



ADOPTED

Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: March 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. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

--to add a discussion on STVRs under new business

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Louise Decario distributed and read an email she sent detailing questions she asked at last meeting's town hall RE: DL-37 (Stevens) that she says were not answered during the referral discussion, and asked that they be answered today. Her concerns included:

- The rationale for the change in the application from FLR to a split-zone
- Missing comments from neighbours on traffic as requested via a resolution from the Trust
- Concerns about the east side road which has been dug up, with trees planted, so that there no longer is any access to roads beyond

Ms. Decario clarified that the questions in her email were primarily addressed to staff, and requested that her email be forwarded to Planner Milne, which was done. Chair Busheikin asked Planner Milne to add this request as a memorandum next time the Stevens application appears on the LTC agenda.

Stephen Rybak noted that the Stevens bylaw was referred to Galiano Island Parks and Recreation Commission, of which he is a member, but not the Galiano Club, which manages the Heritage Forest contiguous to the Stevens lot and is potentially affected. Given the many covenants and stewardship arrangements on Galiano, he asked if the bylaw referral process should be widened to include not just neighbours but other organizations which may have an interest, in order to flag potential issues at an early stage. Discussion ensued.

Sheila Anderson spoke to two agenda items.

a) On the Mignault application:

- she requested that the GILTC review the list of forest objectives from the OCP and discuss the merit of this application in light of those objectives
- She noted that the map showing the area sold to B.C. Parks denoted two areas, A and B. She remembered that area B used to have an accessory building and asked if the applicants still have use of that building
- She stated that timber production is the growing of the forest. Since trees have been growing on the property and milling activity has likely taken place, the GILTC should take its time and get all the relevant information before making a decision

b) on the STVR issue, as Chair of the APC, Anderson said that while the report is not yet complete, it will include a strong recommendation to review STVRs and related bylaws, which are now due for review.

Art Moses spoke to the Mignault application and made the following points:

- The past two OCP reviews in his view showed that the No. 1 priority for the community was to preserve its forest land base
- Staff set out forest objectives and then rural objectives as though they are equivalent when this is forest lot
- This landowner has been not in compliance for years. The way to get into compliance is by stopping illegal activity, not by changing our bylaws

Discussion ensued on enforcement incentives and process. Points raised included:

- The Islands Trust does not have the ability to get someone to stop anything; that is up to the courts, and it is an expensive process. Since trust residents don't have enough tax dollars to do this, the pragmatic approach is to do what we can to achieve compliance.
- While it is common practice for enforcement to back off once fines are paid, it is not clear whether the local LTC have the authority to refuse to deal with an application until all illegal activity has ceased.
- One option might be to ask the Trust Executive Committee to create a memorandum on the subject and look into case law to give background on the issue.
- There is no policy in our OCP aimed at bringing people into compliance.

Tahirih Rockafella requested an update on the Galiano Green application. She asked if the bylaws should be rescinded until approval from the ALC was received, given that a portion of the land is still in the ALR.

Discussion ensued. Points raised included:

- There are still things the applicants need to do, all of which take time
- The ALC is moving forward on this issue, but the applicants won't get approval until the property is removed from the ALR
- Activity sanctioned by the ALR such as cutting trees and tilling soil can still take place pending approval
- It is not uncommon for a bylaw to be adopted while the covenant is not yet in place, but there are checks and balances in the system to ensure a satisfactory outcome
- The building permitting process is still in the future and the applicants will have to make sure all the other requirements are in place first

Chair Busheikin noted that Ms. Rockafella's concerns were raised at the Executive Trust level, so the conversation is taking place at a high level and senior staff are involved.

Akasha Forest addressed a question to Planner Milne on the Mignault application, asking why 3 items under 4.2 (forest) were marked non-applicable on the checklist for directive policies, p. 36. The points she made included:

- The bylaws were drafted without full discussion or adequate information
- The statement that "there's lack of forest activity or value" on the property should be re-examined
- Galiano has very clear forest policies which should appear in the staff report so the public will have confidence they are being addressed and expressed

Discussion ensued. Chair Busheikin clarified that staff cannot take direction from a community member, and suggested these concerns be addressed to the committee. Planner Milne said that in his view there's value in proceeding with the discussion, and that the next staff report would have more information and be more robust.

Louise Decario said that the staff recommendations on the Mignault application were premature and developed with some misinformation. She recapitulated Galiano's recent history with forest policy, and said it shouldn't be so easy to rezone forest land just because someone is carrying on illegal activity. Discussion ensued.

Chair Busheikin thanked community members for their comments, and called for a 15-minute break.

The meeting was called back to order at 1:55 p.m.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated February 5, 2018 (for Adoption)

The following amendments to the minutes were presented for consideration:

- remove statement, Louise Decario “spoke against the Stevens application” on page 6
- under section 6.3. on page 7, add “The LTC received the APC minutes of November 13, December 18, 2017 & January 15, 2018.”
- add “letter attached” in brackets on page 10 as follows: “Trustee Pottle circulated and read her letter [letter attached]” and attach the letter to the draft minutes.

By general consent the minutes were adopted as amended.

6.1.1 Public Hearing Record Dated February 5, 2018 (for Receipt)

The LTC received the Public Hearing Recorded dated February 5, 2018.

6.2 Section 26 Resolutions Without Meeting Report

none

6.3 Advisory Planning Commission Minutes Dated January 15, 29 & February 19, 2018 (for Receipt)

The LTC received the APC minutes dated January 15, 29 & February 19, 2018.

Trustee Pottle noted she had forwarded a Galiano groundwater report from 2011 with good mapping which she hoped the APC would find useful.

Chair Busheikin noted the item 2.1 on STVRs quoted from the APC’s draft report, and said she looked forward to receiving it. She thanked the APC members for their in-depth work to date.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated February 2018

Planner Milne noted that GL-RZ-2017.2 (Mignault) was on today’s agenda, and stated that GL-TUP-2017.4 (Simpson) has been issued with conditions. Everything else ongoing or has been done.

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 GL-RZ-2017.2 (Mignault) - Staff Report - Draft Bylaws No. 267 & 268

Planner Milne introduced the staff report and the draft bylaws prepared following a resolution by the Galiano Island Local Trust Committee. He stated the property is currently F2 under the LUB. In his discussion with bylaw enforcement they took the narrow view that there is no active timber production on the property and therefore “dwellings accessory to timber production and harvesting uses” are not permitted in the current zoning; an STVR is also not permitted. He presented the options available to the GILTC going forward. Discussion ensued.

GL-2018-018

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee refer the Mignault application to the APC, with attached background material including staff reports of February 5 and March 5, 2018.

CARRIED

It was agreed to note that the GILTC would welcome comments from the APC on any community benefit associated with this property. It was also agreed to add a request for guidance or whether the application is supportable in its current form, supportable with changes, or not supportable, and if the latter, whether the APC recommends enforcement.

GL-2018-019

It was MOVED and SECONDED,

That a bylaw enforcement report be submitted to the Galiano Island Local Trust Committee which focuses on the tickets that have been written so far.

CARRIED

10.2 Mayne Island Local Trust Committee Bylaw No. 171 Referral

GL-2018-020

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee finds its interests are unaffected by Mayne Island Local Trust Committee Bylaw No. 171 Referral.

CARRIED

10.3 North Pender Island Local Trust Committee Bylaws No. 216 & 217 Referral

GL-2018-021

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee finds its interests are unaffected by North Pender Island Local Trust Committee Bylaws No. 216 & 217 Referral.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

none

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated February 2018

Planner Milne provided an update on the dock review project.

12.1.2 Projects List Report Dated February 2018

Information as presented

12.2 Applications Report Dated February 2018

Planner Milne reported on the following files:

- Issac Kramer’s application was made without any supporting documents. He has recently messaged that he wants to proceed, so there is a high probability this will go forward. Trustee Pottle noted she’d had a conversation with Kramer, and that his plan is extremely vague and confusing.
- Planner Milne is having a meeting on March 12 with the Crystal Mountain Society to consolidate where they are as a group, and to receive an update on discussions with neighbours. He’s asked them to look at the draft bylaws as part of this. He also gave some background on the survey application; he is asking for confirmation from BCLS that a survey approach is registerable.

The Galiano Green subdivision is on hold pending removal from the ALR.
The Stettner application continues to be hung up due to work from a U.S. notary that needs to be changed to reflect B.C. practices

12.3 Trustee and Local Expense Report

none

12.4 Adopted Policies and Standing Resolutions

GL-2018-022

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee put a review of split zoning on the projects list.

CARRIED

12.5 Local Trust Committee Webpage

none

12.6 Chair's Report

Chair Busheikin gave a brief summary of her Executive Committee work and other activities:

- Trust Council has done advocacy work, the highlight of which was going to Ottawa as part of the derelict vessels review and meeting with the Minister and MPs working on shipping and marine environment issues including shipping safety, oil spills, licenses. The Executive Committee at Trust Council will be making a submission on the subject.
- Comox First Nation are having series of pre-intergovernmental meetings and gave a 3.5 hour presentation at their Headquarters in advance of this where they talked about common goals with the Trust. It has taken a lot of patience to build this relationship, but it's now growing. Coming up is a two-day meeting with multiple regional governments in Comox, so the momentum is building.
- Trust council is meeting next week; on the agenda is a presentation on climate change
- Strathcona Regional District have a \$30 million + federal grant to put a broadband network up and down the coastal mainland that will be available for the Gulf Islands. When it's up and running it won't need towers.

Trustee Harris noted the Federal Government made an announcement a few weeks ago on broadband access that included other Gulf Islands but left out Galiano. Michael Hoebel is looking into why we were left out and will report back.

12.7 Trustee Report

Trustee Harris is on the Financial Planning Commission which met two weeks ago to finalize its budget. It asked for public input but on Galiano only 6 people responded, and no one discussed the budget. They are working on coming up with a better process for engaging the public.

As the Galiano representative on the Housing Assessments Needs project managed jointly by the Trust and the CRD, Trustee Harris noted the final report has arrived and will be published soon. As predicted, it has discovered a crisis in housing on the Gulf Islands. Work is starting to address this: 8 years ago no permits were issued for purpose-built affordable housing in the Gulf Islands; this year 43 permits for this purpose have been approved.

Trustee Harris reported there is low-income housing subsidy available but no-one on Galiano applies for it, though many would likely be eligible. He noted that in Victoria there are two non-profits that help recipients apply. John Haley, in charge of housing issues at the CRD, says that there's never been the resources available now for affordable housing; federal, provincial and regional governments all have money for purpose-built affordable housing which we on Galiano have to figure out how to access.

He spoke to the issue of STVRs, which is the single biggest issue he is asked about. People tell him that STVRs have negatively impacted rental housing on the island and ask him what the Trust is going to do about it.

Trustee Pottle sits on Local Planning Commission where one priority is affordable housing. One of things discussed are housing agreements, and fact that the CRD are trying to get out of administering them while the Trust is trying to get in. Since the CRD have legal and staff problems, she wonders how much better the Trust will do. Affordable Housing remains a top priority, but protecting Coastal Douglas Fir has now also become a top priority. The Islands Trust has received a new study showing that our Douglas Fir are an especially important carbon sink because of how quickly they grow here.

Trustee Pottle also noted that STVRs are a major concern for islanders. It is becoming evident more and more people who used to provide long-term rentals are now going this route, so she is anxious to have this reviewed.

12.8 Trust Fund Board Report January 2018

Information received as presented. Chair Busheikin reported she has heard informally that the request to change the name of the Islands Trust Fund has been given a higher priority, so it may happen.

13. NEW BUSINESS

13.1 Executive Committee re: Farm Industry Review Board and Aquaculture - Staff Memo & attachment

Information received as presented.

13.2 STVRs for discussion

Trustee Harris gave some background on the issue, detailing how STVRs have steadily increased since they were first allowed and the problems they are now creating. The compromise (TUPs) the LTC came up with is scheduled for review, and he proposed that a 12-month moratorium be placed on accepting any new applications, and during that time request that it be put on the staff projects list and referred to the APC to give to give the LTC information on changes that should be made.

Chair Busheikin noted bigger municipalities are using taxes as a deterrent, and the Trust is considering asking the Ministry to give us wider powers, including business licenses, a more sophisticated tool than TUPs, and a possible new tax on empty homes.

Planner Milne suggested a bylaw enforcement report could be asked for on the size of the problem on Galiano.

GL-2018-023

It was MOVED and SECONDED,

That the Galiano Island Local Trust Committee create a standing resolution that there be a twelve-month moratorium on the issuance of any new temporary use permits regarding short-term vacation rentals.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 9, 2018 at the South Hall, Galiano Island

15. TOWN HALL

Stephen Rybak asked for an update on what is happening with the Telecommunications Strategy. Trustee Pottle replied that the Local Planning Committee is referring the consultants' report to the Trust Executive for Trust Council next week, after which it will be referred back to the LPC to compare it with other reports such as that from Galiano.

Louise Decario distributed a letter to the GILTC on the Mignault application and raised the following issues:

- The Galiano Conservancy is working closely with the Penelakut to create a native plant forest garden. They are developing a close relationship and could give the GILTC advice as needed
- She asked if Issac Kramer's application is for both his forest lots or just the one, and was told it is for an entire district lot
- She asked whether a survey was required on the Mignault application to identify where the buildings are. Planner Milne replied that bylaw enforcement has visited regularly and has found there are no issues re setbacks with two structures
- She asked what can be done about inaccuracies in staff reports. Chair Busheikin said it is a complex issue which requires some thought, and she would get back to her on that by telephone
- She requested it be recorded in the minutes that dwellings are allowed in F2 zones

Sheila Anderson made the following observations:

- She suggested new staff members might benefit from an orientation on the history of the island they're assigned to. Staff reports are public tools of information, and problems arise when missing or inaccurate information appears
- She reiterated the history of island forestry bylaws, and said keeping land in F1 is not necessarily the goal, because that land is not necessarily protected from future clearcutting. She asked that the GILTC be more respectful of the forest zone; just because trees aren't cut doesn't mean it is not a forest

Art Moses commended Sheila on her recapitulation of the islands' forest land history, and said this was what new planners needed to hear and integrate into their work; a lot of heart and soul went into trying to preserve the forest base.

The meeting was adjourned for a closed meeting at 4:45 p.m.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close the Meeting

It was Moved and Seconded that the GILTC 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 Minutes Dated February 5, 2018*
- *Legal Advice*

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

The meeting was recalled at 5:08 p.m.

16.3 Rise and Report

Chair Busheikin rose and reported that the Galiano Island Local Trust Committee adopted minutes and received legal opinion.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:09 p.m.

Laura Busheikin, Chair

Certified Correct:

Heather Martin, Recorder