



ADOPTED

Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: December 5, 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 Stockdill, Island Planner Colleen Doty, Recorder

Others Present: Approximately 20 members of the public

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:00 am. The Chair acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

The Chair referred to the online Islands Trust subscription service that will notify subscribers of time changes or other relevant information.

3. TOWN HALL AND QUESTIONS

The Chair was amenable to allowing, for future meetings, agenda and non-agenda items to be addressed during the first Town Hall; however, for this meeting for procedural fairness, only agenda items would be addressed during the first Town Hall. Three-minutes were allotted per speaker. Chair Busheikin stated she needed to chair the meeting with consistency.

Kiyo Okuda noted concern that there was no Town Hall at the end of the November 7, 2016 meeting and felt that the Town Hall needs to happen, especially following a contentious decision, so the public has a chance to respond to LTC decisions.

Debbie Holmes, for the benefit of those who did not have the agenda package, asked what would be appropriate to speak to in this Town Hall.

Chair Busheikin outlined the agenda as in the package, and explained that hard copies of packages would be coming when staff arrive. A Staff Report on Commercial Vacation Rentals (CVR's) was on the agenda.

Debbie Holmes asked members of the LTC to listen closely and cautioned against encumbering the next LTC with responsibility for administering a housing agreement.

Chair Busheikin noted the LTC cannot take in new information post public hearing.

Debbie Holmes requested to have her written statement reviewed by staff for appropriateness. Documentation was submitted.

Steve Nemtin was directed to speak at the end of the meeting with respect to Crystal Mountain Society (CMS) as it was not on the agenda. He supported Debbie Holmes' comments.

Trustees supported **Louise Decario's** request to provide comments about CVR's later in the agenda when staff were present.

Louise Decario noted that the process for CMS needed to be discussed before the end of today's meeting. Last month an application was on the agenda, but, this month it was not. She questioned what the expectation of the LTC was with respect to neighbourhood meetings and if the LTC was going to decide upon something before community/ neighbourhood consultation meetings were done as they are still ongoing.

In response to the suggestion that a discussion about the CMS consultation process be put on the next agenda (February 2017), **Louise Decario** noted that timing was problematic because CMS was waiting for the LTC to make a decision. She noted that Trustees could add something to the agenda if they wished.

Debbie Holmes stated that it took the LTC between four and five minutes to review the Staff Report and pass the motion(s) for STVR's noting the following concerns: taking the neighbor out of the neighborhood, the short garbage discussion, and rain water catchment considerations. She noted the waiting period, after a 3 year TUP, and subsequent 3 year renewal expires, would allow neighbourhoods to recover, and have the owner reintegrate into the community. She urged LTC to focus on what happens after the second TUP expires.

Trustee Pottle, referring to the Staff Report, stated that one of the things they are going to do is consistently apply cisterns. It is possible the TUP could be interpreted to rent out both house and cottage, but staff want to clarify that and tighten that up. Staff are asking to continue with current approach or consider new directions.

Trustee Harris stated that after a year we should consider and reflect upon the process for CVRs. He suggested the APC review the TUP process.

Trustee Pottle referred to a review clause after five years. She stated it wasn't anticipated how Airbnb would take off.

Sidney Brannan referred to commercial vacation rental (CVR) data collection and suggested that the number of people sleeping in CVR's be collected. There are people who are buying a second home because it is lucrative and questioned if this is what we want to support as an island. She noted that CVRs drive up the cost of housing.

Staff noted that locations are being tracked. Trustee Pottle noted a maximum of nine people. Data is being regulated in permit itself.

Tom Hennessy described the housing situation on Galiano as extreme stating numerous people have been thrown out of houses for Short Term Vacation Rentals (STVRs). He asked if the Trust could consider incentives to make houses available for long-term rentals, and suggested a 1% tax on Airbnb's referring to initiatives in Vancouver and Toronto

Trustee Pottle noted the Islands Trust is unable to levy taxes. There was discussion about different jurisdictions' abilities to tax. Trustee Harris thought perhaps a hotel tax could apply to Galiano. He noted that if the Capital Regional District (CRD) were involved, they would collect and keep the tax.

Trustee Pottle noted some operators complained that Commercial-Vacation visitor accommodation operators do not pay commercial taxes.

Akasha Forest noted concerns that watershed planning is not considered in projects, such as STVR's, and that the LTC appears to be pushed into responding to an applicant-driven process. She made reference to Salt Spring Island planning, where they had sent a referral to Forest, Lands, Natural Resource Operations (FLNRO) to support a housing project and ensure that it met BC's legislative requirements. She requested more overall planning before decisions are made with respect to applications, and questioned whether the Southern Gulf Islands would consider having a special position for watershed planning, to review carrying capacities for any watershed.

Chair Busheikin noted the proposal before Trust Council this week to hire for a Trust-wide position on water planning.

Kiyo Okuda asked about the conditions under which TUPs for CVR's might not be approved.

Trustee Harris noted that listening to the neighbours and structural requirements such as water and septic were important.

Trustee Pottle stated that she tries to take neighbours into account for all applications. A history of applicants having poor oversight of a CVR is a concern. Water is definitely a concern, but, as has been pointed out, an assessment of water quality is only based on what the owner says, and not based on VIHA's or any other analysis.

Kiyo Okuda stated that much of the information is left to staff to assume that all permits are in place. Sometimes the places that have water have poor water.

Steve Nemtin supported statements made by Akasha Forest. He was concerned about: the LTC overestimating the amount of water available, whether neighbours are going to be forthright about the availability of water, and felt that Islands Trust needs to share maps about critical watershed areas. He supported Margaret Griffith's perspective that water is the most important consideration. He urged LTC to consider Galiano-specific community issues.

Tom Hennessy was concerned about depths of water-drilling affecting the aquifer. He urged that something be done about mining water from neighbours.

Trustee Harris spoke in favour of metering. He referred to a water district where a new resident came in and changed the water usage from 5,000 to 13,000 litres per month. Every residence should monitor its usage because most people are unaware of how much water they use.

Tom Hennessy spoke in favour of metering water, which would allow parties to take action.

Debbie Holmes referred to the letter she submitted to the LTC with the attachment "Cedar tree die off", which suggests the die-off could be climate change canary (Driftwood Sept. 7th), using Galiano Island as an example.

The meeting was recessed for a break at 11:52am. The Planners arrived.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

The Chair reconvened the meeting at 12:08pm and explained why the meeting time was changed. She welcomed the planners.

6. AGENDA and MINUTES

6.1 Agenda Update

Staff recommended the following agenda changes:

- Remove 10.3 from agenda upon receipt of last-minute correspondence
- Move Closed Meeting before 10.5 Galiano Green Staff Report
- Renumber agenda items accordingly.

By general consent the agenda was amended as discussed.

6.2 Local Trust Committee Minutes Dated November 7, 2016 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Page 12 of agenda package with respect to the resolution to send the application to APC, the motion was moved by Trustee Harris, not Trustee Pottle. Remove names from resolution that was defeated.
- Page 12 with paragraph beginning with "Discussion..." Add as third sentence: "Trustee Pottle noted that the waiver that was received by the applicant contemplated a second Public Hearing."

- Page 4 of agenda package, second paragraph from bottom: Sentence reading “LTC can make changes to HA but cannot change...” should be changed to: “LTC can make changes to HA without reopening Public Hearing process.”
- Page 12: Change sentence beginning “She indicated...” to: “She felt the business plan was idealistic.”

By general consent the minutes were adopted as amended.

6.3 Section 26 Resolutions Without Meeting Report

none

6.4 Telecommunications Strategy, Special Advisory Planning Commission (SAPC) Adopted Minutes Dated October 11 & 18, 2016 and November 1, 2016 (for Receipt)

Minutes of SAPC were received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated November 2016

Planner Kim Stockdill noted the dock survey and telecommunications survey were posted online. She reported there were some difficulties with the online link.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaw No. 497 Referral

GL-2016-111

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee signifies that its interests are unaffected by Bylaw 497.

CARRIED

In response to the question as to whether draft bylaws are referred to all other islands, Regional Planning Manager Kojima stated that adjacent LTC's receive bylaw referrals. Chair Busheikin noted the policy is under review.

10.2 GL-TUP-2016.11 (Orr) - Staff Report

Prior to discussing upcoming TUP applications and the Staff Report on CVR's, Chair Busheikin permitted a Town Hall on TUPs.

Louise Decario addressed the Staff Report of December 5, 2016, and the two applications on the agenda and noted that cumulative water impacts need to be addressed particularly if CVR's are beside each other. She asked LTC to put the 16,000 litre cistern requirement back into the permit stating that the ultimate goal is groundwater protection. She noted the intent of TUP guidelines was to consider permitting one CVR in one dwelling per parcel but planners are receiving requests for two dwellings.

RPM Kojima stated that the TUP allows a temporary use where it's not permitted by the Land Use Bylaw.

Louise Decario requested the LTC to look at changing the bylaw to make it clearer (and amend the OCP). She stated the LTC made a clear choice to say one CVR only and that just because staff are receiving applications does not mean it should be considered. She did not support compromising any further because the whole bylaw was a compromise.

It was noted that the maximum number of guests and maximum people per room were inconsistent between the Whaler Bay and Ellis Road TUP applications.

Louise Decario stated she was most concerned with the reference to four guests per bedroom (Orr TUP).

Planner 2 Stockdill provided an overview of the staff report for GL-TUP-2016.11. The CVR is located within Water Management area and the property currently has 8,000 litre water storage capacity.

Trustee Pottle referred to page 45 which outlined a max of four guests per bedroom, yet maximum total for whole house is six.

RPM Kojima referred to guidelines for TUP, stating the Permit should establish the number of people per stay and maximum number per bedroom. He thought the approach was consistent with TUP guidelines. LTC has discretion on a case-by case basis. TUP guidelines are different from Home Occupations which deal with owners on site.

Trustee Pottle asked if it were possible to alter TUP guidelines. RPM Kojima responded that the LTC could give an indication as to how many guests can reside within (and TUP guidelines could be amended).

Trustee Pottle reaffirmed importance of continuing with intent to limit rental to one per parcel. With respect to requirement for water, the notification went out to neighbours without water requirement. RPM Kojima stated that from now on, future applications will come with requirement for rainwater catchment within Water Management Areas.

Planner Stockdill indicated that if LTC decides to move ahead with a water requirement, applicants have one year to install it before bylaw enforcement becomes involved.

Staff agreed it was up to applicant to attest to water quality and volume, without providing evidence. Trustee Harris stated the LTC could require evidence of inspection and viability. Staff noted that to date, no proponent has volunteered to do this.

It was observed that this was one of the most problematic applications, since the area is in water crisis. Trustees favoured putting application into abeyance and sending it to the APC along with a review of the TUP process.

GL-2016-112

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee refer the Temporary Use Permit application GL-TUP-2016.11 (Orr) to the Advisory Planning Commission.

CARRIED

10.3 Temporary Use Permit (TUP) for Commercial Vacation Rentals Update

There was extensive discussion about LTC guidance to APC with reference to the following points:

- Desire for consistent message to operators of CVR's.
- LTC was strong on having only one dwelling allowed for CVRs.
- Lack of potable water collected in cisterns and the usefulness of this.
- Need for consistent language for water requirements in Water Management Areas for CVRs.
- Acknowledgement of public concern for watershed planning related to CVRs.
- Recommendation that operators install water metres, approximate cost of \$60 and report data collected at time of TUP renewal.
- How the LTC can address cumulative impacts of CVR's. The CVR map posted on the LTC website will continue to be used and updated but what other tools could also be used?
- LTC having discretion to make TUP application process more onerous. For instance, an owner may be required to use collected rain water for potable use.
- LTC was firm on 16,000 litres rainwater cistern requirement for properties in the Water Management Area. Chair suggested that the CVR map be brought forward with every application, along with number of guests per each applicant.
- Possibility of examining neighbourhoods for water quality.
- Possibility of putting a cap on number of guests.

GL-2016-113

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee refer the Staff Report of December 5, 2016, to the Advisory Planning Commission to review current STVR guidelines, rules and regulations.

CARRIED

Akasha Forest noted the LTC previously spoke of having a maximum number of guests.

Sidney Brannan, referring to the 16,000 litre cisterns, noted there was no requirement about hooking them up for potable water and suggested there could be specific wording to that effect.

RPM Kojima stated that the cistern requirement is consistent with guidelines for dwellings for new construction within WMAs. These guidelines don't specify use or hook-up. He noted that applicants are resistant when cisterns are mentioned.

Debbie Holmes provided background context noting that when Bylaw 124 was implemented in 2000, the requirement for 16,000 litre catchment was as a result of compromise to the opposition.

Recessed for Closed Meeting: 1:09pm

10.4 CLOSED MEETING (Distributed under separate cover)

10.4.1 Motion to Close Meeting

THAT the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d & i) for the purpose of considering:

*Adoption of In-Camera Meeting Minutes Dated November 7, 2016
Legal Advice*

AND that the recorder and staff attend the meeting.

10.4.2 Recall to Order

The Chair recalled the meeting to order at 1:16pm.

10.4.3 Rise and Report

Chair Busheikin reported that the LTC adopted minutes of November 7, 2016 and received legal advice.

10.5 GL-RZ-2011.1 (Galiano Green) - Staff Report

RPM Kojima summarized key points in the Staff Report.

Trustee Pottle had concerns about several clauses within draft Bylaw 261 (authorizing a Housing Agreement) and attached schedules. There was extensive discussion around each point.

Three changes were agreed to:

- Housing Agreement, s. 1: Change “homes” to “housing units.”
- HA s. 7: insert new wording, 7e); clause 4a) on page 83 would be included under section 7 on page 86, and s. 7 would be renumbered accordingly. In new clause (previously 4a), change “Leasehold agreement” for “Rental agreement” and change “leaseholder” to “renter.”
- HA s. 18: Correct the citation of sections

GL-2016-114

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee amend the Galiano Green Housing Agreement Sections 1, 7 and 18 as discussed by the Local Trust Committee.

CARRIED

GL-2016-115

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee Bylaw No. 261, cited as Galiano Island Housing Agreement Bylaw No. 261, as amended, be read a first time.

CARRIED

(Trustee Pottle OPPOSED)

GL-2016-116

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee Bylaw No. 261, cited as Galiano Island Housing Agreement Bylaw No. 261 be read a second time.

CARRIED

(Trustee Pottle OPPOSED)

GL-2016-117

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee Bylaw No. 261, cited as Galiano Island Housing Agreement Bylaw No. 261 be read a third time.

CARRIED

(Trustee Pottle OPPOSED)

GL-2016-118

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee forward Bylaws No. 233, 234, and 261 to the Secretary of the Islands Trust for approval by the Executive Committee

CARRIED

GL-2016-119

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee forward Bylaw No. 233 to the Ministry of Community, Sport and Cultural Development for approval.

CARRIED

GL-2016-120

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owners of Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan 29196, and designate the Chair of the Local Trust Committee to sign the covenant.

CARRIED
(Trustee Pottle OPPOSED)

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated November 2016
Information as provided.

12.1.2 Projects List Report Dated November 2016

GL-2016-121

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee add Commercial Vacation Rental review to the Projects List.

CARRIED

12.2 Applications Report Dated November 2016 (attached)

Information as provided.

12.3 Trustee and Local Expense Report Dated October 2016

Information as provided.

12.4 Adopted Policies and Standing Resolutions (attached)

Information as provided.

12.5 Local Trust Committee Webpage

There was discussion about encouraging more people to sign up for Trust alerts on online subscription services. There was a suggestion to add a link to the bottom of Trustee reports so people could sign up.

12.6 Chair's Report

Chair Busheikin reported on the initiative to hire a temporary position for a freshwater analyst; there is interest across the Trust area for this work to be done. Staff have been requested to look at what might be involved to ask the Minister to change the *Islands Trust Act* to get further powers. Possible changes to the Islands Trust Fund name are also being explored but this is a complicated process. A document has come forward with action plan with respect to First Nations relationship building.

12.7 Trustee Report

Trustee Harris will be discussing the Trust response to Kinder Morgan. He will be away in December, but is available by email. He noted information within islands is poor. Salt Spring Island committee for incorporation recommends mid-February referendum. At Trust Council next week, the implications of SSI's possible vote in favour of incorporation will be discussed. He supported putting Trustee Reports on subscription service. It costs \$600 for an ad in the Driftwood; Chief Administrative Officer states that we must adhere to *Local Government Act*, so we are committed to spend that money.

The Chair stated that once Trustee reports were posted, a notification could go out as to where to find Trustee reports.

Trustee Pottle is on the Local Planning Committee and reported that they replaced one of the top priorities to include protecting Coastal Douglas fir, removing economic development. She has met with Gary Holman to discuss the parking situation. She will be at Trust Council.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for February 6, 2017, at 11:00 am, at the South Hall, Galiano Island

15. TOWN HALL

Chair Busheikin suggested having Crystal Mountain Society (CMS) discussion about community consultation after Town Hall. She stated that Galiano Green is post public hearing.

Stephen Rybak thanked staff and noted the Telecommunications survey is in the post office system. He reported they went \$0.82 over budget.

Kiyo Okuda repeated his remarks from the first Town Hall. He would like to see LTC meetings advertised three-days in advance with a sandwich board outside the hall.

Louise Decario asked when bylaws would be reviewed by Executive Council. RPM Kojima thought in January 2017, but noted the meeting schedule had not been finalized. She was concerned about receiving a CMS update before LTC expectations with regards to the community consultation meetings were clarified.

Trustee Harris indicated the LTC had not heard responses back from CMS. The LTC needed definitive answers from CMS.

Louise Decario clarified whether the LTC was waiting to hear about the final meeting between CMS and neighbours. There was no final meeting scheduled yet by CMS, but she hoped one would be scheduled in January.

Trustee Harris noted that neighbours are waiting to hear what CMS does with neighbourhood consultation. Staff indicated they have communicated with CMS that it will not be on the LTC agenda until they receive a summary of consultation, a finalized list of benefits, a proposal and final report. Trustee Pottle stated she would like to see minutes of some of the CMS meetings.

Art Moses supported the approach being taken and was pleased the process was clarified. He provided an update on community consultation meetings with CMS to date and noted his disappointment that they weren't willing to meet until they went back to the LTC with their list of benefits first. He referred to a letter by Neil Friedenberg to the LTC representing a broad spectrum of the community; the letter makes clear that the CMS proposal sets a precedent for development of other forest lots on the island that they do not support. He urged the LTC to follow established practice.

Suzanne Fournier supported comments by Art Moses. She referred to 66 people who have signed Mr. Friedenberg's letter. She was concerned about the applicant-driven consultation process and wanted clarification as to the role of the facilitators. She was also concerned about parking along Sturdies Bay road and felt the recent barricades that had been erected there make it hazardous. She was told the Ministry would be seeking some consultation with Islands Trust.

Trustee Harris stated that everyone must be lobbied, including ferries, because it's ferry traffic. He stated it was going to take a lot of advocacy to move this.

Suzanne Fournier stated that the RCMP should also be consulted because they don't like the barricades. Cain Road and Gulf Road neighbourhoods don't like it.

Debbie Holmes commented on the public's role in preserving and protecting Islands Trust. The Islands Trust has no legislated opposition; thus it is up to the people to guide the process. It's a lifetime commitment. A lot of expertise has been gathered. She asked forgiveness for impolite behaviour.

Louise Decario thanked the LTC for the STVR/CVR discussion and comments.

Kiyo Okuda, with respect to STVR's/CVR's, suggested it would be reasonable to ask for a water test to be included in application.

The suggestion was greeted favourably by the LTC.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:30 pm.

Laura Busheikin, Chair

Certified Correct:

Colleen Doty, Recorder