



April 2009

*The Islands Trust is the local government responsible for land-use planning and the zoning of land, with a legislated mandate for protecting and preserving the Gulf Islands. Together with Chair **Louise Bell** from Denman Island, locally-elected Island Trustees are responsible for land use decisions in the **Gabriola Local Trust Area**.*

## Contact Local Island Trustees

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The Local Trust **Committee** depends on broad public involvement, both responding to development applications and identifying priorities. We can only reflect the input that we receive, so please take the time to write us, and help us shape the future of Gabriola, Mudge and the surrounding islands. Many thanks to all who participate; it helps our work a lot.

## Islands Trust Community Stewardship Award Nominations

If you know of a person, business or group that has helped to make our island a better place to live, please nominate them for an Islands Trust community stewardship award. Previous local nominees include Margaret Taylor, Glenna Borsuk, Leigh-Anne Milman, and 2007 winner Jenny Brown MacLeod. Projects or actions that are innovative, support the Islands Trust mandate, benefit the Trust Area, and have community involvement can be nominated. Last month Trust Council voiced its special hope for nominations celebrating community work on climate change. The deadline is April 27. Nomination forms and more details are available from the Islands Trust office or on the Stewardship Awards page at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

## Islands Trust Council on Gabriola Island

The Trust Council meeting that took place March 10-12 at the Haven was the only time this term that all 26 trustees from across the federation will meet on Gabriola. The Trustees were impressed by the number of Gabriola groups that made presentations to the Council during the delegation session and were inspired to hear about the good work happening here. Many thanks to GROWLS, Gabriola Co-Op Radio, Gabriola Land Conservancy, Gabriola Land and Trails Trust, Friends of Silva Bay, and Gabriola Ratepayers.

At that meeting, Trust Council voted to increase its budget by \$49,500. After the public comment period closed in February, Trust Council's Financial Planning Committee reduced the proposed tax increase from 2% to 0.92%, and Trust Council accepted that recommendation. The January budget proposal would have cost \$5.36 for islanders owning \$450,000 homes; the impact is now about \$2.40, or 55 cents per \$100,000 of assessed value.

## Vacation Rental Court Case Upholds Trust Bylaws

The first Islands Trust vacation rental court case has ended with a ruling to uphold North Pender's bylaws. In granting the injunction sought by the North Pender Local Trust Committee, the judge said "*Reading the Zoning Bylaw as a whole, it is clear that accommodation of temporary public guests is expressly permitted in the C2 zone, and not the R1 zone. The bylaw clearly distinguishes between temporary accommodation of the public and other accommodation.... In my view, the bylaw is not ambiguous on any of these points*". The goal of this action was to stop the operation of the commercial use and to uphold the community's bylaws. The injunction granted by the Court prohibits the use or marketing of the residential property as a commercial resort for paying guests.

This is an important decision for the entire Islands Trust area because it confirms residential dwellings cannot be used for short-term vacation rentals. On Gabriola, vacation rentals can be legally operated under a Temporary Use Permit; two have been approved by the LTC, and three turned down.

## Snuneymuxw First Nation Protocol with Islands Trust

The Gabriola LTC will meet this month with Snuneymuxw First Nation Chief and Council to begin implementation of the protocol agreement signed in December. Details at [www.islandstrust.bc.ca/news/pdf/newsdec092008.pdf](http://www.islandstrust.bc.ca/news/pdf/newsdec092008.pdf)

## Neighbourhood Zero Emission Vehicles

The Ministry of Transportation is willing to conduct an assessment of our roads to see if they are suitable for NZEVs (Neighbourhood Zero Emission Vehicles). The Ministry would then make recommendations for our community to consider. Pursuing opportunities to allow NZEVs on appropriate island roads is an opportunity for the Trust to support its Climate Action Charter commitments. The Local Trust Committee welcomes input in advance of its April 16 meeting, so it can consider sending a request to the Ministry of Transportation.

## Bylaw 250 Clarification

Six months ago the LTC voted that toilets not be allowed in accessory buildings, to prevent accessory buildings from being turned into homes. Existing buildings, and guest cabins on lots 5 acres and larger, are unaffected by the change. Sinks are still allowed. The decision has been made, but can be revisited when the Official Community Plan is reviewed.

## Next LTC Business Meetings

April 16 12:00 Agi Hall  
May 14 12:00 Agi Hall  
June 10 11am Agi Hall



**Islands Trust**

*preserving island communities,  
culture and environment*

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Please pass this newsletter on to others, thanks.

## Development Applications Within Zoning

Official Community Plans and Land Use Bylaws outline how and what development may happen. Both are developed with a great deal of community input, and anyone who chooses to act on development potential consistent with the bylaws can get a building permit from the RDN, without any input from the public and the elected trustees. Here are two examples: **Silva Bay Resort** proposed building 25 tourist accommodation units. Islands Trust planning staff identified a number of ways in which their initial plans were inconsistent with elements of Gabriola's bylaws, including allowable number of units (zoning allows 24), and other issues around parking, setbacks, roads, septic, and water. Silva Bay Resort has since revised its plans, which Islands Trust planning staff confirmed meet Gabriola's bylaws. **Madrona Marketplace**: Since the proposed activities fall within existing zoning, the only LTC decision is about issuing a Development Permit to ensure that the "form and character" of the building and landscaping fits in with the general appearance of FolkLife Village.

## Development Applications Which Require Rezoning

When a proposed development or use does not comply with the Official Community Plan and Land Use Bylaw, a rezoning application is required. Public input is very important in determining whether the proposal will be approved, and the Local Trust Committee has the final vote. Examples of rezoning decisions the Local Trust Committee might soon make are: **Liquor store at Skol Pub**: This application does propose a change in zoning, so the public gets to weigh in on whether the community supports a liquor store being added at the former White Hart location. **Rountuit Farm parking lot, DeCourcy Island**: Before it proceeds further, the LTC asked staff to propose mechanisms that ensure the parking will be available to all islanders at no cost in perpetuity.

## Regional District of Nanaimo "707" Park Planning

The first RDN 707 Acre Community Park Management Plan Committee meeting will be held on Gabriola Island in April. Trustee Ferens will represent the LTC, and the RDN has also appointed two Gabriola community members.

## Affordable Housing Needs Assessment Survey

Beginning this spring, the Local Trust Committee will conduct an Affordable Housing Needs Assessment. The LTC's responsibility is to consider zoning guidelines for a range of housing needs (not provide the housing). The Needs Assessment survey results can contribute to affordable housing policy and zoning solutions the community might consider during the Official Community Plan Review. Although the focus of the Needs Assessment is not about homelessness, its results might also be helpful to provincial agencies responsible for social housing.

If you have technical planning questions, you can make an appointment or drop into the Islands Trust office (700 North Road) Monday to Friday 8:30 – 4:30. On Wednesday mornings, Regional District of Nanaimo building department staff are also at the Trust office.