

BOWEN ISLAND MUNICIPALITY

Minutes of the **Public Meeting No. 2** on the Land Use Bylaw held Saturday July 27, 2002 at 9:20 a.m. at the 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 Bob Turner
Councillor Richard Underhill

**STAFF IN
ATTENDANCE**

Felicity Adams – Senior Planner

**OTHERS IN
ATTENDANCE**

Gayle Ferguson – Minute Taker

**PUBLIC IN
ATTENDANCE**

Approximately 120

CALL TO ORDER

Mayor Barrett called the public meeting to order at 9:20 a.m.

The meeting adjourned at 9:25 a.m.

The meeting reconvened at 9:35 a.m.

Felicity Adams, Senior Planner reviewed the changes made to the Land Use Bylaw (Proposed Bylaw No. 57, 2002) since the November 2001 draft version.

Ms. Adams noted the purpose of the Public Meeting was to receive input from the public present as well as written submissions regarding the following main topic areas:

1. Changes to Official Community Plan policy;
2. Use of Accessory buildings;
3. Types of Tourist Commercial Guest Accommodation;
4. Secondary Suites;
5. Commercial Activity outside of the Cove;
6. Number of Zoning Changes;
7. Setbacks from watercourses, nest trees and the sea;
8. Status of Hazard Land (Slope Condition) Development Permit Area.

Mayor Barrett noted the importance of having consistency in the Land Use Bylaw both in its regulations and in its principles of sustainability. She noted that Council is looking for suggestions from the public particularly regarding the issue of secondary suites.

Neil Boyd commented that the four residential policies in Bylaw 56, *Section 3.1 (m-p)*, although motivated by good intentions, are flawed in their present form and should not be part of Bylaw 56. He noted the following points:

- *3.1.m* subtracting lot area for public roads should be not to encourage greater dedication of land. Wording appears to imply opposite of the policy;
- *3.1.n*. Not well conceived as permits a accessory building on every lot.
- *3.1.o* will permit an additional residence for all lots on Bowen – not an appropriate remedy and a specific solution is needed not double the density on all lots;
- *3.1.p* - self-contained tourist accommodation has the net effect of permitting up to 4 dwellings.

Paul Welsh, Snug Point resident noted the following issues regarding public process:

- CNIB zoning - language emerged in June, 2002 and had not been seen by Snug Point residents;
- Rezoning in context of the Land Use Bylaw for Lot 19 (Bowen Island Marina) and Lot 37 (CNIB)- is not the job of Council to help and assist the business objectives of the owners;
- Rezoning without proper scrutiny - Council has not seen plans for either properties. A formal rezoning application by both parties would address fundamental concern of Snug Point residents of increased traffic in the area. Traffic would be assessed for its environmental impact.

Mr. Welsh suggested that the issues surrounding Lot 19 and Lot 37 be dealt with through a formal rezoning application.

Judy Balko felt that community input regarding changes to the Official Community was representative of a community who has no vested interest in change for personal gain.

Dave Witty noted the following issues of concern:

- Public Process – the extent of the amendments. Council needs to identify those issues that need an OCP review;
- Community – need to insure a diverse and inclusive community;

- Tools - exclusionary zoning is out. Mix of residential uses is in. Council is moving in the right direction. Affordable housing will require Council to make some difficult decisions.

Dave Witty noted the following concerns:

- permitting use of one accessory dwelling - Need for an Official Community Plan review to focus on housing diversity;
- Service Commercial supports notion but community needs to think and be part of an OCP review;
- Tourist Commercial for OCP review
- Include lodges particularly the Old Dorm as it is a historic use and should be included;
- Use of float homes and live aboards should not be increased;
- Support Tourist Commercial in Deep Bay particularly for the Dorm. Parking needs to be provided;
- Sections 5.7 and 5.13 need to be revisited;
- Section 6.31 alternative developments - think of this as an amendment to bylaw and budget for development of best practices.

John Rich noted the following concerns:

- Rezoning issue: at least 12 specific properties to be rezoned. Public Notice is inadequate. Effect of tourist commercial zoning on neighbourhood is not good and needs a proper study;
- Public Process and OCP policy changes - identification that secondary suites are a problem does not mean Council has the solution. Housing is an issue but proper study is needed.;
- Rezoning Issues
 1. The Dorm – failure of proper process is creating a split in neighbourhood. Receiving no complaints is not an indication it can be rezoned. Historic use is not legitimate. He suggested that a proper process with proper information is needed.
 2. CNIB: no full plans have been presented.

Mr. Rich noted the difficulty/impossibility for future changes to land once designated cannot be zoned back such as the Building Centre.

Jean Jamieson, a long time resident, felt that the Official Community Plan was a good document that should not be changed without adequate public process. She noted concerns regarding the following issues:

- Density;
- Bed and Breakfast and lodges;
- Secondary suites;
- Retreats of 40 people using the services.

Ms. Jamieson requested Council to keep track of population numbers and preserve Crown Land, green spaces, wildlife and people's sanity.

Dale Read, representing Bowen Island Eco-Alliance noted the following concerns regarding water supply and groundwater contamination:

- Storage of toxic materials in a watershed 30 metres from a water source only delays eventual entrance of materials into groundwater;
- Definition of constructive ditch;
- No protection for well users - leaching from wood can run for 50 years;

Mr. Read suggested that surplus Greater Vancouver Regional District land in the Cove area be used to reorganize commercial activities in order to provide protection for many Island residents.

Luz Budzinski estimated the present population of Bowen Island at 4,500. He recommended that the accessory building issue be left out of the Official Community Plan and the Land Use Bylaw so that detailed research could be carried out as to effects of increased population on the Bowen Island infrastructure.

Eric Sherlock commented on the following issues:

- Tourist Commercial issue. He felt that accessory building tourist accommodation should be left out of the Official Community Plan as its use could be abused i.e. could become party houses;
- He noted that Service Commercial policies need more thought;
- Controversial points regarding accessory secondary suites should not be included;
- Trout Lake rezoning needs to be accommodated but is driving OCP amendments rather than the other way around. Use should be more limited as a commercial centre is being created which is at odds with vision of Snug Cove Task Force so needs to be redesigned;
- Rethinking of the overall goals of the Official Community Plan.

Marguerite Ford, a Snug Point resident, expressed concern regarding process issues. She felt that if Council is reviewing the Official Community Plan that changes to the nature of the Island would require an Official Community Plan review. She felt that there should be a proper rezoning process for the Bowen Island Marina and the CNIB/Bowen Lodge by the Sea facility.

Bo Fodchuk noted that many of the changes suggested for the Land Use Bylaw were based on a review by the Advisory Planning Commission. He questioned whether the following issues were Land Use bylaw issues or whether they should be part of an Official Community Plan review:

- Policy changes regularizing past historic uses;
- legalizing historic use - is this a proper planning technique making changes in face of overwhelming opposition of neighbours is tantamount to discrimination.

Mr. Fodchuk observed that the *Local Government Act* requires periodic Official Community Plan reviews. He felt that is what is required, not a Land Use Bylaw process.

Denise Pugash felt that Snug Point residents need more time to review the rezoning issues relating to the CNIB/Bowen Lodge by the Sea and Bowen Island Marina. She noted her concern for traffic and sewage issues related to commercial ventures of CNIB and the rezoning of Lot 19 and 37 as part of the Land Use Bylaw.

Dan Parkin, proprietor of the Lodge at the Old Dorm commented on the history of zoning affecting his property. He noted that the Lodge at the Old Dorm was a Bed and Breakfast establishment 15 years ago under previous owners. A year ago guesthouse designation was changed and became dependent on lot size and the Lodge at the Old Dorm no longer qualified. He noted that the new category of *Heritage Lodge* would allow both the Lodge at the Old Dorm and Evergreen Hall to operate as it had been doing for the past 5 to 6 years.

Brian Hodgins commented that some people have been operating in a manner that is unacceptable to the vision of the Official Community Plan for Bowen Island. He felt that accessory buildings, secondary suites and tourist accommodation are rationalizations on Council's part for those people who have been building accessory buildings and/or secondary suites in the hope that Council will allow them. He felt that under an Official Community review people would still find these issues unacceptable.

Peter Jarvis , speaking on behalf of the CNIB noted that the CNIB considers itself part of the community and has in the past made attempts to meet neighbours' concerns and is committing formally through the Land Use Bylaw to have a joint management committee to include neighbours. He noted the following points:

- Permitted uses will be reduced and service to clients will be constrained;
- Any redevelopment of the Bowen Lodge by the Sea facility will go through an established process;
- The CNIB's desire is to be responsive and respectful to its place on Bowen Island and to be in accord with the vision of the Official Community Plan.

Graeme Dinsdale commented that the public had been informed that the Land Use Bylaw was simply a technical response to the Official Community Plan. Regarding the secondary suite issue, he noted that they are not a permitted use in the 1996 Official Community Plan and would not be a permitted use now. He felt that the biggest difficulty is that existing regulations have been overlooked and a lot of un-permitted uses have been accommodated.

Colin Graham noted that this public information meeting on the Land Use Bylaw is not a substitute for the extensive process of an Official Community Plan review or for zoning changes. He felt that major rezoning changes and accessory buildings/secondary suites should be deleted. He also recommended that infrastructure and ferry requirements need to be well thought out before a decision regarding secondary suites is made.

Rondy Dike spoke in favour of the Land Use Bylaw. He felt that it is a flexible document that can be changed. He encouraged Council to proceed.

Norma Dallas felt that the Public has the obligation to keep informed regarding issues that affect the island and its neighbourhoods. She suggested that secondary suites and accessory buildings should be licensed so that water and sewage safety issues could be addressed. Regarding the Bowen Island Marina, she noted that necessary permits had been acquired and the Marina has been waiting since 1991 for the necessary bylaws.

Dave McIntosh expressed his concern regarding the up zoning of bed and breakfast establishments to tourist commercial in a residential neighbourhood. He felt the issue of parking had not been dealt with - meetings with dinners and parking on the road

does become an issue. He also noted that the issue of permission of alcohol for these establishments had not been addressed in the Proposed Land Use Bylaw.

Berni Claus noted that conventional hydrology does not work given climate change. He suggested that Council take this fact into consideration when making decisions that affect the future population density of the Island and proceed slowly.

Mr. Claus also suggested that Council revisit Section 5.13 - adding a policy for use of boathouses is the wrong direction. Necessary for water use only. Maybe one dock for a few houses.

Joldine Lee, a neighbour to the Old Dorm and Evergreen Hall noted that the letter sent to neighbours did not refer to "*Tourist Commercial*" zoning but made reference to "*a heritage lodge*". She felt that the neighbourhood needed to be kept better informed.

Rosemary Knight noted that the following changes to the Land Use Bylaw since November, 2001 are the issues that concern most people:

- Rezoning issues
- Illegal historical issues
- Future challenges - diversity of our community and affordable housing.
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She suggested that Council take out individual applications and changes that should be through rezoning as well as the significant changes to the Official Community Plan.

Graeme Dinsdale thanked Council for holding an additional public meeting to receive further information from the public.

ADJOURNMENT

The meeting adjourned at 11:40 a.m.

Certified Correct:

Lisa Barrett
Mayor

Felicity Adams
Senior Planner