



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

- Date:** October 27, 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:** Sonja Zupanec, Acting Regional Planning Manager  
Warren Dingman, Bylaw Compliance and Enforcement Manager  
Nadine Mourao, Recorder
- Others Present:** There were approximately twelve (12) 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 10:32 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. RISE AND REPORT - Closed Meeting September 29, 2022

The Gabriola Local Trust Committee appointed Jack Woodward, Laurie Jackson, and Kathryn Berge to the Board of Variance for the Gabriola Island Local Trust Area for a three-year term effective September 29, 2022.

### 4. REPORTS

#### 4.1 Trustee Reports

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

- Petroglyph events, thanked Gabriola Museum and Snuneymuxw First Nations Elders for their work; and
- Health and Wellness Collaborative workshop.

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

- Petroglyph ceremony at Gabriola Museum; and
- Congratulated incoming Trustees Susan Yates and Tobi Elliot.

**4.2 Chair's Report**

Chair Rogers reported the following:

- Acknowledged and thanked everyone for the privilege of being Chair on Gabriola;
- Thanked Staff for their work;
- 15 new Trustees and 11 returning Trustees elected in recent election;
- Trust Council will be on November 17, 2022 when Trustees will be sworn in; and
- New Islands Trust Executive and representatives of Islands Trust Conservancy will be chosen on November 19, 2022.

**4.3 Electoral Area Director's Report**

Vanessa Craig, Regional District of Nanaimo (RDN) Electoral Area B summarized the report and noted the following:

- Thanked Trustees for their work over the last 4 years;
- Huxley Park shade structures installed and installation of fencing to commence soon;
- A tree planting party is scheduled for the end of November for Huxley Park;
- Parks and Open Space Advisory Committee (POSAC) meeting November 28, 2022 at the 6:30 pm at Agricultural Hall;
- Re-doing the alternative approve process for Little Qualicum River Regional Park;
- Applying for a grant for Fuel Management Prescription report for Descanso Bay Regional Park and Cox Community Parks;
- Increasing rebates for wood stove exchanges or alternative heating; and
- RDN Board meeting November 8, 2022.

**4.4 First Nation Reports - none****5. TOWN HALL**

A member of the public supported a census to identify how many residents were living in illegal dwellings on Gabriola as they consider the suspension of enforcement on illegal dwellings. They noted the previous enforcement suspension of a bylaw on April 11, 2019, when the LTC suspended bylaw enforcement of public markets due to a conflict in community around long standing and essential avenues of public life, urged Trustees to support the suspension of enforcement for non-compliant dwellings to remove barriers to community's essential functions while working to improve them.

A member of the public supported the deferment of bylaw enforcement on non-compliant dwellings and noted that a 2 year deferment was not adequate as many dwellings will never be compliant with bylaw as it currently stands. The bylaw needs to be updated to reflect the needs of the community.

A member of the public thanked Trustees for their leadership and encouraged them to take action on the deferment of enforcement for non-compliant dwellings. There has been community commentary, as well as, Housing Advisory Planning Commission (HAPC) and the Advisory Planning Commission (APC) referrals, which have provided community feedback. Supported an Official Community Plan (OCP) review to bring OCP up to current context with current challenges.

A member of the public noted class issue of people living in substandard, alternative non-compliant, illegal dwellings and elites that have never experienced housing insecurity and are

benefitting from and pushing institutional housing. Requested a census to examine the issue and advocacy for those experiencing housing insecurity.

- Trustees noted that People for a Healthy Community (PHC) and Angela Pounds, Community Social Worker did a report on the critically unhoused and those in substandard housing a few years ago, however, an updated report was needed to reflect current conditions and housing emergency.

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated July 28, 2022 - for adoption - to be distributed**

The following amendments to the minutes dated July 28, 2022 were presented for consideration:

- Page 2, Trustee Langereis reported on the following, 2<sup>nd</sup> bullet, replace “reburial site” with “green burial site”; and
- Page 5, 8.1 GB-DVP-2022.2, replace “two density zones” with “split density zones”.

**By general consent** the minutes were adopted as amended.

**6.2 Local Trust Committee Minutes dated September 29, 2022 – for adoption - to be distributed**

**By general consent** the Local Trust Committee meeting minutes of September 29, 2022 were adopted.

Trustees interested in generic correspondence received being included in next agenda package and reminded the public to address correspondence to 2 or more Trustees for inclusion as correspondence to the LTC.

**6.3 Section 26 Resolutions-Without-Meeting - none**

**6.4 Advisory Planning Commission DRAFT Minutes dated October 17, 2022 - for receipt**

Received.

**6.5 Housing Advisory Planning Commission DRAFT Minutes dated October 18, 2022 - for receipt**

Received.

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated October 18, 2022**

Received.

**7.2 Draft Standing Resolution on Enforcement of Non-Compliant Dwellings - for discussion**

After reviewing correspondence, HAPC and APC minutes, Town Hall commentary and all feedback, Trustees Langereis and Colbourne put forward alternate motions for consideration.

**PROPOSED MOTION**

that the Gabriola Island Local Trust Committee formally consults the community on the intent and wording of the following draft standing resolution, including consideration of any sunset clause to the resolution:

## **ADOPTED**

That, subject to section 2, bylaw enforcement staff defer enforcement on the unlawful residential use of a building on a lot if, on the date the resolution is adopted,

- a) the building is occupied as a residence, and
- b) enforcement would cause undue hardship to the occupants of the building.

That bylaw enforcement staff undertake enforcement action on unlawful residential use of a building if:

- a) there is more than one unlawful residential use on the lot, or
- b) enforcement staff reasonably determine:
  - i. there is a risk of danger to the health and safety of the occupants,
  - ii. that sewage is not being disposed of in an approved septic or sewage disposal system,
  - iii. that use of the septic or sewage disposal system connected to the building exceeds the sewage system's capacity, or
  - iv. there is sewage contamination of wells, streams or other nearby waterways.

That this standing resolution does not override enforcement for contravention of other provisions of the land use bylaws.

That the local trust committee periodically request statistics from enforcement staff on the number of complaints and deferrals to ascertain the effectiveness of the bylaw enforcement deferral.

## **POSTPONED**

### **PROPOSED MOTION**

- a) that the Gabriola Island Local Trust Committee note that given the lack of housing options on Gabriola, Bylaw Staff will defer enforcement on all existing non-compliant dwellings being used for residential purposes except in the following circumstances:
  - i. It is determined that there are risks to health and safety;
  - ii. It is determined that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of non-compliant dwellings;
  - iii. It is determined that there is contamination of wells or other drinking water sources;
  - iv. Non-permitted residential uses are in environmentally sensitive areas;
  - v. That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of residents.
- b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Gabriola Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
- c) The Gabriola Local Trust Committee will review this standing resolution at a minimum of once per year with updates from the Bylaw Compliance and Enforcement Manager to measure results and impacts, as amended.

## **POSTPONED**

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

- Interested in more community consultation;
- Concerned with potential impacts and damage to environment and people;
- Concerned with additional discretionary pressure on enforcement Staff;
- Interested in moving forward and not deferring motion;
- LTC has received community and Advisory Committee feedback, hoped to pass Standing Resolution to protect people and environment, while moving forward with an OCP review;
- Incoming LTC may reverse Standing Resolution if they do not support;
- Supported concept of: complaint, deferral of enforcement, report to LTC and LTC make a decision;
- Requested adding water zones to item iv. of the second proposed motion;
- The second proposed motion did include trailers, felt no reason to distinguish from other non-compliant dwellings;
- Residential use for a building is a more accurate description rather than non-compliant dwelling;
- Dwelling included all types of residences, even those that are not considered a “building”;
- The second proposed motion addresses most of LTC concerns;
- Supported the word “existing” so as not to incur new non-compliant situations;
- Standing Resolution is only part of the solution to address housing crisis; and
- Reminded public about the Density Donation Project.

**GB-2022-085**

**It was MOVED and SECONDED**

that the Gabriola Local Trust Committee formally consults the community on the intent and wording of the following draft standing resolution, including consideration of any sunset clause to the resolution:

That, subject to section 2, bylaw enforcement staff defer enforcement on the unlawful residential use of a building on a lot if, on the date the resolution is adopted,

- a. the building is occupied as a residence, and
- b. enforcement would cause undue hardship to the occupants of the building.

That bylaw enforcement staff undertake enforcement action on unlawful residential use of a building if:

- a. there is more than one unlawful residential use on the lot, or
- b. enforcement staff reasonably determine:
  - i. there is a risk of danger to the health and safety of the occupants,
  - ii. that sewage is not being disposed of in an approved septic or sewage disposal system,
  - iii. that use of the septic or sewage disposal system connected to the building exceeds the sewage system’s capacity, or
  - iv. there is sewage contamination of wells, streams or other nearby waterways.

That this standing resolution does not override enforcement for contravention of other provisions of the land use bylaws.

**ADOPTED**

That the local trust committee periodically request statistics from enforcement staff on the number of complaints and deferrals to ascertain the effectiveness of the bylaw enforcement deferral.”

**DEFEATED**

**GB-2022-086**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff amend the Standing Resolution on Enforcement of Non-Compliant Dwellings, item v. “That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of residents” adding the words “or to the environment” to the end of the sentence.

**CARRIED**

**Trustee Langereis Opposed**

**GB-2022-087**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff amend the Standing Resolution on Enforcement of Non-Compliant Dwellings, item iv., replace with “Non-permitted residential uses are in water zones or environmentally sensitive areas.”

**CARRIED**

**GB-2022-088**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff amend the Standing Resolution on Enforcement of Non-Compliant Dwellings add item d.) that the Gabriola Local Trust Committee recommend to the incoming Gabriola Local Trust Committee that it conduct a community consultation regarding the Standing Resolution.

**CARRIED**

**GB-2022-089**

**It was MOVED and SECONDED**

- a) that the Gabriola Island Local Trust Committee note that given the lack of housing options on Gabriola, Bylaw Staff will defer enforcement on all existing non-compliant dwellings being used for residential purposes except in the following circumstances:
- i. It is determined that there are risks to health and safety;
  - ii. It is determined that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of non-compliant dwellings;
  - iii. It is determined that there is contamination of wells or other drinking water sources;
  - iv. Non-permitted residential uses are in water zones or environmentally sensitive areas;
  - v. That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of residents or to the environment.
- b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Gabriola Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

**ADOPTED**

- c) The Gabriola Local Trust Committee will review this standing resolution at a minimum of once per year with updates from the Bylaw Compliance and Enforcement Manager to measure results and impacts, as amended.
- d) That the Gabriola Local Trust Committee recommend to the incoming Gabriola Local Trust Committee that it conduct a community consultation regarding the Standing Resolution.

**CARRIED**

**Trustee Langereis Opposed**

**By general** consent the meeting was recessed at 12:39 pm and reconvened at 1:15 pm.

**7.3 Response Letter to the Local Trust Committee dated October 13, 2022 from TELUS regarding Herbicide use on Gabriola Island**

Received.

**8. APPLICATIONS AND REFERRALS**

**8.1 GB-DVP-2022.6 and GB-DP-2022.2 - (Gabriola Housing Society) - Staff Report**

Acting Planning Manager Zupanec summarized the report which introduced a combined Development Permit (DP) and Development Variance Permit (DVP) application for LTC consideration.

Trustees noted the following:

- Interested in a qualified environmental professional to develop impact assessment plan and a construction management plan.

Ian Scott, representative of the applicant noted:

- The septic disposal waste water field area may reduce the calculated forest retention area based on recommendation from arborist post-installation, due to area root rot etc.;
- Parking area material is permeable crushed gravel;
- Interested in being as “shovel ready” as possible to be in best position to obtain funding; and
- Intention of site plan is to leave clusters of trees in development area, however, will need post development arborist assessment to assess root structure and condition.

**GB-2022-090**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Add condition e) that they retain a qualified environmental professional to further develop an impact assessment and accompanying construction management plan to Development Permit GB-DP-2022.2 (Gabriola Housing Society).

**CARRIED**

**GB-2022-091**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2022.2 (Gabriola Housing Society), as amended.

**CARRIED**

**GB-2022-092**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2022.6 (Gabriola Housing Society).

**CARRIED**

**9. LOCAL TRUST COMMITTEE PROJECTS - none**

**10. DELEGATIONS - none**

**11. CORRESPONDENCE**

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

**12. NEW BUSINESS**

**12.1 Request to Amend Local Trust Committee Advisory Planning Committee Bylaw No. 296 - for discussion**

Trustee Langereis requested that Staff amend text of Section 6 (b) of Bylaw no. 296 to strike out the words “the lessor of three members or” and use the 50% rule for determination of a quorum.

**GB-2022-093**

**It was MOVED and SECONDED**

that the Gabriola Local Trust Committee request Staff prepare an amendment to the text of Section 6 (b) of Bylaw no. 296 by striking out the words “the lessor of three members or”.

**CARRIED**

**13. REPORTS**

**13.1 Climate Change Action Update**

Received.

**13.2 First Nations Relationship Building**

Received.

**13.3 Trust Conservancy Report - none**

**13.4 Applications Report dated October 18, 2022**

Received.

**13.5 Trustee and Local Expense Report dated August, 2022**

Received.

**13.6 Adopted Policies and Standing Resolutions**

Received.

**13.7 Local Trust Committee Webpage**

No updates requested.



**14. WORK PROGRAM**

**14.1 Top Priorities Report dated October 18, 2022**

Received.

**14.2 Future Projects List Report dated October 18, 2022**

Received.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Thursday, December 1, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre**

**16. CLOSED MEETING**

**16.1 Motion to Close the Meeting**

**GB-2022-094**

**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) for the purpose of considering adoption of In-Camera Meeting Minutes dated September 29, 2022 and that the recorder and staff attend the meeting.

**CARRIED**

Chair Rogers closed the meeting to the public at 1:58 pm.

**16.2 Recall to Order**

**By general consent** the meeting was recalled to order 2:05 pm.

**14.3 Rise and Report**

The Gabriola Local Trust Committee In-Camera meeting minutes of September 29, 2022 were adopted.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:06 pm.

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Dan Rogers, Chair

Certified Correct:

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Nadine Mourao, Recorder