



Gabriola Island Local Trust Committee

Minutes of Special Meeting

Date: September 12, 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

Warren Dingman, Bylaw Compliance & Enforcement Manager
Lisa Millard, Meeting Administrator/Recorder

Others Present: There was approximately 1 member of the public and 7 representatives of the Mudge Island Community Association in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 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.

3. BUSINESS ITEMS

3.1 Bylaw Compliance and Enforcement Policies for Mudge Island - Verbal Discussion

Chair Luckham clarified the scope of the discussion.

Trustees and members of the Mudge Island Community Association introduced themselves.

Trustees noted the following:

- Purpose of discussion is to listen, receive input, and provide clarity on what policies can be changed at the Local Trust Committee level; and
- Suggested policy edits requested by the Mudge Island Community Association have been received; however, the Local Trust Committee has not yet determined how the suggestions will be incorporated into the policy.

Bylaw Compliance and Enforcement Manager Dingman indicated the following:

- Role is to receive input from Mudge Island residents through the Mudge Island Community Association, the Local Trust Committee, and Gabriola residents;
- Will look at entire Bylaw Compliance and Enforcement Policy for the Local Trust Area which includes Gabriola and Mudge Islands;
- Local Trust Committee cannot change Trust Council policies;
- Local Trust Committee can adopt a policy for each Land Use Bylaw on how to deal with enforcement; and
- Will provide a staff report based on feedback, policies, and best practices, which will outline enforcement options and policies for consideration by the Local Trust Committee.

Mudge Island Community Association stated their goal for the meeting was to collaborate constructively, go through the document, determine where problems exist, and find consensus on what can be accomplished.

Regional Planning Manager Jamurat joined the meeting at 11:40 a.m.

Discussion ensued and the following comments were noted:

- Vancouver Island Health Authority has jurisdiction to approve septic systems while the Mudge Island Land Use Bylaw regulates siting of septic systems and prohibits disposal of waste on land;
- When Bylaw Compliance and Enforcement receives a complaint outside of their jurisdiction they refer the issue to the appropriate jurisdictional body;
- Bylaw Compliance and Enforcement does not investigate septic systems on behalf of other agencies but does investigate disposal of waste, including septic waste, on land;
- Bylaw Enforcement Officers check for obvious waste leaking or seeping on to land or into the water;
- New section of Draft Bylaw and Enforcement Policy to amend Trust Council Policy 5.1.1 is under review and includes proposed language on Local Trust Committee's adoption of discretionary enforcement policy guidelines including the following:
 - Nature and urgency of the complaint;
 - Impact of the contravention on the complainant and community;
 - Previous decision or legal precedents on similar complaints;
 - If matter seems frivolous or vexatious in nature; and
 - Impact of the complaint on public health, safety, or the environment.
- Staff will make recommendations to the Local Trust Committee regarding number of complaints received prior to commencement of investigation;
- Mudge Island residents believe that recent complaints are targeted and vexatious with many being speculative and veering into personal attacks;
- Issue of frivolous or repeat complaints could be addressed through discretionary enforcement policy guidelines being recommend for Trust Council consideration;

The meeting was recessed for a break at 12:35 p.m. and reconvened at 12:50 p.m.

- Purpose of sending a notice letter is to begin conversation to discuss nature of complaint and establish a mutually agreed upon date and time to conduct an inspection;
- Local Trust Committee can establish notice period required prior to an inspection;
- Property owners can provide photographic evidence in response to a complaint;
- Services essential to the community such as barging and land clearing could be recognized through home occupation zoning or temporary use permits;
- Garden beds are excluded from lot coverage restrictions but are not supposed to be located within setbacks because they are considered structures;
- The Mudge Island Land Use Bylaw has an exception for driveways within the lot line;
- Targeted Mudge Island Land Use Bylaw Review is on the future projects list but there is no guarantee the project will be started during the current term;
- Local Trust Committee already has discretion to close a file and new bylaw policies would provide Bylaw Officers more discretion to close a file;
- Mudge Island Community Association stated deferring enforcement long term is not a solution, enforcement is still in effect for environmental health and safety issues, and it is important and give the community time to find solutions to issues not related to health and safety;
- Legal non-conforming status is provided through evidence;
- Mudge Island residents seek regular, consistent public community consultation; and
- Bylaw Compliance and Enforcement Manager Dingman will prepare a staff report to present the Local Trust Committee with options for a draft policy document, and will send said report to the Mudge Island Community Association prior to the November, 2024 Local Trust Committee meeting.

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:44 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder