



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

- Date:** September 29, 2022
- Location:** Gabriola Arts & Heritage Centre  
476 South Road, Gabriola Island, BC
- Members Present:** Dan Rogers, Chair  
Kees Langereis, Local Trustee  
Scott Colbourne, Local Trustee
- Staff Present:** Heather Kauer, Regional Planning Manager  
Sonja Zupanec, Island Planner  
Anthony Fotino, Island Planner  
Warren Dingman, Bylaw Compliance and Enforcement Manager  
Margot Thomaidis, Planner 2  
Stephen Baugh, Planner 2  
Nadine Mourao, Recorder
- Others Present:** There were approximately nine (9) 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 10:32 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. COMMUNITY STEWARDSHIP AWARD PRESENTATION

Chris Straw was nominated posthumously for his impactful leadership in advocating against freighter anchorages in the Southern Gulf Islands. Margy Gilmour accepted the award on behalf of Chris Straw and thanked Islands Trust for recognizing Chris’ dedication to protect the marine environment. Ted Fullerton, a representative of Gabriolans Against Freightier Anchorages Society (GAFA) thanked everyone for awarding Chris posthumously and recognized his invaluable contribution.

**By general consent** the meeting was recessed at 10:48 am and reconvened at 11:03 am.

### 3. APPROVAL OF AGENDA

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

### 4. RISE AND REPORT - In Camera Meeting July 28, 2022

That the Gabriola Island Local Trust Committee rescinded the appointment to the Gabriola Housing Advisory Planning Commission for Jacinthe Eastick.

## 5. REPORTS

### 5.1 Trustee Reports

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

- Trust Council (TC); and
- Ministry of Transportation Active Transportation team meeting to advance the Active Transportation Project report.

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

- TC;
- Regional Planning Committee (RPC);
- Governance and Management Review Select Committee;
- Trust Programs Committee (TPC); and
- Community Wellness meeting in Cedar, BC.

### 5.2 Chair's Report

Chair Rogers reported the following:

- Attended TC virtual meeting;
- Executive Committee (EC) meeting; and
- Thanked Planning Manager Heather Kauer for her work at Islands Trust and wished her well on her next venture.

### 5.3 Electoral Area Director's Report

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

- Thanked Trustees for their work over the last few years;
- The RDN endorsed the Regional Parks and Trails Strategy and noted greater recognition for conservation purposes;
- Art from a Snuneymuxw First Nation artist coming to Gabriola parks;
- Ministry of Transportation and Infrastructure (MoTI) evaluating request for a playground zone and crosswalk at Huxley Park;
- A tiny home resolution was endorsed by Union of BC Municipalities (UBCM) advocating tiny home building in the building code;
- Huxley Park parking lot pavement has commence and shade structures are coming soon;
- Hazard Risk and Vulnerability Analysis study identifying geohazards and flooding; and
- Parks and Open Space Advisory Committee (POSAC) meeting rescheduled to mid-November.

### 5.4 First Nation Reports

Trustee Colbourne noted the Community Protection and Cultural Heritage meetings ongoing.

Chair Rogers noted that many First Nations have interest in inclusion in Island Trust’s decision making processes and that the FPC are looking at adding project budget allowances to do consultation in a culturally appropriate way.

**6. TOWN HALL**

A member of the public thanked the Trust for recognizing Chris Straw as an amazing community member and his exemplary dedication to this community, thanked Trustees for their hard work and dedication over the last four years.

A member of the public appreciated the work of Trustees, did not support a Standing Resolution being used to amend Land Use Bylaw (LUB) as Official Community Plan (OCP), LUBs must be amended for permanent changes, did not support the proposed motion on Non-Compliant Dwellings due to the use of “in perpetuity” and supported inclusion of “existing” structures only, and asked Trustees to continue with bylaw enforcement and additional public consultation.

A member of the public supported the Draft Bylaw No. 313 for first and second reading, appreciated Trustees’ dedication and commitment to preserve and protecting the environment, thanked them for their service, and gave a letter of correspondence to Trustees.

A member of the public thanked Trustees for their work, supported TC inclusion of First Nations and external Stakeholders, transparent and accessible communications to restore community engagement, and additional community engagement opportunities within the Trust.

A member of the public encouraged Islands Trust diversity and equity in additional Full Time Equivalencies (FTE) for indigenous hiring to build on relationships and knowledge, and thanked Trustees for their relationship building with First Nations over the last four years.

- Trustee Colbourne acknowledged the work of Lisa Wilcox, former Senior Intergovernmental Policy Advisor;
- Trustee Langereis hoped the Trust’s Governance Committee would address inclusion of First Nations’ involvement in decision making processes and committee work; and
- Chair Rogers noted Islands Trust’s commitment to build more organizational capacity.

A member of public noted Gabor Mate’s connection between trauma and health and encouraged outgoing and incoming Trustees’ compassionate exploration of people’s humanity. A member of the public supported having a Gabriola Local Trust Committee meeting in October.

A member of the public noted their support of protection of the Garry Oak trees and requested Trustees’ help to protect the threatened Garry Oak ecosystems.

- Chair Rogers recommended the member of the public contact the Islands Trust Conservancy and suggested that the member of the public bring forward a recommendation to the incoming Trustees regarding a Development Permit Area (DPA) specifically related to Garry Oak protection.

**7. MINUTES**

**7.1 Local Trust Committee Minutes dated July 28, 2022 – for adoption**

Deferred adoption of the minutes until next meeting.

**7.2 Section 26 Resolutions-Without-Meeting - none**

**7.3 Advisory Planning Commission Minutes dated September 2, 2022 - for receipt**

Received.

**7.4 Housing Advisory Planning Commission Minutes dated September 8, 2022 - for receipt**  
Received.

**8. BUSINESS ARISING FROM MINUTES**

**8.1 Follow-up Action List dated September 22, 2022**

Received.

**8.2 Heritage Overlay Mapping Project - verbal update**

Planning Manager Kauer provided an update on the RPC Heritage Overlay Mapping and noted the following points:

- Initial phase completed, discussions will continue into next year; and
- May put the project on hold due to lack of resources for large project and additional relationship building and engagement with First Nations required.

Trustees expressed their support for this important project to continue and Chair Rogers to follow up with Clare Frater, Director Trust Area Services, for more information.

**8.3 Heritage Commission – Memorandum**

Trustee Langereis referenced the “Establishing Community Heritage Registers” report and discussed the option to add a Heritage Register and a Heritage Commission Bylaw to the Projects List.

Trustees noted the following:

- Suggested the incoming LTC consider adding to the Projects List so they may develop their own projects; and
- Concerned with Staff resources for additional projects.

**GB-2022-069**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request the incoming Gabriola Local Trust Committee consider establishment of a Heritage Register and a Heritage Commission Bylaw on the Project List at their meeting currently scheduled for December 2022.

**CARRIED**

**Trustee Colbourne Opposed**

**8.4 Emergency Medical Services (EMS) – discussion**

Trustee Colbourne discussed ambulance levels on Gabriola, logistical challenges, and the possibility of collaborating with the RDN for an advocacy statement to the Province about changing levels of response and noted:

- Connecting with Gabriola Volunteer Fire Department, local ambulance, and BC Ambulance Society for feedback.

**By general** consent the meeting was recessed at 12:35 pm and reconvened at 1:05 pm.

**8.5 Draft Language for Consideration of Standing Resolution regarding Non-Compliant Dwellings - for discussion**

Trustees noted the following:

- Three pieces of correspondence received;
- Bylaw Compliance and Enforcement Manager Dingman provided some guidance and alternative wording to consider; and
- Interested in referring the alternative wording provided to the Advisory Planning Commission (APC) and Housing Advisory Planning Commission (HAPC) for feedback prior to the next LTC meeting.

Trustees decided that item 8.6 should be presented before further discussion.

8.5.1 Letter dated September 1, 2022 to Housing Advisory Planning Commission from M. Gilmour

Received.

**8.6 Bylaw Enforcement - Proactive Short Term Vacation Rental (STVR) Enforcement**

8.6.1 STVR Unlawful Dwelling Report - Staff Report

Bylaw Compliance and Enforcement Manager Dingman summarized the report which detailed the number of short-term vacation rentals and unlawful dwelling files open for bylaw compliance and enforcement investigations and noted the following points:

- Many community members are not aware that bed and breakfast use is permitted as a home occupation on Gabriola;
- Advertisements are being monitored to ensure that they comply with home occupation regulations;
- Travel trailers may be used for residential purposes for a limited time if they obtain a building permit and connect the unit to a septic system; and
- Unlawful use of accessory buildings for residential use is difficult to resolve.

8.6.2 Unlawful Dwellings Policy - Staff Report

Bylaw Compliance and Enforcement Manager Dingman provided an overview of his report which detailed the limited number of files for non-permitted residential uses or unlawful dwellings. Any issues with the current non-permitted uses can be resolved by the negotiation of voluntary compliance agreements, which give property owners reasonable time to voluntarily comply with regulations and noted the following:

- Concerns around sewerage capacity for unlawful dwellings;
- Unable to regulate the number of people that live in a single family dwelling as it is difficult to define what a family is, the LUB does not regulate;
- Concerned with the words “in perpetuity” as Standing Resolutions cannot be used to amend the LUB, and any deferment of enforcement can only be temporary;
- LTC can rescind a Standing Resolution at any time; and
- Recommended giving property owners two years to comply with the regulations in the LUB through a combination of education, mediation, and enforcement techniques, with exceptions for health and safety.

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

- Concerned with over usage of primary septic system;

## **ADOPTED**

- The Bylaw Compliance and Enforcement Manager responded that would trigger compliance and enforcement;
- Interested in deferring bylaw enforcement on accessory structures used for non-permitted residential uses for a maximum of two years after the “opening of a file”, not from the receipt of a written complaint;
- Concerned with lengthy process of OCP and LUB amendments not responding to housing crisis in a timely manner;
- Requested that the APC and HAPC provide feedback on the concept of enforcement and deferment;
- Prefer a Community Information meeting for more public engagement; and
- Interested in adding the words “existing accessory structures” to proposed Standing Resolution.

### **GB-2022-070**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to refer the language proposed by the Bylaw Compliance and Enforcement Manager in his report of September 29, 2022 to the Gabriola Advisory Planning Commission and Gabriola Housing Advisory Commission for comment on the concept of bylaw enforcement deferral and on the language proposed as follows:

That the Gabriola Island Local Trust Committee adopt the following standing resolution:

- a. Bylaw staff will defer enforcement on accessory structures used for non-permitted residential uses for a maximum of two years after the receipt of a written complaint except in the following circumstances:
  - i) There are concerns regarding health and safety;
  - ii) There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
  - iii) There are concerns of possible contamination of wells or other drinking water sources;
  - iv) Non-permitted residential uses are in environmentally sensitive areas;
  - v) There are travel trailers or recreational vehicles used as a residence contrary to section B.6.4 of the Land Use Bylaw;
  - vi) That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.
- b. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Gabriola Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

#### **CARRIED**

**Trustee Langereis Abstained**

## 9. APPLICATIONS AND REFERRALS

### 9.1 GB-DVP-2016.3 (Van Herwaarden) - Staff Report

Planner Thomaidis summarized the report which introduced a DVP for consideration of a variance to the requirement for any structure or building to be sited a minimum of 15 metres from and 1.5 metres above the natural boundary of any lake, stream or wetland. The DVP would permit the existing structures and buildings (a greenhouse, a studio, a garden shed, three bridges, and concrete structures) to remain sited less than 15 metres from and an elevation of less than 1.5 metres above a stream (Goodhue Creek.)

#### GB-2022-071

#### It was **MOVED** and **SECONDED**

that the Gabriola Island Local Trust Committee has determined that it is reasonably necessary that the applicant of GB-DVP-2016.3 (Packham & Van Herwaarden) provide the following to planning staff prior to December 31, 2022 in order for the application to be considered by the Local Trust Committee:

- a) a complete site plan showing setbacks for all existing and proposed buildings, structures and septic fields to watercourses; and
- b) a Conditions and Impact Assessment (post development) prepared by a Qualified Environmental Professional assessing the condition of the riparian area on the lot and the impact of buildings and structures constructed within 15 metres of the watercourse.

**CARRIED**

**By general** consent the meeting was recessed at 2:16 pm and reconvened at 2:22 pm.

### 9.2 GB-RZ-2022.1 (Alley Enterprises - Maloney - 750 Tin Can Alley) - Staff Report

Planner Zupanec provided an overview of the report which proposed to amend the Gabriola Island OCP Bylaw No. 166 and LUB No. 177 to accommodate future commercial and residential redevelopment of the 'Wild Rose Garden Centre' and noted the following key points:

- Scope of use requested, a detailed plan for redevelopment has not been provided, applicant plans on developing the property incrementally;
- 'Village Commercial' zoning designation with exceptions recommended, as site specific Commercial zoning is limiting;
- Existing sewage system requires maintenance and repair, a professional wastewater report required for future redevelopment;
- A qualified professional hydrogeologist report required for parcel; and
- Recommended 'Village Commercial' designation as parcel is strongly linked to the village centre by being situated at the terminus of newly constructed village way pedestrian trail and on public transit route.

Discussion ensued and the following points were noted:

- Concerned with additional paving and storm water management required for future development;
- Concerned with adequate water for future redevelopments and effects on neighbouring properties; and
- Interested in further public consultation and public engagement.

Patricia Maloney, a representative of the Applicant noted the following:

- Future potential development includes a food truck, tea house, small retail spaces and residential units for staff; and
- Requested that food truck use be added to bylaw.

**GB-2022-072**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Official Community Plan that will remove references to the Wild Rose Garden Centre business name and include Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) in the 'Village Commercial' land use designation and 'Village Centre' Development Permit Area No. 7.

**CARRIED**

**GB-2022-073**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to draft amendments to the Gabriola Island Land Use Bylaw to rezone Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) to a site specific Village Commercial zone which maintains the existing uses and expands principle commercial and accessory residential uses consistent with the bylaw amendment application; regulates buildings and structures; height; siting requirements including setbacks; lot coverage; parking; and subdivision.

**CARRIED**

**GB-2022-074**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee requests that the applicant for GB-RZ-2022.1 (Alley Enterprises Ltd., Maloney) provide planning staff with the following prior to the Local Trust Committee considering first reading of draft bylaws:

- a) a copy of an assessment report and design recommendations prepared by a qualified professional engineer, with expertise in wastewater treatment for non-domestic and domestic systems to confirm the property is capable of supporting a sewage disposal system for the proposed commercial and residential uses;
- b) a copy of an assessment report and recommendations prepared by a qualified professional hydrogeologist, with expertise in community water systems to confirm the aquifer is capable of supporting the proposed commercial and residential uses with no adverse effects on adjacent existing groundwater users.

**CARRIED**

**GB-2022-075**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to provide early notification to Snuneymuxw First Nation of application GB-RZ-2022.2 describing the scope of proposed changes to the Gabriola Official Community Plan and Land Use Bylaw.

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

**10.1 Comprehensive Official Community Plan and Land Use Bylaw Project Business Case - Staff Report**

## ADOPTED

Planning Manager Kauer summarized the report which asked the LTC to consider its 'Top Priorities' and 'Projects' lists and provide any direction for amendments, prior to the end of their current term and consider a draft business case to implement a Gabriola Island Comprehensive OCP and LUB project and noted the following:

- Looking for recommendation on reorganizing or updating lists;
- Recognizing that OCP is not getting updated in comprehensive ways, focusing on targeted areas, resulting in recommendation for OCP review; and
- Comprehensive OCP review project needed to be endorsed and sent to Financial Planning Committee at a meeting if LTC would like inclusion in next budget cycle.

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

- Page 3, would like more detail on Regional Conservation plan;
- Interested in more historical project data on Activities on page 4;
- Interested in a comprehensive OCP review; and
- Requested forwarding to the APC and HAPC for historical project summaries and feedback.

### **GB-2022-076**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on September 29, 2022 for further consideration by the incoming Local Trust Committee.

**CARRIED**

### **GB-2022-077**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse the draft business case for a Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw project and request staff forward it to the Financial Planning Committee.

**CARRIED**

### **GB-2022-078**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer the Top Priorities List and Projects List as presented on September 29, 2022 to the Gabriola Advisory Planning Commission and the Housing Advisory Planning Commission for their review.

**CARRIED**

## **10.2 Ecological Protection Zone - Staff Report**

Planner Fotino provided an update of the report advanced to the LTC's Top Priority Ecological Zone Project by considering the first and second readings of Bylaw No. 313 which contains amendments to the Gabriola Island LUB to allow for the introduction of a new Ecological Protection (EP) zone.

Trustees noted the following key points:

- Islands Trust Policy Statement Directives Only Checklist updates:
  - 4.2.7, change check mark to N/A;
  - 4.4.2 change to check mark;
  - 5.5.3 change to N/A;
  - 5.5.5 change to N/A;
- Suggested not renumbering "Schedule 1" D.4.3. section as cross referencing challenges; and

## ADOPTED

- Requested a definition of ‘passive recreation’ as it may have unintended consequences for uses.

### **GB-2022-079**

#### **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. 313, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”, as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

### **GB-2022-080**

#### **It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”, as amended, be read a first time.

**CARRIED**

### **GB-2022-081**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to include definition of passive recreation included in the Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”.

**CARRIED**

### **GB-2022-082**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse Project Charter version 5.0 of the Ecological Protection Zone project.

**CARRIED**

## **11. DELEGATIONS - none**

## **12. CORRESPONDENCE**

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

## **13. NEW BUSINESS**

### **13.1 Islands Trust Conservancy (ITC) 3 -Year Plan – Briefing**

Received.

### **13.2 Invitation to Take Action on Affordable Housing - for discussion**

13.2.1 Letter to Minister of Housing and Diversity and Inclusion dated September 2, 2022 from Member of Parliament, Nanaimo-Ladysmith, Lisa Marie Barron and Member of Parliament, Jenny Kwan, Vancouver East

Received and all Trustees agreed with content of letters.

13.2.2 Email dated September 2, 2022 from Lisa Marie Barron, Member of Parliament regarding Invitation to Take Action on Affordable Housing

Received.

### **13.3 Consider Cancelling October 27th Local Trust Committee (LTC) Meeting - for discussion**

Trustees requested to continue with in person meeting, as scheduled.

**14. REPORTS**

**14.1 Climate Change Action Update**

Received.

**14.2 First Nations Relationship Building**

Received.

**14.3 Trust Conservancy Report dated July 13, 2022**

Received.

**14.4 Applications Report dated September 22, 2022**

Received.

**14.5 Trustee and Local Expense Report dated June, 2022**

Received.

**14.6 Adopted Policies and Standing Resolutions**

Received.

**14.7 Local Trust Committee Webpage**

No updates requested.

**15. WORK PROGRAM**

**15.1 Top Priorities Report dated September 22, 2022**

Received.

**15.2 Projects List Report dated September 22, 2022**

**GB-2022-083**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Burren's Acres be added to the Ecological Protection Zone and added to the Projects List.

**CARRIED**

**16. INFORMATION ITEMS**

**16.1 Letter dated August 22, 2022 from Chair Rogers to Nanaimo Airport Commission regarding Flights over Gabriola Island**

Received.

**16.2 Letter dated August 23, 2022 from Chair Rogers to Telus regarding Use of Herbicide on Gabriola Island**

Chair Rogers noted he received a telephone call from Brian Daniel, representative of Telus, who stated there was no impact to a neighbouring well and neighbours, and Telus would use mechanical means in the future to control vegetation.

- 16.3 Letter dated August 24, 2022 from Chair Rogers to Nanaimo Airport Authority regarding Float Plane Flights over Gabriola Island**

Received.

**17. UPCOMING MEETINGS**

- 17.1 Next Regular Meeting Scheduled for Thursday, October 27, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre**

**18. CLOSED MEETING**

- 18.1 Motion to Close the Meeting**

**GB-2022-084**

**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) and (d) for the purpose of considering: Appointment of Board of Variance Members and Adoption of In-Camera Meeting Minutes dated July 28, 2022 and that the recorder and staff attend the meeting.

**CARRIED**

- 18.2 Recall to Order**

None.

- 18.3 Rise and Report**

None.

**19. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:39 pm.

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Dan Rogers, Chair

Certified Correct:

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Nadine Mourao, Recorder