



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: March 4, 2021
Location: Electronic Meeting

Members Present: Dan Rogers, Chair
Kees Langereis, Local Trustee
Scott Colbourne, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Jaime Dubyna, Planner 2
Ian Cox, Planner 1
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Wil Cottingham, Administrative Assistant
Nadine Mourao, Recorder

Others Present: There were approximately nine (9) 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

The following additions to the agenda were presented for consideration:

- Add 16. In-Camera meeting.

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

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

- Active Transportation Grant approved partnership with the Regional District of Nanaimo (RDN);
- Gabriola Health and Wellness Collaborative meeting;
- Trust Council (TC) next week;
- Islands Trust Policy Statement Open House; and

- Trees 4 Tomorrow <https://www.conservancyhornbyisland.org/trees4tomorrow> over 40 acres private land identified on Gabriola, site visits scheduled on properties.

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

- Islands Trust Policy Statement Open House;
- Webinar Series <https://watershedsentinel.ca/articles/fracking-bc-report-from-the-people-webinar-series/> ;
- Elder Cedar and Coats Millstone Park Management Review Planning;
- Trust Programs Committee (TPC);
- TC next week;
- Regional Planning Committee (RPC); and
- Select committee on Governance Review.

3.2 Chair's Report

Chair Rogers reported the following:

- TC March 9 – 11, 2021, noted Agenda items on Policy Statement Amendment Project and Financial Planning Committee (FPC) Recommended 2021/22 Budget; and
- Islands Trust Policy Statement Open House.

3.3 Electoral Area Director's Report

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

- Alternate approval process is complete and one electric vehicle charging station earmarked for Huxley Park on Gabriola, a motion was put forward to consider user pay from the onset;
- Grant for Wildflower Resiliency Plan and fuel management issues regarding fire risks 707 Community Park;
- Social Needs Assessment next phase of public engagement with Health and Wellness Collaborative;
- Parks and Open Space Advisory Committee (POSAC) meeting;
- Tree management Policy zero net loss of trees;
- New Green Building Series, <https://www.rdn.bc.ca/green-building-resources>; and
- Development Cost Charges project going forward next phase consultation with building community.

3.4 First Nation Reports

Trustee Colbourne meeting scheduled with Snuneymuxw First Nations Chief Michael Wyse, Councillor Erralyn Joseph and Lisa Wilcox, Senior Intergovernmental Policy Advisor to revisit relationship building, the Protocol Agreement, and areas to work together.

Trustee Langereis will follow up regarding the Island Trust Community Stewardship Award, in celebration of the work of Snuneymuxw Elder Geraldine Manson (C'tasi:a).

Chair Rogers recommended Islands Trust Reconciliation Report 2019-2021 found on the March 9-11, 2021 Agenda Package which gives a comprehensive view of the work done in the last few years and approaches to reconciliation and noted the importance of First Nations involvement in committees and planning.

4. TOWN HALL

Member of the public expressed their disappointment in removal of the development of an Ecological Protection Zone (EPZ) from the Top Priorities List as the EPZ could be a holding place for Elder Cedar Nature Reserve, Burren's Acres, Coats Marsh, and any future sensitive ecological zones. Zoning is a reliable way to ensure environmental protection. Enquired if it was possible to strengthen the Gabriola Land Use Bylaws (LUB) and Official Community Plan (OCP) without adding work to the projects and add level of protection along with other tools like the Coastal Douglas Fir Toolkit.

Member of public noted New Society Publishers book by Carol Anne Hilton called *Indigenomics Taking a Seat at the Economic Table*.

5. MINUTES

5.1 Local Trust Committee Minutes dated January 21, 2021 – for adoption

The following amendments to the minutes were presented for consideration:

- Page 5, 7.2, Trustee Colbourne declared he had, replace 'conflict of interest' with 'conflict of duty'; and
- Page 5, 7.2, Discussion ensued, 3rd bullet, replace word 'Interested' with 'Consider'.

By general consent the minutes of January 21, 2021 were adopted as amended.

5.2 Section 26 Resolutions-Without-Meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated February 23, 2021

Received.

7. LOCAL TRUST COMMITTEE PROJECTS

7.1 Housing Options and Impacts Review Project - Development Potential Maps – Memorandum

Planner Zupanec provided an update to the LTC on the status of the 'Development Potential' mapping project, which is a deliverable of the larger 'Gabriola Housing Options and Impacts Review (HOIR) Project and noted the following:

- Interactive map will be available on Islands Trust website for public reference;
- Trustees may want to request amendments or additional layers once referral information is received from the HOIR Project;
- Suggested comprehensive and standardized interactive mapping across the Trust Area; and
- Freshwater mapping layer(s) will be added once data is available.

Discussion ensued and the following was noted by Trustees:

- Interested in mapping percentage of lots that have secondary suites.

7.2 Active Transportation Grant Project - verbal update

Trustee Colbourne noted conversations with Union of BC Municipalities (UBCM), RDN, and Gabriola Chamber of Commerce regarding the Ferry to Village travel corridor. He noted that Snuneymuxw First Nations to be included in the planning from the beginning of the project.

8. APPLICATIONS AND REFERRALS

8.1 GB-RZ-2020.1 (Gabriola Housing Society - GHS) - Housing Agreement - Staff Report

Planner Dubyna provided an overview of the report which asked the LTC to consider amendments to proposed Bylaw No. 308 (Housing Agreement) for application GB-RZ-2020.1 and noted the following:

- Staff no longer recommended proceeding with second and third reading as Snuneymuxw First Nations have requested additional time to review the Housing Agreement (HA).

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

- HA was key to set building and occupancy parameters, would like HA to come back to LTC for review if funder requires different configuration than duplexes and/or triplexes;
- Deferred decision regarding Article 1, Clause e, Affordable Market Unit to investigate options;
- Deferred decision regarding Schedule A, definition of qualified applicant pending discussion with Snuneymuxw First Nations; and
- Trustee Langereis brought forward a possible amendment for clarification regarding Article 1, Clause c, i, "or other criteria specified by an Affordable Housing Funder". What is the purpose of that phrase? What type of criteria? Is this intended to allow for income levels higher than BC Housing's Housing Income Limits? Deferred decision until next meeting.

By general consent the meeting was recessed at 12:34 pm and reconvened at 12:45 pm.

GB-2021-023

It was **MOVED** and **SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 308, cited as "Gabriola Island Housing Agreement Bylaw No. 308, 2020", be amended as follows:

- Article 1, Clause a – Definitions, be amended by removing "Maximum Monthly Rent" in its entirety;
- "Article 1, Clause b – Agreement over the Lands, be amended by adding a new item vi, which states: "the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewerage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria";
- Article 1, clause d – Rental Rates, be amended by removing "it will";
- Article 1, clause d – Rental Rates, be amended by removing item i in its entirety and replacing it with the following:

- “the rent payable by a Qualified Renter for an Affordable Housing Unit, exclusive of utilities, must not exceed 30% of the gross monthly Household Income of the Qualified Renter, except in the case of an Affordable Market Unit”;
- e. Article 1, clause d – Rental Rates, item ii be amended by adding “it will” before “not require”, adding “system” after “septic”, and removing “parking”;
 - f. Article 1, clause e – Affordable Market Unit, be amended by replacing the title “Affordable Market Units” with “Affordable Housing Units”;
 - g. Article 1, clause i – No Transfer, be amended by adding “, or the Provincial Rental Housing Corporation” after “affordable housing”, and by removing the second sentence in its entirety;
 - h. Article 1, clause v – Amendment and Termination, be amended by removing “and Termination” from the title;
 - i. Article 1, clause dd – Joint Venture, be amended by replacing “Society” with “Owner”;
 - j. Schedule A – Owner Statutory Declaration, clause 5 be amended by adding “or sublet” following “vacation rental”;
 - k. Schedule B – Definition of a Qualified Occupant, be amended by removing “or d” after “a, b, c” and replacing it with “, d or e”.

CARRIED

GB-2021-024

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 308, cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020”, be amended as follows:

- a. Article 1, Clause b – Agreement over the Lands, be amended by adding a new item iv, which states:
“it will design and construct only triplexes and duplexes on the Lands. If an Affordable Housing Funder requires a different configuration of affordable units, that configuration must be approved by the Trust Committee”;
- b. Article 1, Clause b – Agreement over the Lands, be amended by adding a new item v, which states:
“v the Lands must not be used or occupied for residential purposes unless the buildings are constructed to meet:
 - i. the performance requirements of the BC Energy Step Code 3 energy efficiency standards established by the British Columbia Building Code Regulation, B.C. Reg. 264/2012 (the “Performance Standards”) of the *Building Act* (BC), or
 - ii. if required by an Affordable Housing Funder, a different energy performance target, and
 - iii. the Owner has provided to the Trust Committee a Compliance Report from a certified energy advisor that the building has been constructed and is operating in accordance with item i or item ii, as the case may be,

CARRIED

GB-2021-025

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee not proceed with further readings of Bylaw No. 308, cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020”, in respect of the proposed Housing Agreement for application GB-RZ-2020.1, until comments are received from Snuneymuxw First Nation.

CARRIED

By general consent the meeting was recessed at 1:21 pm and reconvened at 1:45 pm.

8.2 GB-TUP-2020.3 (Nassichuck & Griesdale) - 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 and noted:

- Received 5 correspondence with neighbour concerns, some specific to applicant and some broad in nature, and 1 correspondence in support of the TUP.

Applicant Erica Nassichuck noted the following:

- Intended to personally use dwelling twice monthly and during holidays;
- Rent out selectively, primarily to single families with 1 vehicle, for short term rentals when not using themselves;
- All non-native flower beds removed and planted only native water conscious plantings;
- Did not have beach fires;
- Arranged for 2 residents of Gabriola to provide cleaning, maintenance, and to be 24 hour on island contacts for renters;
- Trailer was located on lot while for sale, at no time was there any one occupying trailer and it has now sold;
- Noise complaints may have been related to neighbourhood noise not from their lot; and
- Stopped vacation rentals on the property when received bylaw letter in November 2020.

Trustees noted the following key points:

- Requested that renters information package be updated to include:
 - 24 hours on island contact person(s) information;
 - First Nations Recognition visitor's information;
 - Stronger water use information, limitations, and restrictions; and
- Requested applicant update Airbnb listing to sleeps 6 persons, as it currently stated sleeps 9 persons.

GB-2021-026

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request further information on Temporary Use Permit GB-TUP2020.3.

CARRIED

8.3 Regional District of Nanaimo Referral - Initiation of Regional Growth Strategy Amendment for Nanaimo Airport Lands, - Request for Response

Discussion ensued and the following was noted by Trustees:

- Requested information from Staff on an agreement between IT, Transport Canada, and Nanaimo Airport regarding airplane noises and flight paths over Gabriola; and
- Potential impact for Gabriola regarding larger planes and increased noise.

9. DELEGATIONS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS - none

12. REPORTS

12.1 Climate Change Action Update

No updates.

12.2 First Nations Relationship Building

No updates.

12.3 Trust Conservancy Report dated January 26, 2021

Received.

12.4 Applications Report dated February 23, 2021

Received.

12.5 Trustee and Local Expense Report dated December, 2020

Received.

12.6 Adopted Policies and Standing Resolutions

Received.

12.7 Local Trust Committee Webpage

No updates requested.

13. WORK PROGRAM

13.1 Top Priorities Report dated February 23, 2021

Received.

13.2 Projects List Report dated February 23, 2021

Received.

14. COMMUNITY INFORMATION MEETING

GB-RZ-2019.1 (BC Ferry Services Inc.)

14.1 Planner Presentation

Planner Zupanec provided a presentation to inform and share proposed bylaw application details and noted the following points:

- Application seeks to amend the Gabriola Island Official Community Plan (OCP) Bylaw No. 166 and Land Use Bylaw No. 177 (LUB) for the future marine and upland improvements to the BC Ferries ferry terminal located in Descanso Bay. The proposal includes expansion of the upland terminal and vehicle loading area into the marine area by adding fill to the adjacent foreshore, construction of a new waiting

room/washroom building, improvements to sidewalk accessibility and safety, dedicated pick-up and drop-off area, and updates the parking area at the terminal;

- Information may be found on Islands Trust Gabriola Applications website <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/current-applications/>;
- All agency and First Nations referrals have not been received to date; and
- Encouraged the public to submit written or verbal correspondence before the Public Hearing, date to be determined;

14.2 Applicant Presentation

Representative of the Applicant, John Steil, Steven Mayall, and Loreina Melnick provided an overview of the application and noted the following key points:

- Encouraged Trustees to give second reading to the Bylaw;
- Two new island class electric hybrid (fully electric capabilities) vessels coming to Gabriola route in early 2022;
- Terminal Development Plan developed with public consultation and includes holding compound for 50 cars (approximately one full vessel load), designated foot passenger area, dedicated pick up and drop off, GERTIE bus parking, waiting room, standardized berth designed to fit all minor to intermediate vessels for maximum flexibility, floating concrete pontoons, 2 lane ramp that minimizes issues with lower clearance vehicles, and separate foot passenger walk ways to speed up loading and unloading of vessel; and
- Further efforts have been made to consult with First Nations who have an interest in this application.

14.3 Question and Answer Session

No questions at this time.

15. APPLICATIONS

15.1 GB-RZ-2019.1 (BC Ferry Services Inc.) - Staff Report

Planner Zupanec summarized the report which recommended that the LTC reconsider first reading of Proposed Bylaw No. 30 (LUB) in order to correct an error in the bylaw citation, and to summarize professional reports and referral responses received to date on Proposed Bylaw Nos. 304 (OCP and 305 (LUB) for the redevelopment of the Descanso Bay ferry terminal under application GB-RZ-2019.1 (BC Ferries).

Discussion ensued and the following was noted by Trustees:

- Requested update from applicant on BC Ferries efforts to consult with Snuneymuxw First Nation regarding this application;
 - Loreina Melnick noted that a meeting is scheduled for next week to discuss this application and BC Ferries was not aware that the LTC resolution requesting an update on all efforts of consultation with First Nations; and
- Not prepared to advance application further at this time.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2021-027

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(2) (b) for the purpose of considering information received and held in confidence pertaining to government to government negotiations and that the recorder and staff attend the meeting.

CARRIED

Chair Rogers closed the meeting to the public at 2:24 pm.

16.2 Recall to Order

By general consent the meeting was recalled to order 2:54 pm.

16.3 Rise and Report

None.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for Thursday, April 15, 2021 at 10:30 am via Zoom Electronic Meeting

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:53 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder