

BOWEN ISLAND MUNICIPALITY

Minutes of the **Public Information Meeting** held Thursday, July 11, 2002 at 7:30 p.m. at Bowen Island Community School, Bowen Island, B.C.

**COUNCIL IN
ATTENDANCE**

Mayor Lisa Barrett
Councillor Ross Carter
Councillor Peter Frinton
Councillor Alan Leigh
Councillor Alison Morse
Councillor Robert Turner
Councillor Richard Underhill

**STAFF IN
ATTENDANCE**

Isabell Hadford – Chief Administrative Officer
Felicity Adams - Senior Planner

**OTHERS IN
ATTENDANCE**

Gayle Ferguson – Minute Taker

**PUBLIC IN
ATTENDANCE**

57 Bowen Island residents

CALL TO ORDER

The Mayor called the meeting to order at 7:30 p.m.

Felicity Adams, Senior Planner re: Overview of the Official Community Plan Amendment and the Draft Land Use Bylaw

Felicity Adams, Senior Planner presented a brief history of the Land Use Bylaw. She commented on the extensive review done by the Advisory Planning Commission of the Draft Land Use Bylaw which resulted in policy issues being raised that required further consideration by Council involving lengthy discussions, 30 staff reports and consideration of suggestions made by members of the community.

The Senior Planner described the make-up of the Proposed Land Use Bylaw document and outlined some of the changes as follows:

- 30 metre setback for water reservoirs streams and lakes;
- 15 metre setback for wetlands;
- Retaining 30 metre setback to the sea;
- New regulation for nest trees;
- Lot density is same as current subdivision bylaw;
- Home occupation - opened up and business licenses will be needed;
- Tourist accommodation and number of rooms permitted;
- Introduced a new category “lodge”;
- Introduced commercial guest accommodation in residential zones as well as in Snug Cove

- Parking - looked for balance between accommodation for vehicle parking and alternate transportation.

Regarding Proposed Bylaw No. 56, 2002, the Official Community Plan Bylaw Amendment, Ms. Adams noted the main purposes as follows:

- To amend various policies and map schedules of Bowen Island Official Community Plan No. 139, 1995;
- To implement a new Land Use Bylaw;
- To set a policy framework for possible future Land Use Bylaw Regulations.

PUBLIC COMMENTS

Rosemary Knight expressed concern regarding the significant changes being proposed in Bylaw No. 56 which had not been subject to a comprehensive community plan process to ensure that the changes being suggested would reflect the wishes of the Bowen Island community.

Ms. Knight noted the following specific concerns: :

1. Anticipatory language of the OCP - 3.1.L deletion of a sentence in OCP disallowing use of accessory buildings. Followed by three new policies that anticipate significant changes;
2. Retreat Centres Bylaw No. 56, *Section 3.7.23* – Concern that policy could be a set up for a hotel if a retreat center ceases operation;
3. Bylaw No. 56 Schedule A-9 Section 3.76 is deleted in its entirety and replaced with wording for significant commercial development outside of Snug Cove. This is a significant change from the existing Official Community Plan;
4. An individual applicant triggering a change in zoning requiring a public process.

Ms. Knight observed that the changes to the Official Community Plan seemed like a rushed attempt and suggested that the process move more slowly to allow for more public input.

Regarding Retreat Centres, Felicity Adams, Senior Planner noted that policies were developed when a request for a retreat center was received by Council. Public feedback received by Council indicated that retreats were not tourist commercial accommodation and needed a separate category which gave rise to the Official Community Plan policy and an attempt by Council to anticipate the results of the possible failure of a retreat centre.

Regarding public process, Councillor Carter noted that the Advisory Planning Commission had done a full review. In the Tourist Commercial area there had been at least one meeting called inviting tourist commercial providers and neighbourhood associations to review the zoning.

Mayor Barrett commented that from a philosophical point of view the Land Use Bylaw is a means to mitigate impact on neighbourhoods and the environment. She noted that Council is struggling with regulating and accommodating with how the land and the neighbourhoods are being impacted.

Ted Bentley, although a member of the Advisory Planning Commission, speaking on his own behalf, agreed that significant changes had not been subject to a public review and now time is short to make changes.

Specifically he noted the following concerns:

1. Official Community Plan changes - inappropriate to include anticipatory changes. The Advisory Planning Commission took care to flag for the public any proposed change that would require an Official Community Plan amendment;
2. Retreat Centre - agreed that the policy looks like a set up for a hotel;
3. The proposed deletion of slope hazard development area is not advisable. Changes to this policy do not provide assurance that property owner's rights are being effectively protected;
4. Significant and unexpected changes in tourist accommodation in Proposed Bylaw No. 57 without adequate public input. There should be a comprehensive overview of what is being provided with careful distinction regarding what is allowed;
5. *Section 3.4* need to proceed slowly as this is a grandfathering clause which once in legislation has legal standing;
6. Commercial guest accommodation - allowing a kitchen which is a type of secondary suite for tourists that is not being provided for islanders;
7. Setbacks in watershed areas - Significant reductions from 50 to 30 metres. Suggestion to start with 50 metres and add words to encourage a 50 metre setback;
8. General sense, on reading the first draft, that there has been a lot of acquiescing to special interest groups, particularly Tourist Commercial and developers in the elimination of a development permit area.

Regarding the development permit areas, Councillor Carter noted that there was a Development Permit Task Force struck to look at development permit operations and make recommendations to Council. Membership on the task force included environmental consultants, developers, Councillors, planning staff and the Public Works Manager. Council has implemented some of the task force recommendations.

Dale Read of the Bowen Island Eco-Alliance agreed with the concerns expressed by previous speakers regarding the significant changes to the Official Community Plan being proposed by Council.

Regarding industrial practices in a watershed area, Mr. Read felt that it is not acceptable for Council to wrap rules around an existing intolerable situation. He noted the following areas of concern in Proposed Bylaw No. 57, 2002:

1. Page 12 – Watercourse definition needs to be improved;
2. Page 23 - 30 metre setback. The implication that you can bury materials is not a good practice in a watershed area;
3. Page 57 - toxic materials – restrictions need to be more stringent;
4. Need to revisit the area of setbacks regarding arsenic and its effect as treated wood is sitting over a creek that feeds into Grafton Lake. The distance from the piles of treated wood to the creek is about 100 feet but does not count because it is on pavement. Council should re visit the area of setbacks where pavement is involved;
5. Storage of derelict vehicles is totally unacceptable.

Luz Budzinski expresses the following concerns:

1. Fear that the Proposed Bylaw No. 57, 2002 could lead to Bowen Island becoming a resort community similar to Whistler;
2. Accessory buildings that could raise the ceiling on population;
3. Anticipatory language in the Official Community Plan regarding accessory building issue should not be included until intensive research has been done on the desirability of affordable housing.

Bruce Howlett suggested a coloured map be produced to better indicate the various land use zones. He also suggested that a study should be undertaken regarding the impact of secondary housing and increased tourist accommodation for Bowen Island.

Isabel Otter remarked that she shared the concerns expressed by the previous speakers. She expressed her disappointment with Council as she felt that non conforming structures and uses were driving the bylaw process and are also encouraging development.

Councillor Underhill noted that the intent was to protect existing uses, not to create new non-conforming uses. He noted that Council is protecting those people who were here and made non-conforming because of changes in the Bylaw which helps to keep Bowen Island the way it has been.

Andre Chollat expressed concern that Council seems to be rushing to put bylaws in place. He noted that if there is no enforcement of bylaws they would become useless. He noted the following concerns:

1. Increase in population with changes in regulations regarding accessory buildings and tourist accommodation;
2. Disagrees with idea of houses being built with secondary suites for profit;
3. Does not want Bowen Island to become another Martha Vineyard's of New York;
4. The need for public input regarding changes to tourist accommodation.

Bud Long noted that the Proposed Land Use Bylaw is a compromise document reflecting the wide range of views within Council. He noted the following concerns:

1. Contemplation of a move towards legalization of secondary suites - a suggestion to reword the language to insure adequate full consultation with the community;
2. Increase in setbacks - expropriation of land that the increase in setbacks would entail and the issue of compensation to the owner for the 30 metre setback for streams and bird nesting trees.

The Senior Planner noted that there is a Provincial law stating that a tree with a nest cannot be removed as well as guidelines to protect sensitive nesting seasons.

Regarding the increase in setbacks for streams, Ann Franc-de-Ferrière noted that a 5 acre property with a stream in the middle would now require a variance permit to build.

Ms. Franc-de-Ferrière noted the following concerns:

1. Water roof top collection and porous driveway surfaces should be mandatory;

2. Tourist accommodation regulations seem to accommodate the more recent trend in tourist accommodation;
3. The problem with secondary suites being installed after a building permit has been issued and the sewer system then becoming inadequate.

John Rich felt that Council's approach to rezoning to accommodate people is unfair. He cited the rezoning of Evergreen Hall to Tourist Commercial from a Bed and Breakfast Accommodation in existence for 10 to 15 years. He noted that the neighbours were not informed regarding this rezoning and impact studies should have been carried out. He noted the following additional concerns:

1. Official Community Plan changes;
2. Density issue - a policy decision has been made and is unprincipled. Have little confidence regarding the Municipal process. Bylaws may mitigate impacts but they also are creating impacts;
3. Zoning changes for the CNIB/Bowen Lodge by the Sea without the requirement of plans to be submitted by the CNIB;
4. Council has not taken the time to find out if a Tourist Commercial zone is desirable by the majority of islanders.

Regarding zoning for the CNIB/Bowen Lodge by the Sea, Councillor Carter noted that what is being proposed for inclusion in the Land Use Bylaw is an outgrowth of policies that exist in the Official Community Plan.

Ian Henley felt that Council is not being subverted by special interest groups and credited Councillors for standing up for principles. He also felt that it was selfish for Bowen Islanders not to want to share Bowen Island and have reasonable accommodation for tourists. Regarding setbacks from the sea, he felt they should be reduced.

Colin Graham urged Council to implement only the changes to the Official Community Plan that are necessary for the Land Use Bylaw. Regarding the secondary suite issue, he felt that all references to this issue should be left out of the Official Community Plan.

Councillor Carter commented that the issue of secondary suites has been around for a long time and at some point the community will need to wrestle with issue of secondary suites and accessory buildings. He felt that the issue for the community to consider is whether the community regulates the suites in some way.

Mr. Fodchuk noted that a fundamental principle of planning legislation is that it should be enacted in the public interest and should satisfy sound planning principles.

Councillor Frinton commented that Council is following due process in legalizing the past uses of the CNIB/Bowen Lodge by the Sea facility. Revisions have made the principal use for people with disabilities.

Councillor Leigh noted that Council is trying to follow good planning practices but that Council is also learning in the process. Regarding the operation of the CNIB/Bowen Lodge by the Sea, he noted that the changes made by Council were in response to information received at meetings as well as the consideration of the operation of the CNIB/Bowen Lodge by the Sea as a broader issue that has public interest and benefits.

Regarding accessory buildings, Dave Hocking expressed concern that accessory buildings would increase the population density and thereby would jeopardize the present way of life that exists on the Island.

Councillor Morse responded by noting that Council is simply alerting the community to the fact that there are already at least two to three hundred secondary suites existing on Bowen Island.

Dave MacIntosh expressed his concern regarding the impact on the Deep Bay neighbourhood of the proposed changes in the regulations affecting the Old Dorm and Evergreen Hall Bed and Breakfast establishments. He noted that the residential quality of the neighbourhood would be adversely affected by increasing the number of guest bedrooms. He felt that Council is proceeding too quickly in the Bed and Breakfast accommodation area. He also suggested that Council should consider improving the method of communicating meetings to the public.

The meeting adjourned at 11:05 p.m.

ADJOURNMENT

Certified Correct:

Lisa Barrett
Mayor

Isabell Hadford
Chief Administrative Officer