



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** April 7, 2022  
**Location:** Gabriola Arts & Heritage Centre  
 476 South Road, Gabriola Island, BC

**Members Present:** Dan Rogers, Chair  
 Kees Langereis, Local Trustee  
 Scott Colbourne, Local Trustee

**Staff Present:** Heather Kauer, Regional Planning Manager  
 Sonja Zupanec, Island Planner  
 Teresa Mahikwa, Island Planner  
 Phil Testemale, Planner 2  
 Nadine Mourao, Recorder

**Others Present:** There were approximately 7 (seven) members of the public and one (1) member of the media in attendance.

### 1. CALL TO ORDER

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

Chair Rogers called the meeting to order at 10:44 am, welcomed the public and introduced Trustees, Staff and Recorder. Chair Rogers, Trustee Colbourne, and Trustee Langereis acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 3. REPORTS

#### 3.1 Trustee Reports

Trustee Colbourne did not make a report.

Trustee Langereis reported the following and his attendance at the following meetings and events:

- Trust Council (TC) meeting;
- One Book, One Community Initiative event – Five Little Indians by Michelle Good;
- Attended Islands 2050 event; and
- Thanked Lisa Wilcox, Senior Intergovernmental Policy Advisor for her work with Islands Trust.

### 3.2 Chair's Report

Chair Rogers reported the following:

- Attended TC meeting; and
- Community Stewardship Awards are open for nominations  
<https://islandstrust.bc.ca/programs/stewardship-awards/>

### 3.3 Electoral Area Director's Report

Chair Rogers provided an overview of Vanessa Craig's, Regional District of Nanaimo (RDN) Electoral Area B report and noted the following:

- Estimates for Phase 2 have been received for Huxley Park;
- Parks and Trails Strategy engagement process is open for feedback  
<https://www.getinvolved.rdn.ca/rdnparkstrails;>
- Tiny Home initiative moves to Union of BC Municipalities (UBCM) in the Fall;
- Electoral Area Service Committee discussed the Fuel Management Prescriptions for 707 Community Park;
- Regional Rainwater Management webinar and workshop; and
- Upcoming meetings to be held in hybrid in-person and electronic formats.

### 3.4 First Nation Reports

Trustee Colbourne acknowledged the transformative work of Lisa Wilcox, Senior Intergovernmental Policy Advisor and wished her well in her new ventures.

Chair Rogers noted the government to government engagement process with many First Nations that have historical rights to the Trust Area for the Islands 2050 Draft New Trust Policy Statement.

## 4. TOWN HALL

A member of the public noted their support for covenants for density donations, asked the Trustees to consider requesting a change of status for Gabriola in order to receive a breakdown of Statistics Canada data for Gabriola, requested Trustees research Bill 78 that indicated that Islands Trust Committees had subdivision approval capacity, noted page 18 of the Agenda, Draft Bylaw No. 311 should read "Gabriola Island" instead of "Thetis Island", and felt that the owners of Temporary Use Permits (TUPs) should not be allowed to renew if compliance to annual fire inspections had not been met.

A member of the public asked for information regarding feedback on the Great Northern Consultation report.

- Trustees noted that the discussion regarding establishing an Implementation Committee to consider the report and next steps was deferred at the last TC meeting and will be on the next TC agenda for discussion.

## 5. MINUTES

### 5.1 Local Trust Committee Minutes dated March 3, 2022 – for adoption

The following amendments to the minutes were presented for consideration:

- Page 7, 11.1 Shoreline Report resolution, add the words "to the Projects List" at the end of the sentence.

**By general consent** the minutes of March 3, 2022 were adopted as amended.

**5.2 Section 26 Resolutions-Without-Meeting Report - none**

**5.3 Advisory Planning Commission Minutes - none**

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated March 30, 2022**

Received.

**6.2 Bylaw No. 311 - Fees Bylaw - Staff Report**

Regional Planning Manager Kauer summarized the report which asked the Local Trust Committee (LTC) to consider three readings of Bylaw No. 311 which would replace Bylaw No. 300 (LTC Fees Bylaw) and noted:

- Reflected requests for reduced fees for affordable housing applications;
- Provided an overview that fees were based on average costs and the rationale for subdivision referral fees were calculated based on lower than average costs; and
- Four out of seven LTCs have adopted the recommendations to date.

Trustees noted the following points:

- Replace “Thetis Island” with “Gabriola Island” wherever found in the bylaw; and
- Section 2.1.1 “Development Procedures Bylaw No. 40, 1992” be replaced with “Development Procedures Bylaw 114, 1992.”

**GB-2022-022**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, wherever noted “Thetis Island” be replaced with “Gabriola Island” and Section 2.1.1 “Development Procedures Bylaw No. 40, 1992” be replaced with “Development Procedures Bylaw 114, 1992.”

**CARRIED**

**GB-2022-023**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be read a first time.

**CARRIED**

**GB-2022-024**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be read a second time.

**CARRIED**

**GB-2022-025**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 311 cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be read a third time.

**CARRIED**

**GB-2022-026**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**7. APPLICATIONS, REFERRALS AND BYLAWS**

**7.1 GB-TUP-2020.2 (MacKay - 1016 Berry Point Road, Gabriola) - Staff Report**

Planner Mahikwa summarized the report which asked the LTC to consider Temporary Use Permit (TUP) for the temporary operation of a commercial vacation rental (CVR) with a single family dwelling and noted the following:

- Application a result of bylaw enforcement file;
- A TUP may be issued for a maximum of 3 years, as the applicant continued to actively list the cottage for vacation rental during the 25 months since Islands Trust Bylaw Enforcement notified them to cease until a TUP had been issued, an expiry date of March 31, 2023 has been recommended, at which time the applicant may re-apply;
- Applicant lives adjacent to the property;
- There are 3 active legal Short Term Vacation Rentals (STVRs) on Gabriola;
- Received 2 pieces of correspondence with objections to vacation rentals, in support of long term rentals, and 2 correspondence in support; and
- Bed and Breakfasts must be within a principal single family dwelling and not any accessory building, and must be run by at least one person who resides permanently on the subject property.

Discussion ensued and the following key points were noted by Trustees:

- BC Assessment indicates one large property and does not accurately show the subdivision into 4 lots; and
- Recognized the correspondence in support of long term rental stock, however, the Official Community Plan (OCP) allows for TUPs.

**GB-2022-027**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP2020.2, subject to the conditions imposed by the permit, with an expiry date of March 31, 2023.

**CARRIED**

**7.2 GB-TUP-2022.2 (McNally - 1599 Hess Road, Gabriola) - Staff Report**

Planner Mahikwa provided an overview of the report which asked the LTC to consider TUP for the temporary operation of a CVR within an accessory dwelling (secondary suite).

The following key points were noted by Trustees:

- A Water Provider License may be required, it is the responsibility of the landowner under the *Water Sustainability Act* to obtain the license as a STVR is considered a commercial operation; and
- Information regarding water usage is required to be posted wherever water is used in the dwelling.

Applicants noted:

- Accessory dwelling will be used for primarily family vacation use, making full term permanent long term rental difficult;
- Plan to be on site anytime the dwelling is rented as a STVR; and
- Guest house dwelling was not part of the long term rental pool at any time, the applicants lived in the dwelling while building their new primary dwelling.

**GB-2022-028**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP-2022.2 for three (3) years from the date of issuance, subject to the conditions imposed by the permit.

**CARRIED**

**7.3 GB-DVP-2022.1 and GB-DP-2022.1 (Gottfried-Lot 41-595 Wildwood Cres.) - Staff Report**

Planner Testemale provided an overview of the report for the LTC to consider a variance to the requirement for any structure to be sited a minimum of 1.5 metres above the natural boundary of any lake, stream, or wetland. The variance would permit the structures (a septic tank, pump chamber and piping) to be installed at an elevation of less than 1.5 metres above the stream Eppler Creek and noted:

- Application for a Development Permit (DP) was the result of a bylaw enforcement filing;
- Arborist assessment and Bird Nesting Survey will be undertaken by the applicant
- The RAPR Assessment did not recommend tree replacement;
- Drainage ditch does not connect to Eppler Creek;
- Development Permit Variance (DVP) recommended due to topography of the land limits location of the septic system;
- Dwelling shifted to higher topography and does not require variance;
- Staff anticipate little to no impact for neighbouring properties; and
- One piece of correspondence and verbal confirmation received from neighbouring properties indicating no objections to the DP and DVP.

Trustees noted their support of combined DP and DVP applications and interested in educational communications for public on processes to develop their lots.

**GB-2022-029**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2022.1 (Gottfried).

**CARRIED**

**GB-2022-030**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2022.1 (Gottfried).

**CARRIED**

**By general** consent the meeting was recessed at 12:22 pm and reconvened at 12:58 pm.

**7.4 GB-RZ-2020.1 (Gabriola Housing Society) - Staff Report**

Planner Zupanec summarized the report which asked the LTC to consider amendments to proposed Bylaw No. 308 and noted the following points:

- Updated proposed bylaw track changes document published to Agenda after Staff report completed, Staff report does not adequately reflect the extent of the changes to the housing agreement;
- Bylaw has been vetted by Islands Trust and Applicant's solicitors; and
- Applicant is continuing to work with Snuneymuxw First Nations regarding wording of a housing priority statement. The LTC could amend the housing agreement in the future based on Snuneymuxw First Nations feedback without having to go through complete rezoning process, as these are considered minor administrative changes in terms of the scope of the agreement.

Discussion ensued and the following key points were noted by Trustees:

- Housing Agreements (HA) on other islands look different than this HA, would like to investigate further;
- Interested in receiving Snuneymuxw First Nations response before HA is adopted;
- Concerned with implications of definitions of affordability based on funders' requirements;
- Requested to review the language proposed for the Galiano Affordable HA for consistency;
- Supported the HA as is, if you pay for affordable housing, you get to define it; and
- Interested in defining use and making sure units are being used for that use and in the location allocated for that use.

Applicant Ian Scott and Nancy Hetherington Peirce noted:

- Gabriola Housing Society (GHS) to apply for next round of Community Housing Funding and would like to be shovel ready at the time of application;
- Four substantive updates to the HA include:
  - HA in relation to housing efforts to deliver housing, Section 3 has been rewritten to not more than 30% of the Affordable Housing Units will be market affordable, the funder's level of funding may affect what that looks like and would be brought to the LTC;
  - Article 1, Section C, Affordable rental housing eligibility;
  - New Section C, iv, now notes that the Owner is the landlord, not the Society, thus reducing misunderstandings;
  - Schedule "B" items 4 and 5 updates related to eligibility for tenancy for Qualified Occupants;
- Will continue discussions with Snuneymuxw First nations to obtain feedback, no concerns have been expressed to date;

- Funders will require some market housing to fund the development; and
- Affordability criteria addressed in rental rates and household income limits for eligibility for qualified renters.

**GB-2022-031**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be amended as presented in Attachment 2 of the staff report dated April 7, 2022.

**CARRIED**

**GB-2022-032**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be given first reading.

**CARRIED**

**GB-2022-033**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be read a second time.

**DEFEATED**

**Trustee Langereis and Chair Rogers Opposed**

**GB-2022-034**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to review the language proposed for the Galiano Island Affordable Housing agreements for consistency with Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” before the Gabriola Local Trust Committee and report back at the next Gabriola Local Trust Committee meeting.

**CARRIED**

**Trustee Colbourne Abstained**

**7.5 GB-SUB-2021.2 (Centre Stage Holdings) - Staff Report**

Planner Zupanec provided an overview of the report which recommended an updated Section 219 covenant as a condition of subdivision of the subject property into six fee simple lots.

**GB-2022-035**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of PID: 027-086-500 Lot 20, SECTION 8, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP82759, and designate two Trustees of the Local Trust Committee to sign the covenant for GB-SUB-2021.2 (Centre Stage Holdings Ltd).

**CARRIED**

**7.6 GB-SUB-2019.1 (Williamson and Associates) - Staff Report**

Planner Zupanec summarized the report which the Provincial Approving Officer (PAO) for the Ministry of Transportation and Infrastructure (MoTI) has requested a Section 219 covenant as a condition of subdivision of the subject property into 3 bare land strata lots. The covenant is intended to be registered on each of the 3 new strata lots to ensure that any new development triggers the recommendations of the drainage engineering report and noted:

- This was not part of the commercial DPA and only alterations to the ground are allowable at this time.

**GB-2022-036**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of PARCEL E (DD 401378I) OF SECTION 21, GABRIOLA ISLAND, NANAIMO DISTRICT PID: 004-549-023 and designate two Trustees of the Local Trust Committee to sign the covenant for GB-SUB-2019.1 (Williamson and Associates – 369 Berry Point Road).

**CARRIED**

**8. LOCAL TRUST COMMITTEE PROJECTS**

**8.1 Density Donation Outreach Program - Staff Report**

Planner Zupanec provided a synoptic of the updated Project Charter and summary of work completed to date on the Density Donation Outreach Program and recommended that a public information package be prepared to detail the benefits and the process for interested land owners to participate at any point in the future.

Trustees noted the following key points:

- Interested in the Density Donation Outreach Program public information package being included in the Trust Programs Committee’s mail out brochure, the package to be mailed out to all households within the area, and/or collaborating with Islands Trust Conservancy; and
- Would like to refer to the Housing Advisory Planning Commission (HAPC) for input.

**GB-2022-037**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve the revised Project Charter for the Density Donation Outreach Project dated April 7, 2022.

**CARRIED**

**GB-2022-038**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to prepare a draft Public Information Package and options for distribution on the Density Donation Outreach Program for the Housing Advisory Planning Commission’s input and Local Trust Committee review.

**CARRIED**

**8.2 Gabriola Housing Regulations in the Agricultural Land Reserve (ALR) - verbal update**



Planner Zupanec noted that there were inconsistencies between the Land Use Bylaws (LUB) and the updated ALR regulations that created confusion around permitted housing on ALR.

**GB-2022-039**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to add the review of the revised Agricultural Land Commission's rules regarding residential use on Agricultural Land Reserve land to the Projects List.

**CARRIED**

**9. DELEGATIONS - none**

**10. CORRESPONDENCE**

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

**10.1 Email dated March 3, 2022 - Greetings from the BC Electoral Boundaries Commission**

Received.

**10.2 Letter and Petition dated February 27, 2022 from P. Cook regarding Reduction of Speed Limit on Berry Point Road**

Trustees to reach out to Vanessa Craig, Regional District of Nanaimo (RDN) Electoral Area B and MoTI to set up meeting.

**11. NEW BUSINESS**

**12. REPORTS**

**12.1 Climate Change Action Update**

Received.

**12.2 First Nations Relationship Building**

None.

**12.3 Trust Conservancy Report – none**

Received.

**12.4 Applications Report dated March 30, 2022**

Received.

**12.5 Trustee and Local Expense Report dated February, 2022**

Received.

**12.6 Adopted Policies and Standing Resolutions**

Received.

**12.7 Local Trust Committee Webpage**

No updates requested.

**13. WORK PROGRAM**

**13.1 Top Priorities Report dated March 30, 2022**

Received.

**13.2 Projects List Report dated March 30, 2022**

Received.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Thursday, May 12, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola, BC**

**15. CLOSED MEETING**

**15.1 Motion to Close the Meeting**

**GB-2022-040**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d), (f), and (g) for the purpose of considering (d) adoption of In-Camera Meeting Minutes dated November 25, 2021, (f) Bylaw Enforcement and (g) Litigation or potential litigation and that the recorder and staff attend the meeting.

**CARRIED**

Chair Rogers closed the meeting to the public at 2:53 pm.

**15.2 Recall to Order**

Chair Rogers recalled the meeting to order at 3:17 pm.

**15.3 Rise and Report**

The In-camera minutes of November 25, 2021 were adopted.

**16. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:17 pm.

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Dan Rogers, Chair

Certified Correct:

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Nadine Mourao, Recorder