GABRIOLA ISLAND
LOCAL TRUST COMMITTEE
AGENDA

REGULAR BUSINESS MEETING
OF THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE
held at 10:15 AM on Thursday, November 1, 2012
at the Women's Institute,
476 South Road, Gabriola Island, BC

LATE ITEMS, ADDITIONS

AMENDMENTS/ADDITIONS TO ITEMS:

5. CORRESPONDENCE

5.4 Email dated October 31, 2012 from Laura-Jean Kelly of Topographics regarding Mapping of Shoreline Ecosystems - *attached*

7. NEW BUSINESS

7.2 Email dated October 31, 2012 from Gabriola Land and Trails Trust - *attached*

7.3 Ferry Consultation – *for discussion*

14. LOCAL TRUST COMMITTEE PROJECTS

14.2 Development Approval Information Bylaw
Staff Report dated October 12, 2012 with copy of Galiano Island 2012 Development Approval Information Bylaw No. 148 - *attached*

Late Item

From: Laura-Jean Kelly [mailto:lj_kelly@telus.net]
Sent: Wednesday, October 31, 2012 12:50 PM
To: Sheila Malcolmson
Cc: Cameron Murray <cameronmurray@telus.net>
Subject: Mapping of shoreline ecosystems

Hi Sheila

Thanks for your work & encouragement of mapping & protecting our island ecosystems as laid out in the Strategic Plan. I encourage the Trust to continue the community mapping of ecosystems and would like to propose that we (our community with Topographics) develop a gap analysis which collates existing mapping information from the last 50 years (pertinent to Gabriola and area) around eelgrass & shoreline mapping. We would like to write a proposal to provide this service and are happy to collaborate with others that are overlapping this work.

The new map would include information already completed by different agencies that will be useful to allow us to plan a strategy around mapping and target the gaps in information.

If this sounds worth while we would proceed with a proposal of service to the Trust. Please let us know what your timeline would be for receiving a proposal.

regards

Laura-Jean Kelly
laura-jean@topographics.ca

TOPOGRAPHICS
landscape architecture
2434 Islands View Drive,
Gabriola, B.C. V0R 1X7

250 -247-9720

From: John Peirce [mailto:john.w.peirce@gmail.com]
Sent: October-31-12 9:12 AM
To: Sheila Malcolmson
Cc: Melanie Mamoser; Tom Cameron; David Boehm
Subject: Re: shoreline stewardship workshop

Good morning Sheila,

GaLTT has put its support behind getting some surveys of foreshore beaches for possible forage fish spawning through the workshops that Ramona organizes. We would certainly support any public workshops on shoreline ecosystems as most of us are woefully under-informed on such topics, and I include myself in that category even though I have a degree in Oceanography.

Melanie Mamoser and David Boehm are the two on our Board tasked with following up on the surveys for forage fish spawning. I will say that this is an area of interest to GaLTT, but not a top priority, given everything else on our plate with covenants and trail licences. Publicly sponsored workshops would be a welcome first step to advance our understanding of shoreline management. Please let us know if GaLTT can do anything to support this initiative.

I have copied Tom Cameron on this email as he is pinching hitting for me on GaLTT matters.

John
President, GaLTT

On Wed, Oct 31, 2012 at 8:27 AM, Sheila Malcolmson <smalcolmson@islandstrust.bc.ca> wrote:

hi John - hope you're well.

Tomorrow the LTC will consider a staff report about bringing some shoreline expertise to the island, and it is described in the agenda package here:
http://www.islandstrust.bc.ca/ltc/gb/agendas.cfm

If this might be something GaLTT encourages, let me know. Ramona DeGraeff mentioned she'd been talking with you and this might be a way to help it happen faster and in a funded form…

Thanks for your work,

Sheila Malcolmson
Gabriola Island Local Trustee
250-247-8078
www.islandstrust.bc.ca

STAFF REPORT

Date: October 12, 2012 **File No.:** 6500-20 (Development Approval Information Bylaw)

To: Gabriola Island Local Trust Committee
For the meeting of November 1, 2012

From: Chloe Fox
Island Planner

CC: Courtney Simpson
Acting Regional Planning Manager

Re: Development Approval Information Bylaw

PROJECT OVERVIEW:

The Gabriola Island Local Trust Committee has identified the creation and adoption of a Development Approval Information (DAI) Bylaw as a Top Priority item on its work program. This was added to the work program in conjunction with the current riparian areas and steep slopes development permit areas project, with the intention that a DAI bylaw would be adopted at the same time as updated development permit areas. A DAI bylaw is an administrative bylaw and is the statutory mechanism through which local governments are able to require applicants to provide information on the anticipated impact of proposed development. The development of a DAI bylaw is recommended for the entire Gabriola Local Trust Area as a tool to ensure that staff have the authority to require information on the anticipated impacts of proposed development in a way that is administratively consistent. The adoption of a DAI bylaw will also effectively implement existing and proposed new development permit area designtions as well as existing temporary use permit provisions.

LEGISLATIVE & POLICY CONTEXT:

Since the provision for the adoption of DAI bylaws was introduced into the *Local Government Act* in 1997, advice from legal counsel has consistently been that the traditional mechanisms for obtaining information related to proposed development from applicants – requirements in DPA guidelines, OCP policies and/or ad hoc requests – are contrary to the legislation. In other words, unless a DAI exists, local governments have no legal mechanism for requiring information from applicants related to the anticipated impact of proposed development. In the absence of a DAI bylaw, the LTC may **request** information from applicants that would assist them in making a decision and the applicant may decide whether or not to provide the requested information. In the case of rezoning and temporary use permit applications, if the applicant decides not to provide the information, they risk the LTC rejecting the application due to lack of information. The only means to **require** information from an applicant is through authorization of a DAI bylaw.

Local Government Act:

Sections 920.01 and 920.1 of the *Local Government Act* provide the legislative authority for local governments in BC to establish DAI bylaws. In accordance with Section 920.1 of the *Local Government Act*, development approval information is defined as "information on the anticipated impact of the proposed activity or development on the community." This may include, but is not limited to:

- The natural environment of the area affected;
- Transportation patterns including traffic flow;
- Local infrastructure;
- Public facilities including schools and parks; and,
- Community services.

Local governments may require applicants to provide this information, at their own expense, for zoning bylaw amendments, development permits, and/or temporary use permits.

Where a local government wishes to establish a DAI bylaw, there are several legislative requirements. First, in accordance with Section 920.01 of the *Local Government Act*, local governments must, in an official community plan, do one or more of the following: specify circumstances in which development approval information may be required, designate areas for which development approval information may be required and/or designate areas for which, in specified circumstances, development approval information may be required. In all cases, the official community plan must also contain a description of the special conditions or objectives that justify the designation or specification.

In addition, the content of a DAI bylaw must establish policies and procedures for the process for requiring development approval information as well as the substance of that information. A DAI bylaw may authorize staff to require development approval information provided that the applicant is entitled to have the local government (i.e. the LTC) reconsider the decision of staff to require development approval information without charge. In this case, the DAI bylaw must establish procedures regarding applying for and dealing with these reconsiderations.

Islands Trust Act:

Section 29(3.1) of the *Islands Trust Act* establishes that DAI bylaws in the Islands Trust Area must be adopted by Trust Council. This means that while DAI bylaw is developed for an individual LTC, it must be read and adopted by Trust Council.

Islands Trust Policy Manual:

Policy 2.1.viii of the *Islands Trust Policy Manual* describes the process for Trust Council to consider DAI bylaws proposed by local trust committees. Key elements of the policy include:

- Each DAI bylaw may vary according to LTC needs;
- The criteria for Trust Council approval include financial, procedural and policy considerations;
- The LTC is responsible for initiating the creation of the bylaw;
- The purpose of the bylaw must be stated in the bylaw;
- The bylaw must be generally in the form of the model bylaw developed in conjunction with the policy;
- The planner assigned to the local trust area will prepare the substance of the bylaw;
- The LTC must give notice to Trust Council that it intends to forward a bylaw for adoption;
- Application for approval will be in the form of a Request for Decision (RFD); and,
- If the bylaw is not approved it will be returned to the LTC with reasons.

PROPOSED BYLAW:

Content:

In addition to the required content established through the *Local Government Act*, staff proposes the creation of a DAI bylaw that would establish two approaches for the provision of development approval information:

1) For development permit applications, the DAI bylaw would establish the report content. The bylaw would lay out the content requirements of the reports for each type of development permit area (riparian area, steep slopes, etc.) and the requirements may be reduced by staff (or the LTC upon appeal by the applicant) based on the specifics of the application. This is the approach taken in the North Pender and Galiano DAI bylaws and, in the case of North Pender, has for the most part been functioning well for several years.
2) For more complex discretionary rezoning and temporary use permit applications, the bylaw would use a 'terms of reference' procedure through which staff would provide a written 'terms of reference' for the provision of specified development approval information to the applicant. This reflects the fact that, in the Islands Trust Area, most applicants are not sophisticated developers, are not experienced in providing impact assessments, and are unable to provide meaningful 'terms of reference' themselves. In addition, although the *Gabriola Island Official Community Plan, No. 166* specifies guidelines for temporary use permit applications, the specification of such guidelines is optional under the *Local Government Act*. The LTC can, should it choose, impose ad hoc conditions on a temporary use permit that are not stated in the OCP. In order to preserve this power, staff recommends using the 'terms of reference' approach to development approval information for temporary use permits as opposed to establishing the report content through the DAI bylaw. This is the approach taken on North Pender and Galiano through their respective DAI bylaws.

In practice, particularly for development permit applications, the applicant will consult with the planner in the pre-application stage and submit the required reports with the application, which results in efficient processing of the application. Only if the reports are inadequate or the applicant has not consulted with the planner pre-application does a formal letter detailing report requirements need to be sent. Typically, it is only with rezoning that there is an extensive process of drafting and approving a terms of reference.

Approval Process:

In order to advance the establishment of a DAI bylaw for the Gabriola Local Trust Area, the following steps are required:

1) The LTC gives formal notice to Trust Council by resolution that it intends to prepare a DAI bylaw to require information for development permit, temporary use permit and zoning amendment applications;
2) The LTC directs staff to prepare a draft bylaw, consistent with the model DAI bylaw shown in Attachment 1;
3) Staff submits the draft DAI bylaw and RFD to Executive Committee (policy requires that this be submitted to Executive Committee at least 4 weeks before Trust Council);
4) Trust Council considers three readings of the DAI bylaw at a regularly scheduled meeting. Adoption may be considered by RWM.

STAFF COMMENTS:

In the Gabriola Local Trust Area there is currently no DAI bylaw and, therefore, no legal mechanism for requiring the provision of information related to the anticipated impact of proposed development from applicants. The development and adoption of a DAI bylaw will benefit staff, the LTC, development applicants and the broader community in the following ways:

- *Quicker application processing*

  Where a DAI is in place, applicants will typically be aware of the information they will be required to provide prior to submitting an application. In most cases, the required information will be provided with the application, reducing the staff time currently taken by liaising with applicants to request and receive information in an acceptable form.

- *Transparent process for applicants and the public*

  By specifying the requirements for each type of application, applicants and the broader public know what to expect when embarking on the development process. In the case of rezoning and temporary use permits, applicants and the public will be aware of how development approval will be requested (i.e. through the Terms of Reference) and will have an avenue to appeal the requirement through the LTC.

- *Reduced staff time in processing applications*

  A significant amount of staff time is frequently consumed requesting information from applicants. Often, this information is contained in OCP policies and/or development permit area guidelines, is outside the expertise of staff and is crucial to staff analysis and recommendations. Instead of spending time coercing applicants into providing the necessary information, a DAI bylaw will allow staff time to be more effectively employed during application processing, increasing the overall rate of application processing, and leaving more staff time available for work on LTC projects

Given the benefits associated with having a DAI bylaw, staff recommend that a draft DAI bylaw, consistent with the attached draft version, be prepared and presented to Trust Council.

RECOMMENDATIONS:

THAT the Gabriola Island Local Trust Committee give notice to Trust Council that it intends to forward a Development Approval Information Bylaw for Trust Council's consideration at the regularly scheduled March 2013 Trust Council meeting for the purpose of allowing the Gabriola Island Local Trust Committee to obtain information on the anticipated impacts of development permit, temporary use permit and zoning amendment applications;

THAT the Gabriola Island Local Trust Committee direct staff to prepare a draft Development Approval Information Bylaw, consistent with the version attached to the staff report dated October 12, 2012;

THAT the Gabriola Island Local Trust Committee direct staff to prepare a Request for Decision for submission to the Executive Committee; and

THAT the Gabriola Island Local Trust Committee direct staff to prepare a draft bylaw to amend the Gabriola Island Official Community Plan, No. 166 to designate circumstances and/or areas for which Development Approval Information may be required.

Attachments:

Attachment 1 – Trust Council Model Development Approval Information Bylaw

Prepared and Submitted by:

Chloe Fox	*October 12, 2012*
MCIP, RPP Island Planner	Date

Concurred in by:

Courtney Simpson	October 15, 2012
MCIP, RPP Acting Regional Planning Manager	Date

ATTACHMENT 1

Add to Policy
2.1.viii

ISLANDS TRUST COUNCIL

BYLAW NO.

****

A bylaw to establish procedures and policies for requiring development approval information for the Sample Island Local Trust Area

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WHEREAS the Sample Island Local Trust Committee, pursuant to s.879.1 of the *Municipal Act*, has specified in an official community plan, areas and circumstances for which development approval information may be required;

The Islands Trust Council, pursuant to s.920.1 of the *Municipal Act* and s.29(3.1) of the *Islands Trust Act*, enacts as follows:

PART I <u>**TITLE**</u>

1. This Bylaw may be cited for all purposes as "Sample Island Local Trust Committee Impact Assessment Bylaw No. 57, 1998".

PART II <u>**APPLICATION OF BYLAW**</u>

2. The requirements of this Bylaw apply to

   (a) applicants for amendments to a bylaw of the Sample Island Local Trust Committee enacted under s.903 of the *Municipal Act*;

   (b) applicants for a development permit; and

   (c) applicants for a temporary industrial or commercial use permit,

   if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in the Sample Island Official Community Plan Bylaw No. # or is an activity or development for which development approval information is otherwise required by that Bylaw.

3. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the Environmental Assessment Act.

PART III <u>**PROCEDURE**</u>

4. The official assigned from time to time to provide staff services to the Sample Island Local Trust Committee is the official for the purposes of this Bylaw.

5. An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed or faxed to the applicant.

6. A request for reconsideration must be delivered in writing to the Secretary and must set out the grounds on which the applicant considers the requirement is inappropriate and

what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.

7. The Secretary must place each request for reconsideration on the agenda of a meeting of the Local Trust Committee to be held not earlier than 2 weeks from the date on which the request for reconsideration was delivered.

8. The Secretary must notify the applicant and any other person who the Secretary reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.

9. If the meeting specified in s.8 is a meeting under s.26 of the *Islands Trust Act*, the Secretary will provide notice specifying that any representations the applicant or other person wishes to make, must be in writing and received by the Secretary not less than one clear business day prior to the day on which the meeting is to be held.

10. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART IV TERMS OF REFERENCE

11. Upon the request of an official, an applicant described in s.2 must provide to the official, written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.

12. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

(a) the natural environment of the area affected including adjacent marine areas, surface drainage and groundwater, ecosystems and biological diversity, with particular emphasis on areas of unusual environmental sensitivity and any rare plant or animal species;

(b) local highways, ferry facilities including off-island parking areas, water supply and sewage disposal systems including wells and ground sewage absorption systems, fire protection systems, municipal solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;

(c) local and off-island school facilities; local, regional and provincial parks; hospitals and other health care services; local transportation services including public transit and water taxis;

(d) local and off-island commercial services and employment opportunities, but the question of market demand for the activity or development need not be dealt with when the application is for a development permit;

(e) agricultural and forest reserve lands and agricultural and forestry uses in the vicinity of the development;

(f) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater; and

(g) aesthetic values including the appearance of the development from vantage points on and off the island and the effect of any artificial lighting proposed.

13. In addition to any matter listed in s.12, the applicant may include in the Terms of Reference any matter on which the applicant considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.

14. In the case of an application for a development permit or temporary use permit, the Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.

15. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and

(a) the object of the Islands Trust set out in the *Islands Trust Act*;

(b) the Islands Trust Policy Statement; and

(c) in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.

16. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.

17. The Terms of Reference must specify the form and the number of copies in which the impact information will be provided.

18. Within 10 business days of receipt of the Terms of Reference the official must indicate in writing to the applicant that

(a) the Terms of Reference submitted by the applicant are acceptable;

(b) the Terms of Reference submitted by the applicant are acceptable if additional matters specified by the official and within the scope of s.12 of this Bylaw are included;

(c) the Terms of Reference submitted by the applicant are acceptable if a person other than one who has been proposed by the applicant in the Terms of Reference, whose selection has been approved in writing by the official, prepares the impact information; or

(d) the Terms of Reference are unacceptable and must be replaced by the applicant.

19. For the purposes of s.22(b), when accepting Terms of Reference the official may advise the applicant of other projects proposed or under development in the area that may be affected by the applicant's proposed activity or development.

20. If the official does not provide advice pursuant to s.18 by the end of the tenth business day the official is deemed to have accepted the proposed Terms of Reference.

PART V PREPARATION OF DEVELOPMENT APPROVAL INFORMATION

21. Upon receipt of notice accepting the Terms of Reference or where the Terms of Reference have been deemed to be accepted, the applicant must prepare the impact information in accordance with the accepted Terms of Reference and provide it to the Local Trust Committee, at the applicant's expense.

22. For every matter within the scope of s.12 that is included in the Terms of Reference, the applicant must

    (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;

    (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;

    (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and

    (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimised or avoided,

    all in accordance with generally accepted impact assessment methodology.

23. If Terms of Reference approved under s.18 specify professional expertise in the preparation of impact information, prior to authorising the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.

24. Within 10 business days of receipt of the information, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the official is deemed to have accepted the proposed person.

25. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only.

PART VI PROPRIETARY RIGHTS IN INFORMATION

26. The information that is provided to the Local Trust Committee pursuant to this Bylaw is required by the Local Trust Committee in the exercise of its powers under the *Municipal Act* and the *Islands Trust Act*. Every report or other document provided to the Local Trust Committee pursuant to this Bylaw must accordingly contain an express grant of permission to the Local Trust Committee to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ A FIRST TIME this _____ day of __________________, 199.

READ A SECOND TIME this ____ day of __________________, 199.

READ A THIRD TIME this _____ day of __________________, 199.

ADOPTED this _____ day of __________________, 199.

____________________________ ____________________________

Chair Secretary

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ISLANDS TRUST COUNCIL
BYLAW NO. 148, 2012

****
A bylaw to establish procedures and policies for requiring development approval information for the Galiano Island Local Trust Area
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WHEREAS the Galiano Island Local Trust Committee, pursuant to s.920.01 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

The Islands Trust Council, pursuant to s.920.1 of the *Local Government Act* and s.29(3.1) of the Islands Trust Act, enacts as follows:

PART I TITLE

1. This Bylaw may be cited for all purposes as "Galiano Island Local Trust Committee Development Approval Information Bylaw No. 148, 2012".

PART II PURPOSE

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

PART III APPLICATION OF BYLAW

3. The requirements of this Bylaw apply to:

(a) applicants for amendments to a bylaw of the Galiano Island Local Trust Committee enacted under s.903 of the *Local Government Act*;

(b) applicants for a development permit; and

(c) applicants for a temporary use permit,

if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in Galiano Island Official Community Plan Bylaw No. 108 or is an activity or development for which development approval information is otherwise required by that Bylaw.

4. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the Environmental Assessment Act.

5. Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant’s cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.

PART IV PROCEDURE

6. The official assigned from time to time to provide planning services to the Galiano Island Local Trust Committee is the official for the purposes of this Bylaw.

7. Within 30 days of receipt of an application an official shall determine whether and to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.

8. An official may determine that all or part of the required development approval information must be provided for each application, either in a report described in Sections 15 through 20 in the case of development permit applications described in those sections, or pursuant to terms of reference that establish the scope of the required impact information for applications described in Section 23.

9. An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed faxed or emailed to them.

10. A request for reconsideration must be delivered in writing to the Planning Clerk and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.

11. The Planning Clerk must place each request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 days prior to that meeting..

12. The Planning Clerk must notify the applicant and any other person who the Planning Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.

13. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART V S. 920 (DEVELOPMENT PERMIT) APPLICATION REQUIREMENTS

14. For Development Permit applications specified in sections 15 through 20 of this bylaw, the applicant shall provide, as part of the development permit application, all or part of a report in the specified form as determined by the official.

15. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Riparian Areas**, the report shall contain the following information:

    a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, the locations of the top of bank, high water mark, SPEA widths, the width of any zones of sensitivity, and measures to maintain the integrity of the SPEAs. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

    b. A site inventory providing a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present.

c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of the nature and extent of the impact of the proposed development. For a stream: the results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel. For other watercourses: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development.

e. For a stream: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control. For other watercourses: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

g. Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

h. For a stream, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that:
   i. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
   ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

16. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Shoreline and Marine areas**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.

c. A description of the proposed development detailing construction (e.g. buildings, dock, ramp, road or driveway, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

e. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

g. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

17. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Cutting and Removal of Trees,** the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the area of the proposed cutting or removal of trees, current buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, providing information on existing, pre-development timber species and quantities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.

c. A description of the proposed work, detailing volume, rate, and species of timber to be harvested. An evaluation of the sustainability of the proposed rate of harvest, based on the principle that the cutting rate over any ten-year or greater period should not exceed 75% of the cumulative annual growth in the stand for that same period. The report should also identify alternative development options.

d. An unqualified statement by a professional hydrogeologist stating that the proposed timber harvesting will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity. Where such a statement cannot categorically be made, the report should include specific recommendations on well and aquifer protection measures which would result in the requirement being met.

e. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

18. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Elevated Groundwater Catchment Areas,** the report shall consist of a hydrogeological assessment report containing the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1 km from the development site.

c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.

d. A background analysis that includes the following known information on the site:

- A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
- A conceptual model of groundwater occurrence and groundwater-surface interaction;
- A description of existing users within 1.0 km of the development site;
- A preliminary pre-development water budget;
- Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
- Methodology and, if applicable, uncertainties and limitations of the report.

e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

f. An impact assessment consisting of:

   - Cumulative effects analysis;
   - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrustion;
   - Impact to surface water where applicable;
   - Other potential impact implications.

g. Conclusions and recommendations consisting of:
   - A summary of results and impact assessment;
   - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
   - where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.

h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

19. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of the natural environment, its ecosystem and biological diversity for the purpose of requiring development permits for **Sensitive Ecosystems**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features and significant features identified in the site inventory and conservation evaluation. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. A site inventory, commenting on the ecosystem classification, and based on current best practices, such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field, providing information on the existing plant communities, aquatic and terrestrial habitats, sensitive ecosystems, nesting trees, the presence of rare species and rare plant communities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.

c. A site background analysis that includes the following known information on the site:

   - A check for observed species and ecosystems at risk;
   - A description of the context of the site including the use of adjacent lands and proximity to protected areas;

- A check for the presence of raptor and heron nests;
- A check for the presence of fish-bearing water courses.

d. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

20. For an application for a permit within a development permit area designated under s. 919.1(1)(b) of the *Local Government Act* for protection of development from **Steep Slope Hazard Areas**, the report shall contain the following information:

a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the topographic features and showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and proposed buildings and structures, roads and driveways, proposed site grading and post development contours. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

b. An assessment of potential geotechnical hazards that may affect the subject site and neighbouring properties. This should include a summary of the method of hazard analysis and the level of field work.

c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

d. An assessment of whether the proposed development would result in an acceptable probability of a geotechnical hazard, accompanied by supporting rationale.

e. Where an unacceptable level of hazard is identified, recommendations for measures to reduce hazards on the subject site and neighbouring properties.

f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

21. Development Approval Information required in sections 15 through 20 must be prepared by a professional or professionals, with qualifications specified in the table below, and in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training; except that the official may approve the involvement of a person having different qualifications if demonstrated, relevant, experience and qualifications are in the official's opinion suitable for the preparation of the information being provided in relation to a particular development permit application:

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Riparian Areas	Qualified Environmental Professional
Shoreline and Marine	Geotechnical/hydrological and marine considerations: • Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.) Biological / environmental considerations: • Registered Professional Biologist (R.P. Bio.)
Tree Cutting and Removal	Registered Professional Forester (R.P.F.), Professional Hydrogeologist (P.Geo.)
Elevated Groundwater Catchment Areas	Professional Hydrogeologist (P.Geo)
Sensitive Ecosystem	Registered Professional Biologist (R.P. Bio.)
Geological Hazard	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)

22. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of the bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the bylaw, but a requirement for further information may be imposed once only.

PART VI TERMS OF REFERENCE

23. Within 30 days of the receipt of an application for the following:

a. amendments to a bylaw of the Galiano Island Local Trust Committee enacted under s.903 of the *Local Government Act*,

b. a temporary use permit,

the official shall provide to the applicant written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.

24. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

    a. the natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding habitats impacted by the development activity ;

    b. hazards, including geological, flood, stormwater, and wildfire hazards;

    c. greenhouse gas emissions, anticipated energy usage, and carbon emissions;

    d. groundwater resources;

    e. local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;

    f. local and off-island public or community facilities;

    g. local and off-island commercial services and employment opportunities;

    h. affordable and seniors housing needs;

    i. agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;

    j. cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and

    k. aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed.

25. In addition to any matter listed in s.22, the official may include in the Terms of Reference any other matter on which the official considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.

26. The Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.

27. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and

a. the object of the Islands Trust set out in the Islands Trust Act;

b. the Islands Trust Policy Statement;

c. the Islands Trust Fund Plan; and

d. in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.

28. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.

29. The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.

PART VII PREPARATION OF DEVELOPMENT APPROVAL INFORMATION

30. The applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Local Trust Committee, at the applicant's expense.

31. For every matter within the scope of s.22 that is included in the Terms of Reference, the applicant must

    a. identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;

    b. identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;

    c. evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and

    d. make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided,

    all in accordance with generally accepted impact assessment methodology.

32. If the Terms of Reference specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.

33. Within 10 business days of receipt of the information, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the official is deemed to have accepted the proposed person.

34. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only.

PART VIII INDEPENDENT REVIEW

35. If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the official may require the applicant to provide such a review of the information including the methodology used in its preparation.

36. The official may specify that the independent review be conducted by a member of the relevant professional association, and may specify terms of reference for the review.

37. The applicant must arrange for the independent review to be conducted and submitted in writing to the local trust committee, at the applicant's expense and within the time specified by the official.

PART IX PROPRIETARY RIGHTS IN INFORMATION

38. The information that is provided to the Local Trust Committee pursuant to this Bylaw is required by the Local Trust Committee in the exercise of its powers under the Local Government Act and the Islands Trust Act. Every report or other document provided to the Local Trust Committee pursuant to this Bylaw must accordingly contain an express grant of permission to the Local Trust Committee to use and reproduce the information contained in the report or other document for non-commercial purposes.

PART XI TRANSITION

39. Islands Trust Council Bylaw No.58, 1998 cited as the "Galiano Island Local Trust Committee Impact Assessment Bylaw No. 58, 1998" is repealed.

READ A FIRST TIME THIS	11TH	DAY OF	SEPTEMBER	, 2012.
READ A SECOND TIME THIS	11TH	DAY OF	SEPTEMBER	, 2012.
READ A THIRD TIME THIS	11TH	DAY OF	SEPTEMBER	, 2012.
ADOPTED THIS	1st	DAY OF	OCTOBER	, 2012.

CHAIR SECRETARY