



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: September 14, 2023

Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

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

Staff Present: Renée Jamurat, Regional Planning Manager
Sonja Zupanec, Island Planner
Kathryn Martell, Ecosystem Protection Specialist
Narissa Chadwick, Island Planner, via Zoom
Warren Dingman, Manager Compliance & Enforcement
Lisa Millard, Recorder

Others Present: There were approximately 8 members of the public 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 Luckham called the meeting to order at 10:32 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations, and he introduced Trustees and staff.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT

Chair Luckham noted that there was nothing to report.

4. REPORTS

4.1 Trustee Reports

Trustee Yates reported the following:

- she attended a meeting in advance of the upcoming Ferry Advisory Committee (FAC) meeting, and noted that a letter had been written to the FAC requesting a special meeting to address safety issues including site alignment, lack of signage and lighting, and inadequate roadside shoulders

- she mentioned the significance of a recent court decision from Galiano Island in which forest land bylaws were determined to be relevant and will continue to stand
- as a member of the Regional District of Nanaimo (RDN) Area B Parks, Trails and Recreation Master Plan Advisory Committee she encourages the public to send in their comments regarding the master plan.

Trustee Elliott reported the following:

- she met with Islands Trust Senior Indigenous Relations Advisor, Robyn Heaslip Kefi, and will be working with her to set up a reconciliation learning group for Trustees
- she has attended two Executive Committee meetings, and will be attending the upcoming Union of BC Municipalities meeting
- she attended a recent Regional Planning Committee meeting and noted that the housing options tool kit has been developed
- she has been working with staff to develop materials for the Gabriola Official Community Plan (OCP) visioning process and noted she will be attending the fall fair to launch the community engagement visioning process
- she met with MP Elizabeth May and MLA Adam Olsen to discuss exploring First Nations led harbour authority for management of local waterways, and further noted that Elizabeth May has been providing input into Bill C33 regarding marine transportation, management of moorings, and freighter anchorages
- she continues to hold office hours
- she read from, and submitted for the minutes, a document titled “Reconciliation mandate and responsibilities for the Islands Trust candidate for Trustee, Tobi Elliott.

4.2 Chair's Report

Chair Luckham reported that he will be attending the upcoming Trust Council Meeting on North Pender Island, and highlighted the following topics that will be discussed:

- the development of a corporate planning framework
- revisiting, and finalizing an Islands Trust vision statement
- reviewing an ombudsperson report on the improvement of bylaw enforcement processes.

4.3 Electoral Area Director's Report

4.3.1 Electoral Area Director Report dated July 20, 2023

Electoral Area Director Vanessa Craig sent regrets that she was unable to attend the meeting, and provided an updated report by email.

4.4 First Nations Reports - none

5. PUBLIC COMMENTS

- A member of the public indicted that the documentation regarding the Official Community Plan (OCP) review did not make any mention of climate emergency. They stated that climate emergency should be fundamental to every part of community planning, and further

suggested that there should be a climate emergency advisory planning commission (APC) during the OCP review.

- The Chair and a Trustee both indicated that the in-scope aspect of the project will include climate emergency as an area of focus.
- A member of the public asked if there had been any progress regarding the Degnen Bay mooring file.
 - The Chair stated that advice had been received, and that bylaw enforcement was actively working on the file.
- A member of the public noted that the bylaw enforcement report related to item in 13.9 of the agenda indicated that rescinding the standing resolution on a moratorium on enforcement of non-licensed short term vacation rentals (STVR) was being proposed as an option for consideration, and they encouraged Trustees not to rescind proactive enforcement. They further commented that public education can be successful in addressing public issues.
- A member of the public noted a housing issue that does not get addressed is the demand for housing suited to an aging population and they hope that the LTC is aware of this need.

6. MINUTES

6.1 Local Trust Committee Minutes dated July 20, 2023 – for adoption

The following amendments to the minutes were presented for consideration:

- On page 2 of the minutes, in Trustee Yates report, in the second bullet point, add the phrase between 7:00 am and 11:00 pm between the words freighters and in order.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated September 6, 2023

Received for information.

6.3 Advisory Planning Commission Minutes dated August 14, 2023 - for receipt

Received for information.

6.4 Advisory Planning Commission Minutes dated September 29, 2023 - for receipt

Received for information.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated September 6, 2023

Discussion ensued regarding Crown Lease Referral GV-CL-2023.1.

GB-2023-067

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee ask Bylaw Enforcement Manager Warren Dingman to provide immediate advice on whether we can enforce our land use bylaw in regard to Crown Lease Referral GB-CL-2023.1

CARRIED

A Trustee stated that Snuneymuxw First Nation engagement regarding the OCP Review Project ideally occurs prior to community engagement. A Planner indicated that the process of engagement with First Nations is part of an ongoing discussion, and that the Islands Trust Senior Indigenous Relations Advisor would be consulted as part of that discussion. It was noted that the Snuneymuxw First Nation has an established process of engagement, and that Trustees will be requesting to attend as a delegation as part of initial introductions.

The meeting recessed at 11:47 am and reconvened at 12:15 pm.

8. APPLICATIONS AND REFERRALS

8.1 GB-DP-2021.1 (Centre Stage Holdings) - no civic address PID 003-134-806 - Staff Report

The Applicant was in attendance.

A Planner stated that the Staff Report was the same as the previous report reviewed by the LTC at the last regular business meeting.

Discussion ensued and the following points were made:

- The applicant has met the current requirements of a development permit application.
- The previous application for subdivision of the subject parcel is closed as the applicants are not proceeding with the subdivision layout originally proposed.
- There are concerns regarding the forest stand identified in Map B of the application overlays with sensitive archaeological sites.
- The LTC referral response indicated that the previous LTC was aware that the Snuneymuxw First Nation uses a consent-based process, and that consultation alone is not adequate.
- There is a difference between a development permit application and a subdivision application, and the matter before the LTC is the development permit application.

A Trustee asked if the matter could be deferred until the process of covenants and agreements regarding the archaeological sites are in place.

The meeting was recessed at 1:15 pm and reconvened at 1:22pm.

Stefan Cermak, Director of Local Planning Services joined the meeting at 1:22 pm.

Discussion ensued and Director Cermak noted that it is reasonable for the LTC to seek further information and defer the matter for a reasonable amount of time.

It was **MOVED**

that the Gabriola Island Local Trust Committee request that the Chair write a letter to the Archaeology Branch requesting confirmation of the agreements securing the covenants specifically protecting the Indigenous cultural heritage sites, and that this Local Trust Committee does not support development in this area until the Province and Snuneymuxw First Nation have reached agreement.

The motion was **NOT SECONDED**.

It was **MOVED**

that the Gabriola Island Local Trust Committee defers consideration of GB-DP-2021.1 until such time as the larger issues of protection of Snuneymuxw First Nation's cultural heritage sites are met.

The motion was **NOT SECONDED**.

GB-2023-068

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to report back about GB-DP-2021.1 as follows: discussion with the Archaeology Branch regarding the status of the subject area and any potential concerns it may have on issuance of a development permit; whether the development permit can be conditional to requiring an archeological covenant; and whether the Local Trust Committee has jurisdiction to issue a development permit on a known archeological site.

CARRIED

GB-2023-069

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee refer Development Permit 2021.1 to the Snuneymuxw First Nation for comment.

CARRIED

The Applicant requested that the following comments be recorded for the record.

- He senses that Trustee Elliott's position is that she will not support the development permit application, or any other application related to this property, without consent from the Snuneymuxw First Nation; and
- The archaeological sites are protected by legislation, and will be further protected by covenants, and that he finds the delay of the development permit process challenging.

8.2 GB-RZ-2023.1 (BC Ferries) - Staff Report

The Planner reviewed the staff report and stated confirmation that the Snuneymuxw First Nation wrote a letter to BC Ferries confirming that they are comfortable with the drafting of the rezoning bylaw and the legislative process taking place concurrently.

The applicant was present online and referred to late correspondence in which BC Ferries supported alternative recommendation 3 in the staff report.

GB-2023-070

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 316, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2023,” be read a first time.

CARRIED

GB-2023-071

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 317, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2023,” be read a first time.

CARRIED

GB-2023-072

It was MOVED and SECONDED

that Proposed Bylaw No. 316 and Proposed Bylaw No. 317 be referred to the following First Nations, Local Governments and agencies for comment:

- a. First Nations: Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Stz’uminus First Nation, Ts’uubaa-asatx First Nation.
- b. Local Governments and Agencies: Gabriola Advisory Planning Commission, Gabriola Ferry Advisory Committee, City of Nanaimo, Regional District of Nanaimo, Ministry of Transportation and Infrastructure, School District 68, Islands Trust Freshwater Specialist and the Gabriola Housing Advisory Planning Commission.

CARRIED

8.3 Response to the Crown Gravel Pit Referral - verbal update

It was noted that the subject property is zoned as Resource, and it would need to have a different zoning designation to operate as a gravel pit.

GB-2023-073

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to advise on a Standing Resolution regarding 60-day referral periods for crown lease referrals.

CARRIED

9. **LOCAL TRUST COMMITTEE PROJECTS**

9.1 **Major Project: Snuneymuxw Capacity Agreement for Ecological Protection Zone Project - Staff Report**

GB-2023-074

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to prepare an agreement between the Chief Administration Officer, on behalf of the Local Trust Committee and the Snuneymuxw First Nation, for capacity for work of up to \$2000 from the Ecological Protection Zone Project budget for the 2023-2024 fiscal year, to support Snuneymuxw staff to review the Ecological Protection Zone project and proposed bylaws with Islands Trust Planning staff.

CARRIED

9.2 **Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review - verbal update**

A Planner provided a verbal report and highlighted the following:

- The Project Charter for the first phase of the project supporting a community engagement phase has been approved
- Provincial requirements and previous engagement feedback will be looked at
- They are exploring how to proceed with First Nations engagement
- The Advisory Planning Commission (APC) has provided feedback on community engagement processes
- There is budget available to support facilitation of local group discussion in which there will be an application process to apply for funding.

Discussion ensued regarding the role of a steering committee which filters information from the APC to the LTC, and it was noted that the opportunity to invite the community to form specific working groups will come up as the process moves forward.

The Planner indicated that there is not a communications plan in place yet.

GB-2023-075

It was MOVED AND SECONDED

that the Gabriola Island Local Trust Committee request staff to prepare a communications plan with respect to the Official Community Plan Land Use Review Project for the next meeting.

CARRIED

10. **DELEGATIONS - none**

11. **CORRESPONDENCE**

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

11.1 Rugged Coast Letter of Support Request regarding Shoreline Marine Debris Clean Up

GB-2023-076

It was MOVED and SECONDED

“That the Gabriola Island Local Trust Committee request staff to provide a letter of support to Rugged Coast Research Society for their shoreline clean up activities held within the Gabriola Island Local Trust Area.”

CARRIED

11.2 Letter dated August 9, 2023 from Gabriola Land & Trails Trust regarding Request to Consider Portions of Rowan Way as a Development Permit Area

Discussion ensued and a Planner indicated that development permit application (DPA) requirements are established through OCP bylaws and that development approval information (DAI) bylaws define the type of reports and information needed. Establishing a new DPA can be looked at in terms of other bylaws that need to be updated.

GB-2023-077

It was moved AND SECONDED

that Gabriola Island Local Trust Committee request staff to remove the wording include “new Development Approval Information Bylaw” under Active Project number 3 and prioritize it as the next minor project after the ecological zone amendment.

CARRIED

11.3 Regional District of Nanaimo - Update on Regional Growth Strategy

Received for information.

11.4 Letter dated July 5, 2023 from Navigation Canada regarding Flight Path Changes

The Chair indicated he will review the response letter when he receives it.

11.5 Email dated July 12, 2023 from B. Nixon regarding Degnen Bay

Received for information.

11.6 Letter dated August 3, 2023 from J. Shillingford regarding Summer Rain Water Delivery

Received for information.

11.7 Letter dated August 31, 2023 from D. Bouvier regarding Summer Rain Water Delivery

Received for information.

11.8 Email dated August 3, 2023 from J. Graham regarding Development Permit Application GB-DP-2021.1 (Centre Stage Holdings)

Received for information.

11.9 Email dated August 31, 2023 from G. Wishart regarding Development Permit Application GB-DP-2021.1 (Centre Stage Holdings)

Received for information.

11.10 Letter dated September 1, 2023 from Snuneymuxw First Nations to BC Ferries Corp.

Received for information.

12. NEW BUSINESS- none

13. REPORTS

13.1 Trust Conservancy Report dated – none

13.2 Applications Report dated September 6, 2023

Received for information.

13.3 Trustee and Local Expense Report dated July 2023

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

- Add letter dated August 9, 2023 from Gabriola Land & Trails Trust regarding Request to Consider Portions of Rowan Way as a Development Permit Area.
- Add Email dated July 12, 2023 from B. Nixon regarding Degnen Bay.

13.6 Climate Change Action Update

Received for information.

13.7 First Nations Relationship Building Update

Received for information.

13.8 Koontz Natural Area Protection Tax Exemption Program (NAPTEP) Application – Briefing

Kathryn Martell, Ecosystem Protection Specialist was in attendance and noted that the Conservancy Board has accepted the proposal to place a covenant and it is proceeding to Trust Council for consideration.

13.9 Bylaw Enforcement Update on Short-Term Vacation Rentals - Staff Report

Warren Dingman, Manager Compliance & Enforcement summarized the report and highlighted the following:

- Most of the complaints received have been from 2 complainants
- Over a 10-year period, there have been less than 10 open files at any one time

- Over the past year, several lawful bed and breakfast businesses have received complaints
- In his opinion, there has not been an increase in STVRs.

Trustees stated that proactive enforcement is effective and should be continued.

13.10 Census Infographics – Briefing

Received for information.

13.11 Advisory Planning Commission Update on Call for Members - Staff Report

GB-2023-078

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to send letters to members of the Advisory Planning Commission whose terms will expire on October 24, 2023, thanking them for their participation and inviting their expressions of interest for reappointment for another two-year term; and advertise for public expressions of interest for new members.

CARRIED

14. WORK PROGRAM

14.1 Active Projects Report dated September 6, 2023

Received for information.

14.2 Future Projects Report dated September 6, 2023

Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, October 26, 2023 at 10:30 am at the Gabriola Arts and Heritage Centre.

16. CLOSED MEETING

GB-2023-079

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) and (f) for the purpose of considering:

- (d) the security of the property of 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 2:55 pm.

The Chair rose and reported that the LTC adopted the minutes of the July 20, 2023 in-camera meeting.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:04 pm.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder