

ADOPTED

**MINUTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON MONDAY, DECEMBER 3, 2012 AT 1:00 PM
AT THE SOUTH ISLAND COMMUNITY HALL,
GALIANO ISLAND, B.C.**

<u>PRESENT:</u>	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Kris Nichols	Island Planner
	David Millership	Recording Secretary

There were approximately twenty-two (22) members of the public present.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 1:00 p.m. Introductions were made and the meeting introduced.

Chair Hancock stated appreciation and acknowledgment that today's meeting is taking place on the traditional territories of the Coast Salish people.

2. APPROVAL OF AGENDA

Chair Hancock asked for any additions or changes to the agenda; amendments were as follows:

- *Added to agenda package Item 5.1.1* – Minutes of November 19, 2012 Local Trust Committee Business Meeting
- *Added to Item 9.1* – Stephen Nemtin correspondence dated November 30, 2012

The agenda was Approved as amended by consent.

2.1 Questions on Agenda Items

None

2.2 Town Hall Session

Chair Hancock invited the public to make comment.

There being no comments from the public, Chair Hancock closed the Town Hall meeting.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for Adoption

5.1.1 Minutes of November 19, 2012 Local Trust Committee Business Meeting

Amendments:

- *Page 2 first and fifth paragraphs* – replace “manor” with “manner”
- *Page 5 break times* – replace “3:30 p.m.” with “2:00 p.m.” and “3:45 p.m.” with “2:30 p.m.”
- *Page 12 Item 11.8 second paragraph first sentence* – replace “Trust Program” with “Local Planning”

The Minutes of November 19, 2012, Local Trust Committee Business Meeting as amended were Adopted by consent.

5.2 Public Hearing Records and Community Information Meeting

None

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Nichols provided information and items were discussed with regards to status and action.

Planner Nichols stated that with regards to Item No. 1, the covenant has yet to be received. He stated that with regards to Item No. 2, a progress report would be ready in February 2013. Planner Nichols stated that with regards to Item No. 3, the applicant is being worked with relating to needed covenants.

Planner Nichols stated that with regards to Item No. 8, one response in favour has so far been received.

7. DELEGATIONS

None

8. CORRESPONDENCE

None

Note: Correspondence items are received by virtue of being on the agenda.

Note: Correspondence received concerning applications and/or projects is considered with the application/project.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 GL-DVP-2012.4 (Gonthier)

Planner Nichols provided information from *Staff Report dated November 20, 2012 (File No.: GL-DVP-2012.4) Re: Development Variance Permit*.

There was some discussion regarding a Section 219 covenant addressing certain things and being a requirement for subdivision.

Trustee Decario stated concern regarding structures and in particular the electrical shed, being so close to the road.

Planner Nichols stated that the variance permit could be amended to include the electrical shed.

Trustee Pottle stated that the Section 219 covenant would keep density down and that even though a split-zoned lot is being created it appears the best option for addressing this unique situation.

Stephen Nemtin, neighbour to the owner, was in attendance and spoke throughout the remaining discussions.

Mr. Nemtin asked how big the split-zoned lot(s) would be and whether or not the existing cabin could be expanded.

Planner Nichols responded that Proposed Lot 1 would be 0.99 acres and Proposed Lot 2 would be 4.07 acres.

Chair Hancock responded that the existing cabin could be expanded into a single-family residence.

Trustee Decario responded that the zoning would permit the owner a residence and an accessory building and thus it would be up to the owner to decide the future of the existing cabin.

There was some discussion regarding current permitted accessory building size and that such is being reviewed and will most likely be increased by the Local Trust Committee (LTC).

Mr. Nemtin read aloud his correspondence dated November 30, 2012.

Applicant Ron Taylor was in attendance and spoke on behalf of the owner.

Mr. Nemtin asked the LTC to guarantee that his well would not be compromised if development were to take place on Proposed Lot 1.

Trustee Pottle responded that the LTC has to have faith in the Capital Regional District (CRD) system with processes, rules and regulations pertaining to wells and septic systems being followed and working. Trustee Pottle stated that she is sympathetic of Mr. Nemtin's concern regarding the potential for loss of privacy.

Chair Hancock responded that if the well is outside of the required setback area then it is not within Islands Trust jurisdiction.

There was some discussion regarding compliance, the LTC generally wanting to avoid creating split-zoned lots, this being a unique situation and density being limited by way of covenant.

There was some discussion regarding water, Mr. Nemtin's well, the stream that flows to Mr. Nemtin's property, privacy and various setbacks including agricultural setbacks.

Mr. Nemtin stated concern regarding his well and asked the LTC to protect the "water corridor" leading to it.

Mr. Nemtin and Ron Taylor showed the LTC a map that showed the "water corridor".

Trustee Decario stated that it is fortunate that the stream is where it is for the reason that it appears it might naturally protect the "water corridor".

Resolution GL-LTC-133-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to amend Development Variance Permit GL-DVP-2012.4 (Gonthier) to include the electrical shed on Proposed Lot 1.

CARRIED

Resolution GL-LTC-134-12

It was Moved and Seconded that Galiano Island Local Trust Committee Development Variance Permit GL-DVP-2012.4 (Gonthier) as amended be approved.

CARRIED

Trustee Decario stated support for GL-DVP-2012.4 addressing issues of compliance.

Member of the public Kiyu Okuda stated concern regarding the building right for the cabin on the small property, due to the properties size, and questioned where the building right came from in the first place.

There was some discussion regarding the current smaller lot being created in 1921 and the current larger lot being created in 1931.

9.2 Covenant ET016476 (Gaylor) District Lot 48

Planner Nichols provided information from *Memorandum dated November 15, 2012 (File No.: GL2455-20) Re: Amending Covenant ET016476* and explained that staff is seeking LTC direction regarding a request to amend a covenant on a Forest Industrial (FI) zoned lot (Lot 1) and to remove a covenant from an adjacent lot (Rem. D.L. 48).

Brett Gaylor was in attendance and spoke on behalf of the application.

There was some discussion regarding the possible removal of clauses one, two, three, seven and fourteen.

Trustee Pottle asked why mechanical repairs and boat building are not permitted.

Planner Nichols responded that such is calculated on square footage.

There was some discussion regarding noise concerns, work safe guidelines pertaining to 85 decibels, concerns expressed by neighbours and why the covenant on the FI zoned lot states that noise decibels are to be measured at the source versus being measured at the property line.

Planner Nichols stated that some concerns could be addressed via public hearing (PH).

Trustee Decario stated support for being provided the PH record that resulted in covenant ET016476 in order for the LTC to better understand the reasoning behind some of the restrictions/clauses.

Brett Gaylor stated that his family is trying to sell the FI zoned land and that covenant ET016476 is making it difficult to do so for the reason that the land cannot be used according to the intended zoning designation. He stated concern that the higher taxes associated with the FI zoning are being paid yet the land cannot be used for its intended purpose. Mr. Gaylor stated that a chainsaw runs at 110 decibels and a sawmill operates at 120 decibels and that both as well as lawnmowers and any building activity are restricted on the FI land. He added that such restrictions don't make sense for the reason that they make his FI land more restricted than other land(s) not zoned FI.

Trustee Decario stated that the LTC needs to better understand the reasoning behind covenant ET016476 and also consider the concerns expressed by neighbours.

Brett Gaylor stated that he doesn't think Bylaw Enforcement Officers (BEO) carry devices that can measure sound decibels and that neighbours would be able to hear FI activity.

Member of the public **Doug Latta** stated that FI activities could potentially be enclosed in order to mitigate noise pollution.

Resolution GL-LTC-135-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to produce the Public Hearing record that resulted in covenant ET016476.

CARRIED

Resolution GL-LTC-136-12

It was Moved and Seconded that the Galiano Island Local Trust Committee authorize the removal of the covenant in its entirety from Remnant District Lot Number 48.

CARRIED

Note: there was a break at 2:10 p.m. and the meeting reconvened at 2:35 p.m.

Resolution GL-LTC-137-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a Public Hearing on amending covenant ET016476 for the March 11, 2013 Galiano Island Local Trust Committee Business Meeting.

CARRIED

Resolution GL-LTC-138-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to enter into a Cost Recovery Agreement with the owner(s).

CARRIED

9.3 Covenant EF113410 (Retreat Cove Farms Ltd.)

Planner Nichols provided information from *Memorandum dated November 20, 2012 (File No.: GL2455-20) Re: Amendment to Covenant – Cottage Size (Retreat Cove Farms Ltd.) Lot A District Lot 62, Galiano Island, Cowichan District, Plan 29479.*

Hugh Parfitt, Secretary/Treasurer Retreat Cove Farms Limited, was in attendance and spoke in support of the application.

Resolution GL-LTC-139-12

It was Moved and Seconded that the Galiano Island Local Trust Committee agrees to alter covenant EF113410 to conform to the current Land Use Bylaw and that the Chair be authorized to sign on behalf of the Galiano Island Local Trust Committee.

CARRIED

Resolution GL-LTC-140-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to enter into a Cost Recovery Agreement with owners of Retreat Cove Farms Limited to cover all costs related to the alteration of covenant EF113410.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Greenshores for Homes Workshop

Planner Nichols provided information and there was some discussion regarding dates.

Resolution GL-LTC-141-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a Special Meeting for the Greenshores For Homes Workshop, on February 23, 2013.

CARRIED

There was some discussion regarding the way in which the Special Meeting (SM) would be advertised with the Active Page being a priority over the Islands Tides and depending upon publication deadlines.

There was some discussion regarding shoreline, geographical, ecological and eelgrass mapping as well as the overall Greenshores For Homes project.

Chair Hancock stated support for receiving an actual product once the project/process is complete.

11. REPORTS

11.1 Work Program Reports

11.1.1 Galiano Island Local Trust Committee Work Program - Report dated November 2012

Provided for information purposes only.

There was some discussion regarding amendments.

Resolution GL-LTC-142-12

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to amend Work Program Top Priority No. 1 by moving Activity No. 4 *Review of regulations pertaining to strata common property* to Work Program Projects.

CARRIED

The LTC directed staff to further amend the Work Program; amendments were as follows:

- *Top Priority No. 1* – remove Activity No. 2.
- *Top Priority No. 1* – rename Activity No. 5 to read “Review of Parking Regulations”.
- *Top Priority No. 1* – remove Activity No. 7
- *Top Priority No. 1* – rename Activity Phase II Item No. 3. to Cottage Floor Area Calculation and move it to Activity No. 13.
- *Projects No. 3* – remove
- *Top Priority No. 1* – add Short Term Vacation Rentals (STVR's) to Activity Phase II Items.

11.2 Applications Report

11.2.1 Galiano Island Applications Report dated November 2012

Planner Nichols provided information and applications were discussed with regards to status and action.

11.3 Expense/Budget Reports

11.3.1 LTC Expense Report

Provided for information purposes only.

None

11.3.2 LTC Budget 2012-2013

Provided for information purposes only.

11.4 Bylaw Enforcement

None

11.5 Policies and Standing Resolutions Report

Provided for information purposes only.

11.6 Galiano Island LTC Web Page for Review

Chair Hancock asked for any additions or changes to the LTC web page; amendments were as follows:

- *Add* – Updated Work Program Top Priorities and Projects.

- *Add* – Notice of February 23, 2013 SM.
- *Add* – Notice of February 18, 2013 PH for Proposed Bylaw No. 237.
- *Add* – Notice of February 23, 2013 Greenshores For Homes Workshop.

11.7 Chair's Report

Chair Hancock stated that he has been getting ready for and would be attending Islands Trust Council from December 4 – 6, 2012, on Salt Spring Island. He stated that a motion would be brought forth at Trust Council relating to the BC Ferries consultation(s) and that Council would be asked whether it supports funding BC Ferries by property taxes. Chair Hancock stated that issues and concerns relating to BC Ferries are trying to be addressed head on.

11.8 Trustee Report

Trustee Decario stated that she would be attending Islands Trust Council from December 4 – 6, 2012, on Salt Spring Island and that she attended a Community and Economic Development Committee Meeting, regarding experiencing the Gulf Islands, potential trails and trail connections, and water taxis. Trustee Decario stated that she has attended to many things in addition to her everyday business.

Trustee Pottle stated that she attended a November 2, 2012, Trails Workshop. She stated that a Wellness Study is being proposed to take place on Galiano. Trustee Pottle stated that she attended a November 5, 2012, Community and Economic Development Committee Meeting. She added that she has been engaged in informal discussions with The Galiano Land and Community Housing Trust (GLCHT) and that she has attended to her regular things and has been talking to lots of people. Trustee Pottle stated that she would be attending Islands Trust Council from December 4 – 6, 2012, on Salt Spring Island.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Local Trust Committee Business Meeting at 1:00 p.m. Monday, February 18, 2013, South Community Hall, Galiano Island

The meeting is scheduled as stated.

13. TOWN HALL MEETING

Chair Hancock invited the public to make comment.

Ron Taylor stated support for the LTC referring to guest cottages in covenants without listing the associated permitted guest cottage square footage. Mr. Taylor stated that such makes sense for the reason that if the permitted guest cottage square footage size changes then all that needs to be updated is the Land Use Bylaw (LUB).

There being no further comments from the public, Chair Hancock closed the Town Hall meeting.

14. ADJOURNMENT

Resolution GL-LTC-143-12

It was Moved and Seconded that the Galiano Island Local Trust Committee meeting be adjourned at approximately 3:35 p.m.

CARRIED

RECORDER

CHAIR