



**Islands Trust Executive Committee
Acting as a Local Trust Committee
Minutes of a Special Business Meeting**

Date of Meeting: Thursday, January 16, 2014
Location: Nanoose Library Hall
2489 Nanoose Road, Nanoose, BC

Members Present: Sheila Malcolmson, Chair
David Graham, Local Trustee
Peter Luckham, Local Trustee
Ken Hancock, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Marnie Eggen, Planner
Jessie Sherk, Recorder

Media and Others Present: 2 members of the public were in attendance

1. CALL TO ORDER

Chair Malcolmson called the meeting to order at 5:30pm. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. Staff and trustees were introduced.

2. APPROVAL OF AGENDA

The agenda was approved by consensus as presented.

3. MINUTES

3.1 Local Trust Committee Draft Meeting Minutes of October 9, 2013 – for adoption

The minutes were adopted by consensus.

3.2 Local Trust Committee Draft Special Meeting Minutes of November 21, 2013 – for adoption

The minutes were deferred to allow the staff to take another look and will consider adoption with Resolution Without Meeting.

3.3 Local Trust Committee Public Hearing Record of November 21, 2013

Amend Public Hearing Record to include that Ken Hancock had expressed his regrets.

Received as amended.

3.4 Section 26 Resolutions Without Meeting – none

4. PROPOSED OFFICIAL COMMUNITY PLAN BYLAW NO. 27 AND PROPOSED LAND USE BYLAW NO. 28 – NEXT STEPS

4.1 Staff report dated December 20, 2013

Planner Eggen introduced the report and explained that Planner Zupanec was unable to attend the meeting. She read through the possible revisions to Proposed Bylaw No. 27 and noted that public input indicated that they would like to permit bed and breakfast/guest rentals, as well as reduce the maximum floor space of dwellings. Also noted was that a second Public Hearing would be required should the Local Trust Committee endorse these revisions. Some points that Planner Eggen discussed that were not a part of the staff report included:

- A request for amending the proposed Land Use Bylaw in the information note at section 3.1 to specify that these are provincial regulations;
- Advice on an alternative definition of short term vacation rental/accommodation;
- There is a small typo to the conservation zoning , the word “vacation” in “short term vacation accommodation” should be deleted; and
- The request to add an information note regarding archaeological sites to the end of section 3.10.

Planner Eggen then discussed the next steps stating that staff recommends provisions to the proposed Bylaw No. 28 that alter the use of land post-Public Hearing. She then went through the process timeline.

Discussion ensued amongst staff and trustees about the definition of short-term vacation rental and the inclusion of a person’s activities elsewhere. Also discussed was the eliminated definition for short-term vacation rental.

EXLTC-2014-001

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee request that staff propose an alternative definition for short term vacation rental/accommodation by using a definition that relies solely on use and not the user.

CARRIED

The table of recommended revisions was reviewed.

EXLTC-2014-002

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee give third reading to proposed Bylaw No. 27 cited as the Ballenas-Winchelsea Islands Official Community Plan Bylaw 2013 as revised and forward it to the Executive Committee for consideration of approval.

CARRIED

EXLTC -2014-003

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee forward Proposed Bylaw No. 27 cited as the Ballenas-Winchelsea Islands Official Community Plan Bylaw 2013 to the Minister of Community Sport and Cultural Development for approval.

CARRIED

EXLTC-2014-004

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee rescind second reading of proposed Bylaw No. 28 cited as Ballenas-Winchelsea Islands Land Use Bylaw 2013.

CARRIED

It was noted that another Public Hearing has automatically been triggered which makes it possible for the Local Trust Committee to accept additional input and telephone calls on the matter. Chair Malcolmson then invited the public to make suggestions or ask any questions they may have.

Lyle Montgomery, who represents the property owner on North Ballenas Island, stated that he has made repeated calls to the planner with no response. He has an issue with the change of 10 acre subdividable to 49.9 acre subdividable. He stated that the change has taken away any possibilities for his client to sell any portions of his property. Planner Eggen explained the prior decision by the LTC to revise the Official Community Plan to permit subdivision on Ballenas Island via rezoning only with the idea that they would be allowed one dwelling per 10 acres instead.

Mr. Montgomery stated that his intent is to try and slow the process down and that this subdivision change is a major economic hit to the property owner. Chair Malcolmson reminded Mr. Montgomery that since that process has opened up again, he can write a letter that can get on to a future meeting agenda.

Mr. Montgomery noted that the property owner does not understand the process. Trustee Luckham noted that for the property owner's clarity, the ability to rezone the property to change the subdividable opportunities there still exists through application, and if the owner wants to come to the committee with that, it would be a consideration.

Suzy Miller wondered if the language changed to protect the Winchelsea Island situation that already exists and if any of it applies to Mistaken Island. Chair Malcolmson stated that the wording that is being proposed is just to make sure it's not open to interpretation down the road.

Mr. Montgomery stated that he could appreciate that the rezoning capability is always there. This board may be favorable to rezoning but another board down the road may not be. He reiterated his desire to have the process slow down and think this through further.

It was suggested that if a property owner wants to impact the Land Use Bylaw side of things, the best thing might be to talk to the planner and develop a letter to be a submission for the Public Hearing.

Planning Manager Simpson noted that if new information is being encouraged, then the Official Community Plan should be included in the Public Hearing as well.

Discussion ensued amongst the committee members regarding the subdivision regulations in the Official Community Plan and how it affects the Land Use Bylaw, densities and the possibility of strata.

The committee members and Mr. Montgomery discussed further, the specific needs of the property owner on North Ballenas Island. Mr. Montgomery again expressed his desire to slow this process down. Chair Malcolmson noted that they have been sending letters to the property owner since 2011, so the process has already been slowed down.

EXLTC-2014-005

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee request that staff bring back the late Archeological Management Branch information note for insertion at time of final Official Community Plan adoption.

CARRIED

EXLTC-2014-006

It was MOVED and SECONDED

that the Executive Committee acting as a Local Trust Committee revise Bylaw No. 28 by deleting the word "vacation" from section 5.3 subsection (1) (b) and 5.3 subsection (2).

CARRIED

EXLTC-2014-007

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee give second reading to proposed Bylaw No. 28 cited as the Ballenas-Winchelsea Islands Land Use Bylaw 2013 as revised.

CARRIED

EXLTC-2014-008

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee consider the consultation for the Ballenas-Winchelsea Official Community Plan and Land Use Bylaw project pursuant to s. 879 of the *Local Government Act* to be sufficient and that staff be requested to schedule a second Public Hearing, publish notification in the appropriate newspaper, and notify property owners within the plan area by mail-out including the attached letter.

CARRIED

Planning Manager Simpson noted the possibility that there may be a slight flaw in the process. Her concern was regarding the fact that the information they heard today from a member of the public was, in fact, new information, which would trigger the need for the next Public Hearing to include the Official Community Plan as well. Discussion ensued amongst staff and trustees.

By general consent the meeting was recessed at 7:05pm and reconvened at 7:10pm.

After a considerable amount of discussion and looking back through the Public Hearing Record of November 21, 2013, it was agreed that they had indeed heard new information today. It was also agreed that there is no significant problem with including the Official Community Plan in the next Public Hearing.

Chair Malcolmson noted that they could now receive input on both the Official Community Plan and the Land Use Bylaw. Discussion ensued regarding the next steps and the order of procedure pertaining to third reading. Also discussed was that the door could be potentially opened for a third Public Hearing. It was noted that a Public Hearing has to be complete prior to third reading.

EXLTC-2014-009

It was Moved and SECONDED,

that the Executive Committee acting as a Local Trust Committee rescind third reading of proposed Bylaw No. 27 cited as the Ballenas-Winchelsea Islands Official Community Plan Bylaw 2013 as revised.

CARRIED

EXLTC-2014-010

It was MOVED and SECONDED,

that the Executive Committee acting as Local Trust Committee rescind the motion to forward Proposed Bylaw No. 27 cited as the Ballenas-Winchelsea Islands Official Community Plan Bylaw 2013 to the Minister of Community Sport and Cultural Development for approval.

CARRIED

EXLTC-2014-011

It was Moved and Seconded,

that the Executive Committee acting as a Local Trust Committee amend the Ballenas-Winchelsea Islands Official Community Plan Bylaw No. 27 by adding to the end of Section 3.10:

Information Note: Archaeological sites (both known and unknown) are protected under the *Heritage Conservation Act* and must not be altered without a permit from the Archaeology Branch. Given the islands have significant potential to contain unknown archaeological sites, the Archaeology Branch recommends that a qualified (able to hold heritage inspection permits through the Archaeology Branch) consulting archaeologist should be engaged prior to any land-altering activities to determine if development activities are likely to impact any archaeological sites.

CARRIED

It was noted by staff that the committee should not have added the information note before rescinding second reading. Discussion ensued.

EXLTC-2014-012

It was MOVED and SECONDED,

That the Executive Committee acting as a Local Trust Committee rescind the resolution to add an information note to the end of Section 3.10.

CARRIED

EXLTC-2014-013

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee rescind second reading of proposed Bylaw No. 27 cited as the Ballenas-Winchelsea Islands Official Community Plan Bylaw 2013.

CARRIED

EXLTC-2014-014

It was MOVED and SECONDED,

that the Executive Committee acting as a Local Trust Committee amend the Ballenas-Winchelsea Islands Official Community Plan Bylaw No. 27 by adding to the end of Section 3.10:

Information Note: Archaeological sites (both known and unknown) are protected under the *Heritage Conservation Act* and must not be altered without a permit from the Archaeology Branch. Given the islands have significant potential to contain unknown archaeological sites, the Archaeology Branch recommends that a qualified (able to hold heritage inspection permits through the Archaeology Branch) consulting archaeologist should be engaged prior to any land-altering activities to determine if development activities are likely to impact any archaeological sites.

CARRIED

EXLTC-2014-015

It was MOVED and SECONDED,

That the Executive Committee acting as a Local Trust Committee give second reading to Bylaw No. 27 cited as the Ballenas-Winchelsea Islands Official Community Plan Bylaw No. 2013 as revised.

CARRIED

It was noted that both the Official Community Plan and Land Use Bylaw would be going to second Public Hearing.

5. BYLAWS

- 5.1 Proposed Official Community Plan Bylaw No. 27 cited as the “Ballenas-Winchelsea Islands Official Community Plan Bylaw 2013” – for consideration of third reading and submission to Executive committee and to the Minister of Community, Sport and Cultural Development for approval**

Bylaw was not given further reading.

- 5.2 Proposed Land Use Bylaw No. 28 cited as the “Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013 – for consideration of second reading as revised.**

Bylaw was not given further reading.

6. NEXT MEETING DATE

Monday, February 24, 2014 at 10am at the Islands Trust Northern Office Board Room, 700 North Road, Gabriola Island, BC.

It was noted that this meeting might be rescheduled.

7. ADJOURNMENT

By general consent the meeting adjourned at 7:30pm.

Sheila Malcolmson, Chair

CERTIFIED CORRECT:

Jessie Sherk, Recorder