

Adopted



Galiano Island Local Trust Committee Minutes of Regular Meeting

Date: July 6, 2020
Location: Electronic Meeting (Zoom Webinar)

Members Present: Tahirih Rockafella, Local Trustee
Jane Wolverton, Local Trustee
Dan Rogers, Chair

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Islands Planner
Carly Bilney, Recorder
Maple Hung, Planning Team Assistant, Host

Public: There were approximately 10 attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 pm. He acknowledged that the meeting was being held at various locations across the traditional territories of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Item 15.2 – APC Vacancy

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Local Trustees made the following comments:

- Trustees have received a number of complaints and inquiries related to bylaw enforcement;
- Trustees have been attending regular meetings, via Zoom, with Adam Olsen, Elizabeth May and Southern Gulf Island Trustees to talk about issues related to COVID-19 and other matters such as recycling and hazardous waste removal; and
- Trustees have attended meetings with the Capital Regional District (CRD) regarding building-related matters.

4. CHAIR'S REPORT

Chair Rogers made the following comments:

- Zoom technology was a success at the virtual Trust Council meeting held in June, which included a number of delegations; and
- The Trust Council meeting included discussions about adapting to the pandemic, a draft safe reopening plan and moving towards in-person local trust committee meetings.

5. TOWN HALL AND QUESTIONS

Members of the public made the following comments regarding the proposed policy on unlawful land uses and planning applications:

- Public policy should serve to bring people into compliance through voluntary and cooperative persuasive measures;
- The proposed policy seems punitive rather than persuasive in nature;
- The cost may make compliance itself a deterrent;
- Staff, planners and bylaw enforcement actions are meant to help bring people into compliance; and
- Trustees are urged to ensure the policy applies on Galiano, particularly with respect to GL-RZ-2014.1 (Crystal Mountain).

The following comments were made regarding GL-RZ-2014.1 (Crystal Mountain):

- The rezoning proposal from the Crystal Mountain Society (CMS) is inaccurate in some aspects and incomplete; many issues remain unresolved; and
- There is concern about the retreat at the CMS scheduled for August, given the current pandemic.

Comments were made regarding the involvement of the Galiano Island Parks and Recreation Commission (GIPRC) in land-use decisions on properties adjacent to shore accesses.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated June 1, 2020 (for Adoption)

By general consent the Local Trust Committee meeting minutes of June 1, 2020 were adopted.

8.2 Section 26 Resolutions Without Meeting Report

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated June 2020

Planner Smith reported on the Follow-up Action List. He suggested that the 60 day public comment period on short term vacation rentals (STVR) begin approximately August 1.

10. DELEGATIONS

None

11. CORRESPONDENCE

None

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

12. APPLICATIONS AND REFERRALS

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

Planner Smith presented the staff report on GL-RZ-2014.1 (Crystal Mountain). Discussion was held and the following comments were made by LTC and the applicants:

- There is a need for a site plan;
- There is support for the transferring of title as opposed to the use of a covenant;
- The development area has received safety approval from C.N. Ryzuk & Associates Ltd., a geotechnical engineering firm;
- The number of people coming on the retreat in August is being very carefully regulated; the approximately 20 visitors are all Canadians coming from BC and Alberta;
- Dr. Whynot recently visited the site and gave her approval for the retreat and its processes; and
- Increased communication between the CMS and its neighbours could be beneficial.

Staff will bring a staff report to LTC, likely in September, providing additional analysis of the revised CMS proposal.

12.2 GL-DP-2019.1 (Simons) - Staff Report

Planner Smith reviewed the staff report regarding GL-DP-2019.1 (Simons). Discussion followed and the following comments were made:

- Shoreline erosion at the site is significant;
- According to the applicants and professional assessment, a seawall is the only option given the robust wave activity;
- An unnatural response, in the form of a seawall, could mitigate the impact of the unnatural erosion caused by ferry waves; and

- A section of the *Local Government Act* allows the variance to be built into the development permit; in this case, there is no requirement to notify neighbours about the variance.

GL-2020-035

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2019.1 (Simons).

CARRIED

12.3 GL-DVP-2020.1 (Gibb) - Staff Report

Planner Smith reviewed the staff report regarding GL-DVP-2020.1 (Gibb).

GL-2020-036

It was Moved and Seconded,

that because the adjacent neighbour to the cabin variance provided written support, and the neighbour adjacent to the accessory building provided support, and the accessory building, while being two storeys, maintains the height maximum of the Land Use Bylaw, the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2020.1 (Gibb).

CARRIED

A brief break was held between 2:00 -2:15 p.m.

12.4 GL-TUP-2020.4 (Pankratz) - Staff Report

Planner Smith reviewed the staff report regarding GL-TUP-2020.4 (Pankratz) and noted that the CRD confirmed that there are no concerns with the existing water system.

GL-2020-037

It was Moved and Seconded,

that the Galiano Island Local Trust Committee approve the issuance of a renewal for GL-TUP-2020.4 (Pankratz) for a period of two 2 years.

CARRIED

12.5 GL-RZ-2017.1 (Stevens) – Consideration of Adoption of Bylaws 265 and 266 – Staff Report

Regional Planning Manager Kojima briefly reviewed the bylaws that are for consideration of adoption.

GL-2020-038

It was Moved and Seconded,

1. that the Galiano Island Local Trust Committee Bylaw No. 265, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2017”, be adopted.

CARRIED

GL-2020-039

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 adopted.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

Planner Smith commented on the STVR Review Project. Staff are working to finalize the notice for the 60 day bylaw comment period.

14. REPORTS

14.1 Work Program Reports

14.1.1 Top Priorities Report Dated June 2020

Received for information.

14.1.2 Projects List Report Dated June 2020

Received for information.

14.2 Applications Report Dated June 2020

Received for information.

14.3 Trustee and Local Expense Report Dated May 2020

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

There was discussion about whether neighbours should be notified of development permit applications when a variance is inherently built into the development permit.

GL-2020-040

It was Moved and Seconded,

that the Galiano Island Local Trust Committee ask staff to draft language for a suggested resolution that would address neighbour notification in the case of a variance built into a development permit application.

CARRIED

14.5 Local Trust Committee Webpage - None

14.6 Islands Trust Conservancy Report Dated May 2020

Received for information.

15. NEW BUSINESS

15.1 Unlawful Land Uses and Planning Applications

GL-2020-041

It was Moved and Seconded,

that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:

a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased.

b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.

c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue.

d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.

CARRIED

Discussion followed about how enforcement of this motion would affect Crystal Mountain Society.

Trustee Wolverton suggested a friendly amendment to change the wording in the policy from "Where an application *is* received" to "where an application *has been* received."

Discussion followed. Trustee Wolverton suggested a second friendly amendment to keep the wording as written in the original motion, and the LTC agreed.

15.2 APC Vacancy

It was noted that there is one remaining vacancy on the Galiano Island Advisory Planning Commission. Staff confirmed publication of an advertisement would be forthcoming.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for September 8, 2020 at the South Community Hall, Galiano Island

There was discussion about whether or not the next meeting will be held in person or electronically, and the benefits and drawbacks of each option.

17. TOWN HALL

The following questions and comments were made with respect to application GL-RZ-2014.1:

- The CMS application provides for a very large development for visitor accommodation in a residential neighbourhood; the development has not been neighbour-friendly;
- There are several covenants currently registered on the land and it was questioned which ones are being granted to the public in return for the increased density;
- Programming at the CMS should be described as a “religious retreat and education” rather than a “forest retreat” to more closely reflect the organization’s non-profit status; and
- There is need for objective input into the site and analysis of how the water courses have changed over the last few years.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close the Meeting

GL-2020-042

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) (d)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated March 2, 2020 and June 1, 2020
 - Bylaw Enforcement Update
- AND that the recorder and staff attend the meeting.

CARRIED

The webinar electronic meeting was closed to the public attendees at 3:13pm.

18.2 Recall to Order

None

18.3 Rise and Report

Deferred to the next LTC meeting on September 8, 2020.

19. ADJOURNMENT

By general consent the meeting was adjourned at 3:16 p.m.

_____ Dan Rogers, Chair

Certified Correct:

_____ Carly, Bilney