



STAFF REPORT

Date: May 14, 2013

File No.: GM-LUB-2011.2
(Gambier Associated Islands)

To: Gambier Island Local Trust Committee
For meeting of May 23, 2013

From: Courtney Simpson, Regional Planning Manager

Copy: Aleksandra Brzozowski, Island Planner

Re: Proposed Bylaw No. 120, 2013 - Gambier Associated Islands Land Use Bylaw

PURPOSE:

The purpose of this supplemental staff report is to:

1. recommend second reading as amended of Proposed Bylaw No. 120, based on the changes endorsed by the Local Trust Committee (LTC) by resolution on April 11, 2013; and
2. recommend waiving a second public hearing prior to consideration of third reading and referral to the Islands Trust Executive Committee.

AMENDMENTS TO PROPOSED BYLAW NO. 120:

The LTC reviewed public and agency submissions prior to the close of the public hearing and endorsed a number of revisions to proposed Bylaw No. 120, to be considered at second reading. These revisions have been included in the proposed bylaw (attached):

1. Section 1.0 – addition of a definition of a ‘community water system’.
2. Section 3.1(1) – addition of the word ‘public’ before ‘playground’.
3. Section 3.2(1) – revision to reference of sewage regulation.
4. Section 3.2(8) - addition of an exemption of water/utility line exemptions for those islands in Secret Cove.
5. Section 5.2(11) RR1(c) zone – increase in residential density from 8 to 10 dwelling units.
6. Section 5.2(11) RR1(h) zone – new site specific zone for South Trail Island recognizing an increase in density from 2 to 3 dwellings; decrease in lot coverage from 25% to 20%; floor area limitation for one dwelling to a maximum of 1850 ft²; and a decrease if the number of accessory buildings from 3 to 2 per dwelling.

7. Section 5.12 and 5.13 (M1 and M2 zones) – adding ‘marine navigational aids’ as a permitted use.
8. Section 8.11 – expansion of the information note to reference community water systems.
9. Schedule B – Zoning Map D – addition of a M2 zone on south Popham Island.

Items #5 and #6 above are the only revisions endorsed by the LTC which constitute a change in density. Under s. 894(1) of the *Local Government Act*, such a change cannot be made unless a second public hearing is held. The remainder of the endorsed revisions listed above can be made at second reading without the need to return to public hearing.

However, s. 890(4) of the *Local Government Act* allows the LTC to waive a public hearing, if an Official Community Plan is in place for the area and the proposed bylaw is consistent with the Plan. As both of these conditions have been met, staff recommends the LTC give notice that the second public hearing is being waived, then that the bylaw can proceed to third reading.

NEXT STEPS:

Section 892(3) of the *Local Government Act* requires that notice of waiver of a public hearing be published in at least 2 consecutive issues of a newspaper, prior to a hearing. For Proposed Bylaw No. 120, notice could be published in the Coast Reporter. Section 892(4) of the *Local Government Act* stipulates that if ten or more parcels owned by ten or more persons are the subject of the bylaw, a mail out is not required.

Two consecutive newspaper ads in the Coast Reporter notifying individuals of the public hearing waiver in order to implement the changes presented to the LTC prior to the close of the April 10 public hearing would be considered sufficient. The LTC can consider third reading and forwarding the proposed bylaw to the Islands Trust Executive Committee at the next regular business meeting on July 11, 2013

RECOMMENDATIONS:

THAT the Gambier Island Local Trust Committee:

- 1) Give second reading as amended to Proposed Bylaw No. 120, cited as Gambier Associated Islands Land Use Bylaw, 2013; and
- 2) Request staff to give notice that, pursuant to section 890(4) of the *Local Government Act*, a second public hearing for Proposed Bylaw No. 120 is being waived.

Courtney Simpson

May 14, 2013

Courtney Simpson, RPP
Regional Planning Manager

Date