



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: July 29, 2021
Location: Electronic Meeting

Members Present: Dan Rogers, Chair
Kees Langereis, Local Trustee
Scott Colbourne, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Sonja Zupanec, Island Planner
Teresa Mahikwa, Island Planner
Ian Cox, Planner 2
Warren Dingman, Bylaw Enforcement and Compliance Manager
Wil Cottingham, Administrative Assistant
Nadine Mourao, Recorder

Others Present: There were approximately ten (10) 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 10:34 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

The following additions to the agenda were presented for consideration:

- Add 3.5 Governance and Management Review Select Committee Interview Process Update; and
- Add 6.4 Report on Commercial Vacation Rental Enforcement.

By general consent the agenda was approved as amended.

2.1 Rise and Report - regarding Closed Meeting held June 17, 2021

Adopted in-camera minutes of Local Trust Committee meeting of May 13, 2021, appointed Jacinthe Eastick to the Gabriola Housing Advisory Planning Commission and approved a motion to write to the Development Approval officer of the Ministry of Transportation and Infrastructure (MoTI) regarding the Centre Stage subdivision.

3. REPORTS

3.1 Trustee Reports

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

- Available at Wednesday's Farmers Market, online events, paddle event etc. for 'Food for Thought' project;
- Snuneymuxw First Nations protocol meeting;
- Gabriola Arts Council Equity, Inclusion, and Diversity project;
- The Haven Equity, Inclusion, and Diversity program; and
- Climate Caucus meeting.

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

- Special Trust Council (TC) meeting;
- Discussions with community members regarding ferry overloads and water issues;
- Webinar from Raincoast Conservation Foundation on Tree Protection and the Islands Trust; and
- Video on Development Permit Areas (DPA).

3.2 Chair's Report

Chair Rogers reported the following:

- Special TC meeting;
- Executive Committee (EC) meeting;
- Two Snuneymuxw First Nation protocol meetings;
- Noted agreement between the Province and Federal Government regarding an agreement with Snuneymuxw First Nations;
- Webinar from Raincoast Conservation Foundation on Tree Protection and the Islands Trust; and
- EC meetings in August and September.

3.3 Electoral Area Director's Report

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

- RDN is developing a new Parks and Trails Strategic Plan with public engagement this Fall;
- Construction on Huxley Park will begin this Fall;
- RDN is recruiting a Bylaw Enforcement Officer;
- There are significant Building Permit Applications backlog at the RDN, they are recruiting new inspectors;
- Community Wildlife Resiliency Plan webinar on August 26
<https://www.rdn.bc.ca/get-involved-rdn>;
- Mandatory separation of waste, recycling, and compost feedback and webinars at <https://www.rdn.bc.ca/get-involved-rdn>; and
- Emergency Management Plan discussions.

Trustees noted interest in a Protocol meeting with the Local Trust Committee (LTC) and the RDN.

GB-2021-065

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to enquire regarding a protocol meeting with the Gabriola Island Local Trust Committee and the Regional District of Nanaimo for this Fall.

CARRIED

3.4 First Nation Reports

Chair Rogers noted that he is enrolled in a 10 week course through the University of Alberta on Indigenous History, which is free online

<https://www.ualberta.ca/admissions-programs/online-courses/indigenous-canada/index.html>

3.5 Governance and Management Review Select Committee Interview Process Update

Discussion ensued and the following was noted by Trustees:

- Interested inclusion of Planner's knowledge and voices representing the island who are conversant on the running of Islands Trust (IT);
- Direct planning Staff and/or Island Planner should be included in process; and
- Chair to write request email and include Chair of the Governance and Management Review Select Committee.

GB-2021-066

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that Island Planner Sonja Zupanec, if willing, receives an interview for the Governance and Management Review Select Committee Interview process.

CARRIED

4. TOWN HALL

A member of the public requested that the LTC deny the application for a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) on Tinson Point, as the neighbourhood is small and houses and cabins in existence are for families that contribute to the social fabric on Gabriola, not for converting to modern luxury homes for vacation rentals. They supported affordable housing for local community members who are desperate for housing and requested Trustees strengthen the Official Community Plan (OCP) and zoning bylaws for STVR applications to provide affordable housing in the Trust Area.

A member of the public requested that Trustees not support the application for an STVR on Tinson Point as the majority of neighbours are in opposition to the application. They requested Trustees question the applicant whether they are currently under operation and taking rentals and asked what enforcement is around current illegal STVRs on the island.

A member of the public requested Trustees support their petition to developers of Silva Bay to preserve Silva Bay Shipyard, as it is critical to the recreational boating community to have these services on island.

A member of the public spoke on behalf of more than 30 residents in the neighbourhood of Tinson Point who do not support the application for a TUP for a STVR. They noted the

implications on housing, safety, ecology, historical and current responsibilities to land and noted that STVRs are not the way to steward this island into the future.

A member of the public noted their concerns with the Staff report on the Gabriola Housing Options and Impacts project and the draft business case for a multi-year planning project that lacks community review and concrete short term initiatives. They noted that developments should have priority of preserving the environment, asked what the terms of reference for a task force would be, and recommended that the LTC set the bar for mid and long term actions. They also noted their support for restricting STVRs.

A member of the public voiced their opposition to the STVR on Tinson Road, noting concerns with the rainwater collection system's capacity to supply enough rental water needs and questioned if the well was operational, as it is located close to the septic system.

Trustee Langereis declared that he had a potential conflict of interest with the upcoming item, due to the fact that he was a Director of Gabriola Island Recycling Organization (GIRO) prior to being elected as a Trustee.

Trustee Langereis left the meeting at 12:00 pm.

A member of the public spoke regarding GIRO, and noted that they have a well and they supported a bylaw amendment process to add industrial use to the zoning. They did not support waiving the public hearing and felt the Land Use Bylaw (LUB) amendment was procedurally incorrect.

Trustee Langereis returned to meeting at 12:04 pm.

5. MINUTES

5.1 Local Trust Committee Minutes dated June 17, 2021 – for adoption

The following amendments to the meeting minutes of June 17, 2021 were presented for consideration:

- Page 6, The Applicants noted the following points section, 2nd bullet, add the word 'not' before 'decommissioned the well' as the well is not decommissioned.

By general consent the meeting minutes of June 17, 2021 were adopted as amended.

5.2 Local Trust Committee Public Hearing Record dated June 17, 2021- for receipt

Received.

5.3 Section 26 Resolutions-Without-Meeting Report dated July 21, 2021

Received.

5.4 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated July 21, 2021

Received.

6.2 Social Needs Assessment - Regional District of Nanaimo Presentation

Kim Fowler from RDN provided a presentation regarding the RDN Social Needs Assessment and Strategy process and noted the following points:

- Assessment report was to identify gaps and guide future planning for access to social supports;
- RDN and LTC do not provide these social supports, it is a provincial government responsibility, local governments struggle to address these issues; and
- This assessment is a precursor for additional funding.

6.3 Social Needs Assessment - Memorandum

Received.

6.4 STVR Enforcement Update

Warren Dingman, Bylaw Enforcement and Compliance Manager noted:

- There were 13 open bylaw enforcement files for STVRs with 10 bylaw notices issued and several will be escalated due to non-compliance;
- AirBnB and VRBO websites are regularly reviewed; and
- The current application for a TUP for STVR on Tinson Point is not subject to bylaw enforcement.

By general consent the meeting was recessed at 12:38 pm and reconvened at 1:15 pm.

7. APPLICATIONS, REFERRALS AND BYLAWS

7.1 Cannabis Regulations - Bylaw No. 303 - Staff Report - consideration of further readings

Regional Planning Manager Kauer provided an overview of the report which recommended that the Gabriola Island Cannabis Production Bylaw No. 303 be given 2nd reading, as amended, 3rd reading, and forwarded to the EC and noted the following:

- No further comments and referrals have been received to date; and
- Staff brought forward minor amendments due to grammar.

The following points were noted by Trustees:

- On page 2 of 3 of the Bylaw No. 303 Schedule 1, a comma is missing in the definition of cannabis production, there should be a comma after 'Cannabis Act' and before 'and'; and
- Interested in deferring until regular LTC meeting in September to give Snuneymuxw First Nations more time for referral response,

GB-2021-067

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to defer further readings of Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019", to the next Gabriola Island Local Trust Committee meeting in September 2021.

CARRIED

7.2 GB-TUP-2021.1 (Plotnikoff and Penner - 376 Tinson Rd) - Additional Information Request

Planner Cox summarized the report which asked the LTC to consider issuance of GB-TUP-2021.1 and noted the following key points:

- Correspondence has been received, many in opposition with legitimate and ongoing community concerns;
- Applications for TUPs are considered on their own merits for each application; and
- The difference between a Bed and Breakfast (B&B) and a STVR is that a B&B has a resident property owner managing the B&B and the STVR could have a manager living elsewhere on the island.

Discussion ensued and the following was noted by Trustees:

- Key issues include water, neighbourhood correspondence, intensification of use for close proximity half acre properties, effects on community rental properties, and technical concerns;
- Interested in deferring further consideration of application until comprehensive review of the Gabriola OCP to focus on pandemic related housing concerns and loss of rental housing stock;
- Interested in denying application, rather than deferring; and
- Concern about lack of community affordable rental housing and ecological impact and protection.

Applicant Nadine Plotnikoff and Siegfried Penner noted the following:

- There is enough water stored on site to support a STVR;
- Siegfried is a builder and the intent of the property website was to act as a business card for promotion of his company, not to advertise for renters;
- Have spoken to immediate neighbours and they are in support;
- Concerned that larger community affordable housing issues were being added into the discussions, requested that Trustees consider the application on its own merits;
- The property is their dream home, they will take all appropriate steps to vet potential renters to ensure the integrity of their home and neighbourhood; and
- The rental has not been advertised.

GB-2021-068

It was MOVED and SECONDED

that in response to the ongoing ecological and housing crisis on Gabriola Island, the Gabriola Island Local Trust Committee is deferring further consideration of GB-TUB-2021.1, until such a time that a comprehensive review of Official Community Plan policies and guidelines pertaining to the issuance of temporary use permits for commercial vacation rentals is completed.

DEFEATED

Chair Rogers and Trustee Langereis Opposed

GB-2021-069

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee deny issuance of Temporary Use Permit GB-TUP 2021.1 for the reason that it is considered in conflict with objectives of Temporary Use Permits under the Gabriola Island Official Community Plan.

CARRIED

7.3 GB-DP-2020.2 (Silva Bay Resort Ltd.) - Staff Report

Planner Cox provided an overview of the report which asked the LTC to consider GB-DP-2020.2 in light of new information provided by the applicant at the request of the LTC and noted:

- The project consultant also recommended that steel pilings be used and not creosote treated wood;
- A small electrical shed that extends slightly past the natural boundary of the sea, on a wharf, has been added to the Development Permit (DP) application; and
- This application is not related to any upland development.

The following key points were noted by Trustees:

- Requested that creosote pilings not be used.

An Agent for the Applicant noted that water for the project will be barged in from off island.

GB-2021-070

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the GB-DP-2020.2 by adding the words 'demolition of an electrical shed' and 'Schedule "D" of Electrical Shed Location' to paragraph and change condition 3.3 Creosote pilings will not be used as replacement pilings, but rather the applicant shall be limited to steel or equivalent for replacement pilings for the stores deck and the wharf head reconstruction.

CARRIED

GB-2021-071

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of GB-DP-2020.2 subject to the conditions imposed therein.

CARRIED

By general consent the meeting was recessed at 2:53 pm and reconvened at 3:00 pm.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Land Use Bylaw Amendments to Expand Community Uses in the IN1 Zone Project - Staff Report

Trustee Langereis declared that he had a potential conflict of interest with the upcoming item, due to the fact that he was a Director of Gabriola Island Recycling Organization (GIRO) prior to being elected as a Trustee.

Trustee Langereis left the meeting at 3:02 pm.

Planner Mahikwa summarized the report that introduced draft Bylaw No. 310 which contained minor amendments to the Gabriola LUB to allow for a limited expansion of community uses in the Institutional One (IN1) zone, and to discuss options and next steps for the project and noted:

- Connected with Lisa Wilcox, Senior Intergovernmental Policy Advisor regarding referral to Snuneymuxw First Nations, as there is no direct immediate impact to the land, no construction, no water such as streams or ground water usage, no archeological sites, Snuneymuxw would likely see the amendment referral as an

additional business change of use and in recognition of this and recognition of Snuneymuxw's limited capacity of time and resources, it was recommended to not refer to Snuneymuxw at this time.

GB-2021-072

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 310 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2021-073

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 310 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021" be read a first time.

CARRIED

GB-2021-074

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 310 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021" as the Bylaw is consistent with the Gabriola Island Official Community Plan No. 166, 1997, and request staff to proceed with public notification as per Section 467 of the *Local Government Act*.

CARRIED

GB-2021-075

It was MOVED and SECONDED

that Bylaw No. 310 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2021" be referred to the Regional District of Nanaimo and the Gabriola Island Advisory Planning Commission.

CARRIED

Trustee Langereis returned to the meeting at 3:16 pm

8.2 Housing Options and Impacts Review Project - Staff Report

Planner Zupanec provided an overview of the report which provided an analysis of specific Housing Advisory Planning Commission (HAPC) recommendations presented in the Gabriola Housing Matters: "A Strategic Approach to Affordable Housing, Biodiversity and Freshwater Conservation on Gabriola Island – A Community-Informed Process" and noted:

- The business case is the funding proposal for the project;
- HAPC recently met to discuss the Density Donation Outreach program and a Donation Clinic event for options of density donation and conservation of public and private property;
- Budget is the constraint to proceeding with the Strategic Approach recommendation as a whole project;
- Asked Trustees to consider identifying a discrete project out of the HAPC recommendations; and

- The task force would be a collaborative approach with accountability to make process happen, Trustees would make the decisions.

Discussion ensued and the following was noted by Trustees:

- Interested in an OCP review;
- Would like to present business case to the Financial Planning Committee;
- Other Trust Areas may see this as a way forward for important needs to be addressed;
- Business case is a way to move forward and pull all the elements together such as the water project, Coastal Douglas Fir, work on islands on housing, ecosystems, endangered species etc.;
- Continue with volunteer density donation program;
- Reservations about a 10 year project;
- Decreasing density on the island a consistent thread of the surveys by Gabriola Housing Matters; and
- Opportunity to connect with RDN, Snuneymuxw First Nations and Islands Trust Conservancy for sense of participation.

GB-2021-076

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to prepare a DRAFT business case for Local Trust Committee consideration, for submission to the Islands Trust Financial Planning Committee by October 2021 for a new multi-year land use planning program based on the June 7, 2021 outline by the Housing Advisory Planning Commission, to replace the 'Housing Options and Impacts Review Project' with "Biocultural and Housing Diversity Program" specifically designed to increase the island's biodiversity, housing diversity and freshwater protection over the next 10 years with the following elements:

- a) A lead planning consultant supported by the establishment of a temporary roundtable to co-design the framework and objectives of the program with input and/or membership from the Housing Advisory Planning Commission members, Snuneymuxw First Nation, Regional District of Nanaimo and Islands Trust Conservancy;
- b) Eventual replacement of the Housing Advisory Planning Commission with a Joint Task Force with membership from key partners and agencies to advise the Local Trust Committee and lead planning consultant on prioritizing project work, securing grants and collaborating on intergovernmental initiatives and opportunities.

CARRIED

Trustee Langereis Opposed

9. DELEGATIONS - none

10. CORRESPONDENCE

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

10.1 Email dated June 13, 2021 from G. Coford regarding Pathway to Degnan Bay via Maple Lane

Received.

10.2 Email dated July 19, 2021 from D. MacPhee regarding Silva Bay Shipyard

Received.

11. NEW BUSINESS

11.1 Islands Trust Policy Statement and Engagement - for discussion

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

- Attending events to engage and gain community feedback;
- Interested in providing community feedback and wondering how this will feed back into the document; and
- Trustee Langereis to analyse current Islands Trust Policy Statement and Draft Islands Trust Policy Statement for factual comparison.

11.2 Motion requesting a Gabriola Island Official Community Plan Review - Trustee Colbourne

Chair Rogers and Trustee Colbourne to collaborate with Staff on how to proceed with this item.

12. REPORTS

12.1 Climate Change Action Update

Received.

12.2 First Nations Relationship Building

Interested in relationship building with various First Nations with an interest in Gabriola.

12.3 Trust Conservancy Report dated May 25, 2021

12.3.1 The Heron - Spring 2021

Received.

12.4 Applications Report dated July 21, 2021

Received.

12.5 Trustee and Local Expense Report dated May, 2021

Received.

12.6 Adopted Policies and Standing Resolutions

Received.

12.7 Local Trust Committee Webpage

No updates requested.

13. WORK PROGRAM

13.1 Top Priorities Report dated July 21, 2021

Received.

13.2 Projects List Report dated July 21, 2021

Received.

14. CLOSED MEETING - none

15. INFORMATION ITEMS

15.1 Trust Policy Statement News Releases

Received.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Thursday, September 9, 2021 at 10:30 am via Zoom Electronic Meeting

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:53 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder