



Gambier Island Local Trust Committee

Minutes of Regular Meeting

Date: August 29, 2023
Location: Gambier Island Community Centre
 Andy's Bay Road, Gambier Island, BC

Members Present: Peter Luckham, Chair
 Kate-Louise Stamford, Trustee
 Joe Bernardo, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
 Marlis McCargar, Island Planner
 Sonja Zupanec, Island Planner (attended electronically)
 Warren Dingman, Manager, Compliance & Enforcement (attended electronically)
 David Marlor, Director, Legislative Services (attended electronically)
 Diane Corbett, Recorder

Others Present: There were approximately thirty-five (35) members of the public in attendance during the morning session, and thirty-one (31) members of the public in attendance during the afternoon session.

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 11:03 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Stamford reported on the following activities:

- Eastbourne Community Association Annual General Meeting.
- Gambier Community Association concerns regarding wildfires, especially in Halkett Bay Provincial Park and unauthorized beach fires.

- Trust Council meeting on Pender Islands in September will focus on strategic planning.

Trustee Bernardo remarked that he would reserve his comments to the discussion of the agenda item on the proposed bylaws for the Keats Island Shoreline Protection Project.

3.2 Chair's Report

Chair Luckham indicated he was impressed with the Gambier Island Fire Equipment Group, fire storage area and water supply, and expressed thanks to Gambier Island Fire Equipment Group participants for being on-call.

Getting ready for Trust Council at the end of September on North and South Pender. Prior to that, staff and elected officials will meet at the annual Union of BC Municipalities (UBCM) Conference.

3.3 Electoral Area Director's Report

Electoral Area F (West Howe Sound) Director Stamford reported on the following:

- SCR D focus has been on water issues. Joint application to the federal government with Sechelt Nation for a reservoir above the District of Sechelt.
- Docks: Hopkins Landing dock is closed; there is a budget to have it fixed, hopefully within a year. New Brighton dock situation is awaiting the water lease from the province.
- Emergency services planning is an issue across Area F. Trustee had asked that specific areas be brought forward as priorities, including Fircom plateau near public access. It will be an individual responsibility.
- Looking to expand fire service beyond YMCA camp and Williamsons Landing. If this goes through, service would be provided by Gibsons fire service. Not an option provided for the islands.

4. DELEGATIONS – none

5. PUBLIC COMMENTS

Chair Luckham described this section of the agenda and invited those in attendance to comment.

The Chair noted there was a Temporary Use Permit (TUP) on the agenda, and that lot of correspondence regarding the TUP application had been received. People adjacent to the property were invited to comment, followed by others located further away from the property.

A resident from a neighbouring property noted he was most affected, living beside a shared easement the applicant was using to access their lot. His observations included: many people coming and going; sewage coming down the lane; people smoking, looking into windows and acting disrespectfully. Islands Trust was not acting promptly in allowing the operation to continue all summer. He is strongly opposed.

Another immediate neighbour, remarked the applicant had operated an unlawful business for almost a year and that it was past time to shut it down. He requested that the LTC pass a resolution that the applicant proceed no further. Issues included: opposition from the community; insufficient infrastructure to support the operation in terms of waste, fire suppression, and medical services; the proposal does not offer benefits to the community; the proponents have not taken steps to mitigate issues, such as the installation of signage to redirect customers up another route instead of the neighbouring property; the proponent did not meet customers on the dock; proponent had not participated in training sessions to help with house fires on the island, nor installed any fire suppression capacity. There was no cap on the number of customers on the site at one time.

A third immediate neighbour commented that Islands Trust, once it heard about what was going on at the site, had given the proponent the opportunity to continue their operation while they filed an application and developed plans for septic water and waste; this should have been figured out before the project began. A ramping up of marketing was observed, and had been going on for the past eight months. The neighbour requests that the LTC direct staff to inform the applicant they must cease to operate outside the law immediately. Shut it down, say no to the application, and enforce the regulations. However, if the operation were to continue, impose five customers at any one time, and 24/7 site supervision with persons trained in first aid and fire suppression. Customers should be redirected off neighbours' property, and perimeter fencing should be constructed.

Another adjacent resident commented on feeling "like hostages of the enterprise," and outlined calculations of the number of trips by customers who go by the resident's property on a daily basis, looking into their windows.

A long-time resident noted she was disappointed the area was now clear-cut. Concerned about having a lot of people coming to the island, about the environment and safety, with people coming in and out and trespassing, and no fire service.

Another resident questioned the policy and process that led to the TUP application and wondered if the LTC could have stopped this right away.

Other concerns expressed included:

- the operation isn't a home occupation and does not comply with the Land Use Bylaw (LUB).
- the applicant is advertising watercraft rental which is not permitted in the LUB.

6. MINUTES

6.1 Local Trust Committee Meeting dated June 20, 2023 - for adoption

By general consent the Local Trust Committee meeting minutes of June 20, 2023 were adopted.

6.2 Local Trust Committee Special Meeting dated July 21, 2023 - for adoption

By general consent the Local Trust Committee Special meeting minutes of July 21, 2023 were adopted as presented.

By general consent the minutes were adopted as amended.

6.3 Section 26 Resolutions-Without-Meeting Report dated August 22, 2023
Received.

6.4 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 22, 2023
Received.

Regarding GM-SUB-2022.2, it was confirmed that the community dock at Cotton Bay was not open to the public, but there would be a right of way cleared for access to Cotton Bay.

7.2 Gambier Freedom of Information and Protection of Privacy Procedure Bylaw No. 157 - Request for Decision

Director of Legislative Services Marlor gave an overview on the Gambier Freedom of Information and Protection of Privacy Procedure Bylaw No. 157. The current FOI bylaw, adopted in 1994, required updating to ensure compliance with current legislation.

GM-2023-023

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 157, cited as “Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023” be given first reading.

CARRIED

GM-2023-024

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 157, cited as “Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023” be read a second time.

CARRIED

GM-2023-025

It was MOVED and SECONDED

that Gambier Island Local Trust Committee Bylaw No. 157, cited as “Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023” be read a third time.

CARRIED

GM-2023-026

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee Bylaw No. 157, cited as “Gambier Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 157, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

7.3 Policy Options for Bylaw Enforcement Compliance on Unlawful Uses

Manager of Compliance & Enforcement Dingman reviewed the staff report on policy options for bylaw enforcement on unlawful uses, and recommended that “enforcement continue where there are unlawful land uses on properties subject to complaint, even if an application has been made, unless the use ceases or an applicant has received permission from the Local Trust Committee to continue operating.”

The Manager responded to Trustee inquiries for clarification. Discussion ensued.

GM-2023-027

It was MOVED and SECONDED

that Gambier Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:

- a) Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased.
- b) The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.
- c) Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue.
- d) In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether

the applicant has suspended the prohibited land use pending a decision on the application.

CARRIED

Chair Luckham recessed the meeting at 12:15 pm and reconvened the meeting at 12:45 pm.

8. APPLICATIONS AND REFERRALS

8.1 Temporary Use Permit Short Term Vacation Rental - GM-TUP-2023.1 (Kim)

Island Planner McCargar provided an overview of the staff report on an application for a Temporary Use Permit (TUP) that would allow short-term vacation rentals within a single family dwelling, an accessory dwelling, two tent sites and a Recreational Vehicle (RV) on a 7.5 acre property. The applicant had also proposed a small concession and the rental of non-motorized watercrafts at 670 Andy's Bay Road.

Staff noted that seventy (70) items of correspondence received were opposed, and one (1) was in support of the application.

Agents for the applicant were invited to comment, and made the following points:

- Acknowledged communication issues which could have been much better, and could have included talking to neighbours directly
- Have been trying to be as compliant as possible
- Scheduled an engineer to repair the sewerage system
- Prohibited guests from smoking on the property
- Plan to have another staff on site; already have one staff on site 24/7
- Stopped taking additional bookings via Airbnb and VRBO until completely compliant
- Acknowledged islanders' concerns of fire safety, noise and privacy issues
- Happy to take additional comments from islanders
- Agree with staff recommendation as outlined in the staff report

Trustees queried the applicant and raised the following points:

- Claim of benefit to community in supporting young peoples' employment
 - Youth working as manager on site, from off island
- Lack of information at this meeting needed by staff and the LTC for TUP application to move forward ; concerns around granting an extension for the applicant
 - The applicant responded there have been some unexpected delays in getting the required information to the planner. Requested an extension before the LTC makes the final decision on the application.
- The LTC would want to see significant quantity of water stored on site for fire fighting purposes

Trustee Stamford acknowledged how difficult the situation had been for everyone and how there had not been clarity of process for public engagement and action on behalf of the Islands Trust. The Trustee hoped the motions passed in item 7.3 would help mitigate these issues in the future. Thanks were extended to those who submitted

correspondence on the application. The Trustee acknowledged that the proponents did scale down the proposal and had plans to manage the health and safety concerns around septic and water.

The Trustee noted that Gambier's home-based business Land Use bylaws were developed separately from the rest of the LUB almost 20 years ago and the Advisory Planning Commission at the time deliberated earnestly about how to manage temporary overnight accommodation. It was seen that some type of accommodation was needed on the island – not just for vacationers, but also for workers and temporary guests of residents. Recommendations eventually passed by the LTC at the time were deliberately wide to encourage a realistic home-based business despite the remote location. Gambier's short-term vacation rental regulations are generous in comparison to regulations of other jurisdictions in the region.

Within the current bylaws, there is opportunity to support a reasonable temporary accommodation business for a resident wanting to benefit commercially from their property. As a result, Gambier's accommodation opportunities have mostly stayed at a scale that works for the small community.

It was further noted that:

- The proposal does not demonstrate a benefit to the community to warrant an expanded operation beyond what the bylaws currently permit;
- The New Brighton area currently does not have the appropriate infrastructure in terms of public access and emergency services, including fire suppression, to support another commercial business (other than the store) that caters to off-island visitors beyond what is considered a home-based business within the current bylaws;
- To date, the proponents had not conducted the operation with adequate consultation and consideration of neighbouring properties or the local community as a whole;
- Based on feedback received, the proposal is not supported by the community.

GM-2023-028

It was MOVED and SECONDED

that Gambier Island Local Trust Committee proceed no further with application TUP-2023.1 and that Islands Trust bylaw staff proceed to enforce the Gambier Land Use Bylaws.

CARRIED

Chair Luckham announced that the application would be closed. The applicant could re-apply after a twelve-month period.

It was recommended to the proponents, if they planned to continue to provide temporary overnight accommodation within the current bylaws, to consider: not having paying guests until the septic has been repaired to the standard of Vancouver Coastal

Health; constructing an alternate access point to the property for guests that is not disruptive to neighbours; and connecting with the community and working with the Fire Equipment Group to develop and implement a fire protection plan for the home-based business.

Trustee Bernardo registered disagreement with the staff report comment indicating the application had the potential to meet the general conditions for short-term commercial use TUP applications, in light of opposition from the community and because the scale of what would be required was inconsistent with the OCP.

GM-2023-029

It was MOVED and SECONDED

that Gambier Island Local Trust Committee add Temporary Overnight Accommodation bylaw review to the future projects list with regards to short-term vacation rentals with particular consideration to guests per-room limits and fire prevention protocols.

CARRIED

Members of the Public left the meeting at 1:55pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project: Gambier Island Official Community Plan and Land Use Bylaw Review Project

Island Planner Zupanec provided the Gambier Island Local Trust Committee (LTC) with a status update for the Gambier Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review Project. The planner indicated that these were the types of updates that would be provided throughout the project.

9.2 Minor Project: Keats Shoreline Protection Project

Island Planner McCargar discussed the staff report on the Keats Shoreline Protection Project that summarized the comments heard at the community information meeting of July 21, 2023. Staff recommended that a community information meeting (CIM) and Public Hearing be scheduled for Proposed Bylaw Nos. 153 and 154.

Discussion on the proposed bylaws ensued. Points included:

- Staff did good job of summarizing public comments.
- Most CIM questions concerned how bylaws would affect construction, use, and sizing of docks. These are issues that need to be examined.
- Ideally, have a formula regarding scale of repair that counts as a replacement versus repair for nonconforming docks.
- Clarify “legal nonconforming”.
- For new or replacement docks, to minimize the shade created so that eelgrass populations are not adversely affected, require smaller surface area if docks are not transparent than if they are transparent, to allow greater flexibility in the bylaw.

- Encourage sharing docks; need to build in more incentives to build those.
- Issue: everything is being focused on the property owners who have docks. There are other people concerned about how the ocean is protected. Foreshore is a priority. It is important to protect it the best way you can. Docks should be transparent and smaller.
- Concern about rejection of the bylaws by Squamish First Nation.
- Concern about watering down the bylaws.
- Define “water access only.”

GM-2023-030

It was MOVED and SECONDED

that Trustee Bernardo work with Island Planner McCargar to review the information obtained from the public information meeting, as itemized on page 2 of the staff report, and propose such amendments to the draft bylaws as may be required, and to bring that revised draft of the bylaws to the Local Trust Committee for consideration at the October 17, 2023 meeting.

CARRIED

GM-2023-031

It was MOVED and SECONDED

that the Gambier Island Local Trust Committee schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB) for the November Local Trust Committee meeting.

CARRIED

10. CORRESPONDENCE

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

10.1 Department of Fisheries and Oceans Canada Consultation check-in – Schedule 1 of the Species at Risk Act

Received for information.

11. NEW BUSINESS

11.1 Sunshine Coast Regional District Regional Growth Framework Baseline Research

Trustee Stamford clarified that there was an inconsistency in the approach to Islands Trust in this SCRD research framework, and that she had asked that this be a referral. The Trustee indicated she could provide a more general statement for consideration by the LTC at the next LTC meeting that asks that the Regional Growth Plan include a specific statement that clarifies the role of Islands Trust.

By general consent, the Local Trust Committee asked that the report be brought back to next LTC meeting.

11.2 Census Infographics – Briefing

The briefing on Census Infographics was provided to Local Trust Committees to provide information regarding trends in Local Trust Areas and the Islands Trust Area.
Received for information.

12. REPORTS

12.1 Trust Conservancy Report dated June, 2023

The Trust Conservancy news release dated June 20, 2023 was received for information regarding a new Conservation Area on Lasqueti Island that protects mature forest for Species at Risk. It was noted this came through after many years of consideration.

12.2 Applications Report dated August 22, 2023

Received.

12.3 Trustee and Local Expense Report dated June, 2023

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 First Nations Activities

No update.

12.6 Local Trust Committee Webpage

No update.

13. WORK PROGRAM

13.1 Active Projects Report dated August 22, 2023

Received.

13.2 Future Projects Report dated August 22, 2023

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, October 17, 2023 at 10:00 am and will be held electronically

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:45 pm.

Peter Luckham, Chair

Certified Correct:

Diane Corbett, Recorder