



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: June 27, 2024
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, via Zoom
Stephen Baugh, Island Planner
Margot Thomaidis, Planner 2
Warren Dingman, Bylaw Compliance and Enforcement Manager
Lisa Millard, Recorder, via Zoom

Others Present: There were approximately 29 members of the public in attendance
Vanessa Craig, Electoral Area Director

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 10:35 a.m. 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.

GB-2024-49

It was MOVED and SECONDED

that future Gabriola Island Local Trust Committee agendas be amended to include the Trust Council highlights from quarterly meetings.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Yates reported the following:

- Watched species at risk webinar coordinated by Islands Trust Conservancy and the Trust Programs Committee;
- Attended Gabriola nature reserves during Islands Trust Conservancy bi-annual monitoring program;
- Attended Trust Conservancy board meeting;
- Provided highlights from Islands Trust Conservancy Annual Report;
- Attended Gabriola Ferry Advisory Committee meeting and discussed potential shut down of the Gabriola and Nanaimo Ferry terminals during berth upgrades in 2026;
- Attended a community workshop featuring a presentation by BC Ferries on their response to terminal safety concerns, dangerous cargo sailings, and summer schedule changes;
- Attended Trust Council and highlighted MLA Adam Olsen's talk, Bill Henderson's song performance, and the unanimous vote on the dark sky initiative; and
- Legislative Monitoring Report highlights included an initiative to protect the southern resident killer whales and the Western Canada Wilderness Committee versus Environment Canada court case finding which requires better habitat protection for migratory birds.

Trustee Elliott reported the following:

- Attended Regional Planning Committee meeting;
- Upcoming Munu Canoe Family Fundraiser by Gary Manson will be held at Twin Beaches in support of Indigenous youth going on Tribal Journeys;
- Attended Bylaw Enforcement education session;
- Attended Trust Council and highlighted comments received from First Nations representatives, delegation from Sue Big Oil, and MLA Adam Olsen's address; and
- Upcoming Canada Day celebration will be held at the museum.

3.2 Chair's Report

Chair Luckham reported the following:

- Attended Trust Council;
- Work continues on the Islands Trust Policy Statement and corporate planning processes;
- Upcoming attendance at the Committee of the Whole meeting for Policy Statement discussion; and
- An interim Chief Executive Officer has been appointed and an executive search consultant has started recruiting for the permanent appointment.

3.3 Electoral Area Director's Report

Electoral Area Director Vanessa Craig reported the following:

- Request for Statements of Qualifications for contracting an organization to oversee the Health and Wellbeing Coordinator position have been published;
- Installation of an electric vehicle (EV) charger at Community Hall;

- Temporary moratorium on bylaw enforcement on living in recreational vehicles;
- Orlebar Point will be managed by the Regional District of Nanaimo's Parks Department;
- Survey in the fall regarding opting in to the expansion of yard waste collection using organic waste carts and;
- Receipt of a grant for the purchase of two new busses for Gabriola's community bus service.

3.4 First Nations Reports – none

4. PUBLIC COMMENTS

The Chair of the Mudge Island Community Association made the following comments:

- Thanked Bylaw Compliance and Enforcement Manager Dingman for presenting two informative webinars to the community;
- Community looks forward to the upcoming Local Trust Committee (LTC) meeting being held on Mudge Island;
- Requested the LTC develop a Minor Project focussing on Mudge Island Land Use Bylaws and policy updates;
- Requested recognition of the Mudge Island Community Association as the representative of Mudge Island citizens; and
- Asked the LTC allow them to work together to develop bylaw enforcement and land use policies through a consultation process.
 - Chair Luckham noted that the Local Trust Committee will collaborate with the Mudge Island Community Association but a formal process of recognition is not required for a working relationship.

A member of the Mudge Island Community Association made the following comments:

- They have reviewed the Bylaw Compliance and Enforcement Policy Staff Report; and
- Asked to make written submissions on suggestions for minor changes to said policy.

A member of the Mudge Island Community Association made the following comments:

- Thanked Bylaw Compliance and Enforcement Manager Dingman for his work on proposed Bylaw Enforcement Policy; and
- Asked the report recommendations not be adopted prior to community consultation.

A member of the Mudge Island Community Association made the following comments:

- Recommends two bylaw complaints be received prior to commencing an investigation;
- Provide more notice to residents prior to attending a property;
- Consideration be given on how to deal with complainants making false complaints;
- Allow time for residents to work with the LTC before adopting new bylaw policies; and
- Recognize the diverse lifestyles of Mudge Island residents.

The meeting was recessed for a break at 12:25 p.m. and reconvened at 12:33 p.m.

Regional Planning Manager Renée Jamurat left the meeting at 12:30 p.m.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated May 23, 2024 – for adoption

The following amendments to the minutes were presented for consideration:

- Page 5 of Minutes, Trustee Elliott’s Report, third bullet point, change words ‘will be attending’ to ‘announced.’

By general consent, the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated June 19, 2024

Received for information.

7.2 Speculation and Vacancy Tax – Memorandum

The Planner summarized the Memorandum and noted that a request to opt in to the tax is not a land use planning function but an advocacy item for referral to the Executive Committee.

Discussion ensued and Trustees made the following observations:

- There is a difference between a speculation purchase and a vacant home;
- Many homes are secondary residences and vacant on a part time basis; and
- There is potential to gauge community interest in the topic through the Official Community Plan review process.

GB-2024-050

It was MOVED and SECONDED

that the Memorandum on Speculation and Vacancy Tax regulation be added to the Official Community Plan projects for further community discussion.

CARRIED

7.3 Current and Future Project Prioritization - Staff Report

The Planner summarized the Staff Report and noted the following:

- Permitted to have one major project and one minor project at a time and current minor project should be completed this year; and
- Future Projects List has six projects for consideration of prioritization.

Discussion ensued and Trustees made the following comments:

- Prioritizing the list is for the purpose of defining work for the next two years;

- Decourcy Island community has not identified a review of the Official Community Plan and Land Use Bylaw as a priority;
- Mudge Island Official Community Plan and Land Use Bylaw review need not be comprehensive and can be a targeted Land Use Bylaw project;
- Rezoning subject property is a priority;
- Development Approval Information Bylaw is related to development approval guidelines;
- Advisory Planning Commission Bylaw could be completed quickly but a request to commission members to set meeting times might accomplish the same result; and
- Heritage Register should follow the Official Community Plan review and be done in consultation with First Nations.

GB-2024-051

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Future Projects List be amended as follows:

- a) That the Decourcy Island Official Community Plan and Land Use Bylaw review be removed from the list;
- b) That the Development Approval Information Bylaw and the Heritage Register project be removed from the list and be considered part of and be subsequent to the Official Community Plan and Land Use Bylaw Review Major Project; and
- c) That the remaining items on the list be prioritized as follows:
 - I. Local Trust Committee initiated Rezoning of PID: 003-134- 806;
 - II. Advisory Planning Commission Bylaw; and
 - III. Mudge Island Targeted Land Use Bylaw.

CARRIED

7.4 Draft Letter Regarding Temporary Use Permits for Commercial Vacation Rentals - For Information

Received for information.

8. APPLICATIONS AND REFERRALS

8.1 GB-TUP-2024.2 (Dewarle) - Staff Report

The Planner summarized the Staff Report and noted the following:

- Commercial vacation rental is located within an accessory dwelling on the property;
- Temporary Use Permit (TUP) was issued in 2016 and renewed in 2019;
- Referral to Islands Trust Conservancy was not flagged in initial Staff Report and proximity of the subject property to Burns Acres Nature Sanctuary warranted referral; and
- Referral resulted in a requirement of assurance from the Applicant that public access is not permitted from the subject property to the Sanctuary.

The Applicant was present but did not speak to the application.

Discussion ensued and Trustees noted the following:

- Current zoning allows for four bedrooms, the vacation rental has two bedrooms, and the Temporary Use Permit should be restricted to two bedrooms; and
- Request the applicant include information on First Nations history and culture with materials provided to guests.

GB-2024-052

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.2 for a period of three years subject to reducing the maximum number of bedrooms from four to two.

CARRIED

The meeting was recessed for a break at 12:34 p.m. and reconvened at 1:10 p.m.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE

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

10.1 Correspondence dated May 25, 2024 from L Eagin regarding Mudge Junk Vehicles
Received for information.

10.2 Email dated May 28, 2024 from E Carrington regarding Unofficial Housing Demolition
Discussion ensued.

By general consent include the May 28, 2024 document from E. Carrington within the Official Community Plan Review project file.

10.3 Letter dated June 7, 2024 from Mudge Island Community Association regarding Establishment of the Mudge Island Community Association
Discussion ensued.

GB-2024-053

It was MOVED and SECONDED

that Trustee Elliott write a letter with Chair Luckham in response to correspondence received from Mudge Island Community Association dated June 7, 2024.

CARRIED

11. NEW BUSINESS - none

12. STAFF REPORTS

12.1 Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy - Staff Report

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

- Recommendation is not for adoption but for consideration of amendments;
- There are currently over 120 open files of which 70 are from Mudge Island;
- Number of files on Mudge Island indicate that there may be problems or concerns with the Land Use Bylaw;
- Bylaw Compliance and Enforcement Policy will be specific to each Local Trust Committee and will address policies not addressed by Trust Council policy;
- Trust Council Policy dictates that a complaint is investigated when received;
- Local Trust Committee has authority to close files but does not open them;
- Property owners are notified of bylaw complaints prior to investigation;
- Vexatious refers to false complaints;
- Actual false complaints make up approximately 1% of files and there are no concerns about the validity of current open files; and
- The Local Trust Committee can amend the proposed policies and determine the consultation process.

Discussion ensued and Trustees provided the following comments:

- Public information and education sessions on bylaw compliance and enforcement are helpful;
- Period of reasonable notice to attend a property for investigation be defined;
- Definition of the term 'unreasonable' in regard to ability to comply be clarified;
- Cultural heritage areas be included in the list where contraventions need to cease immediately; and
- Clarity is required regarding the phrase 'reasonable amount of garbage.'

Bylaw Compliance and Enforcement Manager Dingman indicated the following:

- Complainants names are not released though freedom of information requests;
- In a court action, the Bylaw Officer becomes the accuser; and
- Financial ability to comply can be determined through conversation and interviews.

GB-2024-054

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct staff to revise and edit the proposed Bylaw Compliance and Enforcement Policy and consult with community members through Summer, 2024 and bring it forward by October, 2024 for the Local Trust Committee's consideration.

CARRIED

12.2 Trust Conservancy Report - none

12.3 Applications Report - none

12.4 Trustee and Local Expense Report dated May, 2024
Received for information.

12.5 Adopted Policies and Standing Resolutions

Received for information.

12.6 First Nations Relationship Building Update

The Gabriola Local Trust Committee is participating in staff-to-staff meetings with representatives of the Snuneymuxw First Nation.

The screening of the film Dust and Bones, written by Cowichan Tribes member Harold Joe, will take place on July 20, 2024 at the Phoenix Auditorium.

12.7 Climate Change Action Update

Received for information.

12.8 Local Trust Committee Webpage

No updates at this time.

13. WORK PROGRAM

13.1 Active Projects Report dated June 19, 2024

Received for information.

13.2 Future Projects Report dated June 19, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Special Meeting regarding Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review - Next Steps Scheduled for Thursday, July 4, 2024 at 1:00 pm and is to be held electronically.

14.2 Special Meeting regarding Mudge Island Bylaw Enforcement and Safe Water Access Scheduled for Tuesday, July 16, 2024 at 1:00 pm and is to be held at Mudge Island Citizen's Society Building, Mudge Island, BC

14.3 Next Regular Meeting Scheduled for Thursday, August 8, 2024 at 10:30 am and is to be held electronically.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 2: 23 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder