



## Gabriola Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** June 8, 2023

**Location:** Electronic Meeting

**Members Present:** Peter Luckham, Chair  
Tobi Elliott, Trustee  
Susan Yates, Trustee

**Staff Present:** Renée Jamurat, Regional Planning Manager  
Margot Thomaidis, Planner 2  
Marlis McCargar, Island Planner  
Warren Dingman, Bylaw Enforcement Officer  
Taryn Plater, Co-op Student Planner  
Lisa Millard, Recorder

**Others Present:** There was approximately 1 member of the public in attendance.

#### 1. CALL TO ORDER

The Chair called the meeting to order at 9:02 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 4.4.1 Comments from Trustee Elliott
- 11.2 Late correspondence from Vanessa Craig, RDN Director for Area B
- 12.4 Gravel and Aggregate Extraction
- 12.5 Regional District of Nanaimo (RDN) Annual Protocol Meeting

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

#### 3. RISE AND REPORT

Chair Luckham will rise and report on the Advisory Planning Commission appointments following the In-Camera Meeting.

#### 4. REPORTS

##### 4.1 Trustee Reports

Trustee Yates reported the following:

- She acknowledged the recent hiring of the new Senior Indigenous Relations Advisor for Islands Trust;

- She has been appointed to the Gabriola Recreation and Electoral Area B Parks and Trails Master Plan Advisory Committee; and
- She visited three nature reserves on Gabriola Island on June 2, 2023, with Islands Trust Conservancy Staff who are monitoring the Burren's Acres, Coats Millstone, and S'ul-hween X'pey (Elder Cedar) Nature Reserves.

Trustee Elliott reported the following:

- On June 7, 2023 she attended the World Oceans Day event held on Snuneymuxw Reserve #5 on Gabriola, which was co-organized by Snuneymuxw First Nation and the Department of Fisheries and Oceans (DFO). A highlight of the event was a demonstration with a remote operated vehicle that maps sea life underwater;
- She held office hours on most Tuesdays and Thursdays for the month of May; and
- She attended a training session for Islands Trust Chairs on May 19, 2023 in Victoria.

#### **4.2 Chair's Report**

Chair Luckham reported the following:

- He acknowledged Worlds Oceans Day and the importance of marine conservation and protection;
- He attended the Chair training workshop;
- He participated in a Governance Committee meeting which is reviewing current governance on the Islands Trust's preserve and protect mandate; and
- He has written a letter to the Chief Administrative Officer and the President of Nav Canada outlining concerns about proposed flight path changes over Gabriola.

#### **4.3 Electoral Area Director's Report**

Received.

#### **4.4 First Nation Reports – none**

##### **4.4.1 Comments from Trustee Elliott**

The Trustee noted that the Snuneymuxw Marine Division is considering conducting research for the purpose of mapping a baseline inventory of sea life in the areas where ships are currently being anchored in coastal waters within their territories. The data collected could be used to study the impacts of anchor dragging on the seabed. The Trustee will make inquires to explore opportunity for project collaboration at the local government level and will provide an update.

### **5. PUBLIC COMMENTS – none**

### **6. MINUTES**

#### **6.1 Local Trust Committee Minutes dated May 11, 2023 – for adoption**

**By general consent** the Local Trust Committee meeting minutes of May 11, 2023 were adopted.

#### **6.2 Section 26 Resolutions-Without-Meeting Report - none**

**6.3 Advisory Planning Commission Minutes – none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated May 31, 2023**

**8. APPLICATIONS AND REFERRALS**

**8.1 Development Variance Permit Application GB-DVP-2016.3 Packham & Van Herwaarden - Staff Report**

A Planner summarized the staff report and noted that ongoing requests to the applicant to submit information and reports were not forthcoming, and the deadline for submission had passed five months ago. Discussion ensued and Trustees noted the following:

- Concerns about the health of Goodhue Creek, and reports from neighbours of unusual discolouration
- The need to assess impacts on the Riparian Area.

A Trustee asked Bylaw Enforcement staff about next steps after denial of the application. Staff confirmed that they will proceed with enforcement and, ultimately, legal action if they cannot receive compliance.

**GB-2023-037**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee deny issuance of GB-DVP-2016.3 due to insufficient information being provided by the applicant.

**CARRIED**

**GB-2023-038**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee forward file GB-DVP-2016.3 to bylaw enforcement staff to continue action for bylaw enforcement for this property.

**CARRIED**

**8.2 Temporary Use Permit 2022.1 Garner (Renewal of GB-TUP-2018.1) for a Commercial Vacation Rental - Staff Report**

A Planner summarized the staff report and highlighted the following:

- The permit is considered a renewal even though the initial permit expired sixteen months ago. The applicant applied for the renewal before the expiration of the original permit; the delay was related to work required to comply with the B.C. Fire Code.
- There have not been any complaints received regarding the short-term vacation rental (STVR).

- Neighbours were notified of the Temporary Use Permit (TUP) renewal application and details were published in the local newspaper, and there has been no correspondence received regarding the application.
- A condition of the original permit required the applicant to apply for a provincial Water License under the Water Sustainability Act as the groundwater is being used for a non-domestic purpose. The applicant has not applied for a Water Licence.

Discussion ensued and Trustees noted the following:

- There is concern that a groundwater license has not been applied for even though it was a condition of the original permit.
- The information supplied to guests regarding water conservation practices is positive.
- The Water Sustainability Act is clear in that it applies to non-domestic use, and it is the duty of the business operator to ensure compliance.

The applicant was in attendance via electronic meeting, and made the following comments:

- She did not realize the importance of having a water license because the original permit was issued without it.
- She thought having the water license was a recommendation and not a requirement.
- She will apply for the ground water license.

**GB-2023-039**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee defer the issuance of Temporary Use Permit GB-TUP-2022.1 (a renewal of previously issued Temporary Use Permit GB-TUP-2018-1), subject to the applicant applying for the recommended ground water license.

**CARRIED**

The meeting was recessed at 10:23 am and reconvened at 10:29 am.

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

**10. DELEGATIONS - none**

**11. CORRESPONDENCE**

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

**11.1 Email dated May 12, 2023 from Ken Gurr regarding Elder Cedar Trees Cut**  
Received.

**11.2 Late correspondence from Vanessa Craig, RDN Director for Area B**  
Received.

**12. NEW BUSINESS**

**12.1 Freedom of Information and Protection of Privacy Bylaw - for adoption**

**GB-2023-040**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 315, cited as “Gabriola Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 315, 2023” be adopted.

**CARRIED**

**12.2 Shoreline Structures and Setbacks – for discussion**

Discussion ensued and Trustees noted the following:

- There is growing concern about the ongoing trend of property owners using hard shoreline protections (armouring) in attempts to prevent shoreline erosion.
- There is an opportunity to explore collaboration with existing groups like Habitat Acquisition Trust to educate property owners about shoreline stewardship and best practices using natural processes versus hard sea walls, and that this is a cost effective approach.
- There is a need for further discussion about shoreline structures and setbacks and enforcement must be firm or the trend will continue.
- It was suggested that this issue could be brought to the Vancouver Island Climate Change Steering Committee that is working with local governments in coastal communities to mitigate the affects of climate change. In particular, Stewardship Centre BC supports offers a Green Shores for Local Government program.
- It is an Islands Trust wide issue that has been brought to the attention of the Regional Planning Committee.

The Bylaw Enforcement Manager noted that there is currently a request for legal opinion regarding structures located within the water zones, and that there are already legal opinions, and court judgements, that can be referenced regarding shoreline structures.

**GB-2023-041**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request a report from Bylaw Enforcement on Shoreline Structures and Setbacks bylaw contraventions in the Gabriola Trust Area, as well as references to any relevant court decisions on the jurisdiction of the Islands Trust with regard to Shoreline Structures and Setbacks in the Trust Area.

**CARRIED**

**12.3 Municipal Regional District Tax (MRDT) - for discussion**

A Trustee summarized the tax and indicated that it might be considered as an appropriate source of revenue to fund a housing plan. It was noted that the RDN does not collect this tax and there is opportunity to discuss this with the RDN at the upcoming protocol meeting.

**GB-2023-042**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to enquire with the Regional District of Nanaimo regarding the Municipal Regional District Tax and the feasibility of a joint project with the Regional District of Nanaimo to collect funds for future affordable housing strategic planning and coordination, and be an item for discussion for a future protocol meeting.

**CARRIED**

**12.4 Gravel and Aggregate Extraction – for discussion**

A Trustee stated that there is community concern about the impact of gravel, sand, and rock extraction, including noise and dust from trucks, impacts on roads, and the amount of space the transport vehicles take up on the ferries. Discussion ensued.

**GB-2023-043**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee send a request for decision to Islands Trust Council for discussion in September on: a motion to request Staff to look at options and report back to Council on asking the Ministry of Transportation and Infrastructure, the Ministry of Forests, Lands and Natural Resource Operations, and the Ministry of Mines, to limit sand, gravel, aggregate and related road-building materials extraction to the use of such materials on the island to which an extraction permit applies.

**CARRIED**

**12.5 RDN Protocol Meeting**

Trustees were reminded that the Annual Protocol Meeting between the LTC and RDN is upcoming and to submit any topics for discussion to be added to the draft agenda.

**13. REPORTS**

**13.1 Climate Change Action Update - none**

**13.2 First Nations Relationship Building – none**

**13.3 Trust Conservancy Report - none**

**13.3.1 S'ul-hween X'pey (Elder Cedar) Management Plan - Danger Tree - for discussion**

Discussion ensued and Trustees summarized the following:

- A significant amount of correspondence was received.
- They are pleased with the resolution that was made at the May 30, 2023 Islands Trust Conservancy Board Meeting which seeks further opinion and recommendations on the matter.
- The Island Trust Conservancy staff will be publishing an article in the local newspaper for follow up to community concerns.

**13.4 Applications Report dated May 31, 2023**

Received.

**13.5 Trustee and Local Expense Report dated April 2023**

Received.

**13.6 Adopted Policies and Standing Resolutions**

**13.7 Local Trust Committee Webpage – no updates**

**14. WORK PROGRAM**

**14.1 Active Projects Report dated May 31, 2023**

Received.

**14.2 Future Projects Report dated May 31, 2023**

Received.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Thursday, July 20, 2023 at 10:30 am at the Gabriola Arts and Heritage Centre.**

**16. CLOSED MEETING closed at 11:39 am.**

**16.1 Motion to Close the Meeting**

**GB-2023-044**

**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) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the Recorder and Staff attend the meeting.

**CARRIED**

**16.2 Recall to Order**

The meeting was recalled to order at 12:30 pm.

**16.3 Rise and Report**

The Chair reported that the Gabriola Island Local Trust Committee appointed Jenni Gehlbach, Dylan Wallinger, Angela Pounds, John Woods, Ardyth Cooper, Emily Carson-Apstein, Steven Earle, and Felix Addison to the Gabriola Island Housing Advisory Planning Commission, commencing immediately for a term ending May 11, 2025.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:30 pm

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Peter Luckham, Chair

Certified Correct:

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Lisa Millard, Recorder