



**GABRIOLA ISLAND
VOLUNTEER REVIEW COMMITTEE
FOR THE
OFFICIAL COMMUNITY PLAN AND
LAND USE BYLAW REVIEW**

AGENDA

**Tuesday, October 25, 2011 at 7:00 p.m.
At the Women's Institute,
476 South Road, Gabriola Island, BC**

		Page #	Approx. Time*
1.	CALL TO ORDER		7:00 pm
2.	APPROVAL OF AGENDA		
3.	STANDING ITEM		
3.1	Volunteer Review Committee Terms of Reference – <i>for information</i>	1-3	
4.	COMMUNITY INPUT SESSION		7:10 pm
5.	MINUTES		7:20 pm
5.1	Volunteer Review Committee Minutes dated June 20, 2011 – <i>for adoption</i>	4-8	
6.	NEW BUSINESS		7:40 pm
6.1	Referral from the Gabriola Island Local Trust Committee regarding Development Permit Area Factsheets Memorandum dated October 5, 2011- <i>attached</i>	9-15	
6.2	Volunteer Review Committee Debrief Session		
7.	NEXT MEETING DATE – <i>none scheduled</i>		9:00 pm
8.	ADJOURNMENT		9:05 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
Volunteer Review Committee
Terms of Reference**

As adopted by the Gabriola Island Local Trust Committee on March 30, 2010.

Background

As stated in section 875 of the *Local Government Act*, an official community plan is “a statement of objectives and policies to guide decisions on planning and land use management.” The Gabriola Island Official Community Plan (Plan or OCP) applies to Gabriola Island and two smaller islands, Breakwater and Entrance Islands, as well as a group of nine smaller islets known as the Flat Top Islands. An OCP was adopted in 1997/98 for this Plan Area. The Plan replaced the 1978 OCP and was noted at that time that the goals of the 1978 Plan continued to be the goals of the community, with some minor adjustments. Key issues recognized in the 1998 Plan include:

- Less than one percent of the land base is in public park use;
- As an island community, the ecological impacts of land use and development can be more significant on these fragile ecosystems;
- Limits on future development are necessary to protect the lands and environs;
- The Village Centre is the focus of social and business activities on the Island;
and
- Arts and artists shall be supported as an important part of Island life.

A review of the Official Community Plan is scheduled for Fall 2009. It is emphasized that this review will proceed as an affirmation of the existing OCP, as many objectives and policies in this document remain true and relevant. However, the congruence of the OCP with higher level planning documents such as the Trust Policy Statement and Regional Conservation Plan is worth revisiting, and an OCP review is a good opportunity to ensure that the relevant goals and objectives of other agencies with jurisdiction on Gabriola Island are met. In addition, the OCP review will lead into a review on the Gabriola Island Land Use Bylaw No. 177, 1999 (LUB).

The Gabriola Island Local Trust Committee has appointed a Volunteer Review Committee to assist with the review of the Official Community Plan and Land Use Bylaw. The purpose of the Committee is to provide community input, review goals, policies and directions in the Official Community Plan and Land Use Bylaw and make recommendations to the Local Trust Committee.

The Volunteer Advisory Committee is appointed as an Advisory Planning Commission by the Gabriola Island Local Trust Committee pursuant to the *Local Government Act* to

provide review and recommendations on the Official Community Plan and under Advisory Planning Commission Bylaw No. 209.

1. Membership

- 1.1 The Committee shall be composed of 15 members who shall be appointed by resolution of the Local Trust Committee.
- 1.2 All members of the Committee shall serve to the completion of the OCP and LUB review period, as determined by the Local Trust Committee.
- 1.3 Any member of the Committee who is not in attendance at regular meetings of the Committee for three consecutive meetings, without approval of the Chair, shall be deemed to have resigned.
- 1.4 Quorum shall be established at the first meeting as 50% +1 of the membership. Quorum will be adjusted should members resign from the Committee.

2. Conduct of Meetings

- 2.1 All meetings shall be posted publicly, and agenda packages will be posted on the Islands Trust website, meeting the notification requirements of the Local Trust Committee.
- 2.2 All meetings shall be open to the public.
- 2.3 At the first meeting, the Committee will elect a chair and/or co-chairs from among its membership.
- 2.4 If neither of the Co-Chairs of the Committee is in attendance after fifteen minutes following the scheduled start of the meeting, the members present shall elect from its membership a Committee member to act as Chair for the duration of the meeting. The presiding member has, for that purpose, all the powers of, and is subject to the same rules as Chair.
- 2.5 If there is no quorum of Committee members present within thirty (30) minutes of the scheduled time for a Committee meeting, the staff person must record the names of the members present and those absent, and adjourn the meeting until the next scheduled meeting.
- 2.6 The Co-Chairs of the Committee will work with Staff to prepare the agenda for the meeting.
- 2.7 Minutes of Committee meetings shall be prepared by staff. Copies of all Committee meeting minutes are to be forwarded to the Local Trust Committee for

inclusion on the next available agenda. Recommendations from the VRC should be in the form of a resolution or motion.

- 2.8 The conduct of business for meetings of the Committee shall generally follow a consensus decision-making model. If required, the Committee will follow Robert's Rules of Order.

3. Duties & Powers

- 3.1 The Committee shall be an advisory body reporting directly to the Local Trust Committee on the OCP and LUB review process.
- 3.2 The Members of the Committee represent their views as individuals rather than being representatives of any other group or organization.
- 3.3 The Committee shall play a leadership role to identify and discuss community interests relating to the Review.
- 3.4 While the Committee may receive letters or presentations from the public, the Local Trust Committee remains responsible for conducting public consultation for the Official Community Plan process.
- 3.5 The Committee shall play a leadership role in community events relating to the Review.
- 3.6 The Local Trust Committee will, by resolution, refer specific Official Community Plan or Land Use Bylaw items or topics to the Volunteer Review Committee with a request for recommendations.
- 3.7 Staff shall serve as the liaison between the Committee and the Local Trust Committee. Staff shall be responsible for the production and copying of meeting materials, distribution of agendas, and all matters pertaining to the administration of the Committee.

4. Finance

- 4.1 Members of the Committee shall serve without remuneration.
- 4.2 No expenditure shall be made in relationship to this Committee that is not provided for in the Financial Plan of the Islands Trust.

**MINUTES OF THE VOLUNTEER REVIEW COMMITTEE MEETING
FOR THE OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW
HELD AT 7:00 P.M. ON MONDAY, JUNE 20, 2011
AT THE AGRICULTURAL HALL
465 SOUTH ROAD, GABRIOLA ISLAND, BC**

<u>PRESENT:</u>	John Peirce	Co-chair
	Kees Langereis	Member
	Tom Kirchmayer	Member
	Carly McMahon	Member
	Susan Yates	Member
	Randy Young	Member
	Stephen Orgill	Recorder
<u>REGRETS:</u>	Melanie Mamoser	Member
<u>ABSENT:</u>	Kathryn Molloy	Co-chair
	Adam Velsen	Member
	Lisa Webster-Gibson	Member

There was 1 local media representative present. Local Trustee Deborah Ferens was also present.

1. CALL TO ORDER

Co-chair John Peirce called the meeting to order at 7:05 pm.

2. APPROVAL OF AGENDA

The agenda was reviewed and the Volunteer Review Committee approved by consensus as presented.

3. STANDING ITEM

3.1 Volunteer Review Committee Terms of Reference

The document was provided for information.

4. COMMUNITY INPUT SESSION

No members of the public attended the meeting.

5. **MINUTES**

5.1 *Volunteer Review Committee Minutes dated May 9, 2011*

The Volunteer Review Committee reviewed the minutes of the May 9, 2011 meeting and the following changes were made:

- Page 3, item 6.1, second paragraph, first sentence; change “*participate in the discussion*” with “*act as a resource*”
- Page 6, item 7.1.1, paragraph summarizing Kees Langereis’s technical comments, 1.1; add “*and any designation*” to end of sentence
- Page 6, item 7.1.1, paragraph summarizing Kees Langereis’s technical comments, 1.2; add “*and sometimes including the term residential*” to end of sentence.

The minutes of the May 9, 2011 meeting of the Volunteer Review Committee were adopted by consensus as amended.

6. **GUEST SPEAKERS**

6.1 *Local Trustee Report*

Gabriola Island Local Trustee Deborah Ferens explained the referral from the Local Trust Committee and specified that the Local Trust Committee would like advice on how to engage the public on the Hazardous Areas and Steep Slopes report. She outlined the background of the study and the timeline for the work for the project. Trustee Ferens reviewed some of the suggestions that had been made by the Islands Trust staff on the public consultation for the project. She pointed out the sections of the Official Community Plan that have consideration of the Hazardous Areas and Steep Slopes.

Kees Langereis asked Trustee Ferens whether the referral is requesting advice on public consultation on the recommendations of the report or on the report itself.

7. **NEW BUSINESS**

7.1 *Referral from the Gabriola Island Local Trust Committee: Steep Slopes and Hazardous Areas*

7.1.1 *Cover Memorandum dated May 2, 2011 / Staff Memorandum dated April 12, 2011 / Final Consultant Report*

Island Planner Kazmierowski’s memo of May 2, 2011 relates the Local Trust Committee’s request for advice on how to best engage the public on the topic of hazardous areas and steep slopes on Gabriola.

Co-chair John Peirce directed discussion towards the referral request for advice.

Susan Yates suggested a targeted mail-out to landowners who would be affected by the updated mapping of hazardous areas and new development permit regulations.

Randy Young asked for clarification of the purpose of the study. He speculated on several possible reasons. Trustee Ferens related the study to the sensitive eco-system mapping projects of the Islands Trust but admitted that she didn't have the background other than that it is within the mandate of the Islands Trust to "preserve and protect".

Trustee Ferens speculated that the DP-6 area could be expanded with the information contained in the report.

Discussion followed concerning the enforcement of the Development Permit Area regulations and possible penalties for disregarding the bylaw that is intended to preserve the stability of land. Further discussion reviewed examples of how ineffective penalties could be.

Randy Young provided an example of erosion of a steep slope illustrating the difficulty of determining the "best practices" that should be followed. There was further discussion with the consideration of the affect on property values.

Trustee Ferens referred to an example involving an application that the Regional District of Nanaimo had scrutinized, and realizing it is within a DP area, was subject to the Local Trust Committee approval.

Susan Yates recommended changing the objective statement, with regard to the current objective statement in the DP-6 section. She suggested the statement should read; "*To protect the natural environment from development hazards*". There was further discussion.

John Peirce thought that the consultant's report is too complicated to get across at a meeting and the public should have a draft of a development permit with some of the key options to discuss.

Kees Langereis asked whether the report or a summary position based on the report would be distributed. Susan Yates recommended not distributing the report. There was further discussion.

Kees Langereis recommended that a mail-out should include a description of why the report had been requested.

Co-chair John Peirce reviewed the critical points of the discussion and suggested making a resolution that considers a draft of the Objective section of DP-6 of the Official Community Plan. He suggested that there might be a problem of defining the areas affected and thereby contacting

the property owners for a mail-out. He reiterated the discussion of the issue of the affect new regulations could have on property values.

VRC-032-2010 It was **MOVED** and **SECONDED** that the Gabriola Island Official Community Plan and Land Use Bylaw Volunteer Review Committee recommends that the DP-6 Objective of Section 7.2 of the Official Community Plan should be rewritten as; *“To protect the natural habitat from development hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes to storm water runoff due to development on or in proximity to lands with excessive slope conditions.”*

CARRIED
(6 in favor, 0 opposed)

VRC-033-2010 It was **MOVED** and **SECONDED** that the Gabriola Island Official Community Plan and Land Use Bylaw Volunteer Review Committee recommends that:

1. there be a mail-out to landowners affected as well as licensed builders, realtors, contractors and practicing lawyers on the island. The impact of the Local Trust Committee’s proposed changes need to be clearly explained;
2. if implemented, notice should be on title if possible;
3. anything put into the Official Community Plan needs to be in the Land Use Bylaw with significant consequences to be enforceable.
4. Consider making separate zoning subsets for areas affected, e.g. SRR-DP-6;
5. the heading of section 7.2 needs to be revised to reflect the objective;
6. the consultant’s report is too complex to send out in the mail-out.

CARRIED
(6 in favor, 0 opposed)

Randy Young referred to the critique of the report prepared by John Peirce, Nick Doe and Steve Earle. It was affirmed that the Local Trust Committee at a previous business meeting had considered the submission.

7.2 *Email dated June 10, 2011 from Daniele Rudischer regarding Resignation from Volunteer Review Committee*

Co-chair John Peirce reported the resignation of committee member Daniele Rudischer and proposed that the Local Trust Committee would receive the letter at their next business meeting.

8. NEXT MEETING

There are no meetings currently scheduled for the Volunteer Review Committee.

9. ADJOURNMENT

The meeting was adjourned by consensus at 8:55 pm.

Recorder

Co-Chair

Co-Chair

Development Permit Areas on Gabriola Island

A number of areas on Gabriola Island are designated as “Development Permit Areas” or DPAs. If you are the owner of a property that is wholly or partly within one of the areas, you will need to obtain a Development Permit before beginning certain kinds of land alterations in any of these areas. Guidelines set out in the Official Community Plan (OCP) specify the conditions that must be met for the Development Permit to be issued. Development Permit Areas have been in place on Gabriola Island since 1998 and have played an important role in shaping how the island looks today.

What is a Development Permit Area?

A DPA is an area of land or water that has been designated by the Gabriola Island Local Trust Committee to achieve protection or address design criteria. DPAs can be established for more than one purpose, but all are regulated by the *Local Government Act*. Within each of the DPA designations, land alteration, construction/ structural alteration, and subdivision are restricted until a Development Permit is obtained. A Development Permit may not restrict the use or density of use of the land from what is permitted in zoning, except where a restriction is clearly related to health, safety or protection of the property from damage related to hazardous conditions. Currently, Gabriola Island has nine DPA designations. These DPAs are designed to protect the natural environment, protect development from hazardous conditions or address aesthetic concerns for certain types of residential, commercial and industrial development. Other types of DPAs can also be established pertaining to the conservation of water, energy and the reduction of greenhouse gas emissions. In these cases, local governments are restricted to dealing with matters exterior to buildings and structures in setting the development permit conditions.

Why do local governments establish Development Permit Areas?

Section 919.1(1) of the *Local Government Act* enables local governments to establish DPAs for a limited number of specific purposes to give an extra level of attention to specific areas during the development process. Once a local government has established a DPA by bylaw, affected property owners are usually required to obtain a Development Permit before they begin certain types of development on land within the DPA. Further, a condition cannot be included in a Development Permit unless it is authorized by the relevant section of the *Local Government Act* and is related to a specific guideline in the DPA. A local government cannot impose the conditions relating to a DPA outside of the designated area for that DPA. Where a property owner proposes a development that meets the DPA guidelines, a permit must be issued. In other words, unlike other applications such as a rezoning, the LTC has no discretion to refuse a Development Permit if all guidelines are met. Public input is not an element of the decision-making process for a Development Permit. In this way, a Development Permit is like a building permit: the application either meets the guidelines or it doesn't.

How do I know if my land is in a DPA?

To determine whether your land is impacted by a DPA, refer to Schedule C of the Gabriola Island Official Community Plan (OCP). Copies of the OCP are available from the Islands Trust Northern Office and at the Islands Trust website at www.islandstrust.bc.ca/ltc/gb/bylaws.cfm. In addition, Islands Trust Planning staff will assist you if you have any questions. Contact information is provided at the end of this document.

How do I know if I need to obtain a Development Permit?

If you plan to build on, alter or subdivide land that is located within a DPA, you will probably need to get a Development Permit. To check, refer to Section 7 of the OCP. This section sets out the guidelines for each DPA designation. If you have questions, contact Islands Trust planning staff. Contact information is listed at the end of this document.

How do I apply for a Development Permit?

If you need a Development Permit, request an application form from the Islands Trust, pick one up at the Northern Trust office, or download the online application form from www.islandstrust.bc.ca/ltc/gb/appforms.cfm. The form is accompanied by a Development Permit Application Guide, which further explains the steps in the Development Permit application process.

Are there exemptions for a permit?

Yes. The guidelines in Section 7 of the Gabriola Island OCP exempt certain kinds of development within designated DPAs. Also, should your proposed development fall outside of construction/ structural alteration, land alteration or subdivision, the guidelines may not apply. Some exceptions are in regard to design guidelines for the form and character of certain commercial, industrial and residential developments. In addition, provincial regulations may exempt land within a DPA from the guidelines. If you have any questions, Islands Trust planning staff are available to assist you.

What if my property is in two DPAs?

You only need to submit one application and pay one fee. Planning staff always check to see if whether one or more DPAs apply to a property. Where two DPAs apply, the guidelines for both apply. In such cases, one permit is issued to cover both DPAs.

How long does it take to get a Development Permit?

It depends on the nature of the application. If Islands Trust planning staff has determined that a permit is required, the application will have to be processed by planning staff and put before the Gabriola Island Local Trust Committee (LTC) for its review and decision. The LTC meets monthly. Prospective applicants should submit their application at least 4-6 weeks prior to a LTC meeting to give staff adequate review and processing time.

What happens if I don't apply or if I go beyond the limits set out in my Development Permit?

If you need a Development Permit for the work you are planning, you must obtain the permit prior to commencing work. Work begun without a permit is a violation of the requirements of the OCP and the *Local Government Act* and could be subject to bylaw enforcement procedures. You may also be subject to bylaw enforcement if you make alterations beyond those allowed under an approved permit.

Am I required to hire the services of a professional?

Possibly, depending on the nature of the proposal and the extent to which it impacts a DPA. The DPA guidelines contained in Section 7 of the OCP outline the specific requirements associated with each DPA. It is strongly recommended that you contact Islands Trust staff before proceeding with a Development Permit application in order to fully understand the nature of the potential options and requirements available to you.

Are there any benefits to having a DPA on your property?

Most residents increasingly desire communities that actively protect and integrate the natural features and spaces, and consider the appearance of commercial, industrial and multi-dwelling developments. Research indicates that green space and properties with natural and treed areas are worth 5-20% more than properties without these features. Properties affected by environmental DPAs may qualify for the Natural Areas Protection Tax Exemption Program (NAPTEP), which confers a 65% saving on property taxes over areas covenanted under this program. More information on NAPTEP is available from islands Trust staff at www.islandstrust.bc.ca/naptep.cfm

What does a Development Permit cost?

The application fee varies depending on the type of DPA. For DPAs that protect the natural environment and DPAs that protect development from hazardous conditions, the fee is \$450. For DPAs that guide form and character of commercial, residential and industrial development, the fee is \$550.

Gabriola Island Development Permit Areas

A brief description of each of Gabriola Island's nine DPAs is included below. The LTC may consider an amendment and expansion of DP-3 (Hoggan Lake Area) to include the provincially mandated Riparian Areas Regulation under the *Fish Protection Act*. The LTC may also consider an amendment of DP-6 (Escarpment Areas) based upon recent mapping which provides more precise detail for the areas of Gabriola that may require greater protection from hazardous areas associated with steep slopes. Other potential amendments include the establishment of a greenhouse gas emissions reduction DPA and a water conservation DPA, as well as an update of the DPA guidelines for the Village Centre.

Development Permits for Protection of the Natural Environment

DP-1 The Tunnel

The shrub and tree canopy along North Road is an important scenic, heritage and environmental amenity. This DPA establishes a 183 metre wide tree canopy and shrub buffer along North Road, measured to 90.8 metres on either side of the centre line of the existing right-of-way. Construction in the buffer area is limited to roads, trails and public utility works. Tree removal and damage to trees of a certain size is not permitted, the number of road accesses is limited and landowners may be required to seek professional advice in determining buffers from development to eagle or other bird species nesting trees.

DP-2 Lock Bay Area

This DPA has been identified as a unique beach of sand and gravel isolating a marsh of about 40 acres. No alteration causing a negative impact on the foreshore in this area is permitted. Several of the guidelines for this DPA establish setbacks to watercourses and the sea for a variety of activities and developments. Landowners are required to obtain an assessment of environmental impacts of proposed development or expansion, including mitigation measures, and may be required to seek professional advice in determining buffers from trees with eagle nests.

DP-3 Hoggan Lake Area

This DPA has been identified as having moderate to high wildlife, freshwater and vegetation natural features, as well as an area with sizable bird populations. The guidelines for this DPA require that setbacks from the natural boundary of the lake and other watercourses be left in a natural condition to protect essential riparian habitat, control erosion and mitigate flooding. Buffers to eagle nesting trees should be determined by a professional.

DP-4 Flat Top Islands Area

The Flat Top Islands and Breakwater Island have been identified as having important marine, vegetation and wildlife natural features. The guidelines for this DPA are similar to those for DP-2, but also include a requirement that properties, other than those within existing marine lease areas, undergo an assessment of environmental impacts and mitigation measures prior to any expansions or new developments.

DP-5 Gabriola Pass Area

The intertidal area is boulder-tiered ledges, sandstone and shale formations and sand and gravel banks. Tide pools exist along the length of the island, and the sub-tidal area is largely devoid of human impact and is exceptionally rich in an abundance of marine life. The guidelines for this DPA specify that no alteration or disturbance occur in this DPA that would result in negative impact on to foreshore habitat. An assessment of environmental impacts and

mitigation measures is required prior to any alteration to marine uses outside of areas with marine leases.

Development Permits for the Protection of Development from Hazardous Conditions

DP-6 Escarpment Areas

This DPA pertains to areas encompassing a land slope of greater than 80%. These areas are often unsuitable for development as they may be subject to erosion, land slip, rock falls, subsidence, or other hazards. The guidelines for this DPA do not permit the construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems, or the removal of trees and vegetation unless a geotechnical engineer recommends that such construction or removal may occur without subjecting the escarpment area to increased slope instability. A development permit will not be required in cases when the Nanaimo Regional District building inspector requires a report from a geotechnical engineer.

Development Permits to Establish Objectives and Guidelines for the Form and Character of Commercial, Industrial and Multiple Family Residential Development

DP-7 The Village Centre

This DPA requires that the character of Folklife Village should set the tone for development in the Village Centre. The guidelines for this DPA specify that natural vegetation be retained or planted and maintained for screening, and exterior surfaces and signs be made of natural materials. Developments shall incorporate small-scale building designs and provide amenities such as pedestrian walkways and public open spaces. Lighting should be kept to the minimum for pedestrian safety, and off-street parking shall be as unobtrusive as possible and, where possible, located at the rear of buildings. Certain exceptions for minor repairs are included for this DPA as well.

DP-8 Special Needs and Seniors Multi-family Development Permit Areas

Currently, this DPA applies to the two existing sites designated for special needs and senior's multi-family housing on Gabriola. Guidelines for this DPA are similar to those for DP-7, as are the exceptions for obtaining a Development Permit.

DP-9 Light Industrial Use Development Permit Areas

This DPA only applies to sites designated Industrial in the planning area. The guidelines for this DPA specify that no buildings be located closer than 30 metres from a watercourse or the high water mark of the sea. In addition, a site plan must be provided by the applicant to illustrate where off-street parking and equipment storage will be accommodated. No equipment, materials or vehicles associated with the industrial use are to be located on an adjoining parcel or public right of way.

Contacting the Islands Trust

Toll Free Enquiry BC at 1-800-663-7867 and request the phone number below.
Phone For general enquiries call (250) 247-2063
Fax (250) 247-7514
Email northinfo@islandstrust.bc.ca
Mail Islands Trust Northern Office,
700 North Rd,
Gabriola Island, BC V0R 1X3
Website www.islandstrust.bc.ca

DID YOU FIND THIS FORM USEFUL?

This is a Draft and we welcome any feedback you have on its content.

- Did the content answer your questions regarding DPAs?
 - Was the content easy to understand?

Please send your comments to:

Email: northinfo@islandstrust.bc.ca
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