

**BOWEN ISLAND MUNICIPALITY**

Minutes of the **Public Information Meeting** regarding the Overview of the Official Community Plan Amendment and the Draft Land Use Bylaw held Saturday, November 24, 2001 at 10:30 a.m. at the Municipal Hall, 981 Artisan Lane, 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**

Isabell Hadford – Chief Administrative Officer  
Felicity Adams - Senior Planner  
Michael Rosen – Deputy Approving Officer

**OTHERS IN  
ATTENDANCE**

Gayle Ferguson – Minute Taker  
The Public  
The Press

The Public asked questions of Council and staff during the first hour of the meeting.

**CALL TO ORDER**

The Mayor called the meeting to order at 10:45 a.m.

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

Felicity Adams, Senior Planner noted that the present re-drafting of the Land Use Bylaw was the result of an extensive review by the Advisory Planning Commission of an older draft of a Land Use Bylaw prepared by the former Local Trust Committee. She noted that there were two bylaws under review. One, the amendments to the Official Community Plan and the second, the new Land Use Bylaw. She observed that the Public Information Meeting was to give Council direction on issues of public concern regarding the draft Land Use Bylaw.

Ms. Adams provided a brief summary of the Official Community Plan Amendment Bylaw. She noted that the Official Community Plan Amendment included some map changes, text amendments and new policies to facilitate the Land Use Bylaw.

Ms. Adams outlined some of the changes found in the Official Community Plan Amendment Bylaw such as:

- New policies for Crown Lands, Abbeyfield Housing and

Retreat Centres;

- Support for grouping of industrial uses;
- Support for alternative water collection methods;
- A proposal for changes in land use for Gavin's Place;
- Changes to existing policies regarding commercial guest accommodation, permanent live-aboards in marinas;
- New guidelines and exemptions in the Watershed Development Permit area;
- Re-designation of some Crown lands to deal with public land policy; and
- Recognition of some properties where the existing subdivision bylaw has a different higher density than the Official Community Plan.

Ms. Adams expressed the desire to receive comments from the public on the Official Community Plan amendments by December 14, 2001 in order to present these comments to Council in January, 2002.

Felicity Adams, Senior Planner outlined the major features of the new Land Use Bylaw. She noted, if adopted, the Land Use Bylaw would replace the present zoning and subdivision bylaws. She noted that Part III, the General Regulation section, which applies to all properties on Bowen Island should be read by everyone so that they can become familiar with what is permitted and prohibited in all zones.

She suggested that Council would particularly welcome public comment regarding the following issues:

- The number of dwellings permitted on a lot as this is an issue Council is considering and will study in more detail where there are existing second dwellings and secondary suites;
- Setbacks from the sea are different in the Land Use Bylaw;
- Setbacks from streams, lakes and wetlands - Council is trying to address water quality and fish habitat protection through the Land Use Bylaw; and
- Home occupations where the emphasis is broader shifting from specific uses to performance standards.

Ms. Adams noted that one of the biggest issues for Council is density lot size for the creation of new lots. There was a recommendation from the Advisory Planning Commission that Council have two densities – the subdivision bylaw density as a base density and a conditional density based on an amenity system to allow the Official Community Plan density. Council debated this issue and because of its complexity decided to keep

Bylaw No. 270 density. Following the adoption of the Land Use Bylaw, Council will consider larger undeveloped areas to see if comprehensive development zoning might be a way to look at large properties. Council will also look at Official Community Plan policy regarding amenities as the present policy is not very extensive and policies need to be improved for small properties versus larger parcels of land.

In conclusion, Ms. Adams reiterated that the Land Use Bylaw is a work in progress and encouraged people to comment on oversights as the bylaw improves through a public input process. Secondly the Land Use Bylaw is a living document that staff, as they use the bylaw, are likely to recommend amendments to it.

Watershed Protection Measures

John Reid noted that the 50 metre setback now includes ephemeral streams and wetlands. If this setback is applied to Bowen Island it would mean that much of Bowen Island will be at variance to the law. Anyone with a change to property will now require a development variance permit at a cost of \$600, an environmental consultant's report and the neighbour's permission. He felt the variance permit would become too onerous for staff to handle given that presently the development permit process has a four month backlog.

Mr. Reid noted his understanding is that streamside regulations apply only to subdivisions so that presently there is no protection for vegetation. He requested Council to consider enacting legislation that would protect the vegetation.

Eric Sherlock noted that the Land Use Bylaw was meant to implement the Official Community Plan and he felt that the present draft of the Land Use Bylaw does not do this. He agreed that watershed protection measures are inadequate. He noted that water quality is declining and there are no measures addressing it. The development permit area regulates 50 metre setback triggered by subdivision application but does not regulate someone who wants to clear their land. Therefore he felt there was a need to define "land alteration" and introduce a tree cutting bylaw to protect the ecological nature of the watershed. Mr. Sherlock felt that the 50 metre setback for the nest trees, triggered only by a building permit application is also inadequate.

Regarding the proposed measures for foreshore protection, Mr. Sherlock felt the emphasis of the new regulations seemed to be

on how close you can get to the water as you can move a house up to 7.5 metres if there is a retaining wall which is against the natural protection of the shore line.

Silvaine Zimmermann suggested that the general provisions of the Islands Trust be followed. She felt that attempts should be made to find a way to protect the vegetation and water. She agreed that a tree cutting bylaw is necessary and would also be a good way to prevent further erosion of the land.

Alistair Johnstone noted that Hood Point is a good example that clear cutting has occurred.

Ludz Budzinski, speaking on behalf of the Bowen Island Alliance Association, requested a summary of the proposed changes in the Land Use Bylaw that improve the protection of Bowen Island's principal watersheds particularly the Grafton Lake watershed and measures that have been taken to improve the protection of the natural environment.

Mr. Budzinski agreed to submit the following questions for Council's consideration:

- How does the Land Use Bylaw measure up to the Environmental and Protection Bylaw, passed by North Vancouver in 1993?
- Does the Land Use Bylaw identify any part of the coastal marine ring around Bowen Island as an environmentally protected marine zone?
- Is the natural state of Crown Lands being preserved in the Land Use Bylaw?
- Why are buffer zones around creeks and lakes not part of the Land Use Bylaw?
- How will activities such as burning and storage of hazardous materials be regulated?
- Why is the storage of derelict vehicles being allowed?
- How will the issue of incentive rezoning be handled?
- Why are the areas of the Island listed as "regionally rare" in the *Provincial Sensitive Ecosystem Inventory* not designated as development permit areas in the Official Community Plan amendments or the draft Land Use Bylaw?
- What protection is being offered to wildlife nests -7.5 metres is not good enough; and
- Does Council intend to publish an easy to read summary of the proposed major changes to the new Land Use Bylaw and the changes made to the Official Community so that the public could make a comparison between the new and former

documents?

Felicity Adams, Senior Planner noted regarding Coastal Marine zones that data is needed to identify these areas. She suggested that perhaps the Bowen Island Alliance could take on this initiative.

Density Lot Size

Alistair Johnstone, South Bowen Island resident noted that the RRS land use designation zoning is not being followed as recommended in the Official Community Plan. He requested that the Official Community Plan density be put in the Land Use Bylaw allowing 2.5 acre density.

Stan Gudewill, South Bowen Island resident for 75 years, felt that the Official Community Plan densities should not be changed. He felt it is wrong for Council to enact policies that take from the South Bowen residents what has been promised .

Hamish Malkin, Cowan Point and Eaglecliff resident, inquired as to the reason for not having density as given in the Official Community Plan. He expressed concern for the process as he felt if the power exists to take away densities then there seems to be no point in having them in the Official Community Plan.

Councillor Frinton noted that Council had been split 4 to 3 on the issue of density zoning. He noted there is indication it will be challenged. He further noted that the Official Community Plan is a visionary document, not a zoning tool.

Mayor Barrett noted as there had not been unanimity, that Council will be reviewing the density zoning situation and will remain open to suggestions.

Councillor Carter noted that Bowen Island has a complex landscape and topography and there are areas worth protecting. He prefers to see, applications for subdivisions where there is a gap between subdivision and the Official Community Plan densities, these applications come before Council.

Councillor Turner felt that Council has rights and responsibilities to the community and agreed with Councillor Carter that the public process creates better decisions.

Councillor Underhill felt that landowners should receive Official Community Plan density designation because when the Official

Community Plan was adopted it was thought that the Land Use Bylaw would reflect the Official Community Plan's density designations.

Eric Sherlock noted the Official Community Plan is a vision of where the community wishes to go. Zoning in the Land Use Bylaw sets the rules.

John Reid felt that there is a need to be creative in the ways the island is developed. Density transfer is one way to shift densities and keep the island green. Let's try to keep it green.

Alistair Johnstone noted that the entire Southside is zoned one way because it was not previously divided up into smaller parcels. He noted families of the South side have been there for a 100 years. He suggested Council spend the necessary funds to create a good bylaw.

#### Secondary Suites

Silvaine Zimmermann felt that it is a good idea to have secondary suites legalized so that houses, where desirable, can be shared and this legalization would allow for a clear picture to be obtained of the true population of Bowen Island.

Eric Sherlock felt that secondary suites require more thought. He felt it would be wise to work with the Advisory Planning Commission as affordable housing is needed on Bowen Island and the density issue deserves more thought.

#### Multiple Housings on a Lot

Bruce Johnstone expressed his concern for measures to deal with grandfathering of existing houses.

Councillor Carter noted that the Land Use Bylaw has stipulated, in *Section 3.4 Confirmation of Lawful Use and Siting*, that any uses of land and uses of buildings or structures which exist and are lawful at the time of adoption of the Land Use Bylaw are considered to be conforming uses when the Land Use Bylaw is passed.

#### Industrial Zones

Joan Wood noted that 80% of Bowen Island is in a watershed area. She inquired regarding the rationale for the Land Use Bylaw requiring the Building Centre to install an oil/water separator for runoff from paved areas.

Councillor Turner noted that the only sites zoned industrial are both in watershed areas and the following reasons were noted for the requirement of an oil/water separator:

- Prudent to have a system in place;
- Ease of installation
- Scale of a potential problem.

Councillor Turner noted that if there were guidelines for industrial use and if an industrial use area could be seen as a good neighbour, perhaps there would be more potential industrial sites.

Dale Read, a resident living near the Building Centre, noted that early in May there was a spill from the driveway left of the Building Centre which was not cleaned up. He felt there is a need to protect the water. Oil could get to Grafton Lake in about five minutes and when oil reaches the drinking water chlorinator facility toxicity increases.

#### *Guest Houses and Retreat Centres*

Cliff Rowlands, Cates Hill resident noted his objection to the adjustments made to zoning for Rural Commercial Zone1 in the draft Land Use Bylaw. He felt there had been no public input regarding these adjustments, specifically the concept of a restaurant at the Vineyard. He noted the change to the amount of time guests can stay at a guest house from fourteen days to an indeterminate amount of time could turn a guest facility into a long term care or apartments. He felt that guest houses were not designed to be on small 2.5 acre lots, in rural neighbourhoods. He felt that five acres should be minimum allowable lot size for guesthouses and retreat centers should be on 10 or 20 acres. He requested that any changes that have been made to RC1 zoning be struck from the Land Use Bylaw.

Eric Sherlock noted that the new Land Use Bylaw allows more accommodation than previously as well as the new allowance which permits guest houses to operate a restaurant for guests. If the present limit of fourteen consecutive nights is deleted, this may mean long term accommodation would become allowable.

Regarding the rezoning of the Xenia property, Sally Whittall, a resident in the Xenia neighbourhood, noted there is a wording loophole in the number of bedrooms and number of guests as the wording does not say only two people per bedroom. She noted her objection to having a tourist commercial zone for residents living in large rural acreage areas.

Felicity Adams, Senior Planner noted that Retreat Centre uses would be looked at. She further noted that Rural Commercial 3 zoning is in response to an application made by Xenia and will be reviewed to reflect one retreat center.

Subdivision and Land Use

John Molson, South Bowen resident inquired if the Land Use Bylaw made a distinction between development for family members versus development for profit.

Councillor Carter noted that there is nothing in the Official Community Plan or the Land Use Bylaw that answers this question. A request for a subdivision coming forward is not differentiated for developer versus family.

Michael Rosen, Deputy Approving Officer noted that there are provisions in the *Local Government Act* which allow a covenant to be placed on land to preserve it for family use. However he noted that there are limitations to the frequency that this can be done.

Felicity Adams, Senior Planner noted that property owners who want to ensure the use of the land remains the same can dedicate part of their land as a nature park or a covenant can be registered on the property.

Home Occupations

Eric Sherlock regarding home occupations felt that he would be open in principle to having home occupations regulated by performance standards. Mr. Sherlock felt that retail in home occupations should be broader.

Dale Read felt that a major factor in loosening regulations is the compatibility issues - for example a Bed and Breakfast and a nearby Saw mill operation.

Amenity Bonusing

Gary Ander of the South Bowen Community Association inquired if someone were to apply for rezoning to Official Community Plan densities would they be subject to any kind of amenity bonusing for that application and would that application be more or less guaranteed provided they qualified.

Councillor Underhill noted that amenity bonusing is not part of the Land Use Bylaw. The potential exists if someone wants to achieve Official Community Plan density that they must produce

an amenity that Council would deem appropriate. He noted that there is a list of desired community benefits in the Official Community Plan.

Councillor Carter noted that Council cannot act in variance to the Official Community Plan policies. He noted that there is a list of desired community benefits in the Official Community Plan.

John Reid suggested for those properties that have future development rights such as the South Bowen properties that if property owners want housing for their extended family members they could negotiate a deal now for a future amenity which would state when subdivision occurs the community would get the amenity negotiated for at the time an application is made. But while the family is living on the land, as they have for a 100 years, they can have their privacy.

Michael Rosen, Deputy Approving Officer noted that, in this case, delaying the requirements of providing a public amenity in this case is an idea worth exploring.

**ADJOURNMENT**

The meeting adjourned at 1:30 p.m.

**Certified Correct:**

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Lisa Barrett  
Mayor

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Isabell Hadford  
Chief Administrative Officer