



ADOPTED

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: June 6, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present Laura Busheikin, Chair
Sandy Pottle, Local Trustee
George Harris, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
Kim Stockdill, Acting Planner 2
Colleen Doty, Recorder

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:31pm. She acknowledged the meeting was held in traditional territory of the Coast Salish First Nations. Approximately 25 members of the public were present and no media.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

The Chair outlined parameters for the first Town Hall which is an opportunity to speak to something on the agenda.

Mike Hoebel enquired of the status of the Telecommunications Strategy as noted in Follow-Up Action Item (p.18 of agenda package).

Acting Planner 2 Kim Stockdill noted this is an ongoing project and due to the number of agenda items, the Telecommunications Strategy had to be deferred.

Debbie Holmes noted two corrections to last minutes. She stated the Crystal Mountain Society (CMS) rezoning would be similar to that of Woodstone. There is no exit clause under discussion. She stated encouragement, not support, for their application. She wished to address three agenda items. 1) She encouraged the Local Trust Committee (LTC) to get CMS to apply for a Temporary Use Permit (TUP) for a retreat zone and to have the Official Community Plan (OCP) forest review committee examine the issue. 2) With respect to affordable housing, she heard unusual things at the AGM. The LTC had already approved density on 20 units? . She supports the society's work, but thinks density is too much and doesn't want national or international investors. 3) Concerning commercial Short Term Vacation Rentals (STVR's): she's not opposed to this but thinks we need more information. She asks the LTC to consider what happens after six years of TUPs. She would like APC members who have STVR's to excuse themselves from discussions with respect to STVR's.

Regional Planning Manager (RPM) Robert Kojima noted that one can apply for rezoning or another TUP after six years. There was brief discussion about differing interpretations of renewals.

Kio Okuda spoke to importance of accurate minutes and was concerned about being heard at meetings; he requested planners bring CMS into OCP conformity.

Staff and LTC clarified there is nothing in the OCP that states forest lot owners must transfer land as a condition of rezoning.

Suzanne Fournier, a North End property owner since 1990, presented concerns of herself and those of Dr. Christine Wilson and Neil Friedenberg (via email), other immediate neighbours of CMS who have lived in the neighbourhood for 10 years. Concerns with respect to: 1) the lack of transparency of the application process; 2) impact on the character of the neighbourhood which would change the rural character of Galiano; 3) the lack of consultation; 4) the approach to forest bylaws and the potential for CMS application becoming a gateway for other developers; 5) the number of parked cars -- potentially 70 -- on retreat days. Ms. Fournier requested clarification on the number of cars that could be parked on or near Devina Drive. Dr. Wilson and Mr. Friedenberg requested the CMS application be rejected.

Stephen Rybak urged LTC not to accept staff recommendations to proceed to a Community Information Meeting (CIM) on the basis the applicant has not met the baseline established for other forest rezonings: land transfer of covenanted lands with ownership. He asked what the community would get in exchange for rezoning and expressed concern for establishing precedent. He noted the CMS application has been clouded by a federal definition of "community benefit" used inappropriately at the local level.

Andrew Loveridge spoke on behalf of Galiano Green and apologized for the time taken to move the application along.

Janice Oakley noted difficulty of being around misinformation and the tone of accusations. She noted there is a misinterpretation with respect to density, and that the CMS application isn't a residential application.

A/Planner 2 Stockdill provided a technical comment. The applicant has requested 22 parking spaces (on private property). The 70 is what would happen if the proposal complied with the parking regulations in the Land Use Bylaw. Additional uses, for example a spa, would require a rezoning application. A spa would not be allowed under the land use bylaw being proposed.

Akasha Forest had a question about process. Referring to recommendation on p. 138 of the agenda package, that staff schedule a CIM to present draft bylaws, the draft conservation covenant and the finalized application proposal, she asked why, given that it's a complex rezoning, not present draft bylaws before a CIM.

RPM Kojima noted the LTC provided direction to staff to draft bylaws and noted a CIM is the best format of dealing with draft bylaws rather than at an LTC meeting. The expectation is that material is prepared well in advance.

Akasha Forest commented she would like to see draft bylaws come to LTC meeting first.

Chair Busheikin and RPM Kojima stated it was up to the LTC to decide timing.

Louise Decario referred to: CMS application, noting importance of Trustees seeing draft bylaws before going to CIM; supports transfer of land in exchange for density; ; concerned about creating a split zone because it creates difficulties down the road. She suggested consolidation of both lots creating one big lot to allow the density.

RPM Kojima confirmed the split zone approach for the CMS application.

Louise Decario commented on: Galiano Green's (GG) new housing agreement, noting concerns about LTC holding the agreement instead of the Capital Regional District (CRD). She urged the applicants to take their new proposal to CRD. There is an opportunity to receive \$300,000.

Libby McLelland was concerned about misinformation, explaining that CMS teachings are not paid for, but rather exchanged for donation.

Trustee Pottle noted receipt of a handwritten letter from Audrey Thomas. She would scan it and send it in.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 2, 2016 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Add a comma on p.1 of Draft Minutes of May 2, 2016, p. 4 of package, after "perpetuity" in Debbie Holmes' Town Hall Comments.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report Dated May 2016

Provided for information.

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-Up Action List Dated May 2016

A/Planner 2 Kim Stockdill reviewed the Follow-Up Action Report, provided for information.

Trustee Pottle asked whether Stettner and Section Seven Water Works have responded. A/Planner 2 Stockdill noted that there was nothing to report.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaw No. 488 Referral

GL-2016-036

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No. 488 and decided Interests Unaffected by Bylaw.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaw No. 489 Referral

GL-2016-037

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No.489 and decided Interests Unaffected by Bylaw.

CARRIED

10.3 Salt Spring Island Local Trust Committee Bylaw No. 490 Referral

GL-2016-038

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee considered Salt Spring Island Local Trust Committee Bylaw No.490 and decided Interests Unaffected by Bylaw.

CARRIED

10.4 Mayne Island Local Trust Committee Bylaw Nos. 165 & 166 Referral

GL-2016-039

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee considered Mayne Island Local Trust Committee Bylaw Nos. 165 and 166 and decided Interests Unaffected by Bylaws.

CARRIED

10.5 Mayne Island Local Trust Committee Bylaw No. 167 Referral

GL-2016-040

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee considered Mayne Island Local Trust Committee Bylaw No. 167 and decided Interests Unaffected by Bylaw.

CARRIED

10.6 Mayne Island Local Trust Committee Bylaw Nos. 168 & 169 Referral

GL-2016-041

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee considered Mayne Island Local Trust Committee Bylaw Nos. 168 & 169 and decided Interests Unaffected by Bylaw.

CARRIED

10.7 GL-TUP-2016.4 (Calvert) - Staff Report

A/Planning 2 Stockdill provided a summary of the application.

GL-2016-042

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee approve Temporary Use Permit GL-TUP-2016.4 (Calvert).

CARRIED

Trustee Pottle noted that some landowners are delaying applying for TUPs because they want more time. Staff commented that Bylaw Enforcement is working through the bylaw enforcement list. With each successive TUP allocation, cumulative impacts are evaluated in each area. It is in an applicant's interests to apply earlier rather than later.

Chair Busheikin commended the applicant for applying early.

10.8 GL-DP-2016.2 (McFarland) - Staff Report

GL-2016-043

It was MOVED and SECONDED,

that Development Permit GL-DP-2016.2 (McFarland) be approved.

CARRIED

10.9 GL-RZ-2011.1 (Galiano Green) - Staff Report

RPM Kojima provided an overview of the application. Staff are seeking the LTC's direction on the applicant's request to remove the phasing plan. Staff support removing the phasing plan.

There were questions and discussion concerning:

- How to deal with small changes in the Housing Agreement (HA) and whether that happens at a Public Hearing.
- If changes affect use or density will the HA have to go back to Public Hearing?
- Sweat equity, and, tracking of labour costs and donated labour if one builds one's own house.
- Pros and cons of CRD holding the HA administration versus LTC, which lacks the expertise. If CRD were to administer HA, affordability could be impacted and there could be further delays in the application. Under Section 14 of HA the LTC can assign administration of HA to a third party.
- Changing costs and building codes if there are more delays.
- Whether one's status as a retiree or a recipient on Employment Insurance would affect one's eligibility as a renter or leaseholder.
- Confusion over qualifications of renters versus leaseholders to be eligible inhabitants of GG.
- Delegation of authority
- LTC's liability.
- Galiano Green's business model.
- Flexibility of Community Management Committee (CMC), as addressed by Schedule F, item 3(b).
- There being no limit as to how long it could take one to build their house.
- Concern about water availability; Page Drive and Galiano Estates have water issues.

Chair Busheikin asked whether the applicant would consider approaching the CRD to take on administration of the HA. Galiano Green Board members present thought fellow board members would not support it. Concern was expressed about further delays if the CRD were approached because they would likely want more changes.

RPM Kojima noted that:

- Trustees asked staff to amend HA so that resale value could include unpaid labour.
- One's eligibility is assessed at the time of application only.
- And confirmed that the request is just to remove the phasing plan, not the hydrology report requirement.

Chair Busheikin suggested:

- That for leasehold residents, it be clarified that the definition of eligibility is only at the time of intake.
- With respect to p. 111 of the agenda package, a clause to the effect: "as long as the fees are consistent with the goals of affordability."

- With respect to p. 112, item 5a), a clause about including adult members of family who have also been living there.

There was consensus among Trustees that the above points were reasonable.

- With respect to p. 112, item 5b) iv), it be clarified that “mortgage payments” refers to monthly payments, the payments leaseholders take out to buy their unit.

There was extensive discussion about removing the covenant’s requirement to have two of the first six units constructed by the Owner.

Trustee Harris agreed with removing the clause, which is onerous on the society. Trustee Pottle noted the benefits of having the clause, previously agreed upon, largely to demonstrate feasibility of the plan. She would like the community to consider it and wondered whether a CIM would be appropriate. A prototype would be helpful to engineer the water system.

Chair Busheikin queried whether one house would present a compromise option and provide some feedback on project costs, building trust and optimism. Louise Decario suggested a prototype could be built in conjunction with an applicant.

There was consensus among Trustees to change the covenant to one house.

GL-2016-044

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee rescind second reading of proposed Bylaw 234.

CARRIED

GL-2016-045

It was MOVED and SECONDED,

that Galiano Island Local Trust Committee proposed Bylaw 234 be amended and shown in the attachment to the staff report of May 26, 2016.

CARRIED

GL-2016-046

It was MOVED and SECONDED,

that Galiano Island Local Trust Committee Bylaw 234 be read a second time as amended.

CARRIED

GL-2016-047

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee direct staff to prepare a housing agreement bylaw for rezoning application GL-RZ-2011.1 (Galiano Green).

CARRIED

GL-2016-048

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that proposed Bylaw No. 259 and proposed Bylaw No. 260 are not contrary to, or at variance with, the Islands Trust Policy Statement.

CARRIED

GL-2016-049

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests that a Community Information Meeting and a Public Meeting be scheduled together at a Special Meeting for Bylaws 233 and 234.

CARRIED

There was discussion about timing of such a Special Meeting and it was thought that September would be realistic. There was a friendly amendment to add a Special Meeting.

GL-2016-050

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request that staff revise the draft s.219 covenant to remove reference to the phasing of development.

CARRIED

10.10 GL-RZ-2014.1 (Crystal Mountain) - Staff Memo

A/Planner 2 Stockdill provided background. Trustees would like to see draft bylaws before they go to the public. A/Planner 2 Stockdill is waiting for some particulars from applicant in order for the draft bylaws to be on the next LTC meeting.

At this point in the meeting agenda item 16 - In-camera session was moved for the LTC to consider.

16. CLOSED MEETING (previously Item 16 on the Agenda Package.)

16.1 Motion to Close Meeting

GL-2016-051

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee's meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d) & (f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated May 2, 2016
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

CARRIED

The public was asked to adjourn at 3:48pm.

See separate In-Camera Meeting Minutes dated June 6, 2016.

16.2 Recall to Order

Meeting was recalled to order at 4:21pm.

16.3 Rise and Report:

Chair Busheikin reported that In-Camera Minutes of May 2, 2016 were adopted and information was received from staff.

The agenda for the Regular Meeting resumed.

10.11 GL-RZ-2016.1 (Wostenholme) - Staff Report

A/Planner 2 Stockdill provided a brief summary.

GL-2016-052

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee give First Reading to draft Bylaw No. 259, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016."

CARRIED

GL-2016-053

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee give First Reading to draft Bylaw No. 260, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016."

CARRIED

GL-2016-054

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee direct staff to schedule a public hearing and community information meeting for proposed Bylaw No. 259 and proposed Bylaw No. 260 to be held in conjunction with the July 4th, 2016 regularly scheduled meeting of the Galiano Island Local Trust Committee.

CARRIED

GL-2016-055

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that proposed Bylaw No. 259 and proposed Bylaw No. 260 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Cottages Floor Area - Staff Report - Bylaw Nos. 242 & 243

GL-2016-056

It was MOVED and SECONDED,

that Galiano Island Local Trust Committee proposed Bylaw No. 242, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2013" be adopted.

CARRIED

GL-2016-057

It was MOVED and SECONDED,

that Galiano Island Local Trust Committee proposed Bylaw No. 243, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2013" be adopted.

CARRIED

11.2 Contractor TUP Guidelines - Staff Report - Bylaw No 253

GL-2016-058

It was MOVED and SECONDED,

that Galiano Island Local Trust Committee proposed Bylaw No. 253, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2015" be adopted.

CARRIED

11.3 Secondary Suites - Staff Report - Bylaw Nos. 254 & 255

GL-2016-059

It was MOVED and SECONDED,

that Galiano Island Local Trust Committee proposed Bylaw No. 254, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2015, be adopted.

CARRIED

GL-2015-060

It was MOVED and SECONDED,

that Galiano Island Local trust Committee proposed Bylaw No. 255, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2015," be adopted.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated May 2016

Provided for information. A/Planner 2 Stockdill asked whether LTC would consider removing affordable housing as a Top Priority. It was felt the upcoming Housing forum might spur further ideas.

GL-2016-61

It was MOVED and SECONDED,
that the Galiano Island Local Trust Committee requests staff to provide a project charter on dock review.

CARRIED

12.1.2 Projects List Report Dated May 2016

Provided for information.

12.2 Applications Report Dated May 2016

Provided for information. With respect to GL-RZ-2013.1, Loren Wilkinson has been appointed to sign on behalf of Galiano Conservancy Association.

12.3 Trustee and Local Expense Report Dated March 2016

The Expense Summary Report was received, showing expenses incurred up to the end of March 2016.

12.4 Adopted Policies and Standing Resolutions

Provided for information

12.5 Local Trust Committee Webpage

none

12.6 Chair's Report

Trust Council is happening next week. There will be a meeting about the possibility of having electronic meetings for Trust Council. There will likely be a debate about anchorages and a session on staff and elected relationships. Chair Busheikin expects to receive an update on the Salt Spring Island incorporation study and referendum. There is an upcoming Housing Forum in Cowichan Bay.

12.7 Trustee Report

Trustee Harris noted the length of time it takes for bylaws to be passed. He was pleased that Galiano Green is now moving ahead, and, with a better model.

Trustee Pottle attended the Local Planning Committee forum via phone on affordable housing and will be attending the Affordable Housing Forum in Cowichan Bay. She has received correspondence from constituents about Crystal Mountain Society.

12.8 Trust Fund Board Report Dated May 2016

Report provided as part of agenda package page 182-183.

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 4, 2016, at 12:30 pm, at the South Community Hall, Galiano Island

Chair Busheikin is unavailable for the Aug. 29, 2016 LTC meeting.

15. TOWN HALL

Tom Hennessy was interested in attending the upcoming Affordable Housing Forum on behalf of Galiano Green, which has a suitable 15-minute presentation.

Chair Busheikin explained that the schedule and presenters have already been set.

Mr. Hennessy requested a list of housing projects that will be presenting. Chair Busheikin will follow up.

Stephen Rybak thanked Island trail makers for their efforts. Unfortunately there has been some vandalism of signs. Concerned about having a public record, he suggested depositing minutes at local library. He suggested a forest lands Community Benefit Review to help remove uncertainty about rezoning process.

Nancy McPhee asked Trustee Pottle about correspondence with respect to Crystal Mountain Society and whether the information could be made public.

RPM Kojima noted that if correspondence went to one Trustee only, it was subject to a Freedom of Information request which covers personal email.

Nancy McPhee enquired about information that is shared at a Trust meeting: when information is inaccurate, what procedure is there to have it corrected or retracted? She asked the LTC to consider what "Community Benefit" means.

Chair Busheikin noted that LTC is required to make evidence-based decisions.

Kim Lenglet noted increased intensity of use requires some sort of support for community housing. She saw increased intensity of use after adoption of Bylaw 243. She would like to see equitability and noted the discrepancy that Temporary Use Permits facilitate Short Term Vacation Rentals but not affordable housing.

Janice Oakley wanted to acknowledge people's time spent on land use government and how we live on this island. Kindness is a community benefit.

Kio Okudo would like to see digital copies of minutes in the library. He was concerned about how Bylaws, TUPs and STVRs came into being, , and would like to explore how TUPs could be denied.

Trustee Pottle outlined the history of the discussion around STVRs.

RPM Kojima noted that anonymous complaints about bylaw enforcement are not accepted. Phone calls to trustees could be made. Names are kept confidential.

Debbie Holmes asked whether commercial camping in a Forest 1 zone was acceptable as a permitted use.

Chair Busheikin urged Ms. Holmes to go to Bylaw Enforcement. With reference to the time when trustees had conflicting opinions about the minutes, action was taken after the meeting to clarify the situation and avoid further confusion

16. CLOSED MEETING - This item was considered earlier in the agenda.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:20pm

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder