

# ADOPTED

**MINUTES OF THE GALIANO ISLAND  
LOCAL TRUST COMMITTEE MEETING  
HELD ON MONDAY, FEBRUARY 18, 2013 AT 1:00 PM  
AT THE SOUTH ISLAND COMMUNITY HALL,  
GALIANO ISLAND, B.C.**

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

There were approximately thirty-five (35) members of the public present.

## **1. CALL TO ORDER**

Chair Hancock called the meeting to order at 1:05 p.m. Introductions were made and the meeting introduced. He stated appreciation and acknowledgement that today's meeting is taking place in the traditional territories of the Coast Salish people.

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## **2. APPROVAL OF AGENDA**

Chair Hancock asked for any additions or changes to the agenda; no amendments were made.

The agenda was Approved by consent.

### **2.1 Questions on Agenda Items**

None

### **2.2 Town Hall Session**

Chair Hancock invited the public to make comment.

**Avis Seeds** stated that she is one of three Galiano Water District Trustees. Ms. Seeds stated concern that Galiano Land And Community Housing Trust (GLCHT) *Table 1. Summary of Water Wells in Vicinity of Proposed Development* is not taking into account water usage data of all wells in proximity.

**Andrew Loveridge** stated support for the GLCHT moving forward.

**Mr. Loveridge** stated that GLCHT data relating to wells for water is for legal purposes only and should not pose any problems because in reality GLCHT plans on using rainwater catchment methods instead of wells.

**Roger Pettit** asked the LTC if Proposed Bylaw No. 237 is being considered at today's meeting.

Chair Hancock responded that Proposed Bylaw No. 237 is being considered at today's meeting under agenda items 3.2 (Community Information Meeting (CIM)) and 10.1 (LTC Projects).

**Olaf Knezevic** stated concern that the well on the Elliot property is not reflected in GLCHT water data.

Chair Hancock responded that GLCHT water data would be reviewed and updated as needed via LTC processes.

**Doug Latta** stated that he is Chair of GLCHT and that hydrologist data shows that the Galiano Seniors Housing well, which is closest in proximity to GLCHT, would only be 0.29% affected by GLCHT water usage based on calculations relating to 40 people showering and doing laundry every day.

**Mike Hoebel** stated that column number one of GLCHT *Table 1. Summary of Water Wells in Vicinity of Proposed Development* identifies wells by number rather than by owners name and such information, upon further consideration, might alleviate some raised concerns.

**Ron Taylor** stated that names and well numbers listed in GLCHT *Table 1. Summary of Water Wells in Vicinity of Proposed Development* do not coincide.

Chair Hancock re-stated that GLCHT water data would be reviewed and updated as needed via LTC processes.

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

### **3. COMMUNITY INFORMATION MEETING**

#### **3.1 GL-RZ-2011.2 (Dewinetz)**

See separate Community Information Meeting notes dated February 18, 2013.

**3.2 Proposed Bylaw No. 237 (LUB Amendments)**

See separate Community Information Meeting notes dated February 18, 2013.

**4. PUBLIC HEARING**

**4.1 Proposed Bylaw No. 237 (LUB Amendments)**

See separate Public Hearing (PH) Record dated February 18, 2013.

**5. PREVIOUS MEETINGS**

**5.1 Local Trust Committee Minutes for Information**

5.1.1 Adopted Minutes of December 3, 2012 Local Trust Committee Business Meeting

Provided for information purposes only.

**5.2 Public Hearing Records and Community Information Meeting**

None

**5.3 Section 26 Resolutions-without-meeting**

Two resolutions were referenced.

**5.4 Advisory Planning Commission**

5.4.1 Minutes of January 4, 2013 Advisory Planning Commission Meeting

Received by virtue of being on the agenda.

Provided for information purposes only.

5.4.2 Minutes of January 11, 2013 Advisory Planning Commission Meeting

Received by virtue of being on the agenda.

Provided for information purposes only.

**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.

Trustee Decario asked Planner Nichols if the Ministry of Transportation and Infrastructure (MoTI) has hired a new manager yet. Planner Nichols responded that MoTI has not yet hired a new manager.

Trustee Pottle stated that Dora Fitzgerald communicated to her that applicant Romagnoli is ready to proceed.

**7. DELEGATIONS**

None

**8. CORRESPONDENCE**

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.

**8.1 P. LeBlond letter dated January 26, 2013 re: Gaylor Covenant**

Received by virtue of being on the agenda.

**9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**

**9.1 Covenant ET016476 (DL 48)**

Planner Nichols provided information and stated that the applicant is requesting 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).

Planner Nichols stated that the LTC was recently provided the Public Hearing record that resulted in covenant ET016476.

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

Trustee Decario stated that the LTC has agreed to remove the covenant from the adjacent lot (Rem. D.L. 48) and that such will be going to Public Hearing. Trustee Decario stated that with regards to the covenant on the Forest Industrial (FI) zoned lot (Lot 1), the LTC needs to decide any potential changes as well as next steps.

There was some discussion regarding the main concerns of the Public Hearing record that resulted in covenant ET016476 being related to noise and possible contamination and whether or not the covenant is too restrictive.

There was some discussion regarding noise decibels being difficult to judge and enforce, the possibility of activities taking place inside a closed building, buffering, defined hours of operation and acknowledgement that some noise is to be expected on land(s) zoned FI.

Brett Gaylor stated that some neighbours are supportive of his application and that defined hours of operation seem reasonable. Mr. Gaylor opposed the idea of noise decibel limits being included in the covenant.

Chair Hancock stated that the LTC would like to be provided the proposed amended covenant for review at the March 2013 meeting with a Public Hearing subsequently being scheduled for April 2013.

Brett Gaylor opposed the idea of activities taking place inside a closed building for the reason that such requires investment and is generally not good for a person's health.

There was some discussion regarding possible alternative solutions and the application having been submitted because Mr. Gaylor would like to sell the property.

Planner Nichols stated that alternative solutions were not being offered by staff at this time.

Brett Gaylor stated that he wants to ensure that sawmilling can take place on the property.

Trustee Decario asked Mr. Gaylor if it is clause one that he would like removed.

Brett Gaylor responded that he would like clause one removed and that he would like further discussion regarding the rest.

#### Resolution GL-LTC-01-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to bring back a draft amended Covenant ET016476 (District Lot 48) including noise abatement measures but deleting reference to decibel readings.

**CARRIED**

*Note: there was a break at 2:40 p.m. and the meeting reconvened at 3:05 p.m.*

## **9.2 GL-RZ-2011.1 (GLCHT) Progress Report**

Planner Nichols provided information from *Staff Report dated February 8, 2013 (File No.: GL-RZ-2011.1 (GLCHT)) Re: Galiano Land and Community Housing Trust Application Progress Report.*

Doug Latta was in attendance and spoke on behalf of the application.

Planner Nichols stated that staff needs to meet with GLCHT regarding the housing agreement and become clear on how this project is affordable in perpetuity.

Planner Nichols stated that the GLCHT well/rainwater collection report was not the final version and that the Vancouver Island Health Authority (VIHA) will be required to waive community water requirements in order to proceed.

Planner Nichols stated that 20 units are proposed by GLCHT and that rainwater catchment solutions could be costly.

Planner Nichols recommended that a CIM take place and that GLCHT meet with the Capital Regional District (CRD) to review project costs and project development plans prior to the CIM.

Planner Nichols stated that the affordable housing, self-build housing and green technology project goals are admirable, that the project needs to be well thought out, that all costs associated with the project need to be known ahead of time and that a project demand/needs assessment study should be done.

Trustee Decario thanked Planner Nichols for his comprehensive report and stated that she feels more information is needed from GLCHT. Trustee Decario stated that a final not preliminary water report is needed and stated concern regarding potential GLCHT liabilities relating to the housing agreement.

Trustee Pottle stated that eco-flow septic systems might need to be reconsidered.

Doug Latta responded that eco-flow septic systems need to be cleaned every five to seven years and hence other septic systems are now being considered.

Doug Latta stated that the hydrologist has finished; GLCHT lined the current well prior to testing in order to prevent further leakage and contamination; the current well pumped four gallons per minute and barely affected the Seniors Housing well which is closest in proximity. GLCHT wants to implement rainwater catchment solutions in order to prevent drilling 20 wells.

Doug Latta stated that there is a lot of work ahead still but that GLCHT intends to do it and achieve their goal of helping people to attain home ownership. Mr. Latta thanked Planner Nichols for his insights and stated that GLCHT will address any outstanding issues including those to do with liability. Mr. Latta stated that sometimes a leap of faith is needed for the betterment of society.

Chair Hancock stated concern that GLCHT may be relying on the LTC to explain and/or “sell” the project to the community via an LTC CIM and encouraged GLCHT to plan a community information meeting of their own.

Chair Hancock stated concern that GLCHT is not following a proven affordable housing model and commented that combining different concepts is legally and logistically challenging.

Chair Hancock stated that GLCHT must prove to the LTC that the project is affordable and address any issues relating to the water report.

Planner Nichols stated that all concerns need to be addressed and that many different scenarios need to be reported on and considered. Planner Nichols stated that VIHA, CRD and community concerns need to be addressed.

There was some discussion regarding Canada Mortgage and Housing Corporation (CMHC) and CRD grants and the need for a project demand/needs assessment study to be completed.

Doug Latta stated that a need assessment will determine what type of affordable housing is best for Galiano. He acknowledged that the best type of affordable housing for Galiano might not be what GLCHT is currently proposing.

Chair Hancock stated concern that the current GLCHT application model appears prone to risk and stated support for mitigating such risk(s).

Trustee Decario stated that the LTC needs some assurances and further information regarding VIHA, water supply, septic solutions and affordability before scheduling a CIM.

Chair Hancock invited the public to make comment.

**Carolyn Jerome** stated support for GLCHT and their proposed model of affordable housing.

**Roger Pettit** stated that he is involved with the affordable housing committee and that many needs assessments have been done and are available.

Chair Hancock stated that the LTC knows GLCHT has good intentions but that the LTC needs to have supporting documents, not just faith, in order for the project to move forward.

Trustee Pottle stated support for GLCHT having a needs assessment study done.

#### Resolution GL-LTC-02-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a community information meeting pending additional information from the applicant as referred to in *Staff Report dated February 8, 2013 (File No.: GL-RZ-2011.1 (GLCHT)) Re: Galiano Land and Community Housing Trust Application Progress Report* and in addition that the applicant has met with Capital Regional District Building.

**CARRIED**

### **9.3 GL-DVP-2012.5 (Bird)**

Planner Nichols provided information from *Staff Report dated January 24, 2013 (File No.: GL-DVP-2012.5) Re: Development Variance Permit for 18715 Porlier Passage Drive* and stated that the applicant(s) seek to vary Article 6.3.6.2 (interior side lot line setback) in the Galiano Island Land Use Bylaw 127, 1999 in order to legalize the siting of a hot tub and surrounding deck.

Katherine and George Bird were in attendance and spoke on behalf of the application.

Neighbours Gwen and Hart Will were in attendance and spoke in opposition of the application.

Planner Nichols stated that two letters received supported the application and two letters received opposed the application.



George Bird stated that he recently installed a new pump and computerized control panel and such has significantly reduced any noise associated with the hot tub.

Trustee Decario asked Mr. Bird if he has addressed their neighbours privacy concerns.

George Bird responded that he does not understand the neighbours concern(s) regarding privacy but is willing to put up a cedar fence panel if needed. Mr. Bird stated that his wife needs the hot tub in order to relieve her back pain and remain productive.

Trustee Pottle asked Mr. Bird if guests of their lodge use the hot tub.

Mr. Bird responded that guests rarely use the hot tub and that their ocean loft guests are the only ones permitted to do so.

There was some discussion regarding possible variance conditions and restricting those who are permitted to use the hot tub.

Hart Will stated concern regarding Islands Trust staff and LTC due diligence. Mr. Will stated that the hot tub is noisy, obtrusive and invades their privacy. Mr. Will stated that the deck that surrounds the hot tub is more like a viewing platform. Mr. Will stated that the applicant(s) cleared trees and built the hot tub platform at the highest point possible in order to view Trincomali Channel which has resulted in them being under constant observation. Mr. Will stated that the applicant(s) built the hot tub platform without permission and re-stated that such is noisy, disturbing and obtrusive and that he and his wife are severely affected by it. Mr. Will stated concern that a hand drawn survey submitted by the applicant(s) was accepted by the Islands Trust as valid and asked the LTC to consider their point of view.

Chair Hancock stated that a site visit was done.

Trustee Decario asked Mr. Will if he asked the applicant(s) not to build the hot tub platform.

Mr. Will responded that the applicant(s) cleared the trees and made no attempt to consult them.

Katherine Bird stated that only two trees were removed and that they chose the location in question because it was level, made sense in relation to their other buildings and provided a view of the ocean. Ms. Bird stated that the Wills have since planted trees in an attempt to create privacy.

Trustee Pottle asked if it might be possible for the applicant(s) and neighbour(s) to work with Planner Nichols in an effort implement privacy solutions. Trustee Pottle stated concern that the applicant(s) built the hot tub and surrounding deck without a permit.

There was some discussion regarding next steps.

Chair Hancock stated concern with possible increased usage of the hot tub if the applicant(s) sold their commercial property.

Trustee Decario stated concern that the hot tub/surrounding deck is very visible and open and she supported better screening to alleviate the issue. Trustee Decario stated concern with possible increased usage of the hot tub if the applicant(s) sold their commercial property.

There was some discussion regarding the hot tub/surrounding deck being illegally built/sited within the six metre lot line setback area and whether or not the applicants should be made to move the hot tub/surrounding deck instead of implementing privacy solutions.

Mr. Will stated that they do not agree with any proposed privacy solutions as the hot tub/surrounding deck was built illegally and is too close to the lot line. Mr. Will stated that the applicant(s) has another hot tub on the upper deck of their house.

George Bird stated that the hot tub on the upper deck of their house is not functional and that he and his wife are willing to do anything reasonable to rectify the situation. Mr. Bird stated opposition to moving the hot tub/surrounding deck.

There was further discussion regarding the hot tub/surrounding deck being wide open, having been built illegally within the lot line setback area and the applicant(s) property being commercial in nature.

#### Resolution GL-LTC-03-13

It was Moved and Seconded that Galiano Island Local Trust Committee development variance permit GL-DVP-2012.5 (Bird) not be approved.

**CARRIED**

**9.4 Salt Spring Island Bylaw No. 465 Referral**

Resolution GL-LTC-04-13

It was Moved and Seconded that the Galiano Island Local Trust Committee considered Proposed Salt Spring Island Local Trust Area Bylaw No. 465 referral and decided *Interests Unaffected by Bylaw* and directs staff to respond appropriately.

**CARRIED**

**9.5 Salt Spring Island Bylaw No. 466 Referral**

Resolution GL-LTC-05-13

It was Moved and Seconded that the Galiano Island Local Trust Committee considered Proposed Salt Spring Island Local Trust Area Bylaw No. 466 referral and decided *Interests Unaffected by Bylaw* and directs staff to respond appropriately.

**CARRIED**

**9.6 Planner Direction Regarding BC Parks**

Resolution GL-LTC-06-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to seek further information from BC Parks and confirmation regarding a management plan and potential covenant holders pertaining to GL-RZ-2011.2 (Dewinetz).

**CARRIED**

## 10. LOCAL TRUST COMMITTEE PROJECTS

### 10.1 Proposed Bylaw No. 237 (Land Use Bylaw Amendment)

#### Resolution GL-LTC-07-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to make the following changes to Proposed Bylaw No. 237 in order to accommodate the concerns of the Minister of Agriculture;

g) By amending Subsection 6.1.1 by adding Article 6.1.1.6 “ agri-tourist accommodation as an accessory use, subject to Subsections 6.1.9 – 6.1.13, and as permitted by the Agricultural Land Commission.”

h) By amending Section 6.1 by adding the following after Subsection 6.1.8:

“Agri-Tourism Accommodation

6.1.9 agri-tourist accommodation must be accessory to a working farm operation as classified as farm under the Assessment Act.;

**CARRIED**

#### Resolution GL-LTC-08-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to amend sections 1. o) and p) of Proposed Bylaw No. 237 by deleting the words “and those used for timber production and harvesting”.

**CARRIED**

#### Resolution GL-LTC-09-13

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 237, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2012” as amended be given Third Reading.

**CARRIED**

#### Resolution GL-LTC-10-13

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 237, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2012” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

## **10.2 Proposed Bylaw No. 238 (Land Use Bylaw Amendment) – for consideration of second reading**

Planner Nichols provided information from *Staff Report dated February 8, 2013 (File No.: GL 6500-20 (LUB Review)) Re: Galiano Bylaw No. 238, Amendment No. 3, 2012 A Bylaw to Amend Galiano Island Land Use Bylaw No. 127, 1999.*

Planner Nichols stated that: the proposed amendment would permit the owner of Lot 46 to be able to construct a dwelling on their lot; the zoning permits the construction of a dwelling, but only if it is accessible by a dedicated highway; the proposed amendment would remove the requirement for a dedicated highway.

There was some discussion regarding this application being initiated by the LTC.

Chair Hancock invited the public to make comment.

**Ron Taylor** stated that the lot was zoned F2 before being zoned Forest Land Reserve (FLR) and the owner did not request the lot to be zoned FLR.

There was some discussion regarding the Road Network Plan (RNP), the need for an accurate survey, the rezoning application process, budget and next steps.

### Resolution GL-LTC-11-13

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 238 be deferred pending further discussion with the landowner.

**CARRIED**

## **10.3 Proposed Bylaw No. 239 (Land Use Bylaw Amendment) – for consideration of second reading**

Planner Nichols provided information from *Staff Report dated February 8, 2013 (File No.: GL 6500-20 (LUB Review)) Re: Galiano Bylaw No. 239, Amendment No. 4, 2012 A Bylaw to Amend Galiano Island Land Use Bylaw No. 127, 1999.*

There was some discussion regarding permitted lot coverage percentages and the possibility of using a uniform percentage for all zones or using percentages specific to each zone, commercial greenhouses, the Pender Island model and next steps.

Resolution GL-LTC-12-13

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to schedule a public hearing for Proposed Bylaw No. 239.

**CARRIED**

**10.4 Proposed Bylaw No. 240 (Land Use Bylaw Amendment)**

Deferred to March 11, 2013 LTC Business Meeting.

**10.5 Development Permit Area Implementation Update**

Deferred to March 11, 2013 LTC Business Meeting.

**11. REPORTS**

**11.1 Work Program Reports**

11.1.1 Galiano Island Local Trust Committee Work Program - Report dated February 2013

The LTC will contact Planner Nichols as needed.

**11.2 Applications Report**

11.2.1 Galiano Island Applications Report dated February 2013

The LTC will contact Planner Nichols as needed.

**11.3 Expense/Budget Reports**

11.3.1 LTC Expense Report

The LTC will contact Planner Nichols as needed.

11.3.2 LTC Budget 2012-2013

The LTC will contact Planner Nichols as needed.

**11.4 Bylaw Enforcement**

None

**11.5 Policies and Standing Resolutions Report**

The LTC will contact Planner Nichols as needed.

## **11.6 Galiano Island LTC Web Page for Review**

The LTC will contact Planner Nichols as needed.

*Note: Chair Hancock and Planner Nichols left the meeting in order to catch a ferry.*

## **11.7 Chair's Report**

Deferred to March 11, 2013 LTC Business Meeting.

## **11.8 Trustee Report**

Deferred to March 11, 2013 LTC Business Meeting.

## **12. OTHER BUSINESS**

### **12.1 Upcoming Meetings**

12.1.1 "Greening our Shores" Shoreline Stewardship Event – 1:00-4:30 pm, Saturday, February 23, 2013, South Community Hall, Galiano Island

The meeting is scheduled as stated.

12.1.2 Local Trust Committee Business Meeting at 1:00 p.m. Monday, March 11, 2013, South Community Hall, Galiano Island

The meeting is scheduled as stated.

### **12.2 Natural Marine Conservation Area Exclusion Zones**

Deferred to March 11, 2013 LTC Business Meeting.

### **12.3 Laughlin Lake Addition – Lot 5 Acquisition**

Deferred to March 11, 2013 LTC Business Meeting.

### **12.4 Statement of Cooperation for the Coastal Douglas Fir and Associated Ecosystems Conservation Partnership (CDFCP)**

Deferred to March 11, 2013 LTC Business Meeting.

## **13. TOWN HALL MEETING**

Deferred to March 11, 2013 LTC Business Meeting.

**14. MOTION TO CLOSE MEETING**

Resolution GL-LTC-13-13

It was Moved and Seconded THAT, pursuant to Section 90(a) and (f) of the Community Charter, the Galiano Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting July 9, 2012 Galiano LTC In Camera Minutes and to consider Advisory Planning Commission appointment; and further that staff and Recording Secretary remain present.

**CARRIED**

**15. RECALL TO ORDER**

**15.1. Rise and Report from Closed Meeting**

Trustee Decario stated that the LTC appointed Elizabeth Olson to the Galiano Island Advisory Planning Commission for a two-year term.

**16. ADJOURNMENT**

Resolution GL-LTC-16-13

It was Moved and Seconded that the Galiano Island Local Trust Committee meeting be adjourned at approximately 5:30 p.m.

**CARRIED**

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**RECORDER**

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**CHAIR**