



# ADOPTED

## Galiano Island Local Trust Committee Minutes of Regular Meeting

**Date:** November 7, 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 and no media

### 1. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30pm. She acknowledged the meeting was being held in territory of Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as amended:

- For Item 10.3, GL-TUP-2016.8 correspondence was received from Lawrence Waterfall
- Item 11.1 was moved to Item #4
- All other items renumbered accordingly.

### 3. TOWN HALL AND QUESTIONS

Chair noted the Galiano Green proposal was now post-public meeting.

There was extensive discussion as to whether the Housing Agreement (HA) was subject to Public Hearing, since Bylaw No. 261 was not mentioned in Notice of Public Hearing. Regional Planning Manager (RPM) Kojima stated the HA should not be discussed as it is connected to draft bylaws No. 233 and 234 and thus difficult to differentiate. LTC can make changes to HA without reopening Public Hearing process. LTC cannot take in any comments respecting the housing rezoning application.

Speakers were provided three minutes. Topics were to focus on agenda items.

**Bowie Keefer** spoke in favour of Crystal Mountain Society's proposal as they promote serenity and inclusiveness. He did not think their proposal would fragment the forest.

Trustee Pottle thanked the Keefer's for their successful rezoning.

**Sheila Anderson** noted that Short Term Vacation Rental (STVR) owners are telling clients they must remove their own garbage, which has the unintended effect of pushing the problem elsewhere, leading to dumping of garbage on local businesses and organizations. She would like to see STVR owners take responsibility for garbage disposal. She was also concerned about transparency and spoke to importance of full disclosure with respect to proposals. HA needs to be fully explored as it is complex.

**Akasha Forest** had a question about process, referring to a previous Staff Report noting that HAs are adopted by bylaw and thus subject to same process; yet draft Bylaw 261 cannot be commented on and questioned how the public can comment on Bylaw 261.

RPM Kojima noted that all bylaws have to go to public hearing. Administrative bylaws don't have a formal public process. The HA was part of the binder at the Public Hearing. LTC gave direction to staff to draft a bylaw for HA.

**Art Moses** noted he has spent a lot of time talking to CMS proponents. He summarized residents' concerns with respect to: the size of the proposal, its density, the number of buildings that fragment the forest, and intensity of use. He was concerned there is no commensurate exchange of land for this density. He talked about access to the land. Neighbours expressed willingness to work with CMS. The consultation process is ongoing and he questioned why proposal was on the agenda today. He did not want to proceed further with application until there were further revisions.

**Andrew Loveridge** thanked LTC for its hard work.

**Janice Oakley** read a letter from Fire Chief Tom Darby supporting measures such as the fire-hydrant standpipe and a secured right-of way offered by CMS to mitigate north end fire-hazards. Letter was submitted to staff.

**Nancy McPhee** spoke in favour of CMS and stated that neighbours and CMS share more values than differences. They are making efforts with neighbours. Neighbours will continue to have access through property. Economic contributions of CMS to community have not been highlighted much. Not asking for subdivisions that are profitable, but are asking for restrictions on land to minimize impacts on land.

**Suzanne Fournier** acknowledged the efforts made by CMS to engage with north-end neighbours. She was puzzled as to why CMS was on today's agenda. CMS has been good neighbours in past but is concerned with future. Concerned about lack of transfer of land for density and rezoning. Nowhere in LUB does the word "hut" appear. She questioned who will police or monitor tiny buildings/homes citing concerns about cumulative impacts. Density could make next owner quite profitable. Size of development is too big.

Trustee Pottle noted that bylaws are about uses not users. Profitability is irrelevant.

#### 4. LOCAL TRUST COMMITTEE PROJECTS

##### 4.1 Telecommunications Strategy

Chair Busheikin acknowledged the diligent work of the Special Advisory Planning Commission (SAPC) members. Trustee Harris was impressed by the volume of work conducted by SAPC

Planner Stockdill outlined three options as presented in Staff Report (October 27, 2016).

Trustee Pottle suggested the dock survey be sent out at same time as SAPC survey.

Trustee Harris asked whether there was a deadline expected by Industry Canada. Planner Stockdill noted there was not.

There was support to use the survey questions drafted by SAPC. Trustee Harris spoke favourably of giving SAPC authority to do this.

It was noted by Planner Stockdill that if the two surveys went forward together, then staff would handle and collate results.

**Mike Hoebel**, SAPC member, asked about timing of anticipated dock survey.

Planner Stockdill indicated the dock survey would go out within next two weeks.

##### **GL-2016-092**

It was **MOVED** and **SECONDED**, that the Galiano Island Local Trust Committee amend the Telecommunications Strategy Project Charter to include a survey to gather community input on gaps and needs in telecommunication services in conjunction with Dock Survey.

**CARRIED**

Staff noted the survey would be online via Survey Monkey. **Mike Hoebel** indicated the SAPC would like to provide alternatives to the community: paper copies available at different venues, as well as email survey.

SAPC member **Kiyo Okuda** noted the survey is a draft at this point. The SAPC would like to polish questions, add an introduction, and a map. Staff could work with SAPC in finalizing survey. Un-addressed mail would be preference, costing approximately \$150.

Planner Stockdill will work with the Chair of the SAPC to move ahead with a survey and target of November 15, 2016 to finalize content and method of delivery.

#### 5. COMMUNITY INFORMATION MEETING

none

## 6. PUBLIC HEARING

none

## 7. MINUTES

### 7.1 Local Trust Committee Minutes Dated October 1, 2016 & September 19, 2016 (for Adoption)

Recorder Colleen Doty confirmed the process for LTC draft minutes in response to a question from Trustee Pottle: the Planning Team Assistant and then the Planners review and edit them for brevity and format, then they go to the LTC and website as part of the agenda package for adoption.

**By general consent** the Local Trust Committee meeting minutes of September 19, 2016 were adopted as presented.

**By general consent** the LTC meeting minutes of October 1, 2016 were adopted as presented.

#### 7.1.1 Galiano Island Local Trust Committee Public Hearing Records Dated September 19 & October 1, 2016 (for Receipt)

The following amendments to the Public Hearing Record of September 19, 2016 were presented for consideration:

- Page 18 (agenda package), in second paragraph, change “He” to “She”.
- Page 18 change “Arisa” to “Orissa.”
- Page 18 in sixth paragraph citing Orissa Forest’s comments, change “He” to “She.”

**By general consent** the Public Hearing Records of September 19, 2016 and October 1, 2016 were received as amended.

### 7.2 Section 26 Resolutions Without Meeting Report Dated October 2016

Information provided in package.

### 7.3 Special Advisory Planning Commission Minutes Dated September 21 & 27, 2016 and October 4, 2016 (for Receipt)

**By general consent** the Special Advisory Planning Commission minutes of September 21, 27, and October 4, 2016 were received.

## 8. BUSINESS ARISING FROM THE MINUTES

### 8.1 Follow-up ACTION LIST Dated October 2016

With respect to Staff Report of August 19, 2016, for DVP-2016.3 tree-cutting Development Permit, Planner Stockdill clarified that the applicant meets the exemption for a DP and does not require a DP.

With respect to the online survey regarding dock policies, it will be addressed at the same time as the SAPC survey.

## **9. DELEGATIONS**

### **9.1 Neil Friedenbergl - Crystal Mountain Society Proposal**

Mr. Friedenbergl represented approximately 20-25 north end residents. They are concerned about size of proposal and that there will be occupants for up to six months at a time. They want to see clustering of development. Transfer of title should be a condition of rezoning. Said CMS outreach has been friendly and constructive but would like to see transfer of title. Community benefits are inadequate. Residents do not want to see a resort. Would like to see distinction between a "condition of rezoning" versus a "community benefit." With respect to the observation well, he questioned what would happen if the water drawn is shown to be too low. He was puzzled as to why CMS proposal was on LTC agenda while CMS has not yet finished their consultation.

### **9.2 Stephen Foster - Crystal Mountain Application (GL-RZ-2014.1)**

As Chair of rezoning committee, Mr. Foster reported the covenant is nearly accomplished and CMS is comfortable with shape it is in. There was a September 25th meeting that had approx. 30 community members attend. Sewage and waste water, compliance with OCP, transportation issues and density were the largest concerns at that meeting. At a second meeting of October 23, 11 members attended where the remainder of 15 topics were looked at. Door-to-door consultations and a walk-about have happened. Another one may happen too. Listening to people is ongoing. They will be making changes to their proposal.

Mr. Foster said there will be a summary report at end of third meeting in response to a question from Trustee Pottle if there were minutes from the meetings.

## **10. CORRESPONDENCE**

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

A letter from Lawrence Waterfall with respect to GL-TUP-2016.8 was received.

## **11. APPLICATIONS AND REFERRALS**

### **11.1 GL-TUP-2016.6 (Harrison & Kramer) - Staff Report**

Planner Stockdill noted that a maximum of four people would be allowed, not six as previously mentioned. One submission was received.

**GL-2016-093**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee amends proposed Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) to permit a maximum number of four (4) guests.

**CARRIED**

**GL-2016-094**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.6 (Harrison & Kramer) as amended.

**CARRIED**

**11.2 GL-TUP-2016.7 (Humphry) - Staff Report**

Trustee Harris declared a conflict of interest and left the room at 2:00pm.

**GL-2016-095**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2016.7 (Humphry).

**CARRIED**

With respect to concerns raised earlier about garbage, staff would remind all applicants of the need for appropriate garbage disposal.

Chair Busheikin recessed the meeting at 2:01pm for a break.

Trustee Harris returned at 2:01pm.

The meeting was reconvened at 2:19pm.

**11.3 GL-TUP-2016.8 (Waterfall & Kowalski) – Staff Report**

Planner Stockdill provided a summary. Area is within LUB Water Management Area.

**GL-2016-096**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee amend the proposed TUP 2016.8 (Waterfall & Kowalski) by inserting the requirement to provide a rainwater catchment system for non-potable water with a storage capacity of 8000 litres within 12 months of the date of issuance for the permit.

**CARRIED**

**GL-2016-097**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit 2016.8 (Waterfall & Kowalski) as amended.

**CARRIED**

#### 11.4 GL-TUP-2016.9 (Keating & Young) - Staff Report

##### GL-2016-098

##### It was **MOVED** and **SECONDED**

that the Galiano Island Local Trust Committee approve issuance of TUP GL-TUP 2016.9 (Keating & Young).

**CARRIED**

Trustee Pottle asked whether TUPs have been tracked according to neighborhood. Staff noted that TUPs are tracked on the Islands Trust website.

#### 11.5 GL-RZ-2011.1 (Galiano Green) – Staff Memo – Bylaws No. 233 & 234

LTC posed several questions for staff:

1. If rental units be required through the covenant? The Bylaw, Housing Agreement (HA) and covenant all allow either rental or leasehold. Staff noted that both the covenant and HA may need to be revised.
2. What is the difference between “administering” and “holding” a HA? RPM Kojima stated that the legislation specifies that the LTC is the only body authorized to hold the HA. The administration could be done by another body. Parties to the agreement would be the owner (Galiano Green), the LTC, and the Community Management Committee (CMC) would have a function. It would fall to the owner to correct any breaches. CMC is intended to maintain arms-length administration: to review potential leaseholders and tenant; when a resale is proposed, CMC will need to confirm price; receive statutory declarations; conduct regular meetings; and consider hardship situations. LTC: receives statutory declarations if requested; and if owner is requesting to increase strata fees that request goes to the LTC. The Owner nominates members of CMC. Enforcement recommendations may come to the LTC like any other bylaw.
3. It was discussed how CMC would be at arms-length.
4. Question was posed about if the lease agreement had been brought into harmony with the HA.
5. Concern was raised about complexity of different legal and administrative components of the project and how they relate to each other.
6. Why bare-land strata was discussed.

Extensive discussion followed and included:

- Trustee Pottle indicated that the LTC has not agreed to hold the HA. She was in favour of getting the CRD to hold the HA. It was noted that the CRD provided conditions through which they would consider holding the agreement, along with \$300,000 available for the project. There was discussion about community and neighborhood support being critical for success of housing projects.

- There was discussion about density.
- Trustee Harris thanked Trustee Pottle for her comments and staff for working on this and spoke to the complexity of projects like this. He noted that the CRD was never approached when the project was a bare land strata, that size was a noted concern and that point #4 (Potential Amendments) reduces build-out, if we accept the changes that there is money for rental housing. Groundwater is a huge concern and he acknowledged this, but stated if you can catch the rain and manage it, that is significant, and innovations in technology make projects potentially sustainable. He spoke of difficulties of projects like this; the historical challenges and that CRD projects would be more expensive and have tax implications. He concluded the LTC has a moral duty to move forward.

Chair Busheikin discussed specific points of concern:

- Was there a way of reducing density? Trustee Harris indicated a lower density will lead to a tax-payer model. To keep lease payments low requires certain density and 20 densities is the balance that allows the project to be self-funded. There is an economy of scale.
- Could the HA be administered by the CRD? They have not been approached with bare land strata. What is advantage over “foundation lease”? The CRD have the expertise and cannot be a party but could administer the HA. Staff noted the LTC could not avoid enforcement. Correcting breaches would be the responsibility of the owner. The CMC is responsible to report breaches.
- Trustee Harris indicated that the most secure timeline would be to move this forward today. Money comes and goes.
- Trustee Pottle noted that the CRD would look at neighborhood and community support first, and then access funds. What if the leases are not in place? What about money needed? What is a person buying into? When does the lease start? Society has to put in all of the infrastructure. Trustee Pottle mentioned previous concerns raised by the CRD and others.
- Trustee Harris noted Van City and CEC have approved financing.
- The question was raised as to whether the CRD could be willing to consider becoming involved now that it is bare land strata. Would CRD involvement lead to increased density?
- It was noted that the community will not support increased density. Trustee Pottle referred to Justine Starke’s article with respect to Salt Spring Island experience.
- Chair Busheikin noted that the CMC model has been used elsewhere in Trust Area, with mixed results.
- LTC could ask staff to contact CRD staff to take on administration without legally being the party.

There was further discussion:

- Trustee Pottle was concerned about home occupations including Short Term Vacation Rentals (STVRs). Bylaws should not be at odds with content of the Lease Agreement. Wants to ensure she understands what the legal relationship is between all bodies that are involved.
- Trustee Pottle would like to see the Lease Agreement.

- Trustee Harris did not think that the LTC would be able to satisfy Trustee Pottle's concerns and stated these concerns pertain to old documents. Staff have dealt with lawyers and consultants and this is what they have created after five years.
- Trustee Harris was supportive of the idea of approaching the CRD. There has been significant progress in the last three years, but he is concerned they would take another six months to look at this. He stated that the CRD would not want to be involved in a project with people building their own homes, but would want to hire contractors.
- Trustee Harris asked RPM Kojima how he anticipated the CRD would respond to a request to perform the CMC function. RPM Kojima noted there was a new manager now and the response could be completely different. It might be worth pursuing.
- Trustee Harris wanted to refer the matter to the Advisory Planning Commission (APC) to review the file, staff reports and all information as a way of moving forward.

A motion was put forward:

**GL-2016-099**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee refer Proposed Bylaws 233 and 234 to the Advisory Planning Commission.

Discussion ensued. It was noted by the Chair and staff that such a referral to the APC would precipitate a new Public Hearing. Trustee Harris did not feel comfortable that a referral would complicate the process and add further costs for the applicant. He preferred having a report back from staff after their inquiries with the CRD. Trustee Pottle noted that the waiver that was received by the applicant contemplated a second Public Hearing

**DEFEATED**

**GL-2016-100**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee Bylaw No. 233, cited as Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011, be read a third time.

**CARRIED**

**Trustee Pottle OPPOSED**

Chair Busheikin noted her concerns and acknowledged difficulties of the application. She felt the Business Plan was idealistic.

**GL-2016-101**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be amended by deleting 1(a) and re-numbering subsequent sections accordingly.

**CARRIED**

**GL-2016-102**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be amended by deleting 8.6.7 in its entirety and replacing it as follows:

“ 8.6.7 Buildings and Structures must be sited  
8.6.7.1 at least 1.5 metres from any bare land strata lot line; and  
8.6.7.2 at least 7.5 metres from any other lot line.”

**CARRIED**

**GL-2016-103**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be amended by inserting the following as a new 8.6.8 and renumbering the current 8.6.8 and subsequent sections accordingly:

“8.6.8 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.”

**CARRIED**

**GL-2016-104**

**It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee Bylaw No. 234, cited as Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011, be read a third time as amended.

**CARRIED**

**Trustee Pottle OPPOSED**

**GL-2016-105**

**It was MOVED and SECONDED**

that staff be requested to revise Galiano Housing Agreement Bylaw No. 261 to effect a requirement that a minimum of five units be rented, and that the revised bylaw be brought back to a future meeting for consideration.

**CARRIED**

With respect to page 132 of the agenda package, Chair Busheikin noted skepticism of switching CMC over to leaseholders and suggested revising no. 3a of Schedule F of the HA and change the word “shall” to “can”. Intent is that the HA be revised to remove the requirement to appoint leaseholders to the CMC. The Chair brought forward the motion:

**GL-2016-106**

**It was MOVED and SECONDED**

that staff be requested to revise Galiano Housing Agreement Bylaw No. 261 to remove requirement to appoint leaseholders to CMC.

**CARRIED**

**GL-2016-107**

**It was MOVED and SECONDED**

that the draft section 219 covenant be revised to include:

- a. A prohibition on the drilling of additional wells or the connection of dwellings to the common well unless the owner provides a professional report consistent with the Potable Water Standards for Subdivision in the Land Use Bylaw to the satisfaction of LTC.
- b. A total maximum floor area of all dwellings of 1500m2.
- c. Any revisions required to implement a requirement that a minimum of five units to be rented and that the revised covenant be brought back to the LTC for review and authorization to execute.

Before the question was called to a vote, Trustee Pottle noted she wished the amendments had been included in bylaw. LUB implements OCP policy. She expressed concern that, when bylaws were drafted, an amendment to OCP Bylaw No. 108, Section III, 2e should have been requested. She is concerned water policy is being changed by this process.

**CARRIED**  
**Trustee Pottle OPPOSED**

**11.6 GL-RZ-2014.1 (Crystal Mountain) – Staff Report**

Given time constraints, Chair Busheikin was concerned procedural fairness would not be met if LTC dealt with this proposal. Staff noted Staff Report was for information only. CMS has more time to draft their proposal.

**12. REPORTS**

**12.1 Work Program Reports (attached)**

12.1.1 Top Priorities Report Dated October 2016

Provided for information.

12.1.2 Projects List Report Dated October 2016

Provided for information.

**12.2 Applications Report Dated October 2016 (attached)**

Provided for information.

**12.3 Trustee and Local Expense Report Dated September 2016 (attached)**

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 Busheikin noted the transition plan is complete but the Ministry has come back with some questions. Preparations are underway for Trust Council.

## 12.7 Trustee Report

Trustee Harris was pleased to see CRD and Islands Trust are working together on housing needs survey. RPM Kojima noted the survey has been underway but there is nothing new to report.

Trustee Pottle has been studying all documents related to Galiano Green, including each staff report since the beginning of the process. She noted it will be good to have HA hashed out for fourth reading. She wished GG the best.

## 12.8 Trust Fund Board Report Dated September 2016 (attached)

Provided for information.

## 13. NEW BUSINESS

none

## 14. UPCOMING MEETINGS

### 14.1 Next Regular Meeting Scheduled for December 5, 2016, at 12:30 pm, at the South Community Hall, Galiano Island

#### 14.1.1 Timing of Winter Meetings – Discussion

Because of winter-time water taxi schedules, 4:30pm is latest pick-up. One option is to start meeting earlier, 11am, without staff. Have Town Hall first, then minutes adoption/amendments, and earlier break.

#### **GL-2016-108**

#### **It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee winter Trust meetings start at 11am.

**CARRIED**

The December, February and March LTC meetings will start at 11am.

### 14.2 Proposed 2017 Annual LTC Meeting Schedule – Staff Memo

Start times will need to be amended. Adopted as information.

#### **GL-2016-109**

#### **It was MOVED and SECONDED**

that the Galiano Island Local Trust Committee approve the 2017 meeting schedule.

**CARRIED**

**15. TOWN HALL**

none

**16. CLOSED MEETING (Distributed Under Separate Cover)**

**16.1 Motion to Close the Meeting**

**GL-2016-110**

**It was MOVED and SECONDED**

that the 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 Meeting Minutes Dated June 6, 2016 & August 29, 2016
- Appointment of APC Members
- Legal Opinion

AND that the recorder and staff attend the meeting.

**CARRIED**

The public was asked to adjourn at 4:37 pm.

See separate In-Camera Meeting Minutes dated November 7, 2016.

**16.2 Recall to Order**

The Chair recalled the Regular Meeting to order at 4:58pm.

**16.3 Rise and Report**

Chair Busheikin reported adoption of In-Camera minutes of June 6, 2016 and August 29, 2016, that a legal opinion was received, that Heather Martin had been appointed Secretary to the APC and SAPC, and that members had been appointed to the APC.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 4:59 pm.

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Laura Busheikin, Chair

Certified Correct:

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Colleen Doty, Recorder