



Gabriola Island Local Trust Committee Minutes of Regular Meeting

- Date:** June 25, 2020
Location: Electronic Meeting via Zoom
- Members Present:** Dan Rogers, Chair
 Kees Langereis, Local Trustee
 Scott Colbourne, Local Trustee
- Staff Present:** Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner (in part)
 Jaime Dubyna, Planner 2 (in part)
 Bronwyn Sawyer, Planner 2 (in part)
 Ian Cox, Planner 1 (in part)
 Warren Dingman, Bylaw Compliance & Enforcement Manager (in part)
 Diane Corbett, Recorder
- Others Present:** Vanessa Craig, Director, Regional District of Nanaimo
 Approximately 11 Members of the Public

1. CALL TO ORDER

“Please note, the order of agenda items may be modified during the meeting.”

Chair Rogers called the meeting to order at 10:35 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced Trustees, Staff, and Recorder and explained the processes for participation in the Zoom meeting.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration.

- It was noted that, when the pandemic first hit, a scheduled meeting with the proponent was cancelled, and that it would be inadequate for the Local Trust Committee (LTC) to deliberate on this without first having a meeting with First Nations representatives. Discussion ensued. Trustee Colbourne announced he recently had received an email from a First Nations representative with a request to set up a meeting the following week.

GB-2020-034

It was MOVED and SECONDED

by the Gabriola Island Local Trust Committee that items 7.2 and 8.1 regarding GB-RZ-2019.1 (BC Ferry Services Inc.) be removed from the agenda and postponed until trustees have an opportunity to connect with the Snuneymuxw First Nation.

CARRIED

- Remove items 7.2 and 8.1 regarding GB-RZ-2019.1 (BC Ferry Services Inc.)
- Move number 9. Local Trust Committee Projects to become number 8.

- Renumber 9.1 Housing Options and Impacts Review Project to 8.1
- Renumber 8. Applications and Referrals to number 9.
- Renumber 8.2 GB-RZ-2020.1 (Gabriola Housing Society – GHS) to 9.1; 8.3 (GB-DVP-2020.3 (McCaw) to 9.2; and 8.4 GB-DVP-2020.1 (Maloney & Doherty) to 9.3

By general consent the agenda was approved as amended.

Subsequent to discussion, a meeting of the LTC with the First Nation was scheduled for July 8.

3. REPORTS

3.1 Trustee Reports

Trustee Colbourne presented the following report:

- Participation as a member of the Gabriola Fire Department, which has moved to a platoon system (was currently on duty; would need to leave if received a call).
- Thanks to Islands Trust staff and Regional District of Nanaimo (RDN), Director Craig, for work pertaining to a social needs assessment.
- Attended protocol meeting of Islands Trust and Regional District of Nanaimo.
- Will attend meeting set up with Camp Miriam (not able to hold camps this year) regarding organizations on the island who potentially could use the facilities.
- Taking break from social media and re-evaluating how to communicate with the community.

Trustee Langereis presented the following report:

- Attended Trust Council meeting in June; topics included protection of forests, integrating Islands Trust reconciliation statement, cultural safety for First Nations, motion to ministries for authority for ability to apply ecological protection to Private Managed Forest Lands.
- Attended Local Planning Committee meeting; discussions of fee schedule and recouping costs of applications; development approval processes; and clean-up.
- Trust Programs Committee review of Islands Trust policy statements, being done in three small groups over the next few months.
- Attended FireSmart webinars. FireSmart app is available. Cleaning of the fuel load in the forest understory that has to be done carefully.
- Beyond Recovery group is looking at how to move forward after this pandemic, and reaching out to the community for ‘how can we adapt our behaviour in moving forward?’, and ‘what are the positives that occurred that we can carry on?’

3.2 Chair's Report

Chair Rogers presented the following report:

- Trust Council was two full days of electronic meetings; kudos to Chair Luckham for walking Trustees and Staff through. A motion was passed to do this again in September. Regarding the issue of fees for development applications, there was a sentiment that they need to be more in line with actual costs.
- Work on the Programs Committee: three working groups were set up to look at reconciliation, climate change, affordable housing over the next three months and will work on incorporating this into the Islands Trust Policy Statement.

- Commended Trustees and Staff for the meeting on June 5, where he learned a lot about Regional District initiatives; lines of communication are very good.
- Role of Advisory Planning Commissions (APCs) within Islands Trust, and staffing them in a virtual world; a report in July will present options to activate APCs.

3.3 Electoral Area Director's Report

Electoral Area Director Craig presented the following report:

- Spring Beach ramp design initially was not conducive to safe descent to the beach and has been replaced by stairs.
- Wooden walking platform at Joyce Lockwood Park was assessed and removed as unsafe; there are plans to replace it with a simple boardwalk.
- Village Way pathway project has gone to tender until early July; goal is to complete the pathway in 2020.
- Met the Parks and Open Space Advisory Committee who recommended reassessment of some community parks in the Whalebone area; does not look like those parks were ever developed.
- Board received a regional housing needs report; findings include challenges to affordability, rentals, and condition of rentals. Report will be incorporated into the regional housing strategy.
- RDN finished a coastal and flood plain mapping project; it will be available online. Information will be used to update land use bylaws.
- Received regional groundwater analysis for the summer period. The monitored aquifer is below average levels.
- Nanaimo is restarting its Sports 2021 Committee; Director Craig will be on that committee.

3.4 First Nation Reports

Trustee Colbourne reported that through the Trust Programs Committee, he was sitting on working group committees regarding Reconciliation and Affordable Housing. The Trustee expressed thanks for the input of Lisa Wilcox, Islands Trust Senior Intergovernmental Policy Advisor. The discussions had been open and enhanced understanding of “where we live and who we are”.

Trustee Rogers attended a webinar regarding how to work with the Sḵwxw̱ ú7mesh / Squamish Nation.

4. MINUTES

4.1 Local Trust Committee Minutes dated May 14, 2020

By general consent the Local Trust Committee meeting minutes of May 14, 2020 were adopted as presented.

4.2 Section 26 Resolutions-Without-Meeting Report dated June 17, 2020

Received for information.

4.3 Advisory Planning Commission Minutes – none

5. TOWN HALL

Chair Rogers explained how Town Hall works. There were 11 attendees.

A member of the public wanted to ensure that her letter regarding the Gabriola Housing Society rezoning application had been received. She expressed her concern about environmental issues, and her issue with community planning for housing in general. She wondered if the LTC had any criteria for accelerating an application, and asked questions about the timing of the stages of the planning process.

Chair Rogers explained that the public hearing could come between first and second readings, or second and third readings.

Island Planner Zupanec confirmed there were no criteria for expediting applications.

A member of the public expressed concerns about a statement within GB-DVP-2020.3, and reported he had information that the septic system posed a risk. He asserted that the DVP has to be done before construction, not after.

Chair Rogers confirmed the Local Trustees had seen the emails and information sent to the LTC by the speaker; the application would be discussed later in the meeting.

6. DELEGATIONS – none

Chair Rogers opened the Community Information Meeting at 11:40 am.

7. COMMUNITY INFORMATION MEETING

7.1 Cannabis Regulation Project – Bylaw No. 303

Regional Planning Manager Kauer gave a presentation reviewing proposed Land Use Bylaw amendments to regulate cannabis production in the Agricultural Land Reserve.

Regional Planning Manager Kauer reported that the pandemic has influenced meetings. There is still an Advisory Planning Commission (APC) referral in process. There may be an option for the APC to meet outside, or be authorized to meet electronically.

Regional Planning Manager Kauer invited questions from the public and trustees.

Trustee Colbourne pointed out that a letter from the BC Ministry of Agriculture received in the March LTC agenda package recommended maximum 35% lot coverage for cannabis production. He encouraged Islands Trust to do a percentage of lot coverage.

Discussion ensued on the impacts of setbacks, and impact of 35% lot coverage versus the proposed cannabis production area coverage restriction of 200 square metres.

Trustee Langereis noted the issue of the 200 square metres was trying to constrain the size of development to micro-processing, and wondered if the community is fine with that. He also noted some of the smaller lots would not be able to do anything.

Chair Rogers announced the LTC had given this Second Reading. The next step would be Public Hearing. He commented on the process and invited people to contact staff if there were substantive questions.

There were no questions from the public in attendance, and no further questions from Trustees.

Chair Rogers closed the Community Information Meeting at 11:56 am.

Chair Rogers announced the meeting could go back to the Town Hall.

5. TOWN HALL

Steven Earle joined the Town Hall at 11:57 am.

Mr. Earle referenced a 1992 agreement between Islands Trust and the Ministry of Transportation and Infrastructure, stipulating that roadways would have 1.2 metre cycling lanes on both sides. He asked that the Trust Committee assure him that cycling lanes would be constructed on this new Spruce-Church connection section of road.

Chair Rogers indicated the LTC had received the email from Mr. Earle on this topic, and thanked him. Chair Rogers invited Mr. Earle to stay for further discussion during agenda item 12.1.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Housing Options and Impacts Review Project

The Regional Planning Manager discussed the staff report dated June 25, 2020 that provided an analysis of the draft engagement strategy submitted by the Gabriola Housing Advisory Planning Commission (APC) and proposed recommendations for a staged plan for next steps on the project. It was anticipated there would be a year-long public consultation strategy.

The Regional Planning Manager noted that the Project Charter indicated areas that the LTC wants to address; a purpose of the preliminary public consultation would be to help prioritize those things. Given that Islands Trust cannot do kitchen table or open house sessions at this time, staff could develop a survey and advertise about this effort.

Discussion ensued regarding the following points:

- Consultation process and referral of the Housing Options and Impacts Review to the Housing Advisory Planning Commission (HAPC).
- Public engagement process, staff workload and the purpose and nature of a referral to the HAPC.

Chair Rogers recessed the meeting at 12:38 pm.

Chair Rogers reconvened the meeting at 1:02 pm.

Discussion resumed and the following point was made:

- There was support for prioritization of components, and based on that, development of a strategy and data for the consultation process.

GB-2020-035

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee refer the project charter and public engagement strategy of the Housing Options and Impacts Review Project to the Housing Advisory Planning Commission to provide recommended prioritization of the in-scope components of version 5 of the Project Charter, other than the review of the Gabriola Build Out Map, based on staff comments regarding budget and staffing, and that all meetings resulting from the referral must meet the respective health and legislative requirements set forth by the Provincial Health Officer and Provincial Government.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 GB-RZ-2020.1 (Gabriola Housing Society – GHS)

Planner Dubyna gave an overview of the staff report that introduced two draft bylaws, one to amend the Gabriola Island Official Community Plan (OCP) Bylaw No. 166, and the other to amend the Gabriola Island Land Use Bylaw No. 177 (LUB).

Representatives of the Gabriola Housing Society spoke to the application. There was a request to the LTC to establish a schedule for the rezoning project so it would be completed prior to the end of 2020. A letter had been sent to Islands Trust on June 11, 2020 requesting an accelerated rezoning process. It was pointed out that there is tremendous competition for funding from BC Housing, and that there would be a better chance of success to obtain funding the closer the project is to approval. The Society would be in a better position with less risk, once past the process where trustees and the local community have weighed in on it.

The Regional Planning Manager provided an explanation of the required and optional steps pertaining to the OCP and LUB amendment process, and recommended a Community Information Meeting not occur until the referral period is over or almost over. It was not possible to commit to a timeline, not knowing what the public response would be. The process is designed so that community members have a say and can review the proposal.

It was noted that the Province (Ministry of Municipal Affairs and Housing) has final say regarding OCP amendments, so this would be outside the authority of Islands Trust.

Discussion ensued and included the following points:

- There is a separate and parallel process for the housing agreement bylaw. Islands Trust has a template housing agreement that recently was sent to the proponent. Quite a bit of work was done the previous term on a project that included developing the housing agreement template and a housing needs assessment.
- It was suggested that the lack of affordable housing on Gabriola should be a positive factor in this application.
- There was reluctance to put time limits on the referral period for First Nations. Consultation is ongoing.
- Staff noted in the report that Policy 4.4.2 of the Islands Trust Policy Statement is not applicable. The hydrologist report indicated there was no concern for the water

quality. The water report was forwarded to the Freshwater Specialist prior to the April 2020 staff report, who was very satisfied with the report and spoke by phone with the head hydrologist. The LTC added the Islands Trust Freshwater Specialist to the agency referral list.

- Buildings would be made rainwater harvesting ready.
- Definition of family residence could be reworded to indicate that secondary suites are not included.
- Discussion of duplexes versus triplexes; selection would be determined at the time of the environmental development application. Under BC Housing, projects must be protected by sprinklers; there may be some advantage building duplexes instead of triplexes in terms of the building code and fire code.
- Intent is that home occupations take place within the principle dwelling.
- There was discussion of the timeframe for the rezoning process, with agreement to set an approximate date for a public hearing.

GB-2020-036

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 306 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020” be read a first time.

CARRIED

GB-2020-037

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 307 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020” be read a first time.

CARRIED

GB-2020-038

It was MOVED and SECONDED

by the Gabriola Island Local Trust Committee that Proposed Bylaw Nos. 306 and 307 be referred to the following Local Governments and Agencies for comment for a 45 day period:

Regional District of Nanaimo, Vancouver Island Health Authority (Island Health), Ministry of Transportation and Infrastructure, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, School District 68, Gabriola Volunteer Fire Department, and Islands Trust Freshwater Specialist.

CARRIED

GB-2020-039

It was MOVED and SECONDED

by the Gabriola Island Local Trust Committee that Proposed Bylaw Nos. 306 and 307 be referred to the following First Nations:

Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Stz’uminus First Nation.

CARRIED

GB-2020-040

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a community information meeting for application GB-RZ-2020.1 (Gabriola Housing Society) and Proposed Bylaw Nos. 306 (OCP) and 307 (LUB) following the close of the bylaw referral period, and make best effort to schedule a public hearing prior to or during the week of October 5, 2020.

CARRIED

Chair Rogers express thanks to trustees, staff and representatives of Gabriola Housing Society.

The meeting recessed at 2:38 pm and reconvened at 2:41 pm.

The applicants for GB-DVP-2020.3 joined the meeting at 2:41 pm.

9.2 GB-DVP-2020.3 (McCaw)

Chair Rogers advised the applicants that the LTC heard from a neighbour regarding the DVP application at the Town Hall and by emails.

Planner Cox introduced the staff report on the DVP application requesting a variance of the Gabriola Island Land Use Bylaw (LUB) to reduce the setback from the natural boundary of the sea from 30 metres to 21.4 metres. The Planner pointed out that the variance request would be changed to 19.5 metres, not 21.4.

The addendum package included the engineering report. This DVP came about as an option for compliance pertaining to a neighbour bylaw complaint.

For the setback from the natural boundary of the sea, the rationale was the system installed has a higher standard than the traditional leach field system.

The applicants spoke to the application. They confirmed that they relied on the qualified professional for the design and location of the septic system.

Discussion ensued, that included consideration of setbacks to wells, health regulations, role of the health authority, unregistered well nearby, drainage ditch adjacent to the property, public feedback, and professional reliance for septic system installation.

As noted in the staff report, the health authority had accepted the findings of the hydrogeological engineering report pertaining to how the septic system might affect the aquifer and nearby water well within the recommended 30-metre limit, and had rescinded a Health Order.

Trustee Langereis wondered whether the Health Authority could override Section 3.1, Subsection 3 of the Sewage Regulation, which only allows setbacks if the report was done prior to construction.

GB-2020-041

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend draft Development Variance Permit GB- DVP-2020.3 by replacing 21.4 with 19.5 metres, and approve issuance as amended.

CARRIED

**Trustee Colbourne and Trustee Rogers in favour
Trustee Langereis opposed**

The applicants for GB-DVP-2020.1 joined meeting at 3:17 pm.

9.3 GB-DVP-2020.1 (Maloney & Doherty)

Planner Sawyer presented the staff report on a development variance request to permit the siting of two existing sheds and an existing greenhouse within the front and exterior side lot line setbacks.

Applicant Maloney spoke to the application, noting that: the sheds were on the property when purchased in 1999, apparently built before the establishment of the bylaws; a setback waiver had been received from the Ministry of Transportation and Infrastructure; a legal survey had been provided to Islands Trust. Nothing was obstructing the septic field. The greenhouse and one shed were under 100 square feet, the second shed slightly more than 100 square feet, none on permanent foundations.

GB-2020-042

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee waive the requirement to provide a plan signed by a BC Land Surveyor as per Gabriola Island Land Use Bylaw No. 177, A.3.5.1 *Enforcement of Siting Regulations* for application GB-DVP-2020.1.

CARRIED

GB-2020-043

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2020.1 (Maloney and Doherty).

CARRIED

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List dated June 17, 2020

Received.

11. CORRESPONDENCE

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

11.1 June 8, 2020 Email from S. Earle for Gabriola Cyclepaths regarding Spruce-Church Connection

Received.

11.2 June 10, 2020 Email from K. Clifford regarding Safe Public Access on Roadways

Received.

12. NEW BUSINESS

12.1 Safe Public Access on Roadways

Trustee Colbourne announced that there is a need for clarification regarding what is happening with the Church-Spruce connector, which is currently in front of MoTI. There is a bike route plan that flows from a 1992 agreement; what is the status of that? What is providing access if possible through that development for trails connected to trails? Is it only at a certain phase of the development, or is it expected throughout the construction phase of the project? It does not seem to be spelled out as to whether the road will have active transportation infrastructure, and the current MoTI direction.

Island Planner Zupanec reported MoTI has Islands Trust's referral response from over a year ago where it was indicated clearly that there would be a 1.2 metre shoulder. It was understood by staff that there were a number of conditions that needed to be met. There had been no correspondence received from MoTI indicating that the review had been finalized.

The Island Planner clarified that four trails were promised as part of subdivision and rezoning; some are on strata land (part of the subdivision) and they do not necessarily tie into the Spruce connector, but tie into a strata subdivision and the flow of pedestrian traffic to and from the 16-hectare park. Those trails are not connected to the Spruce-Church Road or potential site improvements, but are part of subdivision approval, and still on the table as part of the final approval of the subdivision layout. Islands Trust cannot give final approval of the subdivision if road design does not accommodate the conditions.

Staff was asked to get an update on the status of the development of trails and the condition related to the road shoulder to the next meeting.

Trustee Colbourne will follow up with Mr. Earle.

12.2 Clarification regarding Transportation Connections through Development Projects

There was no further discussion on this topic at this time.

12.3 Relief from Bylaw Enforcement Action amid COVID 19 Restrictions

Chair Rogers read aloud an email received from staff indicating no bylaw enforcement action would be taken on unlawful dwellings until Covid-19 restrictions have been lifted. Discussion ensued regarding the importance of communication with people who are in extenuating circumstances due to the pandemic and unable to respond to bylaw enforcement obligations at this time, as well as communication with complainants.

Bylaw Compliance and Enforcement Officer Dingman joined the meeting at 3:54 pm. Officer Dingman explained that Bylaw Enforcement was not doing anything to cause people to be removed or evicted from their properties. If there were contraventions on the lot, a letter would be sent saying that a file is being opened, there may be contraventions on the lot, and please contact Bylaw Enforcement. Due to Covid-19 restrictions, people were being given time to comply.

Chair Rogers suggested Trustees to guide people with issues related to bylaw enforcement to contact staff, and, if Trustees had specific bylaw enforcement issues on which they wished to consult, to arrange to meet with bylaw staff at an LTC in camera meeting.

12.4 Response to Email from Islands Trust requesting Expressions of Interest from Local Trust Committees to Participate in a Pilot to Live Stream Local Trust Committee Meetings

Chair Rogers remarked that the LTC had already advised the technical support staff of its interest in participating in a pilot to live stream LTC meetings.

Trustee Langereis indicated he would contact the technical support person to advise that the LTC had passed a motion expressing interest in participation several months ago.

12.5 Standing Resolution regarding Restaurant Expansion during COVID Emergency Response

The Regional Planning Manager presented the staff report on restaurant expansion during COVID emergency response. This also would apply to distilleries with seating areas.

GB-2020-044

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorization for liquor primary and manufacturer licensees in the Gabriola Island Local Trust Area.

CARRIED

13. REPORTS

13.1 Climate Change Action Update

A FireSmart and climate crisis webinar is scheduled for Saturday, July 4 at 2:00 pm.

In the fall, there will be a series of webinars presented, on topics that include eelgrass and water sustainability.

13.2 First Nations Relationship Building

No further updates were discussed.

13.3 Trust Conservancy Report

The Islands Trust Conservancy (ITC) report dated May 26, 2020 was received with the agenda addendum.

The Executive Committee has an annual liaison meeting with the Conservancy the second week of July.

Trustee Colbourne announced Stan McCrae had passed away recently. McCrae conservation area is a Natural Area Protection Tax Exemption Program (NAPTEP) covenant.

The Trustee reported he received emails from community members regarding the boundary line with the museum and trail access that he would forward to Kate Emmings at the Conservancy for clarification on what is happening, and copy the ITC Chair.

13.4 Applications Report dated June 17, 2020

Received.

13.5 Trustee and Local Expense Report dated May, 2020

Received.

13.6 Adopted Policies and Standing Resolutions

Received.

13.7 Local Trust Committee Webpage – none

14. WORK PROGRAM

14.1 Top Priorities Report dated June 17, 2020

Received.

There was discussion about the process pertaining to the ecological protection zone. It was proposed that a Trustee meet with the Nature Trust to learn why they were opposed to the zone.

Trustee Langereis planned to contact Nature Trust for further information, and report back to Planner Cox and the LTC by the next LTC meeting.

Participant Derek Kilbourne, commented on Coats Marsh Regional Park, noting that it is not within Islands Trust jurisdiction. It often is not seen by the public as a conservation area but an extension of 707 Park. Members of the Parks and Open Spaces Advisory Committee were asked to work on public education regarding the differences between the two. There will be more information brought to the committee in the fall about what the management plan states regarding Coats Marsh.

14.2 Projects List Report dated June 17, 2020

Received.

15. CLOSED MEETING – none

GB-2020-045

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee indicate it will have a meeting closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(e) for the purpose of considering acquisition and disposition of land and that the recorder and staff attend the meeting, on a date to be determined.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Thursday, July 30, 2020 at 10:30 am - location to be determined

17. ADJOURNMENT

The meeting adjourned at 4:20 pm.

Dan Rogers, Chair

Certified Correct:

Diane Corbett, Recorder