



Gabriola Island Local Trust Committee Minutes of Regular Meeting

- Date:** June 17, 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
 Bronwyn Sawyer, Planner 2
 Wil Cottingham, Administrative Assistant
 Nadine Mourao, Recorder
- Others Present:** There were approximately seven (7) 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. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

2.1 Rise and Report - regarding Closed Meeting held May 13, 2021

Nothing to report.

3. REPORTS

3.1 Trustee Reports

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

- Advocacy meeting with the Minister of Municipal Affairs regarding Islands Trust’s powers to protect the Coastal Douglas Fir Ecological Zone;
- State of the Salish Sea Report by the Salish Sea Institute;
- Farmers for Climate Solutions <https://farmersforclimatesolutions.ca/about-us;>
- Truth before Reconciliation Report;

- Lisa Wilcox, Senior Intergovernmental Policy Advisor’s petition Reconciliation Day of Mourning <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-3496>;
- Truth Precedes Reconciliation, Reconciliation Report 2019-2021 Discussion Paper; and
- Climate Preparedness and Adaption Strategy <https://www2.gov.bc.ca/gov/content/environment/climate-change/adaptation>

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

- Trust Programs Committee (TPC);
- Governance and Management Review Select Committee;
- Trust Council (TC); and
- Galiano Trust Conservancy presentation.

3.2 Chair's Report

Chair Rogers reported the following:

- Attended two (2) Salish Sea Conferences;
- TC;
- New Trust Policy Statement will soon be at a stage for public input <https://islandstrust.bc.ca/programs/islands-2050/>; and
- Condolences for the loss of Louise Bell, former Gabriola Island LTC Chair, Islands Trust Conservancy Board Member, and former Denman Island Trustee.

3.3 Electoral Area Director's Report

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

- Doug Holmes will join RDN as the Chief Administrative Officer in August;
- Twelve (12) fence sections were removed at Madrona Marketplace to increase visibility;
- Evacuation Route Planning project contract awarded <https://www.rdn.bc.ca/get-involved-rdn>;
- RDN to implement mandatory waste separation for waste diversion; and
- Transit Development Strategy survey <https://www.rdn.bc.ca/get-involved-rdn>

3.4 First Nation Reports

Trustee Colbourne noted there is a scheduled meeting next week with Snuneymuxw First Nations.

4. TOWN HALL

A member of the public noted their disappointment that the Ecological Protection Zone 4 project was taken off of the Projects List and supported striking an Ecosystem Advisory Commission to provide community comments on the integrity of islands ecosystems through the lens of climate emergency. Also, noted their support of the work of the Gabriola Housing Matters working group’s suggestions on Short Term Vacation Rentals (STVRs) and volunteer density donations, clarification on the definition of a ‘Commission’, the restriction of subdivision and patterns of settlement, all regulations and bylaws in addressing affordable housing, flexible zoning and whatever direction Trustees can look at to reduce the impacts of development with the priority of Indigenous heritage and ecosystem protection.

A member of the public was interested in providing an update on the Gabriola Housing Society's application for affordable housing funding.

- Planner Zupanec noted that all updates to be provided through the Planner post Public Hearing.

A member of public spoke in support of the Gabriola Housing Matters report and noted the substantive research completed by experienced researchers, which was representative of the public's comments.

5. MINUTES

5.1 Local Trust Committee Minutes dated May 13, 2021 – for adoption

The following amendments to the minutes dated May 13, 2021 were presented for consideration:

- Page 5, 9. Delegations, add the word 'potential' before 'conflict of interest'; and
- Page 6, 11.2 Gabriola Island Recycling Organization, add the word 'potential' before 'conflict of interest'.

By general consent the minutes dated May 13, 2021 were adopted as amended.

5.2 Section 26 Resolutions-Without-Meeting dated June 8, 2021

Received.

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated June 9, 2021

Received.

7. COMMUNITY INFORMATION MEETING

7.1 Planner Presentation - Bylaw No. 303 (Cannabis Regulations Project)

Regional Planning Manager Kauer provided a presentation on Cannabis Production Bylaw No. 303 to amend the Gabriola Land Use Bylaws (LUB) to regulate commercial processing and growing of cannabis in the Agricultural Land Reserve (ALR) and noted the following key points:

- The bylaw prohibits growing of cannabis within soil-based buildings in the ALR, restricts to three (3) buildings per lot with limitations on size of buildings and setbacks;
- One (1) referral response received from Snuneymuxw First Nations that they would like further time to consider concerns around water usage;
- Received one (1) public comment from Gabriola Agricultural Co-op on the impact of cannabis growing on food security; and
- Existing cannabis processing and growing operations not in the ALR will not be legalized by this bylaw amendment and will need to rezone.

Trustees noted the following:

- Concerned with the nuisance effects and scale of cannabis operations;

- Interested in small scale, micro cannabis processing;
- Concerned with existing operations that may or may not conform to these bylaws; and
- Supported using restrictions of building surface area rather than building square footage to reduce the possibility of multiple tiered buildings

7.2 Question and Answer Session

Derek Kilbourn, Gabriola Sounder, enquired about the square footage for total building size and/or what is maximum square footage allowable for growing cannabis?

- Regional Planning Manager Kauer noted the maximum square footage for growing is approximately 2,000 square feet.

8. PUBLIC HEARING

8.1 Recess for Public Hearing

By general consent the meeting was recessed at 11:16 am.

8.2 Recall to Order

By general consent the meeting was recalled to order at 11:25 am.

9. APPLICATIONS, REFERRALS AND BYLAWS

9.1 Bylaw No. 309 (GB-RZ-2021.1 - Page's Resort and Marina) - for consideration of further readings

Planner Mahikwa summarized the report to advance the rezoning application for a bylaw amendment in order to add a new use to the subject property to permit the retail sale of liquor or other alcoholic goods and noted that correspondence for this application can be found on the Gabriola Islands Trust website.

GB-2021-049

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 309 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2021” be read a third time.

CARRIED

GB-2021-050

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 309 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

9.2 Bylaw No. 303 (Cannabis Regulation Project) - consideration of further readings

Trustees noted that they would like to wait for additional comments from Snuneymuxw First Nations prior to consideration of further readings.

9.3 GB-DP-2020.2 (Silva Bay Resort and Marina - 1167433 B.C Ltd.) - Staff Report

Planner Cox provided an overview of the report which asked the LTC to consider a Development Permit (DP) application within Development Permit Area 4 (DP4) – Flat

Top Islands Area, to allow work to be undertaken within the marine and immediate foreshore areas below the natural boundary of the subject property and noted the following:

- Staff are working closely with the applicant and Snuneymuxw First Nation to ensure open communication and discussion about the approach to site visits and monitoring, including the condition requests and requirements of the Nation.

Discussion ensued and the following points were noted by Trustees:

- Interested in the Snuneymuxw site monitoring throughout the entire project and to have the same monitoring powers as the environmental site monitor;
- Asked for clarification on whether the demolished creosote and timber piles would be replaced with steel piles to mitigate the impact to the environment;
- Update Draft permit section 1, “this permit applies to the property (not properties) described below, as there is only one property;
- Requested Staff follow up with the Heritage Branch to find out if any of the properties on the site are registered;
- Concerns with the water usage for the construction/demolition activities, as the water source on site is from an offsite residential property and should not be used; and
- Appreciated the applicant’s engagement and collaboration process.

The Applicant noted the following:

- Proposed schedule using the December 1, 2021 – February 15, 2022 winter window;
- The Snuneymuxw and the Environmental site monitor are to be on site for every day of work in the water and have the power at any time to stop work;
- In discussions with Snuneymuxw First Nations regarding how they would like to approach site visits and water monitoring; and
- Will provide more information regarding the replacement of the wooden piles with steel piles and on site water usage during construction.

GB-2021-051

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the Applicant submit, to the Islands Trust, information regarding the source of water for usage in this project and confirmation of use of steel piles to replace wooden piles, prior to making a decision on the issuance of GB-DP-2020.2.

CARRIED

By general consent the meeting was recessed at 12:41 pm and reconvened at 1:11 pm.

9.4 GB-DVP-2020.4 (Hoy - 3395 South Road, Gabriola) - Staff Report

Planner Cox summarized the report which presented the LTC with information pertaining to the Applicant’s request for a DVP to relax the interior lot line setback for an existing accessory building (studio) and noted the following points:

- Two (2) communications in support were received from the neighbouring properties; and

- A bylaw complaint was received about the use of the studio which was when the non-conforming siting was discovered. The use issue has been addressed and the bylaw file closed.

GB-2021-052

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee issue GB-DVP-2020.4 as drafted.

CARRIED

9.5 GB-TUP-2021.1 (Plotnikoff and Penner) - 376 Tinson Road, Gabriola) - Staff Report

Planner Cox provided an overview of the report which asked the LTC to consider a Temporary Use Permit (TUP) for the operation of a commercial vacation rental (CVR) within an existing single family dwelling on the subject property and noted:

- The applicant has an extensive rain water harvesting system that meets the Provincial guidelines, however, rain water harvesting is not regulated; and
- The Applicants are permitted to harvest rainwater; as it is connected to the potable drinking water, it is up to the Health Authority to permit that use of the rainwater commercially.

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

- Requested clarification if the yurt building on the property was to be used for accommodations.
 - Planner Cox noted that the TUP only permitted usage of the single family dwelling for accommodations, no other building or structure;
 - The Applicant noted that the yurt building on the property is strictly for storage;
- Requested clarification on how many bedrooms in the home, as the report stated two (2) bedrooms, the request is for accommodations for six (6) persons, and the Drain Doctor report states four (4) bedrooms;
 - The Applicants noted that the single family dwelling has two (2) bedrooms;
- Requested Staff to update the TUP in relation to the number of bedrooms;
- Interested in further information on the process to permit commercial use of rainwater harvesting; will the Health Authority check on the system?
 - Staff to explore this further and work with Applicants and Island Health Authority for more information on the permitting process;
- Concerned with the location of the sewerage system which appears to be located less than 30 metres from the well; and
- Interested in a condition that Applicants cannot use the well.

The Applicants noted the following points:

- The Drain Doctor report states four (4) bedrooms as they may build a second story on the dwelling in the future and wanted a sewerage system that reflected those future plans;
- There is no intention to use the well, the water quality is very poor, they have not decommissioned the well; and
- Willing to regularly schedule water testing if necessary.

GB-2021-053

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the Applicant work with Staff for additional rainwater harvesting certification and/or licensing information prior to rendering a decision on GB-TUP-2021.1.

CARRIED

9.6 GB-DVP-2021.2 (Hjelholt and Tuck-Hjelholt - 1050 Berry Point Road, Gabriola) - Staff Report

Planner Sawyer provided a summary of the report which asked the LTC to consider a DVP to reduce the minimum setback to the natural boundary of the sea for a septic sewage disposal field and noted:

- There are some errors in the staff report, certification has not been obtained from Island Health; Island Health records the paperwork and file it;
- A Registered Onsite Wastewater Practitioner (ROWP) was involved in the design and installation of the system;
- The tanks will need to be relocated if within the setback; and
- There has been no correspondence responses from neighbouring properties or Snuneymuxw First Nations.

The Trustees noted their interest in further information regarding Type 1, 2, and 3 Sewerage systems to gain further insights for setback discussions

GB-2021-054

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2021.2.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Land Use Bylaw Amendments to Expand Community Uses 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 4:23 pm.

Regional Planning Manager Kauer provided an overview of the report which introduced the project charter for a potential LTC Top Priority Project identified as consideration of minor amendments to LUB No. 177 to allow for limited expansion of community uses in the Institutional 1 (IN1) zone.

Trustees requested that the phrase manufacturing be removed from the Project Charter and find a better alternative that takes into account the low impact of recycling of textiles.

GB-2021-055

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add “Amendments to the Gabriola Land Use Bylaw to expand community uses” as a Project to the Top Priorities list.

CARRIED

GB-2021-056

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the “Amendments to the Gabriola Land Use Bylaw to expand community uses” Project Charter v.1.0, to remove the word ‘manufacturing’.

CARRIED

GB-2021-057

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the “Amendments to the Gabriola Land Use Bylaw to expand community uses” Project Charter v.1.0, as amended.

CARRIED

GB-2021-058

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Land Use Bylaw that will:

- a. Allow the repair and processing of used items for sale as accessory uses in the Institutional 1 zone associated with a recycling centre on lands as shown on Schedule C, Map 7 of the Gabriola Island Land Use Bylaw; and
- b. Allow a community centre as a primary use in the Institutional 1 zone, removing geographic limitations.

CARRIED

Trustee Langereis returned to meeting at 4:34 pm.

10.2 Housing Options and Impact 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 April 2021 report by Gabriola Housing Matters: “A Strategic Approach to Affordable Housing, Biodiversity and Freshwater Conservation on Gabriola Island – A Community-Informed Process”. The HAPC endorsed all 26 recommendations in the report and have provided supplemental information in this report requesting the LTC design and develop a multi-year partnership to enact the suite of recommendations under a strategic land use planning program and noted the following points:

- To ensure sustainability of program, LTC would need to leverage funds via fundraising, grants and project funds; and
- The HAPC would complete its term and be replaced by a joint task force with a different role and provide the same level of advice on strategic goals and where to leverage the Projects List and Budget. The task force would do the work of the strategic plan, all collaborative partners would be incorporated into the work plan and be accountable for work done.

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

- Interested in Islands Trust Conservancy Natural Area Tax Exemption Program profile life to give property owners options;
- Interested in limiting maximum allowable TUPs for STVRs;
- Supported possibility of undeveloped secondary accommodation density donations;
- May be a challenge to obtain substantial funding anticipating a multi-year project that only affects one island; and
- Long term recommendations deferred until the next regular LTC meeting.

Tobi Elliot, representative from the HAPC noted:

- Called for collaborative action to bring stakeholders together to address recommendations to establish a growth management strategy, biodiversity conservation strategy, groundwater protection strategy, and enhance governance and oversight capacity;
- Gabriola is an ideal location to trial this program as Gabriola works with other government agencies across its jurisdictions;
- The goal is to elevate pressure on the LTC and keep as a non-partisan and science based program where objectives are set and project work is completed; and
- Intended to meaningfully engage with Snuneymuxw First Nations at every stage of the program design.

10.2.1 Housing Survey Analysis and Comments - Trustee Langereis

Trustee Langereis provided an analysis of the Gabriola Housing Matters Working Group report and noted:

- Had questions on the validity of the survey such as:
 - What the Commission was all about?
 - The survey results reporting favourable to not increasing density while most of the report is about increasing density;
- Interested in tree protection being a priority;
- Willing to meet with Dyan Dunsmoor-Farley of the HAPC to discuss validity of the report; and
- Supported the First Nations involvement recommendations.

GB-2021-059

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee should consider whether issuance of new or renewal Temporary Use Permits for Commercial Vacation Rentals is in direct conflict with the Housing Options and Impacts Review Project.

CARRIED

GB-2021-060

It was MOVED and SECONDED

that the Gabriola island Local Trust Committee endorse the June 2021 'Density Donation Outreach Project Charter v. 1' as amended and request Staff to finalize the necessary work plan to commence the project immediately.

CARRIED

GB-2021-061

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend the 'Density Donation Outreach Project Charter v.1' to move Out of Scope to include In Scope "accepting undeveloped secondary suites as potential density donations" and the budget to be eight thousand dollars (\$8,000.00).

CARRIED

GB-2021-062

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to refer the 'Density Donation Outreach Project' charter to the Housing Advisory Planning Commission members and request the commission members to assist Staff in prioritizing outreach methodology and reviewing and commenting on draft public facing documents.

CARRIED

11. DELEGATIONS

None.

12. CORRESPONDENCE

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

12.1 Email dated April 24, 2021 from G. Rudischer regarding misinformation and Housing Matters Group

Received.

12.2 Letter dated May 26, 2021 to Premier John Horgan from B. Thomson regarding Islands Trust and Regional District of Nanaimo Governance - Gabriola Island

Received.

13. NEW BUSINESS

13.1 Update on Social Needs Assessment - verbal report

None.

13.2 Email dated May 3, 2021 from Baylink requesting Letter of Support for Connected Coast on Gabriola

Darren Dofner from Connected Coast requested a letter of support for landing sites on Gabriola to bring new high-speed internet accessibility to the island and noted that Snuneymuxw have given guidance and are part of the process to ensure protection of their cultural heritage.

Trustees were interested in landing sites on Mudge and Decourcy islands as well.

GB-2021-063

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee write a letter of support for Connected Coast landing on Gabriola, subject to the concurrence of the location by Snuneymuxw First Nation, prepared under signature of the Chair and the letter include a request that Mudge and Decourcy islands be considered for landing sites as well.

CARRIED

13.3 Model Cell Tower Information received from Innovation Science and Economic Development Canada - Trustee Langereis

Trustee Langereis updated the LTC on the reduction of the amount of public consultation on the current adopted Model Cell Tower strategy versus the previous strategy and his previously presented version.

Trustees indicated their interest in an interpretive review of the concerns to obtain answers.

Trustee Langereis to put forward his questions to the Trust Programs Committee.

14. REPORTS

14.1 Climate Change Action Update

Received.

14.2 First Nations Relationship Building

Received.

14.3 Trust Conservancy Report - none

14.4 Applications Report dated June 9, 2021

Received.

14.5 Trustee and Local Expense Report - none

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 June 9, 2021

Received.

15.2 Projects List Report dated June 9, 2021

Received.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2021-064

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), (d) and (m) for the purpose of (a) considering the appointment of Housing Advisory Planning Commission Members, (d) adoption of In-Camera meeting minutes dated May 13, 2021 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

Chair Rogers closed the meeting to the public at 4:50 pm.

16.2 Recall to Order

By general consent the meeting was recalled to order 5:22 pm.

16.3 Rise and Report

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 Ministry of Transportation and Infrastructure (MoTI) regarding the Centre Stage subdivision.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for Thursday, July 29, 2021 at 10:30 am - Location to be announced

18. ADJOURNMENT

By general consent the meeting was adjourned at 5:22 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder