



ADOPTED

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: February 5, 2018
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: Rob Milne, Island Planner
Heather Martin, Recorder

Members of the Public: There were approximately 10 members of the public in attendance.

1. OPEN HOUSE

1.1 Galiano Island Local Trust Committee Bylaws No. 262 & 263

Planner Milne introduced the open house asking that all submissions and comments be turned in by the end of the meeting. The Applicants were present to answer questions.

2. CALL TO ORDER

Chair Busheikin called the meeting to order at 12:30 p.m. noting the open house would run for ½ an hour. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent it was agreed to move item 11.2 up to follow item 4.

By general consent the agenda was approved as amended.

4. PUBLIC HEARING

4.1 Recess for Public Hearing

Chair Busheikin recessed the regular meeting at 1:00 p.m. to hold the Public Hearing.

4.1.1 Galiano Island Local Trust Committee Bylaws No. 262 & 263

See separate Public Hearing record dated February 5, 2018

4.2 Recall to order

Chair Busheikin reconvened the regular meeting at 1:22 p.m.

11.2 GL-RZ-2016.2 (Galiano Conservancy) - Staff Memo - Bylaws No. 262 & 263

Planner Milne introduced the staff report.

Chair Busheikin called a 5-minute recess for trustees to review the material presented.

Chair Busheikin called the meeting back to order at 1:27 p.m.

GL-2018-001

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Bylaw no. 262, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, amendment No. 1, 2017” be given Third Reading.

CARRIED

GL-2018-002

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Bylaw no. 263 cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2017” be given Third Reading.

CARRIED

GL-2018-003

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee proposed Bylaws No. 262 and 263 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

GL-2018-004

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee proposed Bylaw No. 262 be forwarded to the Minister of Municipal Affairs and Housing for Approval.

CARRIED

5. TOWN HALL AND QUESTIONS

Bowie Keefer spoke in support for both the Stevens and the Mignault property rezoning applications. He also brought up the issue of the wildfire review initiated by the Ministry of Forest, Lands and Natural Resources following last year’s fires and hoped the island will participate in that process.

Roger Pettit circulated and read a letter he wrote in support of the Stevens application. He also stated support for the Mignault application.

Sheila Anderson reiterated her concerns about the information the LTC is receiving on the proposed rezoning of DL37. She noted that MoTI’s stated opinion is based on current uses and

traffic, but the increasing use has not been measured and the zoning being proposed has no limits to increasing traffic. She questioned why the staff report policy directives include boxes that are unticked and unaddressed, and urged the LTC to continue to ask questions and ask for more information. She argued that split zoning leaves a lot to be desired. She also noted the map attached to the report shows the impact of the proposed rezoning only on one side of the property, when it should show the impact on both sides. On the Mignault application she argued applicants should stop their illegal use before applying for rezoning.

Kiyo Okuda noted the historical opposition to the Stevens property uses, and stated it was the Trust's responsibility to preserve and protect and to represent its constituents, not individual landowners. He said development pressures on the island could make the operation much larger and its impacts on residential neighbourhoods much greater, and argued for placing significant restraints on the property. He mentioned the noise caused by compression release engine brakes and noted they are often banned elsewhere in residential neighbourhoods.

Louise Decario - questioned how the original application for a FLR rezoning went to a split zone with a lot of commercial activity and no road networks, and asked why the committee had not investigated other options.

Chair Busheikin responded that this application was discussed at some depth in a number of meetings where other options were discussed.

Planner Milne outlined other options discussed, and said the split zoning option came up as part of an over-arching discussion of options.

Louise Decario questioned why the staff report did not mention the existing Forest Industrial lot on Galiano. She reiterated Sheila Anderson's concern about unticked boxes in the policy directives checklist, and asked whether or not these had been addressed. She expressed concern that trustees' directives in past meetings, that the impact on neighbours be addressed, had not been followed. On the east side easement, she noted the applicant dug up and decommissioned a portion of the road a few years ago and asked who would fix that.

Chair Busheikin noted that the LTC would be addressing and answering some of these questions as part of their discussion. She thanked everyone for speaking at the town hall, and asked that comments not be directed at individuals; the identity of the individual applicants should have no bearing on the decisions we make, since owners change and properties change hands.

6. MINUTES

6.1 Local Trust Committee Minutes Dated December 4, 2017 (for Adoption)

The following amendment to the minutes was presented for consideration:

-that the words "public consultation" be added to the first statement at the top of page 5, to read, "that public consultation requirements proposed by the SAPC were removed by staff."

By general consent the minutes of December 4, 2017 were adopted as amended.

6.2 Section 26 Resolutions Without Meeting Report

none

6.3 Advisory Planning Commission Minutes Dated November 13, December 18, 2017 & January 15, 2018

The LTC received the APC minutes of November 13, December 18, 2017 & January 15, 2018.

Chair Busheikin mentioned that the UBCM has put out its recommendations on affordable housing, which can now be found online.

Trustee Pottle thanked the Advisory Planning Commission for all its hard work.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated January 2018

Planner Milne noted that items 2 and 3 are on today's agenda.

Trustee Pottle asked about the covenant for item 1.

Planner Milne stated the applicant used a lawyer not very familiar with this law so the process has been long and complicated, but now the only outstanding issue is getting the covenant in a form that is registerable.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

Chair Busheikin recessed the meeting at 2:05 p.m.

10. CLOSED MEETING (Distributed Under Separate Cover)

10.1 Motion to Close the Meeting

By general consent the meeting was closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) [a, d & f] for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated December 4, 2017
- Legal Advice
- APC Memberships

AND that the recorder and staff attend the meeting.

10.2 Recall to Order

Chair Busheikin recalled the meeting to order at 2:54 p.m.

10.3 Rise and Report

Chair Busheikin reported that the LTC received legal advice and reappointed six members to the Advisory Planning Commission.

11. APPLICATIONS AND REFERRALS

11.1 GL-RZ-2017.1 (Stevens) - Staff Report

Planner Milne distributed copies of new correspondence received after the writing of the staff report.

The following issues were discussed:

- A road to lands beyond is a MoTI requirement determined by the Approving Officer;
- Dedicating a road now or putting a covenant in place;
- Ministry of Transportation and Infrastructure (MoTi) is interested in ensuring the road allowance will be dedicated at a point in the future, but not in maintaining it at this time; Policy Directives Checklist oversight, items 5.3.5 and 5.7.2 should be marked applicable;
- Options to control possible growth and/or limit number of uses could include stipulating no on-site retail sales and limiting contractor yard to a certain size;
- Make bylaws specific to this application.

Planner Milne recommended getting as much information as possible. Once the file is sent out for referral more factors will be gathered that might need further discussion.

GL-2018-005

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee request staff to have discussions with the Applicants on how to address some of the concerns raised at today's meeting such as some of the uses, lot coverage, retail sales, and hours of operation.

CARRIED

GL-2018-006

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee has reviewed the Directives Only Policy and determined that proposed Draft Bylaw Nos. 265 and 266 are not contrary to or at variance with the islands Trust Policy Statement.

Chair Busheikin asked Planner Milne to clarify, in terms of process, if we are not willing to affirm that this in compliance with the policy statement, can we still move forward with recommendations 2, 3 and 4?

Planner Milne stated his recommendation was not to do so.

Trustee Pottle questioned items on the checklist which in her view are not in compliance, beginning with 5.3.5. She suggested two sentences in the staff report where not enough to address the issue, and questioned the information she was receiving.

Planner Milne maintained that 5.3.5. is respected by this process; it is central to the whole discussion and is not being ignored.

Trustee Harris said in his view the policy had been addressed; the actual road network plan will be addressed going forward.

Chair Busheikin noted that all we're dealing with right now is policy compliance.

Chair Busheikin called the question.

CARRIED

GL-2018-007

It was MOVED and SECONDED,

That the Galiano Local Trust Committee Bylaw No. 265, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017", be given First Reading.

Trustee Pottle circulated and read her letter (letter attached); she is opposed to the split zoning and the precedent that would set.

It was agreed the minutes would reflect that Trustee Pottle never suggested a split-zone solution.

CARRIED

Trustee Pottle Opposed

GL-2018-008

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee Bylaw No. 266, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 2, 2017”, be read a First time.

CARRIED

Trustee Pottle Opposed

GL-2018-009

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to refer Bylaw Nos. 265 and 266 as per attached Attachment 4 and to add the Ministry of Forests, Lands and Natural Resource Operations to the list of referrals.

CARRIED

By general consent it was agreed to move item 12 ahead on the agenda.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Penelakut Engagement and Potential Role in Dock Review - Expectations and Opportunities - Fiona MacRaid

Senior Intergovernmental Policy Advisory (SIPA) Fiona MacRaid thanked the LTC for their visit with the Chief of Penelakut First Nations. She gave an update on the dock review, and reported the Penelakut are willing to work with Islands Trust.

SIPA MacRaid reported the last year or two has been a steep learning curve for the Penelakut as several government agencies have begun the process of engaging with them, and asked for our patience.

Roger Pettit noted that several other bands have some claim on Galiano, and asked if the Trust is engaging with them as well.

SIPA MacRaid confirmed there are 13 bands with some claims on the island. The first level of deference is with those who have dedicated reserves, and that is Penelakut. Once we have the Penelakut on board, we will ask for their advice on how to include other First Nations interest.

11.3 GL-RZ-2017.2 (Mignault) - Staff Report

Planner Milne gave a brief introduction to this long-running file and stated the owners are now trying to achieve compliance and to regularize the uses on their property.

Trustee Pottle made reference to the Applicant’s website, which is still advertising weddings that can accommodate 50 people and she wondered if this use will continue.

Zeuss Cochrane, speaking for the Applicant stated only 1 or 2 events a year are held, and

that the Applicant seeks compliance for the house and cottage.

Chair Busheikin said the Applicant needs to understand that if this goes through, large events will not be allowed, and suggested he change his website since it is not in compliance.

GL-2018-010

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee direct staff to prepare draft bylaws for the review and consideration .

CARRIED

Trustee Pottle Opposed

11.4 GL-TUP-2017.4 (Simpson) - Staff Report & Correspondence

Planner Milne gave the background to the application.

Trustee Harris noted the large volume of correspondence on this file. The most recent letter, received on Thursday, was from immediate neighbour concerned with privacy issues. He suggested the applicants contact and discuss this with their neighbours and come up with a solution before proceeding.

The applicants replied they had tried talking with the neighbours and know the neighbours want a fence, and they already have plans for building one: a surveyor is working on this. They are willing to build a long privacy fence, which will cost between \$5000 and \$10,000, as long as this is the only demand from their neighbours. They also noted a fence is already in place (not a privacy fence) so their guests can't wander onto the neighbours' property.

Trustee Harris asked if it could be a condition of approval that the privacy fence be built.

GL-2018-011

It was MOVED and SECONDED that the Galiano Island Local Trust Committee approve issuance of Temporary Use Permit GL-TUP-2017.4 (Simpson).

CARRIED

GL-2018-012

It was MOVED and SECONDED,

That the motion be amended as follows: that TUP permit GL-TUP-2017.4 (Simpson) be amended by adding an additional condition under section 3 requiring the construction of 250 feet of fencing on the west side to a height of 1.8 meters.

CARRIED

Chair Busheikin left at 5:09 p.m.

By general consent Trustee Harris took over as Acting Chair.

By general consent item 14.1 (Simone) was moved up for discussion.

14.1 Release of Covenant Request (Simone) - Staff Report

Planner Milne gave the background on the property and reported that new tests demonstrating there is enough water on the property satisfy his requirements.

Trustee Pottle said she had looked at the tests and concurred.

GL-2018-013

It was MOVED and SECONDED that the GILTC agrees to the release of Covenant FB81092 which is registered upon the title of property described as of Lot 4, Plan VIP83509, Section 2, 861 Bluff Road, Galiano Island (PID 027-151-247) and designate the chair to sign the release.

CARRIED

11.5 GL-DVP-2017.6 and GL-DP-2017.3 (Walker) - Staff Report

Due to the lengthy meeting and ferry departures, the Applicant who was present, had to leave before this item could be addressed.

Planner Milne stated the applicant had made considerable improvements to the proposal to satisfy the concerns of the Trust.

Trustee Pottle noted the applicants had undertaken considerable remediation on the foreshore area.

GL-2018-014

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2017.6 (Walker).

CARRIED

GL-2018-015

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2017.3 (Walker).

CARRIED

11.6 Salt Spring Island Local Trust Committee Bylaw No. 509 Referral

There was some discussion on this referral. Trustee Pottle stated she would be prepared to endorse the bylaw as long as it is in compliance with the Agricultural Land Commission.

GL-2018-016

It was MOVED and SECONDED,

That approval of Bylaw No 509, Salt Spring Island Trust Area, be recommended with the proviso that the provision for an outdoor tennis court be struck from the bylaw as it has not received the approval of the Agricultural Land Commission.

CARRIED

11.7 Mayne Island Local Trust Committee Bylaw No. 172 Referral

GL-2018-017

It was MOVED and SECONDED,

That Galiano Island Local Trust Committee interests are unaffected by Mayne Island Local Trust Area Bylaw No 172.

CARRIED

13. REPORTS

13.1 Work Program Reports (attached)

13.1.1 Top Priorities Report Dated January 2018

Information as presented.

13.1.2 Projects List Report Dated January 2018

Information as presented.

13.2 Applications Report Dated January 2018

Information as presented.

13.3 Trustee and Local Expense Report Dated December 2017

Information as presented.

13.4 Adopted Policies and Standing Resolutions

Information as presented.

13.5 Local Trust Committee Webpage

none

13.6 Chair's Report

Chair Busheikin had to leave early and was unable to give her report.

13.7 Trustee Report

Trustees Harris and Pottle agree to postpone their reports to another date.

13.8 Trust Fund Board Report Dated November 2017

Information as presented.

14. NEW BUSINESS

14.2 Housing Agreement Administration - Briefing

Information as presented.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for March 5, 2018, at the South Community Hall, Galiano Island

16. TOWN HALL

Sheila Anderson expressed her disappointment regarding DL 37 that Trustee Pottle's desire to have another option looked at had been shut down for a second time. She also expressed concern that the LTC doesn't have a good grasp of road networks, and requested that it learn more about this in order to direct future decisions. She noted that Planner Milne had stated bylaws don't give specific limits, when in fact this is not unusual and has happened previously on Galiano.

Roger Pettit expressed his view that the amount of nitpicking going on with the Stevens application as compared to the Conservancy application, both of which he supports, illustrates that despite the pronouncement of the Chair on the subject, people are being treated quite differently depending on whether we like or don't like their applications.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:23p.m.

Laura Busheikin, Chair

Certified Correct:

Heather Martin, Recorder

LETTER TO THE LTC AND ISLANDS TRUST PLANNERS FEB 5 2017

From Trustee Pottle

I am definitely in favour of rezoning District Lot 37 to allow the owners an excavating business and residential use.

However I am not in favour of the creation of a split zone in order to achieve this end. The precedent it would set will have wide ranging implications for other rezonings of forest zoned lands.

I have suggested before that the land be rezoned to a Forest Industrial zone with 155 acres in forestry and 5 acres in Industrial / Residential use. Comprehensive zoning is commonly practiced throughout the Trust area and in other jurisdictions.

Other options for District Lot 37 include:

(1) Subdivision which would allow for a 5 acre (or more) residential /industrial use and three F3 lots each allowing a residence. NOTE * F3 lot min. size=50Acres*

(2) Subdivision following the 75/25 model used by other Forest lot owners which would allow for eight 5 Acre lots with a house and a cottage on each lot. The 120 acres remaining would be transferred to BC Parks or another conservation organization and be zoned Nature Protection where no development would occur. One of the 5 acre lots could be zoned Forest Industrial which allows for a residential use.

The Community Plan is intended to allow for the orderly development of the forest lands in conjunction with achieving road networks, protected areas and economic activity. It is a well thought out balancing act that includes benefits for developers as well as for the Community.

I recommend that we request that staff provide a full report on all of these options to achieve the applicants desired land uses while complying with OCP provisions.

Sincerely

Trustee Sandy Pottle

