

ADOPTED



Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: February 2, 2015
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

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

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30 pm. She introduced herself, the trustees, and staff members present and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Chair Busheikin noted that she supports respectful, engaged conversations, and welcomed newcomers.

Andrew Loveridge represented the Galiano Land and Community Housing Trust whose mandate was to provide social housing. He noted that the average age on Galiano is very high and gave his support for non-profit housing.

Rose Longini opposed the cell tower proposal and presented a photograph of Stockade Hill, the proposed site of a cellphone tower. The photo was taken from her property, where she's lived for 25 years. She noted that, in France, in places designated for rest, cell phone towers are not allowed. The proposed site for the Rogers tower is in a Development Permit Area (DPA) for water catchment, and in Privately Managed Forest Lands (PMFL). A cell tower is not a forest practice, and thus would not be exempt from the DPA. She read from Section I, subsection 2(j) from the Official Community Plan (OCP). Longini noted that Rogers has made several mistakes in their public notices. Longini stated that it was within the jurisdiction of the Islands Trust to address the cell tower matter.

Therese Ramond opposed the cell tower proposal citing health and economic concerns and noted that other services are available. She suggested that the applicant be invited for discussion.

Rose Longini questioned the number of antennae the tower would hold. The proposed tower is 34 meters high. She said Rogers has stated a 34-meter tower may not have space for colocation. They will either have to extend the height of the tower (where notification is not necessary), or build another one.

Rebecca Matthews moved to Galiano from White Rock in November 2014. She had been sleeping beside a smart meter in White Rock which induced electromagnetic hypersensitivity. She now suffers from various serious ailments. Although moving to Galiano somewhat alleviated her symptoms, the Mayne Island cell tower is bothering her. She doesn't know where to live because electromagnetic radiation is prevalent. Matthews noted France has passed a law that no childcare place can have WIFI.

Brad Lockett, resident of 620 Montague Road, circulated research related to the issue of Rogers' proposed cell tower. The research memorandum notes that French Parliament passed a law in January 2015 addressing electromagnetic fields and electromagnetic hypersensitivity, and outlines the key features. Lockett was not notified by Rogers of their proposal, yet he is one of the closest property owners to be affected. The tower is in DPA 4 & DPA 5, created in an effort to protect rare ecosystems. He cited Section 1, subsection 2(j) of the Galiano Island Official Community Plan which supports use of the precautionary principle in land use decisions even if some cause and effect relationships are not fully established scientifically. He urged Trustees not to allow development of the tower. The Islands Trust Act relies on the importance of placing priority on preservation and protection specifically because DL 12 is in the PMFL.

Bowie Keefer spoke in favour of improving telecommunications on this island. Wants to have a cell phone that works while he is in the woods. Young people need good telecommunications infrastructure in order to improve the economy. He also supported advancement of affordable housing and "was happy to see it moving quickly." He wants to see size restrictions around cottages loosened.

Roger Pettit of Sunshine Farm noted that his family has been involved with affordable housing on Galiano for the last 10 years. He was a principal author of the original affordable housing report. He stated that very little of it was implemented, so he questioned its effectiveness. Mr. Pettit noted that increasing cabin size and adding secondary suites would go a long way to eliminate housing shortages. Mr. Pettit found it difficult to house his workers last summer; one was living in his wood shed. He asked why Galiano couldn't administer its own housing agreement and why someone in Victoria needed to administer the agreement. Regarding the proposed cell tower, he had been trained in electrical engineering and has been personally exposed to lots of microwave radiation, without noticeable effect. He is in favour of having greater cell phone coverage. He was concerned about safety issues related to not having adequate cell phone coverage.

Geoff Gaylor spoke on behalf of former Galiano resident Margaret Griffiths who left Galiano due to blindness. Mr. Gaylor reported that she wrote a 10-page report on the importance of water to Galiano. She would like every Trustee and staff person to consider water preservation in every decision on Galiano.

Trustee Pottle noted that she already had a copy of the report and would distribute it to everyone.

Kevin, member of the public, described himself as a “worker” and stated he has been on Galiano five years and has seen a lot. He spoke to the issue of housing, indicating he takes it very seriously. He noted that housing is very expensive and costs keep growing, and he is concerned costliness will scare people away from the island. He stated that affordable housing would bring revenue to this island.

Gary Coward noted the 40 year anniversary of the inception of the Islands Trust. He asked whether we, on Galiano, have decided our destiny. He questioned whether we were going to focus on what’s necessary for people to live here, or were we to focus on what people who live here think about the mandate of the Islands Trust: preserve and protect, the precautionary principle? He noted that Galiano is a place where people come for refuge. He pointed out that Industry Canada has the last word on cell towers. He made a distinction between what happens in private homes versus what community is exposed to. He stated that a lot of seniors need affordable housing too. He does not appreciate any deregulation from the Island Trust Act. We need to have more regulation. We need more “No” less “Yes.”

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1. Local Trust Committee Minutes

None

6.2. Section 26 Resolutions Without Meeting Report Dated January 2015

For information

6.3. Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated January 2015

Planner Farris reviewed the Follow-up Action List

8. DELEGATIONS

None

9. CORRESPONDENCE

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

9.1. December 15, 2014 Letter from B. Mabberley re: Ponds for Fire-Fighting Water Supply

Trustee Pottle noted that soil removal and deposits appears as a topic on their Projects List (page 81 of Agenda Package) and suggested this item might fit very well here.

Regional Planning Manager (RPM) Kojima suggested that a more effective way may be that ponds be provided on a case-by-case basis, with the Fire Department responding directly to the applicable Approving Officer.

10. APPLICATIONS AND REFERRALS

10.1. GL-ALR-2014.1 (Usher) - Staff Report

Planner Farris reviewed the main points in the Staff Report dated January 19, 2015. This referral involves non-farm use (second dwelling) in the Agricultural Land Reserve (ALR). Planner Farris described the maps provided to the public.

The applicant was present and distributed a letter from Eva Marie Rose Wilson of Galiano Island, stating that she is a previous occupant of both Cherry Cottage and the Road House and that both structures pre-date 1972, prior to zoning and the ALR. The applicant indicated that an affidavit from Ms. Wilson will soon be obtained.

Trustee Harris commented that he might have a conflict of interest. He lived in the house in 1980 when he first moved to Galiano.

RPM Kojima directed Trustee Harris to an LTC resource that could make those determinations with respect to potential conflicts of interest.

GL-2015-001

It was MOVED and SECONDED,

THAT the Galiano Island Local Trust Committee resolve that non-farm use application GL-ALR-2014.1 (Usher) be authorized to proceed to the Agricultural Land Commission pursuant to Section 25(3) of the *Agricultural Land Commission Act*.

CARRIED

Note: There was a break at 1:39PM and the meeting reconvened at 1:55pm.

10.2. GL-RZ-2014.1 (Crystal Mountain) - Staff Report

Planner Farris summarized the Staff Report dated January 22, 2015.

The Applicants are offering to register a conservation covenant on more than 75% of property. If the application does proceed, the applicant is proposing to amalgamate the properties into one via a subdivision application. In this case there are existing structures on property that could be in the DPA. There are currently no building permits; thus, the application will be referred to the CRD and

the bylaw enforcement file is open. The owner provided a comprehensive environmental assessment report available on the Galiano Island LTC website. The proposal as it stands does not meet OCP policies; if the application proceeds, the OCP will need to be amended. Further information from the applicant will be required when the owner returns to town.

Planning staff advised that the applicant could apply for permits for these non-compliant structures. There are hazard areas and sensitive areas. Kitchen facilities are believed to have been removed but staff will need to clarify this from owner. Staff will need to secure an emergency access route through property.

Elizabeth (Libby) McLelland noted that the land belongs to a non-profit society, the Crystal Mountain Society. The president of the board is away but others may speak to the application.

Trustee Harris questioned what the capacity of this development will be once it is built out.

Planner Farris noted there was uncertainty at the moment and that needed to be determined.

Trustee Pottle stated she was quite familiar with the staff report. In order to expedite the process she drafted a resolution to put clauses on the table for discussion. She cautioned against preparing draft bylaws before several items were addressed.

Trustee Harris agreed with Trustee Pottle's recommendations and asked Staff whether they believed the recommendations were achievable. He noted the importance of Crystal Mountain to the community but also noted that the LTC needs to have a credible approach.

RPM Kojima responded that the list was doable although some clauses would be more challenging than others.

There was discussion around the cluster of development.

RPM Kojima noted that staff will ask the applicants about the clauses proposed by Trustee Pottle. He indicated it was better to work with applicant, but not make commitments at this stage.

Chair Busheikin clarified her understanding that Trustee Pottle was not making a pledge that if clauses are done to her satisfaction she will commit to approving the application.

Chair Busheikin noted that the manager's cottage and parking is close to the road. One principle of low-impact development is to build close to roads so as to not carve up forests. She suggested that might also be a consideration.

GL-2015-002

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to proceed with the application GL-RZ-2014.1 (Crystal Mountain) but before preparing draft bylaws address the following:

- (1) Submit a survey regarding the proposed building sites, accesses and Development Permit Areas and the location and size of all existing structures;
- (2) Indicate whether or not existing structures will be removed or will remain;
- (3) Indicate whether any of the proposed huts will have cooking facilities;
- (4) Indicate whether the outhouses will consist of composting toilets or another system;
- (5) Submit plans to implement the recommendations of the environmental assessment;
- (6) Consider an amendment to the application to transfer title of the proposed covenanted lands to an organization which has as its primary objective the conservation of forest land;
- (7) Consider a plan that would cluster development in one building site not the 3 that have been proposed;
- (8) Provide the LTC with a copy of the 2 CRD covenants on the land regarding geotechnical issues and Riparian Area issues; and
- (9) Consider an agreement to stop construction until completion of the application and to stop advertising and conducting programs within structures that are not permitted under the zoning that presently exists on the land.

CARRIED

10.3. GL-RZ-2011.1 (Galiano Green) - Staff Report

Regional Planning Manager (RPM) Kojima reviewed the Staff Report dated January 23, 2015.

As of last month, the applicants have withdrawn their application to the Regional Housing Trust Fund (RHTF) and are in the process of restructuring Galiano Land and Community Housing Trust as a housing co-op. These changes would result in changes to the housing agreement and zoning. Normally the next step is to proceed to a public hearing but because of proposed changes to Galiano Green, staff advised the LTC to wait until a revised proposal is received.

Trustee Harris noted he had read the CRD housing report and was concerned about further obstacles and queried what role the CRD would play in the amended plan.

Tom Hennessy, Chair of Galiano Green and resident of Galiano since 1971, provided some background into the applicant's decision to revise their proposal. Galiano Green looked at various options of affordable housing for Galiano, compared with other Gulf Islands, and noted the precedent of a housing agreement being administered by the Denman Island Land Trust, which also includes a panel of island members to select housing applicants. He wondered whether such an arrangement would resolve the arms-length issue. Galiano

Green is asking the LTC to pass a motion to allow Galiano Green to operate their administration in the same way as the Denman Island model administrates the housing agreement: the LTC would collect the statutory declarations up to four times a year, and Galiano Green would do the day-to-day review of administration.

Chair Busheikin stated that she is one of the founders and residents of Triple Rock housing co-op on Denman. She cautioned Galiano Green against taking Triple Rock model as their model, since every island has their own OCP, distinct community, context, and different definitions of affordability. There are unresolved issues (in the Denman context) with respect to financing in a lease-type situation, in that the person holding the lease cannot build their house because there is nothing to secure the lease to.

There was discussion about the option of renting, as well as insurance implications connected with building inspections.

Chair Busheikin noted the Housing Secretariat is working with a mainstream housing model that is tried and true, although possibly indicative of a culture clash. Lands Trusts, relatively new to BC, is an alternative way of living with communal values. She advised Galiano Green to clarify their approach.

Doug Latta noted the CRD Housing Secretariat advised them to redo their reports again. Latta felt Galiano Green had already answered most of the CRD's questions. They have community money which enables the project to move ahead. What Galiano Green wants at this time is to know if the LTC would be interested in administering the housing agreement where the LTC accepted statutory declarations and Galiano Green did the rest. This community would be running this thing. The selection of applicants needs to be done correctly.

Chair Busheikin questioned whether the Galiano LTC would be interested in following the Denman/Hornby model whereby the LTC would take on administration of the statutory declarations. Chair Busheikin asked RPM Kojima how much time it would involve of the trustees to administer such an arrangement.

RPM Kojima indicated that Galiano Green would submit a written proposal to the LTC, in preparation for discussion at the March meeting.

Trustee Pottle noted that the LTC does not have the expertise to administer a housing agreement. The CRD has the expertise. The Canada Mortgage Housing Corporation (CMHC) website on land lease models follows what is available in the US. Co-ops are legislatively structured in our laws, and are less complicated than Land Trusts.

Tom Hennessy stated that Galiano Green has decided to go with the Land Trusts model because they are one step away. That remaining step is governance. We have a precedent. He stated that Galiano Green could not expect people in Victoria to be interviewing applicants. As to funding, Vancity was favorable to the funding issues around this proposal. Vancity said they would

fund the project and provided some funding. They were favorable to providing mortgages too.

RPM Kojima explained that screening applicants at an arms-length distance is fundamental to the administration of the housing agreement. That is why the housing agreement needs to determine the affordability test. The proposal must have an arms-length arrangement for determining applicants.

Chair Busheikin closed the discussion at 3:05pm.

10.4. 3445-50 CT (Rogers) – Memo

Planner Farris summarized the memorandum dated January 23, 2015 describing the public notification process, Local Trust Committee decision process and the forwarding of all information to Industry Canada.

Planner Farris thanked those who spoke earlier and made note of the public's comments. She will be contacting Rogers to advise them of their errors in the public notices. She highly recommends that community members respond directly to Rogers, as well as to the LTC. Galiano LTC has the option of scheduling a Community Information Meeting.

GL-2015-003

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to organize a Community Information Meeting to be attended not only by a Rogers' representative who could address the public's concerns, but also attended by other service providers.

CARRIED

Elizabeth Latta clarified with staff that letters written prior to this meeting would also be accepted and forwarded on to Rogers and the Local Trust Committee

Planner Farris confirmed that letters received by her office prior to this LTC meeting of February 2, 2015, would be accepted and forwarded to Rogers and the Local Trust Committee.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Work Program Review 2015 - Staff Report

Planner Farris provided an overview of the Work Program Report. Bylaws were adopted in November 2014 with respect to Visitor Accommodation/Short Term Vacation Rentals and Groundwater Development Permit Areas. The contractor yards project is currently on hold as the stakeholder group was unsuccessful.

12. REPORTS

12.1. Work Program Reports (attached)

12.1.1. Top Priorities Report Dated January 2015

Staff reviewed possible top priorities for 2015. Currently the LTC has flexibility in determining budget amounts and priorities.

Staff recommended possible priorities such as: amending the wording of section 2.14 Land Use Bylaw, policies and zoning for waste transfer facilities, dock review, and forest policies and regulations.

Trustee Harris suggested that increasing cabin and legalizing secondary suites become a priority.

Trustee Pottle was in favour of bringing cabin size and height, and secondary suites to the LTC top priorities list. This could improve affordable housing, and bring down construction costs.

RPM Kojima suggested that if the LTC made cabin height/size and secondary suites one topic, the project becomes larger, and thus it might be better to split projects. He suggested LTC provide a motion for staff to further amend 2.14 LUB with respect to set-back from the sea. Concerning Contractor yards, he noted staff will come back with a report outlining options.

GL-2015-004

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee amend its Work Program by designating the following top three priorities: a) Home-based contractor yards; b) Cottage size and height; c) Secondary suites bylaw amendments.

CARRIED

GL-2015-005

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to proceed with amending section 2.14 of LUB at the earliest opportunity.

CARRIED

12.1.2. Projects List Report Dated January 2015

By general consent, the projects list will stay the same.

12.2. Applications Report Dated January 2015

Planner Farris reviewed the attached report.

12.3. Trustee and Local Expense Report Dated December 2014

Local trust meeting expenses were higher than usual due the significant cost of Community Information Meetings (CIM). Planner Farris and RPM Kojima confirmed that the LTC may wish to discuss multiple topics at one CIM. RPM Kojima also suggested alternative ways of obtaining community consultation such as through surveys.

Trustee Harris noted that the projects budget for \$8000 came in under budget at \$2300.

12.4. Adopted Policies and Standing Resolutions

Staff reported that the LTC went through them last year and cleaned them up. Staff will be coming back with some suggestions to the STVR.

12.5. Local Trust Committee Webpage

The Galiano Island Local Trust Committee webpage can be found at: www.islandstrust.bc.ca/islands/local-trust-areas/galiano

Trustees Pottle and Harris complimented the organization and robustness of the webpage.

12.6. Chair's Report

Chair Busheikin stated she was happy to be here and is learning a lot. She reported that there has been one Executive Committee Meeting, with another one scheduled for next week. She spoke favorably of the technology being offered by the Islands Trust and encouraged trustees to work with their iPads.

The communications tower issue is something Chair Busheikin would like to look at on a Trust-wide basis. Denman and Lasqueti Islands have experienced problems with towers. She would like to speak with a united voice.

12.7. Trustee Report

Trustee Pottle noted people are concerned about the recent cell tower proposal. She attended Southern Trustees Roundtable session on January 12, 2015 and found it helpful. In speaking with a representative from Rogers, she made him aware of public opposition and some support within the community. Trustee Pottle wants to know what improvements will be made for Galiano. Lots of consultation is required on this issue. Trustee Pottle's office hours are Tuesdays 4-6pm. She signed up for the Local Planning Committee.

Trustee Harris reported that the last eight weeks have been interesting. He appreciates the depth of the Islands Trust, and noted the integrity and hard work. He is interested in the vision of the Galiano community and where it is going. He was appointed Economic Development Commissioner for Galiano. With respect to holding two jobs, he stated he is first and foremost a Trustee. He ran on a platform of economic health. He wants to get broadband internet to this community as he believes it is the way of the future. He acknowledged it is extremely expensive, but stated it was his goal nonetheless.

12.8. Trust Fund Board Report

The Trust Fund Board Report will be on the agenda as a standing item.

13. NEW BUSINESS

13.1. Advisory Planning Commission Memberships

Four members' terms on the APC have expired effective February 1, 2015. There was discussion regarding advertising in the Active Page and contacting the members whose terms had elapsed.

Trustee Harris questioned whether there were concerns about his wife, Karen Harris, continuing on as a member of the Advisory Planning Commission.

Regional Planning Director Kojima advised this was a question for Linda Adams.

GL-2015-006

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to advertise for up to four (4) members to sit on the Galiano Island Advisory Planning Commission.

CARRIED

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for March 2, 2015, at 12:30 pm, at the South Community Hall.

15. TOWN HALL

Cathy Stephenson discussed the need for improved cell phone coverage. She referred to the survey conducted last summer, through the Hardware Store, where 120 respondents participated, with 2/3 in favour. Emergency services are a large motivation for her support of increased cell phone infrastructure.

A member of the public spoke in favour of low-cost housing and asked whether it could be expedited.

Roger Pettit looked at the Notice of LTC Business meetings for 2015 and saw only one scheduled for the North Hall, although 1/3 of the population lives in North.

Regional Planning Director Kojima noted there were two LTC meetings scheduled at the North Hall in past years, but the number was dropped to one due to low attendance. RPM Kojima stated the schedule could always be amended. He would find out availability of the North Hall.

Tom Hennessy stated a preference for the housing society to be referred to as the Galiano Community Housing Trust, as opposed to "GLCHT." He expressed concern about cell phone towers and the health risks of microwave technology.

Gary Coward mentioned health concerns with respect to the proposed cell tower. He discussed the 15 meter riparian area setback for structures, and the relationship to covenants on that land, since the Provincial regulation is 30 metres. If there becomes a height increase for cottages, a good solution may be to reduce any new, increased cabin height as it gets closer to the property line. A cabin is an accessory use that should be trumped by the neighbour's house, which is a primary use. Mr. Coward expressed concern with F1 landowners choosing for the community the community amenity flowing

from RR/FH-model rezoning “option.” He stated that a way must be found to have policy that puts that choice in the minds of the community, not the previous landowner.

Ursula Deshields responded to Stephenson’s comment about survey results, stating that numbers only tell part of the story. People who are suffering carry more impact in their response than pure numbers. With respect to cottage allowances, she supports increasing the size but is worried that cottages will be used for STVRs, and not affordable housing.

Therese Ramond noted that the survey was informal; respondents could respond multiple times, and the results should thus be taken in perspective. She noted that Salt Spring Island has dead areas despite cell towers.

Libby McLelland stated that she is interested to learn about the coverage we have on Galiano. How effective would a proposed new tower be?

A member of the public made an additional point concerning the cell tower survey: people were registering for that survey without having all the data before them. An informed public is important. When considering increasing cottage size, she hoped the LTC would give consideration to the point that it is always going to be a secondary dwelling and that there will be no subdivision of the property.

Jane Wolverton noted that Rogers Communication approached the Galiano Club to put a cell tower on Bluff Park. Galiano Club declined as Bluff Park is a nature protection area.

Avis Seads noted the cell phone tower survey was conducted in the summer when many off-islanders were present.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:39pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder