

ADOPTED



Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: February 1, 2016
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 12:31 pm. Chair Busheikin introduced herself and staff members present. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. There were approximately 75 members of the public attending.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Item 9.2 was added - a letter from Nancy McPhee.
- Item 11.2 GL-TUP-2015.1 (Woodstone) - application was removed by the applicant.
- Item 11.4.1 added a table with respect to GL-RZ-2013.1 (Landworks).
- Item 15.2 was added with respect to the 2016 Galiano Island Local Trust Committee (LTC) meeting schedule.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The Chair explained what could be heard at the Local Trust Council (LTC) meeting. As GL-RZ-2013.1 (Land works) is post-public hearing, the LTC is legally obliged not to hear any new information, unless it is technical information about an application.

Correspondence received over the last 48 hours with respect to Landworks has been forwarded to staff for review. Ideally, letters to the LTC should be received 10 days prior to the LTC meeting so they may be added to the agenda. The Thursday prior to the LTC meeting is the latest possible time for correspondence to be accepted in an orderly fashion.

Acting Planner 2 Kim Farris discussed correspondence about open application files. She thanked people for letters respecting the Crystal Mountain Society's (CMS) application. If

letters are received prior to public hearing, staff will review and forward them to the LTC. It takes about a week for staff to post correspondence to the Islands Trust website.

Janice Oakley asked what happens to letters that are received too close to the LTC meeting date.

Regional Planning Manager (RPM) Robert Kojima indicated they were posted on the website within a week and circulated to the LTC.

Loren Wilkinson, representing the Galiano Conservancy Association (GCA), circulated a letter to Trustees. At the last meeting, the GCA promised they would consider being covenant holders. He noted that GCA letters submitted some time ago to the Islands Trust, had not been posted on the Islands Trust website. He noted that the GCA had been asked to be covenant holders. The GCA's response to the application had been guided by the Land Trust Alliance and Canadian Land Trusts Standards and Practices. From the GCA's standpoint, Landworks has an acceptable covenant with respect to sustainable forestry. The point of disagreement concerns the endowment set up to cover expenses. Another point of disagreement was whether the GCA would be the covenant holder in fact rather than in name. The GCA endowment was offered by a board member.

Gary Coward wondered if members of the public understood what "PMFL" meant, along with associated tax implications.

Helen Foster spoke on behalf of the Crystal Mountain Society. Referring to page 33 of the January 2016 edition of *The Active Page*, she respectfully pointed out that the reference to Crystal Mountain was misleading in the quotation from the Advisory Planning Commission's recommendation which suggested that transfer of title and subdivision of land was required by the OCP to ensure a community benefit. She was also concerned by the reference in *The Active Page* to "letters of concern", while omitting reference to all the letters of support that have been sent. She felt the Trustees' report in *The Active Page* provided an unbalanced perspective. She would like a correction posted.

Trustee Harris "owned" the penmanship and stated there would be a correction in the subsequent edition of *The Active Page*. Trustee Pottle explained the history behind the OCP clause.

Michael Durkos spoke in favour of the Crystal Mountain application. He has been a resident on Galiano for 22 years; he has done a lot of work on the land and trusts the caretakers of Crystal Mountain to provide good stewardship of the forest.

Bernard Mignault noted he has lived on Galiano for more than 30 years. He has had many discussions with the Islands Trust and has found that the goalposts have moved. He does not want to see people stymied. While not referring to any specific application, he noted that the LTC must weigh each application fairly.

Suzanne Fournier has been a resident of the North End for the last 26 years, and is a board member of the GCA. She spoke to a technical matter: the content of the covenant presented at the Public Hearing of 2014 has changed considerably. There have been

incredible steps taken to move the application forward. The \$10,000 endowment was offered by a member of the GCA. The public needs to know what is happening in order to further democracy.

Roger Pettit spoke to the issue of fairness. The Official Community Plan is a public document, as are the bylaws, which should be clear to all applicants. With respect to the Crystal Mountain application, there appear to be unwritten rules. He expressed concern about the optics of the process.

Janice Oakley read correspondence from Patrick Ramsay, with respect to the Crystal Mountain rezoning application. Mr. Ramsay became a Galiano resident as a direct outcome of a retreat at Crystal Mountain, which had a large impact on his life. When his son was in grade 10, he struggled in school, but after a summer program at CM, he improved remarkably. CM presented a profound experience for his family.

Diana Lilly expressed discomfort with what could be said at Town Hall. She spoke in favour of another Public Hearing to provide a transparent process for the Landworks application.

Nancy McPhee referred to her letter of January 21, 2016, wherein she discusses the decision-making process of the LTC. She has been a resident of Galiano for 30 years. She spoke in support of the Crystal Mountain application and for a more positive tone of the LTC. CMS has been in the rezoning process for 12 years, in what she described as an excruciating process. She referenced the Islands Trust's Strategic Plan for 2014-2018, one of the goals of which is to empower owners to be stewards of the land.

Annette Shaw spoke in favour of the Crystal Mountain application. The CMS attracts the best kind of visitors: people enjoying the silence of nature with minimal impact on the environment. CMS offers educational opportunities to the community, benefits local businesses and the local economy. It teaches mindfulness, emphasizes health and wellbeing, stress-reduction, calming inner conflict and provides an oasis of peace.

Paul Leblond spoke strongly in favour of Crystal Mountain and Galiano Green. He was concerned about community development.

Glenna Mattin presented questions around previously approved re-zonings to date on Forest Lands.

RPM Robert Kojima referred to the Heritage Forest covenant, and the transfers of land to BC Parks.

Kiyo Okuda spoke about democracy and the public's sense of governance. He referred to covenants being a regulatory authority.

Akasha Forest presented technical information: a third party covenant holder is considered preferable, versus the LTC, because LTC's change over time. Staff work very hard to find solutions and support processes. If there is significant new information with respect to the Landworks application post hearing, then a new public hearing is needed. She also spoke to long-range priorities, noting that the Islands Trust is in danger of not being able to continue in its current format..

Anna Keefer spoke to the need for a paradigm shift concerning attitudes toward change.

Jane Wolverton, Board member of the GCA and President of the Galiano Club, acknowledged the hundreds of volunteer hours that have been devoted to trying to resolve the covenant issue. A lot of time has been put into careful consideration.

Note: There was a break at 1:44 pm and the meeting reconvened at 2:00 pm.

4. COMMUNITY INFORMATION MEETING

n/a

5. PUBLIC HEARING

n/a

6. MINUTES

6.1. Local Trust Committee Minutes Dated December 7, 2015 (for Adoption)

By general consent, the minutes were adopted as presented.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated January 2016

Acting Planner 2 Farris reported that the STVR pamphlet and enforcement letters were completed. A Development Permit Area letter is being drafted and will be sent to contractors.

A Response to the Ministry with respect to the Retreat Cove Covenant has been received. Acting Planner 2 Farris will be following up with Chair Busheikin.

The Chief Administrative Officer received a letter from Industry Canada which notified Islands Trust they were rescinding their Letter of Understanding with respect to cell tower procedures. Industry Canada recommended that the Islands Trust draft its own tower siting procedures.

8. DELEGATIONS

8.1 S. Foster re: Crystal Mountain

Mr. Stephen Foster thanked the Islands Trust and the public. He addressed the following:

- Language from Official Community Plan (OCP) and Land Use Bylaw (LUB) with respect to the public benefit of allowing accessory and unique parcels of land, and low impact, forest-related activities. Eco-based land-use planning is the backbone of CMS' values.
- The Islands Trust Strategic Plan adopted Sept. 2015;

- CMS has had an open house, has done outreach, and has received a positive response from the public.
- CMS has approached this process as a joint approach and has addressed the LTC's specific concerns by providing an updated plan: they have reduced buildable areas, and have concentrated buildable area. No longer include kitchens in huts. Only one residence (1000 sq. ft.) for caretaker. Entrance has been moved.
- Emergency access has been improved.
- Water analysis has shown that water usage is low. Water recharge will not be compromised.
- Concerned about how CMS is being pushed to offer a land-transfer and subsequent sub-division of land. This requirement is not supported in OCP. CMS does not want to pursue a transfer of ownership and subdivision.
- CMS society requested LTC approach their proposal as a unique, site-specific rezoning.

Trustee Pottle asked whether the covenant would be registered. Mr. Foster indicated more work was required.

9. CORRESPONDENCE

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

9.1 Letters Dated January 12 and 13, 2016 from G. Moore

9.2 Letter Dated January 21, 2016 from Nancy McPhee

Both letters were received.

10.1 CLOSED MEETING (Distributed Under Separate Cover)

GL-2016-001

It was MOVED and SECONDED,

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

- Adoption of In-Camera Minutes Dated December 7, 2015
- Legal Advice

AND that the Recorder and Staff attend the meeting.

CARRIED

Note: The public was asked to adjourn at 2:21 pm.

See separate In-Camera Meeting Minutes dated February 1, 2016.

10.2 Recall to Order

The meeting was recalled to order at 2:51 pm.

10.3 Rise and Report

Chair Busheikin reported that the In-Camera Minutes of December 7, 2015 were adopted as amended and the Local Trust Committee received legal advice.

11. APPLICATIONS AND REFERRALS

11.1 Thetis Island Local Trust Committee Bylaws No. 96 & 97 Referral (for Response)

GL-2016-002

It was MOVED and SECONDED,

that the interests of Galiano Island are unaffected by Thetis Island Bylaws 96 and 97.

CARRIED

11.2 GL-TUP-2015.1 WOODSTONE

The applicant has withdrawn their application for a Temporary Use Permit.

11.3 GL-RZ-2014-1 CRYSTAL MOUNTAIN

Acting Planner 2 Farris provided background to the application and referred to the Staff Report of January 25, 2016 which provided options to proceed with the application.

The Trust Fund Board has received a conservation covenant proposal, but a land donation by the applicant has not been discussed.

There was extensive discussion, specifically with respect to:

- The importance to the applicants of keeping the whole of their land intact and un-fragmented.
- Retreat zones on Salt Spring Island and Denman Island; and limited and specific accommodation uses on Gambier and North Pender;
- The importance of having a covenant;
- Concern about transferring land to a third party which may not have the resources to manage land appropriately;
- Concern about treating forestry lot owners equitably;
- The applicants having built without proper approval;
- The desire to see a smaller building footprint;
- Inability of LTC to zone for individuals or non-profit societies;
- The need to make decisions based on the strength of the zoning;
- The timing of preparing draft bylaws in the application process before a covenant is prepared;
- Having a map amendment on both OCP and zoning and creating a single policy on OCP to allow that specific site to be rezoned;
- The extent to which site-specific zoning may or may not create a precedent;
- A suggestion that, given the applicant wants to retain forest land and given site-specific zoning, why not use the F3 example; i.e., rezone them to F3, with the remaining portion of land to residential. Consequently, there would be no need to register a covenant.

GL-2016-003

Resolution GL-2016-003 was removed from record as per resolution GL-2016-010 on March 7, 2016, as the motion was not seconded by the Trustees.

GL-2016-004

It was MOVED AND SECONDED,

that the LTC resolves to proceed no further with the application in the absence of a land donation.

DEFEATED

The CMS application will be on the agenda at the next LTC meeting.

11.4 GL-RZ-2013.1 LANDWORKS

The applicant, Kelly Gesner, spoke to the process to date.

RPM Robert Kojima prepared a table of possible options.

Noting the impasse, Trustee Pottle questioned whether there was any point in having the GCA continue to work on an agreement? She supported holding a public hearing.

Trustee Harris supported moving the application forward instead of having another public hearing. He was concerned about bad faith and would like to see the community benefits come to fruition. He regretted the application had gone forward prematurely to the Minister.

Staff outlined what would be involved in going to public hearing. RPM Kojima explained that the LTC would have to rescind third reading and go back to second reading. Then, a new hearing would be held. All approvals would have to be considered again, including those from the Minister's office. This would result in approximately a six month delay.

Chair Busheikin queried whether the GCA could be the covenant holder, and, if there was a way for Staff to sit down with the two parties and work through the agreement together? RPM Kojima noted the similarities in the technical provisions of the two versions of the covenant. He was willing to work with both parties.

It was noted by staff that the PMFL does not monitor covenants. There was a suggestion to include a representative from the PMFL at the discussions.

GL-2016-005

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request staff to meet with representatives of the Galiano Conservancy Association and Landworks to facilitate a resolution to the differences with respect to their rezoning proposal.

CARRIED

11.5 GL-RZ-2011.1 GALIANO GREEN - Staff Report

Applicant Tom Hennessy stated he was pleased with the planners' work and RPM Kojima's recommendations.

GL-2016-006

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request staff to report back with amendments to proposed Bylaw 234 that would permit rezoning application GL-RZ-2011.1 to proceed as a bare land strata subdivision.

CARRIED

GL-2016-007

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee authorize staff to enter into a cost recovery agreement with the applicant for rezoning GL-RZ-2011.1 (Galiano Green) for review of and revisions to the draft housing agreement.

CARRIED

GL-2016-008

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request that prior to further consideration of rezoning application GL-RZ-2011.1 (Galiano Green), the applicant provide a revised layout plan, propose how the bare land strata subdivision would address s.510 requirements for provision of parkland, and provide a written proposal detailing how the terms of the housing agreement would be administered.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

None.

13. REPORTS

13.1. Work Program Reports (attached)

13.1.1. Top Priorities Report Dated January 2015

There was discussion about adding the development of a tele-communications strategy to the Top Priorities list, given that existing priorities have now been completed. Community participation is desired. Budget requests need to be considered for next year. Dock review was also mentioned as a priority for consideration.

GL-2016-009

It was MOVED AND SECONDED,

that the Galiano Island Local Trust Committee amend the work program top priorities to remove the existing and replace with a new tele-communications strategy.

CARRIED

13.1.2. Projects List Report Dated January 2015

Provided for information.

13.2. Applications Report Dated January 2015 (attached)

Provided for information.

13.3. Trustee and Local Expense Report Dated December 2014 (attached)

Provided for information.

13.4. Adopted Policies and Standing Resolutions (attached)

Provided for information.

13.5. Local Trust Committee Webpage

None.

13.6. Chair's Report

Public consultation on Trust Council's budget is ongoing. There is a survey. There was a request to consider a select committee to deal with marine issues. The Local Planning Committee (Trust Council Committee) is putting a forum together on community housing, to be held Monday, June 13. Galiano Green will be invited to the meeting in Duncan.

Russ Hotsenpiller is the new Chief Administrative Officer.

13.7. Trustee Report

Trustee Harris reported that the first year of working with Chair Busheikin and Trustee Pottle has been rewarding, interesting, challenging, and fun.

Trustee Pottle reported that December has been busy with the applications before the LTC. She was pleased that Galiano Green is getting new direction on something workable.

13.8. Trust Fund Board Report

None.

14. NEW BUSINESS

None.

15. UPCOMING MEETINGS

15.1. Next Regular Meeting Scheduled for March 7th at 12:30 pm, at the Lions Hall, 992 Burrill Road, Galiano

15.2 The LTC April 4, 2016 and August 29, 2016 meeting dates will be retained as originally scheduled.

16. TOWN HALL

Kiyo Okuda spoke about forest lot development. As the island transitioned into private ownership, services provided by companies were no longer delivered. Fire risk mitigation and maintenance should be provided in a covenant. Now it is voluntary, provided by PMFL. There must be an authority, and now it is the LTC's responsibility via covenant.

Roger Pettit addressed the covenant on Heritage Forest. As a member of the North Galiano Fire Department he has read all the reports on the forest fire and in his opinion, Heritage Forest is the biggest fire hazard on the island. They have no fund to maintain that piece of land. He is concerned that when land is donated that it is given to someone who has the means to do the necessary basic maintenance .

Loren Wilkinson agreed with Mr. Pettit, indicating that was why an endowment was requested by the GCA.

Debbie Holmes was concerned about misrepresentation concerning Heritage Forest. Under a year of its inception ¾ of that forest burnt to the ground. The other 30% was the easement. There was not a lot of forest there. She also spoke to the density of the Galiano Green project and was concerned about it being too densely concentrated.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:22 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder