fine print. A more up front, coloured, recommendation from Islands Trust is necessary for the many factors that are different from other areas with Gabriola purchases.

- 7. Pump and haul septic systems should have the property address and quantity recorded at the RDN dump site. In the event of a reasonable lapse of activity, based on historical quantities, the RDN should then make a direct purchase of a pump and haul removal for that address. Costs would be added to taxes. A record of pumping at the RDN could help buyers.**

Reasoning:

Pump and haul systems will overflow into the environment without the benefit of a field. Although there may not be active use for some summer residents, problems have surfaced with property transfers when the responsibilities are not clear.

- 8. Septic systems involving an accumulation sump, and pumping to a higher field should have a record of inspection verified by the RDN on a regular basis. Newer septic treatment systems also involve pumping to process the sewage and prevent overflow into the environment. A more frequent check, such as every 3 years would be appropriate.**

Reasoning:

Power supplies on Gabriola frequently brown out during the fuse blowing sequence as a tree shorts out the high tension line. Although these pumps

are highly reliable, and have a warning system, it is a more complex system than the standard flow septic system.

9. **Traditional Septic systems tanks can last as long as 20 years without requiring pumping, but can clog up in a few years depending on the input material. A satisfactory status inspection report submitted and verified by the RDN should be necessary every 5 years. Recording of the address during dumping at the RDN site would constitute such a satisfactory status inspection report. A satisfactory inspection report from a person other than the property owner would be allowed, thus saving the property owner the cost of pumping.**

Reasoning:

More as a process of education, existing property owners should be aware that their septic tank can plug up mostly from float or sediment. The primary tank outlet is 24 inches below the tank top and 24 inches above the bottom. Float tends to dome and is deeper at the boundaries, so 16 inches of float will be very close to plugging the outlet. Inspection is not difficult, but requires finding and removing the septic tank main cover, and pushing a stick into the float and sediment to measure the thickness. Unfortunately many property owners would prefer to ignore the whole process.

10. **Some Septic systems empty directly into the ocean. Health authorities should declare the properties unfit for occupation after a suitable remediation period. Islands Trust is quite capable of checking all waterfront properties for Ministry of Health installation applications and approvals.**

Reasoning:

Summer properties evolve from tents to campers to cabins to year round residents. Sometimes things do not get upgraded in the process.

C. Liquid Waste Management Advocacy Policies

Reasoning:

Sewage installations for either domestic or commercial new construction are the responsibility of the Ministry of Healthy Living and Sport under the *Health Authorities Act*. As detailed in the Sewage System Standard Practice Manual Version 2 the statutory authority includes:

- Administer and enforce the Sewage System Regulation

- Carry out legal remedies such as orders or tickets
- Accept documents for filing and certification of systems, providing record of filing and letters of acknowledgement of certification
- Ensure documents meet the Sewage System Regulation
- Ensure that only Authorized Persons plan, construct or maintain installed sewage systems
- Inspect and take corrective action to alleviate health hazards related to onsite wastewater system

Recent procedure changes apparently have reduced this responsibility to filing of the application, with action only taken in the event of a contamination problem.

Property owners have the responsibility to:

- Ensure that the system is maintained in accordance with the maintenance plan
- Keep a record of all maintenance service performed on the system

- 1. The Ministry of Healthy Living and Sport shall be requested to allow a vegetative grey water treatment in single family housing construction. The Ministry of Healthy Living and Sport shall be requested to approve single family housing with composting toilets and no septic system if the house will have an approved vegetative grey water treatment system.**
- 2. The Ministry of Environment will be requested to install runoff sampling systems located at the request of Islands Trust. In the event of systematic failure of agricultural runoff, the Ministry of Agriculture and Lands will be requested to enforce ponds or vegetative buffering systems to process agricultural runoff.**
- 3. The Ministry of Transportation and Infrastructure will be requested to encourage sand instead of salt for winter road maintenance.**
- 4. The Ministry of Transportation and Infrastructure will be requested to produce a long term cost/benefit study for replacement of gravel residential roads with chip seal roads.**

- 5. The British Columbia Real Estate Association will be requested to provide a due diligence inspection requirement for septic systems, including tanks, treatment systems and fields, specifically targeted to the Islands Trust mandated area.**
- 6. The Regional District of Nanaimo Wastewater Services Division will be requested to actively monitor all pump and haul septic systems on Gabriola by the means of recording the address of the source of all pump and haul disposals into the RDN wastewater systems. Given a lapse in the regular disposal, the RDN will be requested to initiate pump and haul sewage removals from that address, and will charge the property owner with the cost.**
- 7. The Regional District of Nanaimo Wastewater Services Division will be requested to institute an inspection system of septic treatment systems and accumulation sump pumping systems, by qualified inspectors to ensure that the active pumping systems are still operational.**
- 8. The Regional District of Nanaimo Wastewater Services Division will be requested to institute an inspection system of all traditional septic tank systems, recording either the address of septic tank pumping when disposed in the RDN wastewater system, or by means of an inspection report not signed by the property owner or residents of the property.**
- 9. The Ministry of Healthy Living and Sport shall be requested to provide septic system installation reports for all waterfront properties on Gabriola Island. The Islands Trust will then request that any properties not having a valid septic system installed should have their habitation permit cancelled.**
- 10. Local volunteer biological water testing should be supported.**

Reasoning:

Current testing procedure limits the knowledge of test location and test results to one person in order to keep them strictly confidential. Often questions are asked as to why results should not be released for general areas as a public service. Unfortunately this would have a deviating impact on individual property owners and values without any clear legal proof of a problem.

Future:

- Energuard and grey water regulations are expected in the future. How far these go is not clear at this time, and should not delay changes that are worthwhile.
- Reverse osmosis for drinking water is an accepted system, with the four to one bypass being easily stored for irrigation. Whole house systems have also been demonstrated, suitable for brackish or contaminated water. Some systems also include bypass recirculation which greatly reduces bypass volumes.

Contributors:

Jeremy Baker

Kees Langereis

Melanie Mamoser

Jenny MacLeod

John Peirce

Randy Young

ADOPTED

**MINUTES OF THE VOLUNTEER REVIEW COMMITTEE MEETING
FOR THE OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW
HELD AT 7:00 P.M. ON TUESDAY, MAY 18, 2010
AT THE AGRICULTURAL HALL
465 SOUTH ROAD, GABRIOLA ISLAND, BC**

<u>PRESENT:</u>	John Peirce	Co-chair
	Kathryn Molloy	Co-chair
	Sara Brockelhurst	Member
	Mike Brown	Member
	Tom Kirchmayer	Member
	Kees Langereis	Member
	Melanie Mamoser	Member
	Carly McMahon	Member
	Daniele Rudischer	Member
	Lisa Webster-Gibson	Member
	Susan Yates	Member
	Randy Young	Member
	Pat Maloney	Island Planner
	Stephen Orgill	Recorder
<u>ABSENT:</u>	June Harrison	Member
	Bill Pope	Member
	Adam Velsen	Member

There were three (3) members of the public and 2 local media representatives present.

1. CALL TO ORDER

Co-chair Kathryn Molloy called the meeting to order at 7:04 pm.

2. APPROVAL OF AGENDA

The agenda was reviewed and the following additions were made:

- Item 4.3 Report from Water Sub-committee
- Item 4.4 Official Community Plan Review Document
- Item 7.1 Next Steps

The agenda was approved as amended by consensus.

3. MINUTES

3.1 Minutes from the April 20, 2010 meeting of the Volunteer Review Committee

The Volunteer Review Committee reviewed the minutes of the April 20, 2010 meeting and the following amendments were made:

Page 4, item 6, separate the second and third paragraph with a line space

Page 4, item 7, third paragraph, third line, after “vision statement”, add “needs organization rewrite,”

Page 4, item 7, add fourth paragraph; “A complete list of these strengths and weaknesses is contained in Planner Maloney’s April 21, 2010 report to the Local Trust Committee , attached to these minutes.”

Page 5, item 9, second paragraph, last sentence, add “...review and a copy of the Strengths and Weaknesses list developed at this meeting.”

The minutes of the April 20, 2010 meeting of the Volunteer Review Committee were adopted by consensus as amended.

4. BUSINESS ARISING FROM MINUTES

4.1 Direction for Subcommittees – April 29, 2010 GBLTC Minutes

Island Planner Pat Maloney reviewed the directive of the Local Trust Committee regarding the Volunteer Review Committee striking task subcommittees. She said that the advice of the Local Trust Committee is that: 1) it is the Local Trust Committee that establishes task forces and subcommittees, 2) a quorum of an advisory committee (e.g. VRC) must meet in a public meeting, 3) nothing can prevent individual advisory committee members from discussing issues outside a meeting, if they aren’t a quorum, but for transparency reasons it is recommended that this be initiated at a public meeting. There was further discussion about the small group discussing water related issues.

4.2 Results of the SWOT Analysis

Island Planner Pat Maloney referred to a memorandum dated April 21, 2010 that summarized a resolution passed at the last Volunteer Review Committee meeting and a list of opinions identifying strengths and weaknesses of the Official Community Plan that had been expressed by members of the committee at that meeting. Co-chair Molloy said that the list had been forwarded to the Local Trust Committee for information and that it is a sampling of individual member opinions. There was further discussion on how the list could be used.

4.3 Water Report from VRC Sub-committee

Randy Young reported to the Volunteer Review Committee a summary of the discussion the small group had regarding the water related issues affecting the Official Community Plan. He said that the group had put forward a lot of good ideas, however, they ended up with several procedural questions. He raised questions about advocacy statements and policy statements and said that it may be an opportunity for the Local Trust Committee to affect what the engineer does when doing an installation, suggesting a practice manual for liquid waste.

Tom Kirchmayer commented on the provincial Energuard program for new housing construction that will be required by December 31, 2010. There was discussion about how the new legislation would affect the Volunteer Review Committee in recommending policy.

Randy Young commented on the BC Government revising the Water Act and said that legislative changes will sort out a lot of the issues.

Co-chair Molloy said that further research may be needed on these issues.

Susan Yates said that the Official Community Plan can only have advocacy statements and the Vancouver Island Health Authority will set all other policies.

Randy Young raised the question of what is an appropriate "Community Context" section. Melanie Mamoser pointed out that the Community Profile provides the "Community Context".

Randy Young asked for a method of including comments from those indicating some disagreement. Further discussion suggested a sidebar comment such as "not consensus on issue" could be used.

Discussion concluded that the report of the group with 15 – 20 policies on water and sewer would be sent to the Island Planner two weeks ahead of the next meeting for distribution to the Volunteer Review Committee members.

4.4 Official Community Plan Review Document

Lisa Webster-Gibson updated the Volunteer Review Committee on the document that was created from reviewing the Official Community Plan with accumulated tracking comments. She said that a summary would be available for the next meeting.

4.5 Other Business Arising from the Minutes

John Peirce explained his position on participating in a small group discussion and said that he would continue to participate in the discussions on water issues. He said that the co-chairs had come to an agreement on alternating the chair duties in such a way that one of the Co-chairs is not acting as chair when a

report is being discussed in which that Co-chair participated in writing. For Example, Kathryn will chair any discussion on water issues and John will chair any discussion on affordable housing.

5. COMMUNITY INPUT

Gisele Rudischer commented on the transparency of sub-committee meetings and said that the location of the meeting on water issues was not announced for public participation. She added that advocacy statements are good for the community to lobby the provincial government. She said that she disagrees with Randy Young's statement that zoning regulates sewage and elaborated her reasons.

Sheila Malcolmson commented on water management and asked that the Local Trust Committee be informed of the "ideal future". She suggested areas of where the community can express its wishes.

6. REFERRALS FROM THE LOCAL TRUST COMMITTEE

6.1 Memorandum dated May 3, 2010 regarding Summary of Survey Results and Community Workshop

Island Planner Pat Maloney reviewed a memorandum dated May 3, 2010 regarding the summary of the Community Survey responses with comments and the comments from the March 27, 2010 Community Workshop on the Official Community Plan. Co-chair Molloy invited comments and there was discussion about public viewing of the results.

6.1.1 Summary of Survey Results and Community Workshop

Island Planner Pat Maloney briefly outlined the structure and contents of the document. Co-chair Molloy invited members to comment and asked how to proceed with the information contained in the document. The Committee discussed the comments from the survey. Mike Brown noted that the survey respondents represented only 5% of the population of Gabriola Island. Lisa Webster-Gibson said that the document is intended to inform the Volunteer Review Committee but non-resident landholders are not represented.

Co-chair Molloy reviewed the trends in the comments from the survey and summarized they are; housing, transportation, economy, water and density issues. She suggested that the document be used in considering recommendations for the next steps to be followed by the Committee.

6.2 Consolidated List of Identified Issues and Concern for the Gabriola Island Official Community Plan Review

Island Planner Pat Maloney reviewed a staff report dated April 20, 2010 regarding a consolidated list of identified issues and concerns for the Gabriola Island Official Community Plan review. She explained that the Local Trust Committee had requested the list and it was accumulated as a consolidated list of 17 items from previous staff reports, the Local Trust Committee's Top Priority List, and responses from the Community Survey and Community Workshop.

The Volunteer Review Committee discussed the list and suggested adding: *h. solid waste composting* to item 8. *Environmental*; *g. roads, maintenance, improvement, access* and *h. increase parking at ferry* to item 9. *Transportation*. Further discussion suggested adding item 18. *Economy* and 19. *Emergency Services*.

Co-chair Molloy summarized that the Volunteer Review Committee's response is to raise other issues not included in Planner Maloney's list. Sheila Malcolmson said that the Local Trust Committee is looking for priorities considered by the Volunteer Review Committee.

7. REQUEST FOR RECOMMENDATIONS ON TOP PRIORITIES FOR RESEARCH

John Peirce posted the list of issues presented in Island Planner Pat Maloney's staff report dated April 20, 2010 on the wall for a general discussion. He highlighted some of the issues that could require additional research. He asked committee members to vote on their top four items. Planner Maloney reviewed the relevant research that has been produced and the current or ongoing work. Members of the Committee marked their votes on the chart. John Peirce summarized the results in order of most votes as: eco-footprint analysis, infra structure, water/septic, village core/commercial, density transfer mode, economic diversity/sustainability. There was further discussion with elaboration on each area identifying research goals.

John Peirce suggested that he would frame a resolution for circulation to the Committee for editing and have it ready for the next meeting.

7.1 Next Steps

Co-chair Molloy reviewed the items that will be considered at the next meetings. She listed the report from the Water discussion, the Official Community Plan document with accumulated tracked comments, the issues list, and a resolution to the Local Trust Committee on the Volunteer Review Committee's recommendations.

8. COMMUNITY INPUT

Gisele Rudischer provided several comments arising from the Committee discussion. She said that Gabriola Island has never been a self sufficient community. She said that the “draw-bridge” concept is not true of Gabriola Island, the Official Community Plan allows things to happen, and provided an explanation of density transfer.

John Peirce asked Sheila Malcolmson when the writing of the Official Community Plan would begin. Trustee Malcolmson said that it is her point of view that the text writing will not be done until the idea of policy change has been made clear.

Sheila Malcolmson said that the Local Trust Committee had asked the Island Planner for updates on the Volunteer Review Committee. There was discussion about having as a regular item on the agenda a trustee update to the Volunteer Review Committee.

9. NEXT MEETING DATE

The next meeting of the Volunteer Review Committee will be held at 7:00 pm on Tuesday June 15, 2010 at the Agricultural Hall, 465 South Road, Gabriola Island.

10. ADJOURNMENT

The meeting was adjourned by consensus at 10:04 pm.

Recorder

Co-Chair

Co-Chair

Time Line with Tasks for Gabriola Island Official Community Plan and Land Use Bylaw Review

OCP TASK		TIMING																										
		2009						2010						2011														
		O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	
1	Prepare Work Program																											
2	Re advertise for VRC Positions																											
3	Review VRC Applications – Nov 12																											
4	Recommend VRC Members – Nov 13																											
5	Finalize Work Program – Nov 20																											
6	December 2 nd LTC meeting																											
7	Special Meeting with LTC – December 14																											
8	First Meeting with VRC – Dec 15																											
9	Background Research – Jan 29/10 direction from LTC and future direction																											
10	Identify Special Studies for DP's – Jan 8/10																											
11	Prepare OCP Budget Recommendations for LTC – Jan 8/10																											
12	Second VRC Meeting – January 26, 2010																											
13	LTC Meeting – January 29																											
14	Advertise for Photos and Community Input – Jan/10																											

	2009												2010												2011											
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N										
32	Fifth VRC Meeting – May 18, 2010																																			
33	Special May 20, 2010 LTC Meeting – receive recommendations from VRC, review issues and research areas																																			
34	Staff Meeting with SNF Staff – May 25																																			
35	May 27, 2010 LTC Meeting																																			
36	Investigate Potential for Ground Water Assessment – consultant presentation in July																																			
37	Snuneymuxw Open House (in Nanaimo)																																			
38	Geohazard mapping RFP issued on BC Bids – June 15 with specified budget of \$15,000																																			
39	Complete legislative review																																			
40	Potential Community Workshop – to develop vision and discuss issues																																			
41	June 24 LTC Meeting – review issues, time line and scope of OCP Review																																			
42	SFN and Gabriola Island Protocol Group Meeting – June 29																																			
43	July 22, LTC Meeting – confirm scope and timing of work for OCP Review																																			