



ADOPTED

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: July 4, 2016
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

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

Others Present: Approximately 50 members of the public

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:32pm. She acknowledged the meeting was being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

One piece of correspondence added as 9.2 on agenda. (Moyle letter of June 29, 2016)

There was discussion about how correspondence is received by the Local Trust Committee (LTC). A folder of correspondence arrived July 3, 2016. Procedure is to give folder to planner for review, filing and circulation to LTC members before posting on website. Chair Busheikin noted she would follow up on procedure.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Chair Busheikin outlined parameters for this Town Hall. A speakers list was taken, with three minutes per speaker. With respect to Draft Bylaws 259 and 260 questions and comments would be taken at the upcoming Public Hearing.

Neil Friedenberg referred to the letter sent to the Chair and Trustees from a group of North End neighbors that met to discuss concerns regarding the Crystal Mountain Society (CMS) application. He noted disappointment that draft bylaws were being presented before concerns were fully examined. These include: pace of process; lack of consultation; respectful relationships with neighbours; large size of proposed development; implications for water supply, sewer, fluctuating water table; noncompliance with established LTC practice with respect to the community benefit, specifically, exchange of land for density; fragmentation of forest, noise, and traffic. Official Community Plan (OCP) is a compromise that should not be undermined. He asked the LTC to either slow down or suspend work.

Peter raised similar concerns about the CMS application, wanted to preserve the environment of north Galiano, and requested a consultative process. He will circulate his letter to the LTC.

Diana Lilly read a letter from Carolyn Canfield about the CMS rezoning and supports the mandate of the LTC to respect diversity and environment. She questioned what would happen to zoning after CMS leaves the land or sells it and if rezoning leaves any certainty about unconventional and unenforceable land use. She noted concern about the scale of the proposal and requested the LTC to delay the rezoning process until neighbours' concerns are resolved and the application is aligned with community values.

Suzanne Fournier quoted from Adrienne and Paul Gregory's letter and expressed concerns about the scale of development, water supply and dry wells, increased traffic on a road that is currently walkable and perfect for those with mobility issues. She requested that the LTC preserve peace, solitude, wetlands, privacy and calm.

Art Moses identified that nothing in the draft bylaws address community benefit. He referred to a letter from CMS neighbors that outlined concerns that have not been addressed and urged the LTC to carefully consider these concerns and slow down the progression of the application. He questioned how draft bylaws can move forward without more information.

The LTC confirmed that the applicant had not finalized their comments with respect to additional community benefit as per the May 27, 2016 staff memo.

Avis Seeds inquired about the installation of wind chimes at Tapovan Park.

A/Planner 2 Stockdill noted bylaw enforcement had discussions with the property owner.

There was discussion about Tapovan being co-sponsored by the Galiano Trails Society and the Capital Regional District.

Andrew Loveridge spoke to the importance of moving Galiano Green forward.

Tom Hennessy hoped for a good solution for CMS and remarked that noise should not be a concern for North Enders. He compared the maximum input of 30-40 people on CMS with the maximum build-out for other forest lot re-zonings.

Sidney Brannan intends to comment on water and noise issues related to the Wolstenholme (Woodstone) rezoning application later in the meeting. With respect to the CMS application, she read a letter from Madison Cappe and Tycho Mommsen-Smith who expressed concerns about CMS's relationship with neighbours and the importance of reflecting the values of the community.

Doug Latta asked about the different types of covenants, their strengths and weaknesses, and whether covenants bind forever.

Regional Planning Manager (RPM) Kojima noted the pros and cons depend on the content and/or complexity of the covenant and explained that covenants are binding and remain with the property but zoning can be altered by the LTC.

Suzanne Fournier disagreed with the notion that covenants last forever and referred to research from Linda Hannah, Regional Vice-President, BC Region, Nature Conservancy of Canada, showing they rarely last beyond the second owner due to legal issues and challenges with respect to enforceability.

Andrew Loveridge suggested a task force to examine durability of covenants.

Elizabeth Latta enquired about when to add a point of information about Industry Canada telecommunications.

Janice Oakley appreciated the input from CMS's neighbours and suggested meeting informally to discuss concerns and options. She stated CMS is open to feedback and crafting terms that are acceptable to the community and that draft bylaws are the beginning. She questioned impacts to the community if CMS folded.

Nancy McPhee stated that CMS has plenty in common with people who have expressed concern and they respect the land and its integration with humans. She has concerns about traffic, and appreciated all of the input from neighbors, and hoped that the community could meet to discuss further.

Susan is co-chair of CMS and supports the rezoning application. She understands the fears of neighbours and looks forward to meeting people to discuss the application.

Tom Mommsen and Risa Smith sent a letter to the LTC regarding concerns about the CMS application including: number of parking spots, fragmentation of the forest due to hut placement, vague water and sewer plans, and the retreat zone location being insensitive to ecology. He requested assurances against further development and stated a change in title is only way to guarantee this.

Akasha Forest submitted a letter from Ann Thorsteinsson regarding the preservation and water integrity of Spotlight Creek and expressed dismay that CMS has proceeded 16 years without oversight from the LTC.

Akasha Forest spoke to concerns around: use of covenants versus land transfer of title, proceeding to a Community Information Meeting (CIM) without concrete information; community benefit when the proposed covenant is not unique. She referred to the work of West Coast Environmental Law around legal remedies to enforce covenants and that a covenant may be removed if it is deemed a “burden” as cited by the Western Canada Business Litigation blog. A slower and wider consultation and ensuring legitimate mandate to change the OCP would be appreciated.

Stephen Rybak stated the CMS application is premature to go to CIM and requires a concrete proposal that defines community benefit, or a definable exchange. He felt having no definable exchange sets precedent and may lead to copy-cat proposals.

With respect to Telecommunications strategy, role of APC outlined on agenda package page 47, s. 12: seems reasonable to describe current levels of services but not the identification of gaps, which should be prerogative of new providers. With respect to agenda package p. 55, dock review project, would like to see first bullet reworded.

Libby McLelland responded to recent discussion about community benefit and felt that CMS believes that what they offer is of service to the community as not only a non-profit but a charity. She suggested moving forward; there are many ways of creating space in the world and CMS is unique. She clarified Linda Hannah’s comments on conservation covenants (as presented at the Galiano Conservancy Association’s AGM) and specified that Hannah had noted that problems with covenants arise around “third generation land transfers.”

Audrey Thomas is against the CMS application moving forward as a special zone of health and wellness; she contributed to the correspondence of July 2, 2016 submitted from neighbors noting concerns. She requested more information, a more deliberative process, and the LTC to slow down.

Debbie Holmes presented a map showing outflow of Fraser River and development density pressing upon Galiano Island. She referred to Business Section of the *Victoria Times Colonist*, article of June 26, 2016, stating Tsawwassen Mills Mall development will employ 3500 people. She noted the importance of a community benefit in perpetuity and shared that August 25th, 2016 at Southern Community Hall, will be a celebration of Margaret Griffith’s life.

Kim Lenglet, with respect to CMS, would like an opportunity to comment in a more responsive, constructive forum and noted an overall contradiction: preserve and protect mandate is about residents protecting others’ lands for them. She is concerned by unfounded misinformation that is impacting the proposal and the overall build-out of CMS is much smaller than what would be permitted if it were residential.

Sheila Anderson expressed concern with the tack of the draft bylaws for the CMS application. Density proposed is contrary to Land Use Policy a)(vii) [OCP]; footprint, impacts, accesses are not clustered into one 25% portion, and thus do not meet the demands of protection of forestry lands. For this much higher density, the community benefit has not been met. OCP Principal M [Schedule A, Section 1, 2 m] has been mentioned, but that clause doesn't speak to building huts. Health and Wellness zone is problematic, for it creates more accommodation units than is allowed. F3 could be applied on the basis of a Bed and Breakfast and CMS could get started that way.

There being no further comments from the public, Chair Busheikin closed the Town Hall meeting at 1:55pm. There was a break.

4. COMMUNITY INFORMATION MEETING

4.1 Galiano Island Local Trust Committee Bylaws 259 & 260

A/Planner 2 Stockdill summarized proposed bylaws Nos. 259 and 260 (information provided in agenda package). The LTC is considering bylaws to re-zone a portion of a property from Health and Wellness (HW) to Visitor Accommodation (Inn) – C3 and to re-designate it from Health and Wellness Facility to Visitor Accommodation (VA).

The applicant was not present.

In response to questions, staff confirmed the other portion of the subject property would retain the Rural Residential (RR) zone and that the VA zone is for a maximum of 12 visitor accommodation rooms.

Sidney Brannan, speaking for her mother, outlined concerns with water quality and quantity (the water table has dropped and is now sulphured), noise, and balancing development. She questioned if the LTC could tie water usage to commercial use and if noise restrictions could be attached to the bylaw.

RPM Kojima noted that water catchment can be a condition of new development but applying conditions on a change of use application is challenging; the property would be under provincial water regulations as it is a commercial use. It would be difficult to attach conditions to zoning as noise issues are under CRD bylaws and it becomes an enforcement issue.

Staff noted the LTC is under no obligation to approve the application and could lower the density allowed; there are currently more than 12 units but some are for manager's residence.

There was some discussion about the confusing use of acronyms in Land Use Bylaw (LUB) and OCP, specifically with respect to Heritage Forest versus Health and Wellness Facility; also discussed was the total allowable build-out on the Woodstone property, given there would be a split-zone.

In response to a question, A/Planner 2 Stockdill confirmed the applicant could build a house and a cottage on the RR zoned portion of the property.

Nancy McPhee expressed concern for the wetland sensitive ecosystem in regards to the application.

Concerns and requests were raised regarding the application including:

- Water regulations or recapture and irrigation requirements to mitigate consumption as a part of conditions;
- Groundwater assessment requirements;
- Limits on development or structures such as pools for climate change mitigation;
- Long term climate change adaptation strategies;
- Potential recourse for the application if water runs out; and
- Water catchment plan as a community benefit for the rezoning application.

In acknowledging the community concerns the following responses were summarized:

- New developments require a water report and there is no requirement for a community benefit for a rezoning, it is voluntary;
- There is no recourse on an application if water becomes scarce, but under the recently adopted *Water Sustainability Act*, a provincial water license is required as part of requirements;
- Pools are considered an accessory structure and could be subject to further requirements;
- Climate mitigation strategies, such as requiring water catchment, are underway but much more can be done; and
- Wording could be written into the bylaw to amend it prior to second reading to include conditions for using rainwater for irrigation and pools.

Stephen Rybak asked if we could stop the process now and require assessment of ground water status before the application goes to public hearing as more clarification is required. He stated the Woodstone was used as a HW facility, and went seven days a week and year round. As a hotel, water use may have been lower but it is unknown. The property owner should be present to answer questions.

Chair Busheikin noted the LTC advertised a Public Hearing under a quasi-judicial proceeding.

Trustee Pottle asked whether this would be considered an “up-zone”?

RPM Kojima noted it was a lateral transfer, rather than an up-zone.

Mike Hoebel, as someone who operated Woodstone for a time, noted it was not occupied year-round.

Debbie Holmes believed the Woodstone allowed community access through the property to the wetland, as a wilderness retreat. Trails were voluntarily built and maintained. Mike Hoebel confirmed this.

Trustee Pottle understands that *Water Sustainability Act (WSA)* is anticipating future water shortages.

There being no further comments from the public, Chair Busheikin closed the Community Information Meeting.

5. PUBLIC HEARING

5.1 Recess for Public Hearing

The Public Hearing was called to order at 3:04pm. See separate Public Hearing (PH) record dated July 4, 2016.

5.2 Recall to order

Chair Busheikin recalled the meeting to order at 3:33pm.

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 6, 2016 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Agenda package page 8, after delegation of authority remove “Director of Local Planning”
- Add the word “costs” after project, package page 9, middle of page
- Package page 4, fourth para: Correct spelling is “Friedenberg” -- without “u”
- Package page 4, fourth para: “Neilson” should be corrected to “Wilson”
- Package page 15: Sentence beginning “With reference to the last time...” replace with: “With reference to the time when trustees had conflicting opinions about the minutes, action was taken after the meeting to clarify the situation and avoid further confusion.”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report Dated June 2016

Provided as information.

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated June 2016

Trustee Pottle enquired as to the status of applicant identifying “additional community benefits”.

A/Planner 2 Stockdill indicated she has not received any type of formal comment from the applicant.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 Invitation to Groundwater Management Presentation from Salt Spring Island Watershed Protection Authority

Trustee Pottle said she would respond to attend the August 19th, 2016 event.

9.2 Email letter of June 29, 2016 from Ralph and Rocky Moyle

Discussion of correspondence was deferred to next meeting.

10. APPLICATIONS AND REFERRALS

10.1 GL-RZ-2016.1 (Wolstenholme) - Staff Memo

Bylaws 259 & 260 (for further consideration)

Provided for information in agenda package.

There was discussion about how best to get the applicant to mitigate noise, light and water issues. Trustee Harris asked staff to recommend a mechanism for addressing the community’s concerns. RPM Kojima suggested a covenant.

GL-2016-062

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to prepare a report with respect to options for a water management strategy for the entire property, and for addressing concerns about light-pollution.

CARRIED

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

Information provided in agenda package. Staff recommended having a CIM.

There was brief discussion of how long it takes for correspondence to be circulated and posted online – approximately one week.

Trustee Pottle noted she would like to see a response from the applicant concerning additional community benefits before scheduling a CIM. She expressed concern about the “if” in top sentence of the agenda package p. 31 and concern that bylaws cannot regulate the user. She asked if a s. 219 covenant would be useful and if a legal opinion is available. Trustee Pottle would like to have a legal opinion on wording for a s.219 covenant.

RPM Kojima indicated no legal opinion has been obtained, but that if the LTC decides to proceed, then a legal opinion would be sought.

Trustee Pottle would like to see a copy of the conservation covenant in hand, to give assurance to a conservation covenant holder. The transfer is very much necessary for her to be comfortable with rezoning. She referred to past rezonings which benefited community housing and parks and land for density exchanges. She expressed that there is more security with a land transfer and wants land preserved for future generations. Trust Fund board can guarantee privacy required. Trustee Pottle appreciates benefits that come to the community by having Crystal Mountain (CM), but the larger community will embrace the project if there is transfer of land that everyone can use.

Trustee Harris appreciated there is a community located beside CM that is full of concerns that needs addressing. He wants to see neighbours and applicants come together to work something out. He thinks the application cannot proceed until “community benefit” is defined. Neighbours should be fully involved in that. He thinks the application should go to the Galiano Island Advisory Planning Commission (APC) before we go to CIM.

Trustee Pottle stated that before it goes to APC, the LTC should receive information on community benefits from the applicant, clarification about the “if” on package p. 31, and, whether we can specify “only be permitted for non-profit organizations.”

There was discussion on how a neighbourhood meeting would occur and whether a CIM would be satisfactory.

GL-2016-063

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to explore and report on: legalities of using a s.219 covenant restricting the use of land to non-profit societies only; identification of community benefits; and the legality of including the clause on package page 35 (Schedule 1, A.1., 1) c, i)

CARRIED

There was discussion of what is referred to the APC, and when. Trustees agreed APC should become involved once all information has been gathered.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Telecommunication Strategy Project - Staff Report

Provided as information.

Comments from the floor were considered.

Stephen Rybak suggested Terms of Reference (TOR) needed fine-tuning; specifically, 12(d) identify current services, gaps and needs and wordsmithing on page 49 of agenda package.

Mike Hoebel advised keeping the Project Charter as broad as possible so as to not stifle the feeling of legitimate purpose. He believes the project's purpose is appropriate.

Elizabeth Latta agreed with keeping TOR options open.

Ed Andrusiak asked how people were going to be chosen for the Special APC. What were criteria for choosing people to ensure a level playing field?

RPM Kojima noted that those who applied would likely be appointed. Expressions of interest would be discussed by LTC via in-camera discussion.

Chair Busheikin noted "preferred locations" (from staff report of June 22, 2016) does not appear again in objectives. There was some discussion of including "preferred locations... and design preferences" under Objectives.

GL-2016-064

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016.

CARRIED

GL-2016-065

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee adopts the terms of reference dated June 22, 2016 for the creation of a Telecommunication Strategy Commission.

CARRIED

GL-2016-066

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee requests staff to post a notice for the expressions of interest, including in the *Active Page* and *Island Tides*.

CARRIED

11.2 Dock Review Project - Staff Report

Provided as information.

Trustee Pottle supported a staff-led project as the best option.

GL-2016-067

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee endorses the project charter attached to the staff report dated June 23, 2016.

CARRIED

GL-2016-068

It was MOVED and SECONDED,

that the Galiano Island Local Trust Committee request that staff report back with a report outlining policy and regulatory options for the Dock Review project.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated June 2016

Trustee Harris supported having an affordable housing task force. Funds are available from CRD for affordable housing but Galiano needs a community group to ask for the money as the LTC cannot do that. He referred to discussions currently underway in the community about how to access funds. He would like to see the Affordable Housing project as a Top Priority fleshed out.

There was discussion about reviewing the Affordable Housing toolkit to see which recommendations would advance the cause of affordable housing. When final report comes out from Cowichan Bay, LTC would ensure that the right people received it.

12.1.2 Projects List Report Dated June 2016

Provided for information.

12.2 Applications Report Dated June 2016 (attached)

Covered earlier in agenda.

12.3 Trustee and Local Expense Report Dated May 2016

Provided for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Provided for information.

12.5 Local Trust Committee Webpage

n/a

12.6 Chair's Report

Chair noted the upcoming Executive Committee meeting on Wednesday with a full agenda. The new senior policy advisor to deal with First Nations issues will be inundated with work.

12.7 Trustee Report

Trustee Harris has received a lot of correspondence.

Trustees Pottle and Harris both attended Trust Council. Tom Hennessy, Doug Latta and Trustee Pottle attended Cowichan Bay affordable housing and found it a good chance to network.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for August 29, 2016, at 12:30 pm, at the South Community Hall, Galiano Island

15. ADJOURNMENT

By general consent the meeting was adjourned at 5:13 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder