



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: March 21, 2024
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Members Present: Peter Luckham, Chair
Susan Yates, Trustee

Regrets: Tobi Elliott, Trustee

Staff Present: Stephen Baugh, Island Planner
Narissa Chadwick, Island Planner, via Zoom
Warren Dingman, Bylaw Compliance & Enforcement Manager
William Shulba, Freshwater Specialist, via Zoom
Lisa Millard, Recorder

Others Present: There were approximately 11 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

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Yates reported the following:

- She attended the Gabriola Arts Council 2050 Visioning meeting;
- She attended a special Local Trust Committee meeting with Snuneymuxw First Nation representatives Elder Geraldine Manson, Executive Advisor to the Chief Erralyn Joseph, and Lands Clerk Hannah Paulson;
- She attended a Regional District of Nanaimo meeting focussed on the draft master advisory plan for parks and recreation;

- She attended an Islands Trust Conservancy board meeting in which input was received from Ken Thomas of the Penelakut Tribe in preparation for updating the Conservancy's five-year plan to ensure adequate engagement with First Nations; and
- She noted that the Islands Trust budget passed at Trust Council and she was pleased that funds have been provided for a water balance study.

Trustee Elliott provided a written report as follows:

- She is absent from the meeting today while she attends a conference hosted by Ahousaht First Nation focused on developing strategies for food security and sovereignty for all Nations across Vancouver Island;
- She will continue holding office hours;
- She noted Wil Cottingham's upcoming retirement from her administration position in the Northern Office and thanked Wil for her contributions;
- She will attend the September Trust Council meeting being held on Gabriola;
- She did an interview with CHLY radio about Trust Council, Gabriola's Official Community Plan review, and why water balance is critical to land suitability analysis for planning;
- She will be attending an upcoming Association of Vancouver Island Coastal Communities convention during which she will advocate for the Islands Trust's resolution to request that the province revise the guidelines and update the manual on composting toilets and grey water;
- She attended a spring gathering with the Culturally Committed group during which Beau Wagner, who carved the traditional canoe with the Gabriola school children in 2021-22, shared the importance of x'pey (cedar) while they made cedar bracelets; and
- She will be attending the upcoming Official Community Plan community meeting.

3.2 Chair's Report

Chair Luckham stated he participated in the recent Trust Council session which included budget deliberations and approval, attendance at a workshop on the goals and priorities of Islands Trust, and attendance at a session focused on communications surrounding the launching of the Islands Trust policy statement.

3.3 Electoral Area Director's Report

Electoral Area Director Vanessa Craig was in attendance and stated that she had submitted a report electronically. She also noted the Ministry of Transportation and Infrastructure indicated that they had posted information about the roadside verge brushing on Gabriola, and that brushing, versus mowing, occurs every three years. Further follow-up is forthcoming as there was limited awareness of this notice being given.

3.4 First Nations Reports - none

4. PUBLIC COMMENTS

A member of the public stated the following:

- They live near the property that has a Temporary Use Permit application being heard today;
- The roadway map erroneously shows a connection all the way to Norwich Road; however, the road stops at the applicant's property and turns into a very narrow roadway that is maintained by local property owners;
- There have been occasions when the driveway access has been blocked; and
- There is very little parking available on the applicant's property.

The same member of the public asked if a permit allows for a commercial rental or if it is restricted to a vacation rental.

- The Chair replied that a Temporary Use Permit allows for non-permitted use, and a commercial rental could be a possibility under the permitting guidelines.

5. DELEGATIONS

5.1 Rob Griesdale & Erica Nassichuk regarding Provincial Short-Term Vacation Rentals Legislation

Erica Nassichuk was not in attendance.

Rob Griesdale made the following points:

- They have a Temporary Use Permit for a short-term vacation rental and the permit is up for renewal;
- They use the property as a residence;
- They believe short-term vacation rentals offer a lot of benefit to the community;
- Banning short-term rentals will not necessarily turn those rentals into long-term housing stock;
- Their guests spend approximately \$500 (five hundred dollars) in the community during their stay;
- They employ a local cleaner;
- They rent to a variety of individuals including tourists, whale researchers, guests of local families, trades people, and BC Hydro employees;
- Gabriola hotels do not provide enough rooms to meet the demand;
- The Temporary Use Permit process allows the Local Trust Committee to oversee short-term rentals to ensure they are operating for the benefit of the community; and
- They believe that short-term vacation rental owners that are operating without a permit will not be deterred by a ban on vacation rentals.

Trustee Yates responded with the following observations:

- She understands that curtailing short-term rentals might not lead to more long-term rentals;
- There is concern that there is a trend of individuals purchasing housing stock specifically to be used as vacation rentals, which has caused a false rise in real estate prices.

- Gabriola can only support a limited number of short-term rentals, particularly in areas with water problems; and
- While some employment can be gained due to short-term rental operations, there is a lack of housing for the individuals performing the work.

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated April 28, 2023 - for adoption

By general consent the Local Trust Committee Special meeting minutes of April 28, 2023 were adopted.

6.2 Local Trust Committee Minutes dated February 22, 2024 – for adoption

By general consent the Local Trust Committee meeting minutes of February 22, 2024 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report - none

6.4 Housing Advisory Planning Commission Minutes dated February 22, 2024 - for receipt

Received for information.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated March 13, 2024

Received for information

8. APPLICATIONS AND REFERRALS

8.1 GB-TUP-2023.5 (Godfrey and Georgiev) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application is for a commercial vacation rental within a single-family dwelling;
- The applicants plan to use the property as their principal residence, and leave the property when it is being used by guests;
- The property previously operated as a bed and breakfast;
- A commercial vacation rental allows guests to use the kitchen and up to three bedrooms versus two bedrooms that are allowed in a bed and breakfast;
- The applicant has submitted a referral to Snuneymuxw First Nation and a response has not been received yet; and
- Staff are requesting direction from the Local Trust Committee regarding water and privacy screening.

The applicants are in attendance and made the following comments:

- To conserve water they did a water flow test for a ten second interval only;
- The well supplies three households and the gallons per minute rating is substantial enough to support the use;
- They have a large cistern on a well water trickle system;

- One of the applicants has lived on the property full-time for two years and often has up to ten guests throughout the summer, there is a large bathtub that is filled twice per day, a garden that is watered daily, plus a hot tub and there has been ample water to supply this use;
- Short-term vacation rental use will result in less water used in the summer than what is used currently;
- They received a response from the Snuneymuxw First Nation indicating they would receive a referral response this week;
- In response to letters received from neighbours, they note that there was a parking issue that they have attempted to correct, they understand the challenges associated with the proximity of another neighbour's driveway, they are happy to work with neighbours regarding water rights and use, and there is limited traffic on the road;
- The house has also been used by individuals needing longer term accommodation while searching for property to buy;
- Short-term accommodations could support the tourism economy;
- They have received a quote on grading the road and hope that neighbours will be interested in having the work done and sharing the cost;
- They are willing to investigate privacy screening;
- They have tried to be proactive regarding parking and the Surf Lodge has agreed to let them use some parking, if needed; and
- They are happy to address any concerns.

Islands Trust Fresh Water Specialist William Shulba commented as follows:

- He worked with the Planner on crafting the recommendation that the applicant obtain a proof of water report from a professional hydrology specialist;
- If the Local Trust Committee requires proof of water for any application it should be done by a professional; and
- Proof of water should not be a subjective process.

The applicant enquired if the Local Trust Committee recommends who performs the water test.

Chair Luckham replied that:

- The applicant is responsible for selecting a professional to perform the testing, and that professional would specify how proof of water is determined, as well as ensuring the test is conducted to their professional standard;
- If the well is shared, he assumes that there is a water board responsible for management of the water supply; and
- The Local Trust Committee takes the needs of all users of the well into consideration.

Trustee Yates commented as follows:

- There are water concerns because three households use the well;
- The cisterns are not rainwater catchment cisterns but fed from the well;

- Neighbours have indicated concern about parking, noise, and privacy issues;
- The home is in a small neighbourhood;
- Privacy screening might be made a requirement of the Temporary Use Guidelines for the property; and
- She would like to see the referral response from the Snuneymuxw First Nation.

GB-2024-019

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request the applicant provide a proof of water report from a professional engineer or geoscientist with competency in hydrogeology in consideration of the Temporary Use Permit Guidelines from the Gabriola Island Official Community Plan.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review: Housing Advisory Planning Commission Housing Policy Review Recommendations Report Presentation

Steve Earle, Chair of the Housing Advisory Planning Commission, stated that any proposed recommendations that result in an increase in density need to be based on site-specific parameters, including water availability, septic capacity, and ecosystem preservation, and any limitations to the number of residents on an existing property and on a new development should be considered based on these factors rather than on familial relationships.

Mr. Earle summarized the recommendations report, which asks that the Local Trust Committee:

- Request that Trust Council lobby the provincial government to extend the Speculation and Vacancy Tax to the Gabriola Island Trust Area,
- Make changes to allow increased density in the Village Core area by increasing the permitted number of dwelling units on all parcels over 1 hectare;
- To increase the number of allowed residential units within commercial developments, and that the number of units should be proportional to the commercial floor area;
- Proactively up-zone suitable properties in the Village Core area to allow for market rate multi-family residential development with stipulation that a proportion of dwellings must be rented below market value;
- Increase options for additional residences in all parts of the island by expanding the types of properties where secondary suites and accessory dwelling units are permitted;
- Do what is needed to make alternative dwelling units, that meet provincial and federal construction standards, possible either on their own or in addition to a primary residence;

- Create zoning for clusters of manufactured, tiny, and mobile homes that meet provincial and federal construction standards; and
- Create a way to allow bare-land stratification of a property that already has a dwelling.

Discussion ensued and it was noted that the Regional District of Nanaimo would have jurisdictional authority to collect the vacancy tax; however, the tax would not necessarily be directed to Islands Trust housing programs. This topic will be discussed at the upcoming Association of Vancouver Island and Coastal Communities conference.

9.2 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review: Gabriola 2050 Engagement - verbal update

Planner Chadwick provided a verbal update and highlighted the following:

- They have been working through phase one of the Official Community Plan project which has included the Gabriola Visioning 2050 community-led engagement events with over 700 (seven hundred) individuals participating in the process; and
- A community meeting will be held on Saturday, March 23 which will focus on sharing the key values and goals that have emerged from the data received to date, and the meeting will provide the opportunity for community members to discuss processes that can support some of the visions and goals.

The meeting recessed for a break at 12:15 p.m. and reconvened at 12:45 p.m.

10. CORRESPONDENCE

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

10.1 Email dated February 27, 2024 from P. Brent regarding Secondary Suites

Received for information.

11. NEW BUSINESS

11.1 Gabriola Commons Covenant - verbal discussion

The Planner stated that the Local Trust Committee had previously requested that staff obtain a legal review of the covenant; however, a budget for the review was not established. Staff have received an estimate of costs which will require approval from the Executive Committee.

GB-2024-020

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the Executive Committee approve up to \$4,500 (four thousand five hundred dollars) for the legal review of a covenant, to be charged to the Gabriola Island Local Trust Committee budget.

CARRIED

11.2 Advertising Trustee Hours in the Gabriola Sounder Newspaper - verbal discussion

The Planner advised that more information is required to review the request.

GB-2024-021

It was MOVED and SECONDED

that the Gabriola Local Trust Committee request staff to bring back to the next Local Trust Committee meeting advice about the communications budget for advertising in the Gabriola Sounder newspaper.

CARRIED

12. STAFF REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated March 13, 2024

Received for information.

12.3 Trustee and Local Expense Report dated January, 2024

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 First Nations Relationship Building Update

The Local Trust Committee is planning a second meeting with Snuneymuxw First Nation leadership members.

12.6 Climate Change Action Update - none

12.7 Local Trust Committee Webpage - none

13. WORK PROGRAM

13.1 Active Projects Report dated March 13, 2024

Received for information.

13.2 Future Projects Report dated March 13, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, April 18, 2024 at 10:30 am at the Gabriola Arts and Heritage Centre

15. CLOSED MEETING

15.1 Motion to Close the Meeting

GB-2024-022

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) (f)&(i) for the purpose of considering:

- (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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

and that the Recorder and Staff attend the meeting.

CARRIED

The recorder declared a potential conflict of interest and left the meeting at 12:55 p.m.

The regular meeting was closed to the public at 12:55 p.m. and reconvened at 1:12 p.m.

15.2 Recall to Order

The recorder returned at 1:13 p.m.

Chair Luckham reported that In-Camera meeting minutes were adopted and that they received a legal opinion.

16. ADJOURNMENT

By general consent the meeting was adjourned at 1:13 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder