

ADOPTED



Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: April 1, 2019
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

Members Present: Dan Rogers, Chair
Members Present: Jane Wolverton, Local Trustee
Tahirih Rockafella, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Planner (in audience)
Yasemin Schnorr Von Carolsfeld, Recorder

Public: There were approximately (34) members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations, particularly the Penelakut.

Chair Rogers introduced everyone at the table. He set out guidelines for the meeting, with the expectation that people talk to the issues rather than the personalities present.

2. APPROVAL OF AGENDA

The following changes and additions to the agenda were presented for consideration:

- 4.1 Trustee Report
- 4.2 Chair's Report
- 9.2 Potential Grant Request

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Colleen Doty asked about the applications for input, if there could be comments before the LTC discusses them.

Andrew Loveridge commented on the TUP application, he spoke in favour and would like them to continue with the B&B.

Susan Lambert had a letter of support for the TUP. She spoke to the discretionary authority of the governing body, the job is not just to apply rules.

1. There has to be discretion that is important to the democratic process.
2. Recusal is not being used appropriately.

Chair Rogers replied that Trustee Wolverton will speak to her recusal. It's her decision. Trustees make those decisions all the time.

Louise Decario spoke to the last minutes saying "a member of the public" was used instead of people's names

Regional Planning Manager (RPM) Kojima replied that there is a guideline to not include names, but it is practice to include them.

Sheila Anderson would like to give some background information to remind people that the OCP road network plan has specific emergency routes. There is a need to plan ahead to minimize impact.

Roger Pettit commented on minimal consultation with the public for the Road Network Plan. In future, he suggested using the input of the full community.

Suzanne Fournier mentions every application should have a statutory right of way for emergency access. It is her opinion that every property must have an easy exit from their property.

Chair Rogers suggested not devolving the meeting into a road network plan.

Roger Pettit said it is beyond him how the document was approved as an official community plan. It's not worth the paper it's written on.

Chair Rogers re-directed the conversation as he said the meeting was turning into a discussion between people in the audience.

Chair Rogers pointed out that OCP is a bylaw, it has to go through a public hearing.

Sandy mentioned that a lot of people don't know what went into the road network plan.

Chair Rogers redirected the conversation pointing out the need to stick to the current agenda, as there was a lot to cover.

Member of Public had a question of what happened to the letter of support for cell phone service.

Chair Rogers mentioned he didn't know where it was at the moment, but the letter of support should be posted to the website.

Trustee Wolverton pointed out that she had a copy, and would take care of that.

4. COMMUNITY INFORMATION MEETING

none

4.1 Trustees Report

Trustee Rockafella said that she didn't have a lot to report this month. But to know that our decisions have a far reaching impact and the public is consulted.

Trustee Wolverton informed people that she had been to Trust Council on Gabriola Island. She pointed out that people may not understand that they (Trustees) can't talk to each other in advance on a small committee such as theirs. She said that they each individually do their own research. That they first speak when they sit down in the public meeting together.

4.2 Chair's Report

Chair Rogers pointed out that they did have a Trust Council meeting in the middle of March. June 18th-20th Trust Council will be held on Galiano. Summary of what was done:

- Passed the budget
- There will be 2% property tax increase
- First Nations advisor went to a full time position
- There was another position created for the Islands Trust Conservancy
- Also a Conservation Covenant Monitoring position was created
- There's lots of work going on around strategic planning

There was talk of climate change and the First Nations relationship building, along with forest and marine foreshore. The Reconciliation Declaration is work we can be proud of.

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 4, 2019 (for Adoption)

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated March 2019

Trustee Rockafella asked if a date had been set yet for the workshop.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

9.1 K. Harris Letter Dated March 1, 2019 re North Galiano Volunteer Fire Department (NGVFD) Cell Tower Letter of Support

Received for information.

9.2 Potential Grant Request

Trustee Wolverton mentioned a partnership for Reconciliation grant. She said that there was an expression of internal interest; but that the final application was not due until May.

Chair Rogers suggested a motion.

GL-2019-019

It was Moved and Seconded,

that the Galiano Island Local Trust Committee authorize Trustee Wolverton to make the initial expression of interest application for the urban communities partnering for reconciliation grant.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 GL-RZ-2017.1 (Stevens) - Staff Report

RPM Kojima mentioned that it is post public meeting. At the last meeting it was considered further and a resolution adopted, requesting amendment to the covenant which attaches a statutory right of way. Staff and trustees have visited the site; staff also met with local emergency service providers. Emergency service providers support a blanket statutory right of way for emergency providers.

Trustee Rockafella asked, if possible, that the LTC ensure that it's acceptable to the community.

RPM Kojima replied that it will be provided to the LTC prior to adoption of the bylaw.

Trustee Wolverton said that she went back to look at what's guiding them. She said that it was helpful to walk through the ravine to see what was proposed. Fragmentation of forest corridor and soil compaction should be minimized. The designated future road should follow the old road to have the least impact.

Trust Rockafella mentioned that Galiano's OCP says the road should follow the old route.

Chair Rogers said that what he was hearing that came out of the meetings is that the blanket statutory right of way is acceptable and that bullets one and two are related.

Chair Rogers mentioned that his instinct from having been there, is that he has a similar reaction about the gulley. He said it seems like it'd be a lot of work. He doesn't know what the answer is, but hears that the Trustees are saying that it (the Covenant) is still not satisfactory. RPM Kojima explained that the old resolution still stands. The covenant should still be amended so that the future road is re-aligned to more closely follow the old road, particularly across the ravine. He will follow up with the applicant.

10.2 GL-DVP-2019.1 (Sepp/Kinney) - Staff Report

Chair Rogers asked if the applicant was there in attendance.

Christoph Sepp replied "yes".

RPM Kojima explained that the DVP is for an over height tree house. It's an accessory building of 8.6 m versus 5 meters maximum allowable. The applicant's rationale is that it's private and secluded minimizing the impact. The existing vacation rental is legal. The recommendation is to approve the variance.

Trustee Wolverton asked what the square footage of the tree house is.

The applicant replied that it is 180 sq. feet without the trunk.

Trustee Rockafella asked if there is a maximum allowable square footage.

RPM Kojima replied that there wasn't. He said that it's lot coverage that regulates accessory buildings.

Chair Rogers asked if there were any other questions.

Trustee Wolverton suggested that no one's seen it in person (there are photos of it in the report), but the original plan had a different stair case.

Christoph Sepp explained he built the tree house with his son. There's no intent for commercial utilization.

Chair Rogers asked if the applicant had read the correspondence from one of his neighbours. And if he understood that the treehouse can't be used as part of his STVR.

Christoph Sepp, the applicant replied that he had and understood.

Chair Rogers asked if he'd talked to his neighbour about the cladding.

Christoph Sepp replied he had not.

Louise Decario said she was shocked when she saw the pictures, since the tree house doesn't seem to be in keeping with the environment. Yet, said that she felt badly opposing it.

Doug Latta I regret that we're considering a tree house that no one can see. The liability is on no-one.

Keith Carlson asked if the square footage is the issue.

Chair Rogers replied that it's the height.

Christoph Sepp mentioned that he had researched it to be the least intrusive possible. The design will have least impact on the tree.

Diana Lilly asked where the structure is in terms of the perimeter of the property and if the neighbours can see it.

GL-2019-020

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2019. 1 (Sepp & Kinney).

CARRIED

A brief break was taken between 1:55 p.m. and 1:57 p.m.

10.3 GL-TUP-2019.2 (Colwell) - Staff Report

Trustee Wolverton pointed out that she is Alison Colwell's employer and had received advice and will recuse herself.

Trustee Wolverton recused herself and left the meeting room at 1:58 p.m. for the next agenda item due to conflict of interest.

RPM Kojima mentioned that the Bed and Breakfast is in an accessory building that has been used for a number of years. The applicant tried to ascertain if the BnB could be grandfathered, but it didn't meet the criteria. A number of options were given to comply. The applicant applied for a TUP. The lot's too small for a cottage and an accessory building cannot be used for a human habitation.

Chair Rogers asked if there were questions. He and Trustee Rockafella discussed some of the criteria.

Chair Rogers pointed out that the applicant's present. He asked her if she wished to speak.

Alison Colwell mentioned:

- She was required to apply for TUP as her only option.
- The process was triggered by Bylaw Enforcement.
- She is not sure that the TUP is the right way to deal with this.

Chair Rogers asked if there were any questions for the applicant. There weren't. So he confirmed that they'd read all 6 letters written to them.

Alison Colwell mentioned the Bylaw Officer told them they would need to apply for a TUP or charges will be pressed against them.

Trustee Rockafella pointed out that staff wasn't satisfied that the building was grandfathered. She pointed out that she has applied for the TUP as a way to avoid rezoning which would be more complicated. She pointed out that she had already read what she submitted. She asked not to hear what was in the letters again.

Roger Pettit explained that the accessory building in question had been used as a recording studio at one point, but it was also used for human habitation during that time too.

Chair Rogers pointed out that it's defined in the bylaws. We're looking at a TUP.

Louise Decario questioned why a TUP is used for a BnB.

RPM Kojima stated that a TUP is for a use not otherwise permitted by zoning.

A member of public summarized a letter requesting to keep the current BnB on the property.

Abby stated she is in support of the TUP. A lot of people have spoken to why using this BnB is beneficial; it's a difficult position for Trustees, as it sets a precedent.

Colleen Doty stated it's not the first time the LTC has had to deal with a lot size such as this and asked how many other owners are shy of the 1 acre. She also asked: What are the thresholds for determining water usage? Do TUP renewals automatically renew?

RPM Kojima said that renewals come to the local trust committee.

Sandy Pottle stated that the lot is .91 of an acre and doesn't allow for a cottage. We had a similar situation where there were two buildings instead of one, where the solution was to join the 2 buildings. Is that something that could be considered for this accessory building of the Colwell's?

Keith Carlson said he is in support of TUP of the Colwell application.

Cate Sandilands noted that the survey dates from the 50's and the property is in the commercial area. It's been in operation for 8 years without complaint. This site has been developed for over 75 years.

Sheila Anderson expressed concerns about the TUP being temporary. It doesn't give the applicant long term stability. It's not a quiet residential area or new. She suggested rezoning this lot as an exception.

Chair Rogers reminded the people in attendance, that if we've heard it already, please don't repeat it.

Susan Fournier suggested that Allison is running the BnB the way we want it run.

Chair Rogers mentions going off topic.

Holly Schofield I'm not sure that due process has been followed. There was no variance considered.

RPM Kojima stated that a variance is not an option.

Henny Schnare asked if there is any way around grandfathering given the measurements of the property?

Chair Rogers those options are still on the table. Grandfathering is legal non-conformity.

Louise Desario it seems like you don't have enough information.

Trustee Rockafella appreciated the comments.
She mentions these points:

- Spending a lot of time looking into possibilities. These people own the property and someone else will own the property later.
- Looking at a TUP for an accessory building.
- Being elected to make a call for the community; not on my gut.

Chair Rogers mentions this is an odd application. The staff did not conclude that this was a legal non-conforming building. I put no fault on the staff for the recommendation. He would be inclined to approve this if it would give some time for another solution to be found. It's not an STVR where it could otherwise provide housing in the community. He supports the application with the recommendation regarding the water.

Trustee Rockafella asks if there's any way (to staff) to allow this application to continue without approving the TUP.

RPM Kojima explained that without approving the TUP it goes back to Enforcement.

Trustee Rockafella asks if there a time period for compliance. Would she not be charged if she's working towards compliance.

RPM Kojima mentions she would be would be given reasonable time to comply.

Trustee Rockafella asked about a potential breezeway

RPM Kojima stated a breezeway is not a connection between buildings. It would have to have walls, floors and doesn't know how feasible it is.

Chair Rogers states he would be very reluctant to commit Bylaw Enforcement to anything.

Trustee Rockafella asked if they allow a TUP for a BnB would it set a precedent.

RPM Kojima it would be specific to this application. It would not be precedent setting, but it could set an expectation.

Chair Rogers expressed that TUPs are a complete exercise of discretion. There is no legal precedent. We consider each one on their merits. There should be some condition related to the water usage in the area as this property is in the water management area.

Chair Rogers made a motion to amend the permit to include the requirement for rainwater catchment cistern to be installed (p. 37 Item 2), this was not seconded.

GL-2019-021

It was Moved and Not Seconded,

that the Galiano Local Trust Committee amend proposed Temporary Use Permit GL-TUP-2019.2 (Colwell) by including the requirement for proof that a rainwater storage cistern of 16, 000 litres capacity is installed on the subject property within twelve (12) months of the date of issuance for the permit.

WITHDRAWN

GL-2019-022

It was Moved and Seconded,

that the Galiano Local Trust Committee amend Temporary Use Permit GL-TUP-2019.2 (Colwell) to be valid for one year (instead of 3 years) from the date of issuance of the permit.

CARRIED

GL-2019-023

It was Moved and Seconded,

that the Galiano Local Trust Committee approve issuance of TUP GL-TUP - 2019.2 (Colwell) as amended.

CARRIED

A brief break was taken between 3:04 p.m. and 3:25 p.m.

Trustee Wolverton returned to the meeting room at 3:25 p.m.

10.4 Thetis Island Local Trust Committee Bylaw No. 103 Referral

RPM Kojima spoke to the bylaw.

GL-2019-024

It was Moved and Seconded,

that the Galiano Local Trust Committee's interests were unaffected by Thetis Island Bylaw No. 103.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Top Priorities - Staff Report

RPM Kojima reviewed the report which provided options and recommendations for top priority items. Chair Rogers asked how the LTC would you like to deal with this?

Trustee Wolverton indicated she was fine with those recommendations.

Trustee Rockafella supported starting with the STVR review.

GL-2019-025

It was Moved and Seconded,

that the Galiano Local Trust Committee add Groundwater Sustainability to the Galiano Island LTC Top Priority List and that staff report back with a project charter.

CARRIED

GL-2019-026

It was Moved and Seconded,

that the Galiano Island Local Trust Committee request staff report back with an updated Project Charter for the Affordable Housing Project that would identify vacation rental review as the first phase.

CARRIED

GL-2019-027

It was Moved and Seconded,

that the Galiano Island Local Trust Committee remove the Dock Review from the Galiano Island LTC Top Priority List and place on the Projects List.

CARRIED

GL-2019-028

It was Moved and Seconded,

that the Galiano Island Local Trust Committee add Emergency Access Planning to the Galiano Island LTC Projects List.

CARRIED

GL-2019-029

It was Moved and Seconded,

that the Galiano Local Trust Committee add the Coastal Douglas Fir Toolkit to the Galiano LTC Projects List.

CARRIED

11.2 Fees Bylaw Amendment No. 270 - Staff Report

RPM Kojima explained that the bylaw would amend the fees for Cannabis referrals.

Chair Rogers Trustees asked if anyone had any questions. There were none.

GL-2019-030

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 270, cited as "Galiano Local Trust Committee Fees Bylaw No. 196, 2007, Amendment No. 1, 2019", be read a first time.

CARRIED

GL-2019-031

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 270, cited as "Galiano Island Local Trust Committee Fees Bylaw No. 196, 2007, Amendment No. 1, 2019", be read a second time.

CARRIED

GL-2019-032

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 270, cited as “Galiano Island Local Trust Committee Fees Bylaw No. 196, 2007, Amendment No. 1, 2019”, be read a third time.

CARRIED

GL-2019-033

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 270, cited as “Galiano Island Local Trust Committee Fees Bylaw No. 196, 2007, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated March 2019

Received for information.

12.1.2 Projects List Report Dated March 2019

Received for information.

12.2 Applications Report Dated March 2019

RPM Kojima commented that the TUP’s were approved today.

12.3 Trustee and Local Expense Report Dated January 2019

Chair Rogers pointed out that we’re close to the end of fiscal year.

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

Chair Rogers suggested posting the telecommunications letter.

12.6 Trustee Report

Chair Rogers mentioned that items 12.6 & 12.7 have been moved.

12.7 Chair's Report

12.8 Islands Trust Conservancy Report

none

13. NEW BUSINESS

13.1 Galiano Island Local Trust Committee Bylaw No. 269, Bylaw Enforcement Notice (BEN) - Staff Report

RPM Kojima explained the amendment would update the bylaw so it's consistent with the Land Use Bylaw.

Chair Rogers expressed that the whole focus of enforcement is on getting compliance.

GL-2019-034

It was Moved and Seconded,

that the Galiano Island Local Trust Committee Bylaw No. 269, cited as "Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011, Amendment No. 1, 2018", be adopted.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 6, 2019, at the North Community Hall, Galiano Island

15. TOWN HALL

Member of the Public asked what is the Islands Trust's fiscal year.

Chair Rogers replied it's 1st of April to the 31st March.

Colleen Doty asks what are the tools from the groundwater specialist, how will they be used?

RPM Kojima that the groundwater analysis would establish the existing groundwater regions and compile the data that's available. Then try to get a water balance model for those regions.

Trustee Wolverton stated there is difficulty monitoring the groundwater on people's properties.

Brad Lockett brings up his concern with compliance. The bylaw officer visits, the person stops and then starts again after the bylaw officer leaves again.

Member of Public asked about the emergency access discussion based on access for emergency providers and explained it should be for evacuees too. She also asked about renewal of TUPs?

RPM Kojima explained that discussion with CRD was for public egress through those routes too.

Chair Rogers explained the TUP renewal process.

Stephen Rybak asks if they could please review the decisions about Stevens.

Chair Rogers if you go back to the staff report, we put 3 conditions on adoption of the Bylaw. Proposal from staff for a statutory right-of-way is fulfilling one of the conditions. There are 2 outstanding.

Stephen Rybak mentions about his difficulty in following this is to show where the various areas exist.

Chair Rogers suggests they stop talking about Stevens. Online there are extensive mapping attached to the reports and encouraged him to look at those.

A member of the public mentioned that it is a recurring theme, in a small community, everyone knows everyone. Different communities will write letters for different things. Is there a more modern tool? What about a new tool for a bylaw inspector to give to a person to ensure they come into compliance?

RPM Kojima explained there are compliance agreements that Bylaw Enforcement uses.

Roger Pettit asked about approving a bylaw without a hearing.

Chair Rogers it was an administrative bylaw that does not include a public hearing.

Roger Pettit said that from a meeting he just went to, our fire season is expected to be the worst yet. Fire proof your property.

Sheila requested bigger maps and to include topography.

Trustee Wolverton showed an island brochure that she would like to see on the ferry.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:21 p.m.

Dan Rogers, Chair

Certified Correct:

Yasemin Schnorr Von Carolsfeld, Recorder