



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: October 26, 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: Sonja Zupanec, Island Planner
 Narissa Chadwick, Island Planner, via Zoom
 Margot Thomaidis, Island Planner 2
 Warren Dingman, Compliance and Enforcement Manager
 Lisa Millard, Recorder

Others Present: There were approximately seven (7) 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 10:30 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following changes and additions to the agenda were presented for consideration:

- Move the In Camera Meeting to follow the first public comments.
- Add item 11.3 Movie Dust N' Bones

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Elliott reported the following:

- She attended the Union of BC Municipalities (UBCM) annual conference;
- She has been working with staff to develop communication materials for the Gabriola Visioning Engagement process; and
- The Reconciliation Learning Group held its first meeting on October 2, 2023.

Trustee Yates reported the following:

- She congratulated Mike Richards on his new role as the Islands Trust Conservancy Strategic Funds Development Specialist;
- She attended the Trust Council, Island Trust Conservancy and Financial Planning Committee meetings;
- She noted that the Gabriola Health and Wellbeing Study was released on October 11, 2023;
- She attended the Regional District of Nanaimo (RDN) Master Parks, Trails and Recreation meeting and noted that she has requested that the RDN replace the driveway chips on the village pathway with path pack instead of asphalt as planned.

3.2 Chair's Report

Chair Luckham reported the following:

- He attended the UBCM annual conference; and
- He attended the recent Trust Council Meeting.

3.3 Electoral Area Director's Report

3.3.1 Electoral Area Directors Report dated September 14, 2023

Written report included in agenda

3.4 First Nations Reports – none

4. PUBLIC COMMENTS

A member of the public stated they are concerned about the rules supporting the approval of Development Permit application GB-DP-2021.1, and that these rules were not written in collaboration with First Nations. They noted that there is a protocol agreement between the Snuneymuxw First Nation (SFN) and the Gabriola Island Local Trust Committee (LTC) and requested that the LTC delay making any decision about the application until the SFN has indicated that the permit to cut trees will not negatively affect the cultural and spiritual importance of the proposed area. The speaker further stated that if the LTC approves the application it should include a requirement that a Heritage Conservation Act permit be obtained, and that ongoing monitoring of the tree cutting by an SFN archaeologist be allowed.

The meeting was closed to the public to go to an in-camera meeting at 11:03 am.

The regular meeting was recalled to order at 11:51 am.

5. MINUTES

5.1 Local Trust Committee Minutes dated September 14, 2023 – for adoption

On page 8 of the Minutes, Item 11.2, Motion GB-2023-077, it should state Development Approval Information Bylaw not Development Permit Applications.

By general consent the minutes 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 October 18, 2023

Received for information.

Margot Thomaidis, Island Planner 2 arrived at 12:00 pm.

7. APPLICATIONS AND REFERRALS

7.1 GB-TUP-2023.3 (Moore) - 1115 Jeanette Ave. - Staff Report

7.11 Letter of Intent dated October 24, 2023 from A. Moore

A Planner reviewed the staff report and noted the following:

- The applicant has met the guidelines required for the Temporary Use Permit (TUP);
- The existing well testing is acceptable according to the TUP guidelines;
- The applicant has addressed outstanding issues noted on the home inspection report; and
- Staff have not received any public correspondence regarding the application.

The applicants were present at the meeting and advised that they have hired local cleaners and a commercial property manager, all of whom reside on Gabriola.

Discussion ensued and the Trustees made the following points:

- It is desirable to create long-term rental housing; however, the applicant's letter of intent provides explanations of why a long-term rental is not an option for them;
- It was clarified that there are not any other approved TUPs within the same neighbourhood;
- It is recommended that the guest information package include expanded information on First Nations connection to the area; and
- There is some concern about the fire pit on site and it was suggested that relevant regulations regarding fires and permit requirements be included for guest information.

GB-2023-081

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GBTUP-2023.3, subject to the conditions imposed by the permit, for a 36-month term starting from the date of issuance.

CARRIED

7.2 GB-DP-2021.1 (Centre Stage Holdings) - no civic address PID 003134-806 - Staff Report

Chair Luckham stated that the application will be delayed for a further 30 days because the LTC has not yet received previously requested information from staff.

The applicant was in attendance and asked if the LTC had sent a referral letter to the SFN and if there was a timeline to respond. The Chair confirmed that the letter had been sent and they were waiting for a response.

The applicant made the following comments:

- In response to concerns about the accuracy of the steep slopes data, he noted that site inspections done with engineers and a geo hazard report mapping the slopes both confirm that there is minimal land graded at 80% or higher;
- There are several inaccuracies in an April 14, 2021 letter including that work was performed on the site without the knowledge of the Heritage Branch, that work was not stopped voluntarily, and that artifacts had been disturbed. This letter forms part of the public record and contains inaccurate information and the applicant will submit information that disputes each of these claims;
- The covenants will be registered at the time of subdivision as required; and
- They are bound by the obligations of the Heritage Protection Act.

The Chair indicated that all information that the applicant is referencing can be provided to staff who will then provide it to the LTC for review.

Warren Dingman, Compliance and Enforcement Manager, arrived 12:52 pm to discuss item 12.8.

The meeting was recessed at 1:06 pm for a break and reconvened at 1:33 pm.

Narissa Chadwick joined the meeting at 1:30 pm.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Official Community Plan Review - Community Engagement Plan - Staff Report

The Planner summarized the staff report and discussion ensued. The following points were noted:

- The LTC endorsed Option 2 with the addition of a structure of a community-led engagement process;
- There has been an open call for submissions for the community to access funds to host engagement meetings / events and a variety of groups have put in applications for funding;
- The LTC has received feedback from two Advisory Planning Commission meetings held to discuss the engagement process;

- The website will continue to be a place for residents to get information about the project;
- A survey about the process will be posted on the website and sent out to community organizations;
- The visioning phase will inform the Official Community Plan (OCP) review;
- There will be a community information meeting held in April;
- Water balance mapping is critical to the land use bylaw (LUB) planning phase and this mapping has been written into the budget request, while existing water recharge mapping and saltwater intrusion mapping will be also be used as part of the process; and
- As the communications phase of the project moves along, details related to regulation and policy will be noted for reference when moving from the OCP review to the LUB review.

GB-2023-082

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the Community Engagement Plan for the Official Community Plan and the Land Use Bylaw Review Project.

CARRIED

GB-2023-083

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee request staff schedule a special meeting before the end of 2023 to discuss issues related to the Official Community Plan and Land Use Review Project engagement process and next steps.

CARRIED

9. DELEGATIONS – none

It was noted that Delegations should be scheduled at time of public comments early in the meeting.

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Request for Guidance and Direction from the Provincial and Federal Governments with Regards to the Protection of Indigenous Cultural Heritage on Gabriola Island in Land Use Decisions - Trustee Elliott for Discussion

Trustee Elliott summarized that there are responsibilities of local government to uphold principles related to the Declaration Act; however, there are limitations to the processes

that local government can undertake. Further, legislative reform can take several years and perhaps there are other processes that the provincial government can help local governments with so that local government can stay in good relationship with First Nations.

GB-2023-084**It was MOVED and SECONDED**

that the Gabriola Local Trust Committee draft a letter to formally request the Provincial and Federal governments' support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development. In the absence of clear legislation and guidelines to support local governments' obligations to international, national and provincial frameworks, interim guidance and direction from the Province would be welcome, to ensure the Islands Trust can fulfill its obligations and duties to the preservation and protection of sacred cultural heritage sites.

CARRIED**GB-2023-085****It was MOVED and SECONDED**

that the Chair of the Gabriola Island Local Trust Committee work with staff to write to seek support from Snuneymuxw First Nation and to understand if there would be interest in working on a joint call to the Provincial and Federal government to request support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development.

CARRIED**11.2 Elected Officials Coffee Chats - Trustee Elliott for discussion**

Trustee Elliott noted that there are limited ways to inform the public about the governance relationship between the RDN and LTC. Discussion ensued.

GB-2023-086**It was MOVED and SECONDED**

the Gabriola Island local trust committee request staff to explore Local Trust Committee budget options for periodic, informal community discussions, jointly hosted by local Trustees and Regional District of Nanaimo Director Vanessa Craig, to discuss topics of interest with community members about local governance, land use planning and the work of our respective agencies, estimating funding of up to \$300 per meeting to cover communication, live streaming, recording, refreshments and advertising for each event.

CARRIED**11.3 Movie Dust n' Bones**

GB-2023-087

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee requests the Executive Committee to approve funds from the History and Heritage Grants in Aid program for a screening of the movie Dust n Bones, with reconciliation and cultural heritage-oriented discussions, on Gabriola in winter/spring 2023/2024.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated October 18, 2023

Received for information.

12.3 Trustee and Local Expense Report dated August, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Updates as discussed as part of the OCP review project.

12.6 Climate Change Action Update

Received for information.

12.7 First Nations Relationship Building

No new items.

12.8 Standing Resolution on Enforcement of Non-Compliant Dwellings - Staff Report

Warren Dingman, Compliance and Enforcement Manager, summarized the Staff Report and highlighted the following:

- There have been three new files opened since the standing resolution was adopted;
- All three files are related to travel trailers;
- The adoption of the resolution has not resulted in a higher number of complaints; and
- There are no trends towards an increase in non-compliant dwellings.

Discussion ensued and Trustees received the report for information.

12.9 Standing Resolution Regarding Response Extension for Crown Application Referrals - Staff Report

Received for information.

13. WORK PROGRAM

13.1 Active Projects Report dated October 18, 2023

A Trustee inquired as to why the development of an ecological protection zone was being applied only to the Elder Cedar Nature Reserve when the original intent was for the zone to be a holding zone and three properties had been identified as suitable for this zoning. A Planner noted that the project had evolved over a number of years with LTC involvement, that there were several staff reports that highlighted issues related to the other two properties, and that the zone can be applied to other lands, with amendments as applicable, in the future.

13.2 Future Projects Report dated October 18, 2023

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, November 30, 2023 at 10:30 am at the Gabriola Arts and Heritage Centre

15. CLOSED MEETING

The meeting was closed to the public at 11:03 am.

15.1 GB-2023-080

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)(g) for the purpose of considering:

- *(g) litigation or potential litigation affecting the municipality; and that the Recorder and Staff attend the meeting.*

CARRIED

15.2 Recall to Order

The meeting was recalled to order at 11:51 am.

Chair Luckham rose and reported that a legal opinion was received and reviewed.

16. ADJOURNMENT

By general consent the meeting was adjourned at 3:13 pm.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder