



Galiano Island Local Trust Committee

Regular Meeting Agenda

Date: December 6, 2021
Time: 12:30 pm
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 12:50 PM
2. APPROVAL OF AGENDA	
3. TRUSTEE REPORT	
4. CHAIR'S REPORT	
5. TOWN HALL AND QUESTIONS	12:50 PM - 1:10 PM
6. COMMUNITY INFORMATION MEETING	
None	
7. PUBLIC HEARING	
None	
8. MINUTES	1:10 PM - 1:20 PM
8.1. Local Trust Committee Minutes Dated November 8, 2021 (for Adoption)	3 - 11
8.2. Section 26 Resolutions Without Meeting Report - None	
8.3. Advisory Planning Commission Minutes - None	
9. BUSINESS ARISING FROM MINUTES	
9.1. Follow-up Action List Dated Nov 2021	12 - 15
10. DELEGATIONS	
11. CORRESPONDENCE	

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

12.	MEETING BREAK - COMMUNITY UPDATE		
13.	APPLICATIONS AND REFERRALS	1:20 PM - 2:20 PM	
13.1.	GL-DVP-2021.10 (Gathercole) - Staff Report (attached)		16 - 44
13.2.	GL-RZ-2021.2 (Gaylor) Preliminary Staff Report (attached)		45 - 69
13.3.	GL-RZ-2014.1 (Crystal Mountain) Staff Report (attached)		70 - 83
13.4.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 525 (for response) (attached)		84 - 90
14.	LOCAL TRUST COMMITTEE PROJECTS	2:20 PM - 2:35 PM	
14.1.	DL 87 Rezoning - Staff Memo (attached)		91 - 107
15.	REPORTS	2:35 PM - 2:45 PM	
15.1.	Work Program Reports (attached)		
15.1.1.	<u>Top Priorities Report Dated Nov 2021</u>		108 - 108
15.1.2.	<u>Projects List Report Dated Nov 2021</u>		109 - 111
15.2.	Applications Report Dated Nov 2021 (attached)		112 - 117
15.3.	Trustee and Local Expense Report Dated Oct 2021 (attached)		118 - 118
15.4.	Adopted Policies and Standing Resolutions (attached)		119 - 123
15.5.	Local Trust Committee Webpage		
15.6.	Islands Trust Conservancy Report - None		
16.	NEW BUSINESS	2:45 PM - 3:00 PM	
16.1.	Galiano Antenna Colocation on CREST Tower (attached)		124 - 147
17.	UPCOMING MEETINGS		
17.1.	Next Regular Meeting Scheduled for February 7, 2021 at the South Community Hall, Galiano Island		
18.	TOWN HALL	3:00 PM - 3:15 PM	
19.	CLOSED MEETING		
	None		
20.	ADJOURNMENT	3:15 PM - 3:15 PM	



Galiano Island Local Trust Committee

Minutes of Regular Meeting

Date: November 8, 2021
Location: Galiano South Community Hall
141 Sturdies Bay Road, Galiano Island, BC

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

Staff Present: Brad Smith, Island Planner
Carly Bilney, Recorder

Public Present: There were approximately 21 members of the public.

1. CALL TO ORDER

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

Trustee Wolverton requested that attendees uphold a safe, respectful meeting environment.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 11 - Correspondence received from Gulf Islands Galisle Affordable Rental Housing Society (GIGARHS); and
- Item 13.6 – GL-RZ-2014.1 (Crystal Mountain) – Applicant Correspondence

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Rockafella reported on the following:

- Work initiated to repaint centre lines on the roads;
- Financial planning committee meetings to discuss the 2022-2023 budget; and
- Correspondence with BC Ferries requesting that island residents be given booking priority over visitors.

Trustee Wolverton reported on the following:

- A recent meeting of the Regional Planning Committee that was primarily about the freshwater sustainability report;
- The importance of islanders applying for water licenses for the commercial and residential use of wells; and
- The recent Community Information Meeting (CIM) regarding GL-RZ-2021.1 (GALI) and a meeting between the applicants and Senior Intergovernmental Policy Advisor Lisa Wilcox.

4. CHAIR'S REPORT

Chair Rogers reported on the following:

- The Trust Council decision to pursue a third step of engagement to update the Trust Policy Statement, a process that may extend to Spring 2022;
- Trust Council in December will include the first draft of the 2022-23 budget; and
- Ongoing discussions about whether or not Islands Trust staff must be fully vaccinated.

5. TOWN HALL AND QUESTIONS

Town hall was held and the following comments were made:

- A petition was submitted to LTC, signed by 174 Galiano residents, in opposition to GL-RZ-2014.1 (Crystal Mountain);
- Opposition to the Crystal Mountain application was expressed because of concerns that it does not comply with the Galiano Official Community Plan (OCP);
- Comments were made about the platforms on which Galiano Trustees ran for office;
- Concern was expressed about forest fragmentation and freshwater resources on the Crystal Mountain property;
- Concern was expressed that the Crystal Mountain application does not comply with the Islands Trust Policy Statement Directive Policies Checklist;
- Support was expressed for Bylaw No. 271 (Gauvreau);
- The information in the petition circulated related to Crystal Mountain was questioned and support was expressed for more opportunity for Crystal Mountain applicants to answer questions from community members; and
- Comments were made about well licensing, particularly regarding property owners who keep livestock.

Trustee Rockafella recused herself from the meeting at 1:15 pm due to conflict of interest with GL-RZ-2021.1 (GALI). The following comments were made:

- Comments were made to clarify the context of a question asked at the Community Information Meeting (CIM) on October 23, 2021 regarding GL-RZ-2021.1 (GALI); the question aimed to determine whether GALI could have a dual tank system, one that is filled with rainwater and the other with groundwater (page 149 of the agenda package);

- Concern was expressed that a response from the hydrogeologist misrepresented a question asked about water issues at the October 23 CIM regarding the GALI application;
- A recording of the October 23 CIM related to the GALI application will be posted online on the Islands Trust website;
- Concern was expressed about the impact that the GALI proposal may have on water resources when more users live in the area;
- Further hydrogeological studies on the potential impact of the GALI proposal were requested;
- A study was requested to examine the implications of a septic field at the GALI property on nearby wells;
- Support was expressed for the GALI application because it will address a critical need in the community; and
- Comments were made about the work done related to water for the GALI application in comparison to the Crystal Mountain application.

Trustee Rockafella returned to the meeting at 1:35 pm. Trustee Wolverton recused herself from the meeting at 1:35 pm due to conflict of interest with GL-RZ-2019.1 (GIGARHS). The following comments were made:

- Staff is waiting on more information from the GIGARHS applicants related to water before a Trust Policy Statement Directives Checklist is provided to the LTC for consideration; and
- A request was made that wells neighbouring the proposed development be monitored and any impacts taken into consideration.

Trustee Wolverton returned to the meeting at 1:41 pm.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated October 4, 2021

The following amendments to the minutes were presented for consideration:

- Robert Kojima was *not* present at the meeting of Oct. 4, 2021.

By general consent the minutes were adopted as amended.

8.2 Local Trust Committee Community Information Meeting Notes Dated October 23, 2021 (for information)

Received for information.

8.3 Section 26 Resolutions Without Meeting Report - None

8.4 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List Dated Nov 2021

Received for information.

10. DELEGATIONS

11. CORRESPONDENCE

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

11.1 Correspondence received from GIGARHS

Trustee Wolverton recused herself from the meeting at 1:47 pm due to conflict of interest with GL-RZ-2019.1 (GIGARHS). The following comments were made:

- LTC received a letter from the GIGARHS applicants that will be posted on the Islands Trust website requesting that LTC rescind a motion related to the Section 219 Covenant; and
- Staff and legal council are currently working to confirm the scope of LTC authority related to water usage and Section 219 of the *Land Title Act*.

GL-2021-087

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee receive the housing agreement from the applicants related to GL-RZ-2019.1 (GIGARHS).

CARRIED

12. MEETING BREAK - COMMUNITY UPDATE

A meeting was held between 2:10 pm and 2:15 pm.

13. APPLICATIONS AND REFERRALS

13.1 GL-DVP-2021.6 (Ingram) - Staff Report

Planner Smith reviewed application GL-DVP-2021.6 (Ingram) and discussion followed.

GL-2021-088

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DVP-2021.6 (Ingram).

CARRIED

13.2 GL-DP-2021.3 and GL-DVP-2021.5 (Murray) - Staff Report

Planner Smith reviewed applications GL-DP-2021.3 and GL-DVP-2021.5 (Murray). Discussion was held and the following comments were made:

- Concern was expressed about the size of the proposed building; and
- The applicants have advised the) community water system manager of the proposed work to ensure there are no concerns.

GL-2021-089

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2021.3 (Murray).

CARRIED

GL-2021-090

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GL-DVP-2021.5 (Murray).

CARRIED

13.3 GL-DP-2021.4 and GL-DVP-2021.9 (Longson) - Staff Report

Planner Smith reviewed applications GL-DP-2021.4 and GL-DVP-2021.9 (Longson). The applicants noted they have received permission from the Ministry of Transportation and infrastructure for fence repairs, landscaping and a sidewalk within the Right of Way

GL-2021-091

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Development Permit GL-DP-2021.4 (Longson).

CARRIED

GL-2021-092

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve issuance of Development Variance Permit GLDVP-2021.9 (Longson).

CARRIED

13.4 GL-RZ-2019.2 (Gauvreau) - Consideration of Adoption of Bylaw No. 271 – Staff Report

GL-2021-093

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee Bylaw No. 271, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019” be adopted.

CARRIED

13.5 GL-RZ-2021.1 (GALI) – Staff Report

Trustee Rockafella recused herself from the meeting at 2:51 pm due to conflict of interest with GL-RZ-2021.1 (GALI). Discussion was held and the following comments were made:

- Staff has worked with the applicant to develop a draft water management plan and is working on conditions of the covenant to bring back to the LTC;
- If the application is approved, GALI would be responsible for monitoring the water system and would contract the appropriate professionals to do so;
- The applicants are looking into possibilities of permeable surfaces to handle stormwater and the engineer’s design provides for the appropriate handling of runoff;
- The proposed design would collect rainwater for irrigation purposes with a cistern at each building; and
- The applicants are taking steps to secure the services of an arborist, as recommended by the Galiano Advisory Planning Commission.

GL-2021-094

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee receive draft Bylaw No. 280 for information and use in public engagement.

CARRIED

GL-2021-095

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee direct the applicants to undertake a tree impact assessment in respect of the proposed affordable housing development on the subject property by an International Society of Arboriculture certified arborist and submit a report to LTC with findings including recommendations for mitigation of impacts.

CARRIED

Trustee Rockafella returned to the meeting at 3:16 pm.

13.6 GL-RZ-2014.1 (Crystal Mountain) – Applicant Correspondence

Discussion was held about correspondence related to GL-RZ-2014.1 (Crystal Mountain), and whether the LTC can restrict the number of people that can gather on a property at a given time.

GL-2021-096

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request staff to seek clarification (legal or otherwise) about whether and how the Local Trust Committee can restrict the number of people that can be present on the Crystal Mountain Society property (and by extension any property) at any given time whether they are staying there or not.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS - None

15. REPORTS

15.1 Work Program Reports

15.1.1 Top Priorities Report Dated Nov 2021

15.1.2 Projects List Report Dated Nov 2021

Discussion was held about the Work Program and which projects the LTC would like to prioritize in the remainder of the term.

GL-2021-097

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee request a staff report regarding the feasibility of reactivating Project 11 – Revisiting Rezoning of DL87.

CARRIED

15.2 Applications Report Dated Nov 2021

Received for information.

15.3 Trustee and Local Expense Report Dated Sept 2021

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

16.1 Observation Well Installation

Discussion was held about the proposed motion to request the Islands Trust Freshwater Specialist to install an Observation Well at the Galiano South Community Hall as described in the agenda package. Support was expressed for the initiative; however, questions were raised about whether the LTC should be involved in the process.

GL-2021-098

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee direct staff to provide more information on the scope of the observation well installation.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for December 6, 2021 at the South Community Hall, Galiano Island

17.2 Revised 2022 LTC Meeting Schedule (for approval)

GL-2021-099

It was MOVED and SECONDED

that the Galiano Island Local Trust Committee approve the 2022 LTC Meeting Schedule as amended.

CARRIED

18. TOWN HALL

Trustee Rockafella recused herself from the meeting at 4:00 pm due to conflict of interest with GL-RZ-2021.1 (GALI). Town Hall was held and the following comments were made:

- Concern was expressed about who will take responsibility for water management and monitoring for the development proposed by GALI;
- The LTC has directed the GALI applicants to carry out a data logger test in the source well and report to the LTC in the new year; and
- The Province is reviewing the well at the proposed GALI development as part of the water license the applicants have applied for.

Trustee Rockafella returned to the meeting at 4:05 pm and the following comments were made:

- The resolution with respect to the number of people allowed on the Crystal Mountain property will receive legal review; and
- There is no ongoing cost of collecting data from observation wells.

19. CLOSED MEETING

None

20. ADJOURNMENT

By general consent the meeting was adjourned at 4:08 pm.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder

Follow Up Action Report

Galiano Island

01-Mar-2021

Activity	Responsibility	Dates	Status
1 GL-RZ-2019.1 (GIGARHS) - develop s 219 covenant for recommendations of ecological assessment, a 30 m tree buffer, water management plan, hydrogeological assessment recommendations, site plan and elevation drawings.	Brad Smith	Target: 19-Nov-2021	Completed

12-Apr-2021

Activity	Responsibility	Dates	Status
1 14.1 GL-RZ-2014.1 (Crystal Mountain) Include ecological assessment recommendations in s 219 covenant	Brad Smith	Target: 19-Nov-2021	Completed

05-Jul-2021

Activity	Responsibility	Dates	Status
1 13.5 GL-RZ-2019.1 (GIGARHS) - include s. 219 covenant condition restricting groundwater use for irrigation purposes	Brad Smith	Target: 19-Nov-2021	Completed

07-Sep-2021

Activity	Responsibility	Dates	Status
1 13.1 GL-RZ-2014.1 (Crystal Mountain) - staff to investigate Section 1(d) of Bylaw 256 and give recommendations regarding whether it is lawful and staff draft a definition of "retreat user" consistent with the consideration raised in LTC discussion.	Brad Smith	Target: 19-Nov-2021	Completed

Follow Up Action Report

Galiano Island

07-Sep-2021

Activity	Responsibility	Dates	Status
2 13.1 GL-RZ-2014.1 (Crystal Mountain) - staff to investigate the possibility of maintaining a percentage of forest cover by covenant.	Brad Smith	Target: 19-Nov-2021	Completed
3 13.1 GL-RZ-2014.1 (Crystal Mountain) draft a suitably worded Land Title Act Section 219 covenant that reflects the required conditions of rezoning	Brad Smith	Target: 19-Nov-2021	In Progress

04-Oct-2021

Activity	Responsibility	Dates	Status
1 8.1 Sept 7 LTC meeting minutes adopted as amended (amendment in meeting minutes)	Robin Ellchuk	Target: 22-Oct-2021	Completed
2 13.1 GL-RZ- 2005.2 (Romagnoli-Smith) - LTC directed that the application be closed - communicate status to applicant (Brad), close out file (Dionne), update TAPIS (Brad then Dionne when file closed) remove files from applications webpage (Robin), close out bylaw 210 (Jas)	Brad Smith Jas Chonk Robin Ellchuk	Target: 22-Oct-2021	Completed
3 15.1 Project priorities list - remove STVR and technical amendments projects from priority projects list	Brad Smith	Target: 15-Oct-2021	Completed
4 15.4 APC - Staff to initiate process for membership on new 2 year term for APC - starting in Feb 2023	Jas Chonk	Target: 30-Nov-2021	Completed

Follow Up Action Report

Galiano Island

04-Oct-2021

Activity	Responsibility	Dates	Status
5 16.1/16.2 LTC to draft letter to Ministry of Mines re consultation with Galiano LTC on mines applications - LTC Chair to draft letter - staff to support vetting to Ministry	Brad Smith Robin Ellchuk	Target: 12-Nov-2021	Completed
6 16.5 LTC 2022 Meeting Schedule - approved as presented - staff to finalize dates and hall bookings.	Robin Ellchuk	Target: 29-Oct-2021	Completed
7 16.3 Model fees bylaw - LTC direct staff to develop new fees bylaw for Galiano consistent with proposed models fee bylaw for consideration of adoption including paragraphs 5 and 6 (on page 54 of agenda package) as recommended	Jas Chonk Robert Kojima	Target: 01-Dec-2021	In Progress

08-Nov-2021

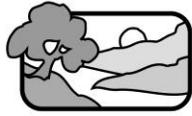
Activity	Responsibility	Dates	Status
1 8.1 Oct 4, 2021 minutes adopted as presented	Robin Ellchuk	Target: 26-Nov-2021	Completed
2 13.1 GL-DVP-2021.6 (Ingram) - DVP approved as presented, update TAPIS, provide final permit to applicant, close out file	Jas Chonk Phil Testemale Robin Ellchuk	Target: 26-Nov-2021	Completed
3 13.3 GL-DP-2021.4/GL-DVP-2021.9 (Longson) - permits approved as presented, issue permits, update TAPIS, close-out file	Brad Smith Jas Chonk Robin Ellchuk	Target: 26-Nov-2021	Completed

Follow Up Action Report

Galiano Island

08-Nov-2021

Activity	Responsibility	Dates	Status
4 13.2 GL-DP-2021.3/GL-DVP-2021.5 (Murray) - permits approved as presented, issue permits, update TAPIS, close-out file	Brad Smith Jas Chonk Robin Ellchuk	Target: 26-Nov-2021	Completed
5 13.4 GL-RZ-2019.2 (Gauvreau) - BL 271 given 4th reading, update TAPIS, amend base land use bylaw schedule map, close-out file	Brad Smith Jas Chonk Robin Ellchuk	Target: 29-Nov-2021	In Progress
6 14. LTC projects DL 87 - staff to provide staff report with current status of DL 87 rezoning and feasibility of re-designating property from forest to nature protection	Brad Smith	Target: 21-Jan-2022	Completed
7 16.1 Observation well installation - staff to provide more information to LTC on scope of observation well installation at Community Hall and role/involvement of Trust staff	Brad Smith William Shulba	Target: 26-Nov-2021	In Progress
8 17.2 Revised 2022 meeting schedule approved as amended	Jas Chonk Robin Ellchuk	Target: 26-Nov-2021	Completed



DATE OF MEETING: December 6, 2021
TO: Galiano Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Rob Gathercole and Megan Ireland
Location: 555 Ganner Drive

RECOMMENDATION

1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DVP-2021.10 (Gathercole).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The siting variances are for a proposed structure (septic disposal field).

RATIONALE FOR VARIANCE

Granting the variance would:

- Permit the siting of a replacement septic disposal field consistent with Island Health permit filed for the subject property.
- Minimize potential health and environmental impacts of the septic field on a difficult and constrained site.

BACKGROUND

The application is for a replacement septic disposal field being proposed on the property. Specifically, the application is to vary the **front and interior side lot setback** provisions of the **Small Lot Residential - SLR Zone** in the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) as shown in Figure 2 and as follows:

- a) Article 5.3.8.1 which states that buildings and structures must be sited at least 7.5 metres from front and rear lot lines is varied to permit the siting of a **structure** (septic disposal system including a septic field and associated infrastructure) within **1.5 metres**, and the siting of a **structure** (earthen and stone retaining berm) within **0.0 metres**, from the front lot line; and,

- b) Article 5.3.8.2 which states that buildings and structures must be sited at least 6.0 metres from each interior lot line is varied to permit the siting of a **structure** (septic disposal field) within **3.2 metres**, and the siting of a **structure** (earthen and stone retaining berm) within **0.0 metres**, from an interior lot line.

The property is 0.65 ha (1.6 acres) in size with a complex, sloped topography. The lower 1/3 (approx.) of the property adjacent to Ganner Drive is terraced with cleared areas for driveway access and a dwelling interspersed with mature trees and shrubs (Attachments 2.2, 2.3 and 2.8). From a line approximately behind the rear of the dwelling, the topography steepens significantly to the rear boundary of the property with dense mature forest.

The dwelling and deck on the property were the subject of a recent Board of Variance application that reduced front yard setbacks that permitted the existing siting and allowed necessary structural upgrades (GL-BOV-2021.1). In addition, there is a pumphouse and an abandoned outhouse that is to be demolished according to the owners.

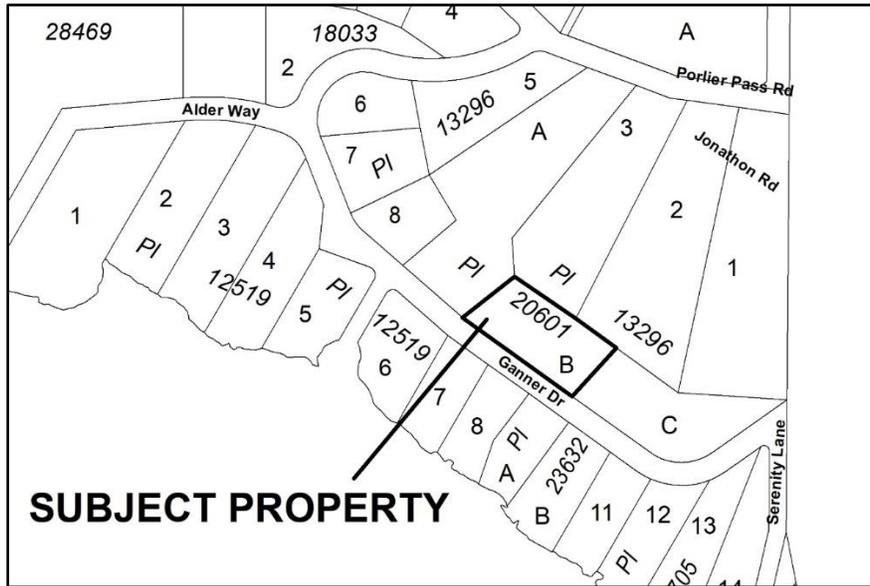
Granting the variances would allow the owners to replace the existing septic system that was tested as a subject of their purchase of the property in September 2020. The inspection report indicated that the system needed to be replaced within two (2) years (Attachment 3). At the time of purchase, the owners were informed that the existing septic field was sited fully on the property, however, investigation by the hired engineer revealed that it is mostly located on the road right-of way below the proposed location of the replacement field (Figure 2).

The design and siting of the septic system was undertaken by Craig Regier, P.Eng. of Clear Tech Consulting Engineering (Attachment 4). The proposed system is a Type 2 treatment system (partial treatment prior to dispersal) that includes a pump tank, septic storage/treatment and dispersal field. The engineer has provided a written response to specific questions and concerns received from the neighbour to the west (Attachments 5 and 6). The topography, soil conditions (particularly significant areas of fill), and well locations severely limit the location and design of the field on the property. Additionally, these factors limit the ability to build a more linear field, as seen with a recent, similar application at 1665 Sturdies Bay Road (Ingram).

A copy of the Notice and proposed variance permit are Attachments 7 & 8.

Staff visited the subject property on August 11, 2021 for the BoV application (Attachment 2.8 – Photographs).

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **SLR - Small Lot Residential** in the Galiano Land Use Official Community Plan (OCP) No. 108, 1995.

Development Permit Area (DPA) 2 – Steep Slope Moderate Hazard is designated on the subject property (Attachment 2.2). The septic field is not within DPA 7.

Land Use Bylaw:

The property is zoned **Small Lot Residential - SLR Zone** in the Galiano Island Land Use Bylaw No. 127, 1999.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The most impacted neighbour by the proposed variance is the adjacent property to the west who e-mailed staff with concerns and questions (Attachment 5). The engineer responded and, in summary, the location of the septic field is the most suitable and would not impact the neighbouring property (Attachment 6). It further clarifies that the size of the earthen berm will be minimized and may be unnecessary if soil conditions are favourable. Overall, the siting and design follows Ministry of Health regulations and standards and minimizes health risks to both the subject and neighbouring properties.

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on November 24, 2021. As above, one e-mail was received. Any further submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* directly to the applicants.

Rationale for Recommendation

Staff is recommending that the application be supported for the following reasons:

- The rationale for the variance is reasonable.
- The variance would permit siting that minimizes health risks to the subject and neighbouring properties.
- The proposed variance does not challenge the intent of the regulation.
- The engineer's response to the neighbour's enquiry has satisfied those concerns, and to date no other responses to notification have been received.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust_____.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Galiano Island Local Trust Committee deny application GL-DVP-2021.10 (Gathercole) for the follows reasons _____.

NEXT STEPS

- If the application is denied, the owners could apply to the Board of Variance.

Submitted By:	Phil Testemale, Planner 2	November 26, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	November 26, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Septic Inspection report
4. Record of Sewerage System (VIHA)
5. Correspondence
6. Engineer’s response to correspondence
7. Notice
8. Draft Development Variance Permit GL-DVP-2021.10

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot B, District Lot 56, Galiano Island, Cowichan District, Plan 20601
PID	003-594-017
Civic Address	555 Ganner Road

LAND USE

Current Land Use	Residential (Small Lot Residential)
Surrounding Land Use	Residential (Small Lot Residential)

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2021.11	Building permit for subject structural upgrades
GL-BOV-2021.1	Variance to front lot line setbacks for existing dwelling and attached deck.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as SLR – Small Lot Residential in the Galiano Islands Official Community Plan 108, 1995. Development Permit Area 7 – Steep Slope Hazard (Moderate) is designated on the rear portion of the property (see Attachment 2.4). The proposed development is exempt from the requirements to obtain a Development Permit.
Land Use Bylaw	The subject property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw 127, 1999. The residential use of the property conforms to the zone.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	The proposal has no implications for the Island Trust Conservancy
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy
Species at Risk	TAPIS indicates SAR (Ecological Community - Douglas-fir/Dull Oregon-grape) – Attachment 2.6
Sensitive Ecosystems	Mature Forest (Attachment 2.5)
Hazard Areas	Moderate and Low Steep Slope Hazard (Attachments 2.2 and 2.3)
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites noted within the property or within 100 metres.

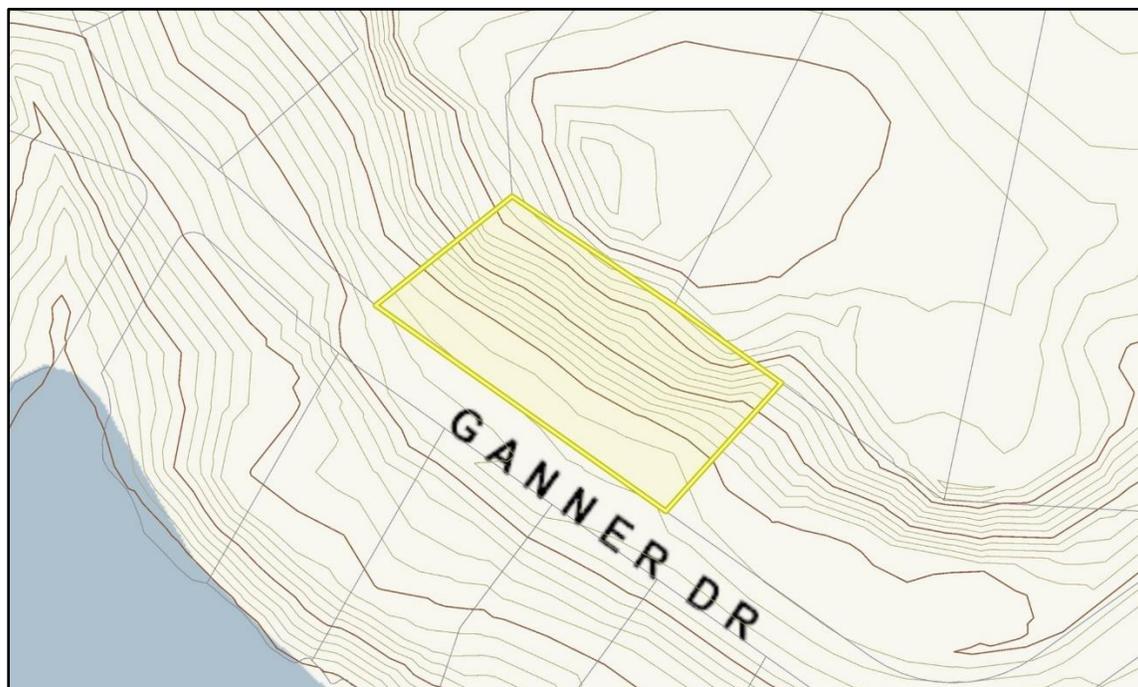
	<p>There is occurrences of High Archaeological in the area. As such, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites.</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>The proposed septic system installation will have little impact on GHG emission changes resulting from approval. Given the property's elevation, potential impacts on proposed development from anticipated or possible climate change induced hazards (eg sea level rise) are also assessed as small.</p>

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO



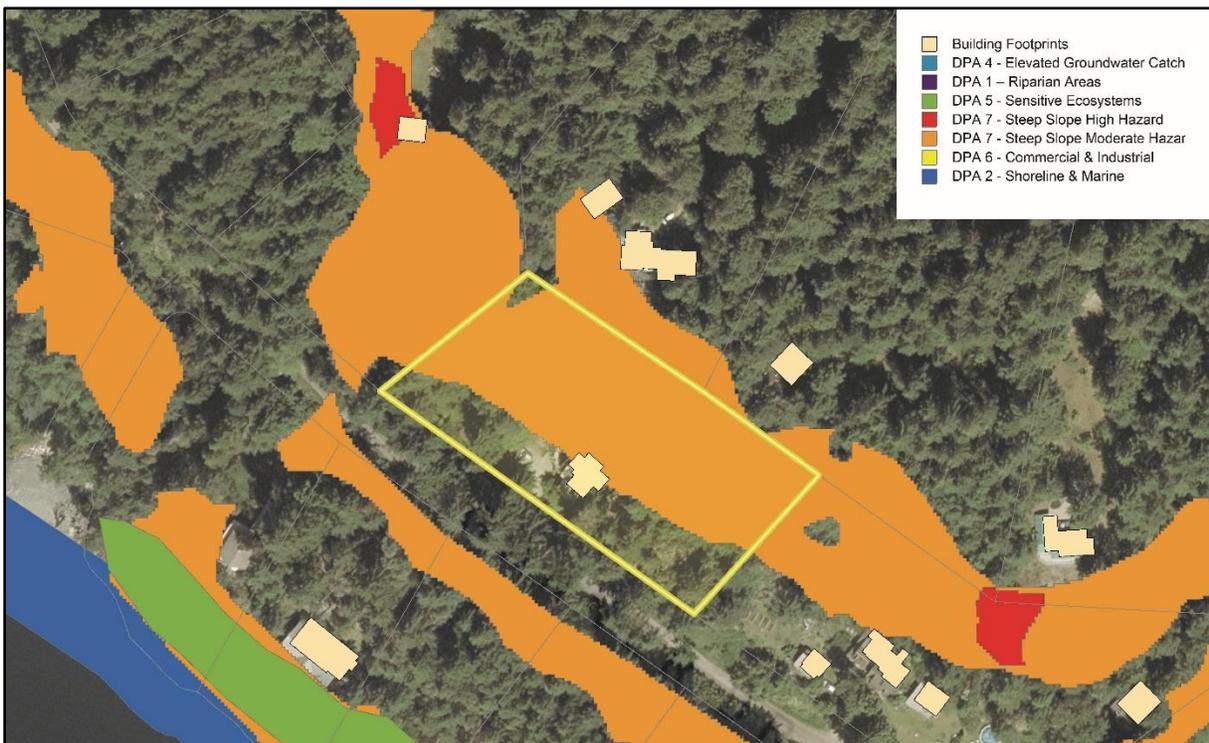
2.2 CONTOURS



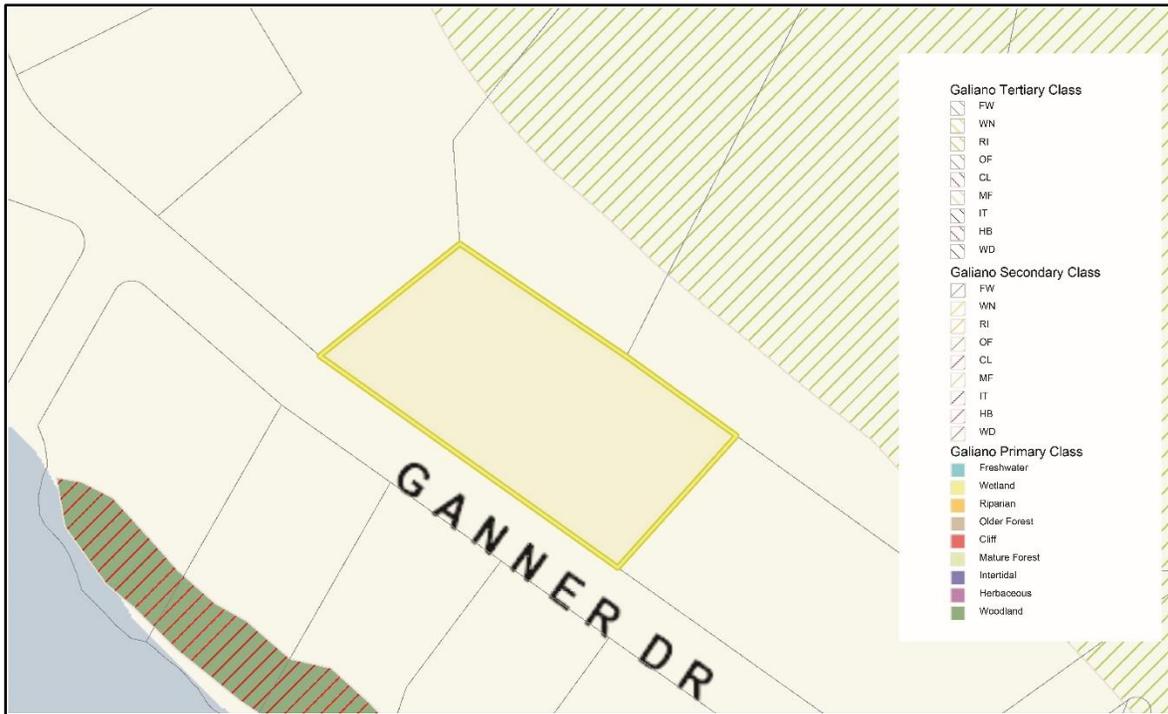
2.3 STEEP SLOPE HAZARD MAPPING



2.4 DEVELOPMENT PERMIT AREAS



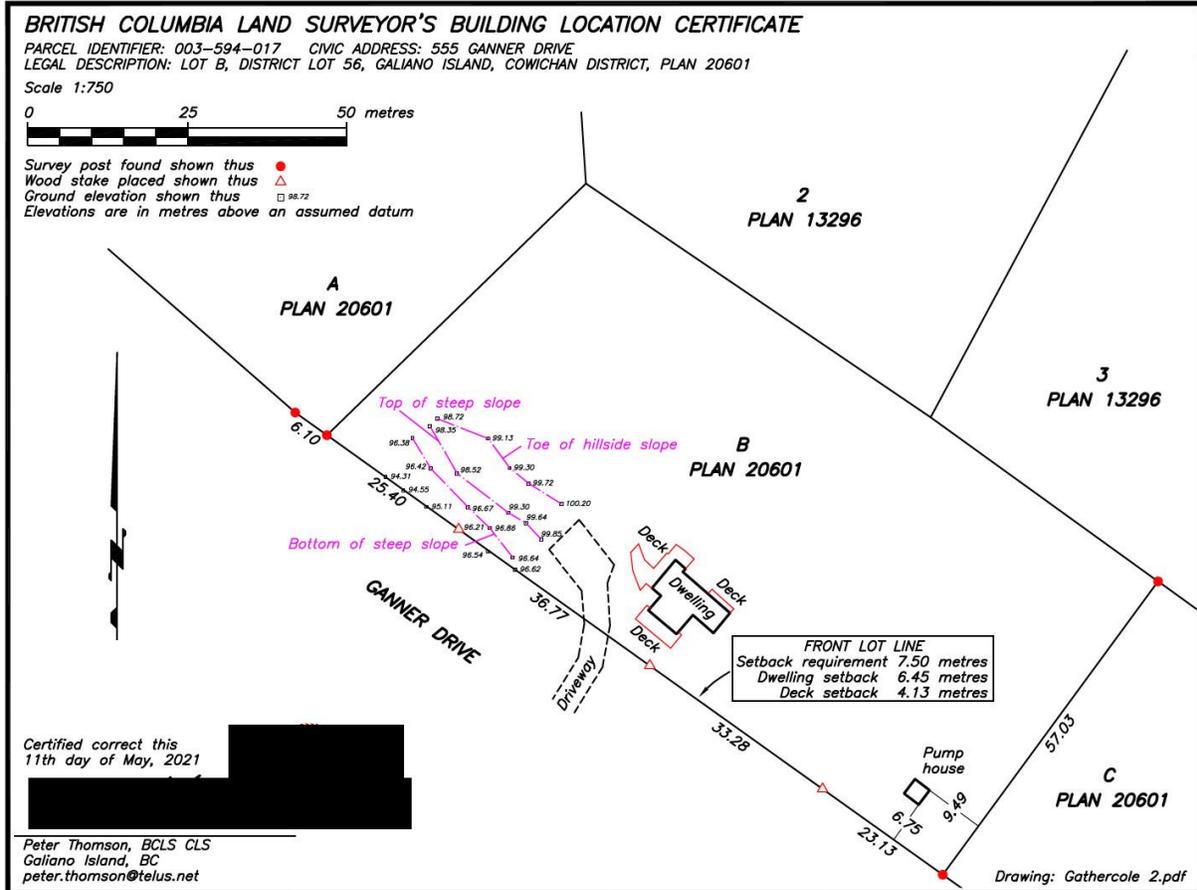
2.5 SENSITIVE ECOSYSTEM MAPPING



2.6 SAR ECOLOGICAL COMMUNITY (DOUGLAS-FIR/DULL OREGON-GRAPE)

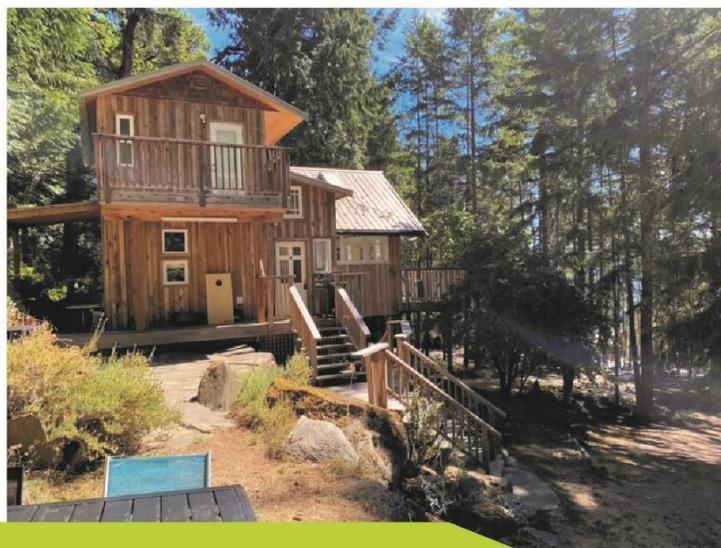
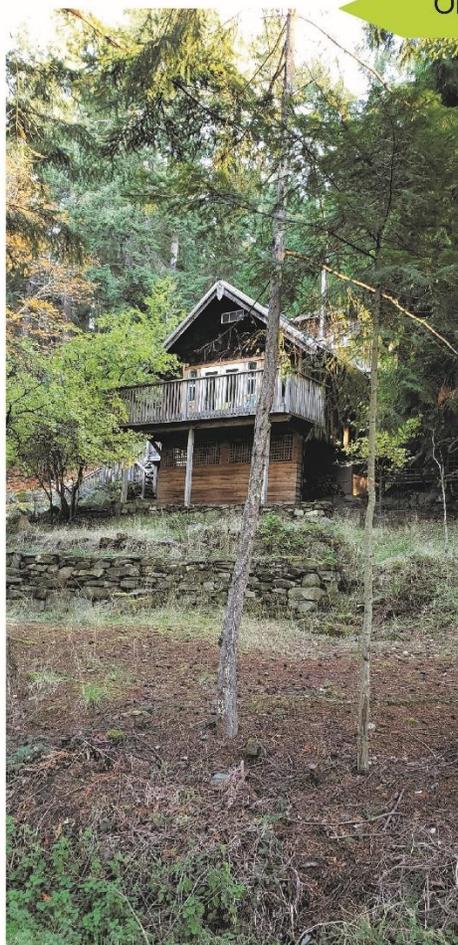


2.7 SURVEY PLAN



2.8 PHOTOGRAPHS

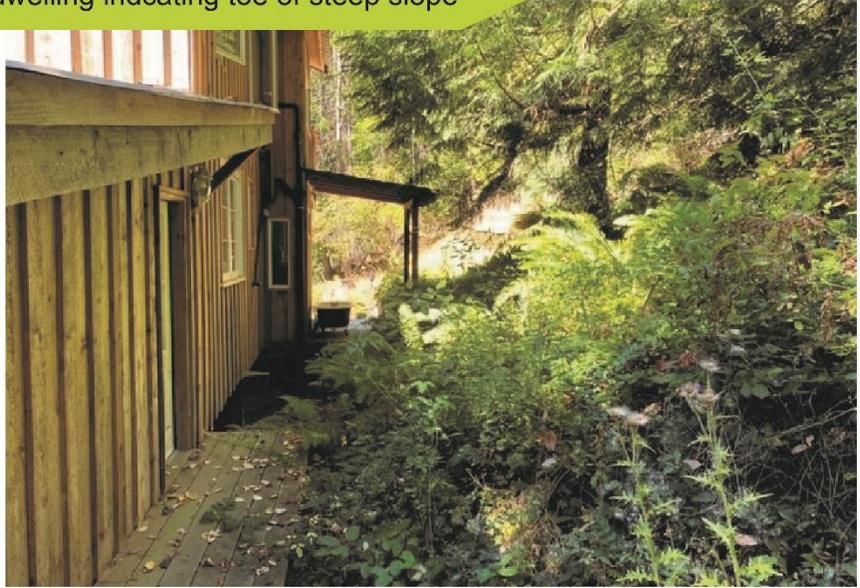
One: Front of dwelling from Ganner Road



Two: View northeast toward dwelling

2.8 PHOTOGRAPHS (CONT'D)

Three: View southwest behind dwelling indicating toe of steep slope



Four: Southwest portion of property (septic field area to left)



DAVID M. MILNER
dba
CERTIFIED SEPTIC INSPECTION
112 BEAVER POINT ROAD
SALT SPRING ISLAND, B.C.
V8K 1Y9
OFFICE 250-653-4636
CELL # 250-538-7477

SEPTEMBER 30, 2020

OUR FILE # [REDACTED]

Ms Megan Ireland
47-50 Panorama Place
Port Moody, BC.
V3H 5H5
Email : [REDACTED]

**RE: Performance Inspection of the Onsite Sewerage System at
555 Ganner Drive, Galiano Island, BC.**

Dear Ms Megan Ireland

I attended on September 30, 2020 to carry out an inspection of the onsite sewerage system serving this home noted above.

A performance inspection was carried out to determine the size, condition and overall performance of the system.

During the **performance inspection** the following items were noted:

Tank Location

- Location of the septic tank is on the left side of the driveway, and about half way up. The septic tank lids are 2 inches below ground level.

Operating System

- Septic tank is a 600-gallon, two compartment, precast concrete tank.
- Septic tank inlet and outlet lids were removed. The septic tank is in good condition.
- The pipe from the house to the septic tank has a belly in it just before it enters the tank. It needs to be dug up and straightened.
- The top scum layer is 24 inches thick.
- The septic tank is over due to be pumped out.
- The distribution box is located 8 feet downhill from the tank, and the plastic lid is at ground level.
- The pipe camera was sent down the 3 distribution lines in the absorption field. The distribution lines and drain rock are starting to plug up with roots, dirt and biomatt.
- This system may only function for approximately another 2 years.

Recommendations

- The septic tank needs to be pumped out now, and then again, every 3-5 years, or as needed (when the top scum layer reaches 8 inches thick).
- This system may need to be replaced in approximately another 2 years. A septic system installer should be contacted for an estimate.
- The pipe from the home to the septic tank has a belly in it, just before it enters the tank that needs to be repaired.
- Do not plant a garden or drive over the absorption field area.

Please see attached photographs in regards to the system.

Disclaimer

This report represents my professional opinion as a certified residential septic inspector.

This inspection report is furnished as an aid in determining the physical condition of the inspected septic system.

This inspection report does not guarantee or warranty future performance.

The inspection report excludes and does not intend to cover components that are inaccessible (by reasonable hand digging) or are otherwise not observable.

I certify that this report is current and accurate as of the date of inspection.

Thank you for the opportunity to help you with this matter. If at any time you have a question, please don't hesitate to call me.

David M. Milner
Onsite Wastewater Practitioner
Private Inspector of Residential Systems
ASTTBC Member Number OW0495



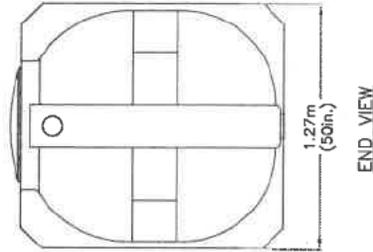
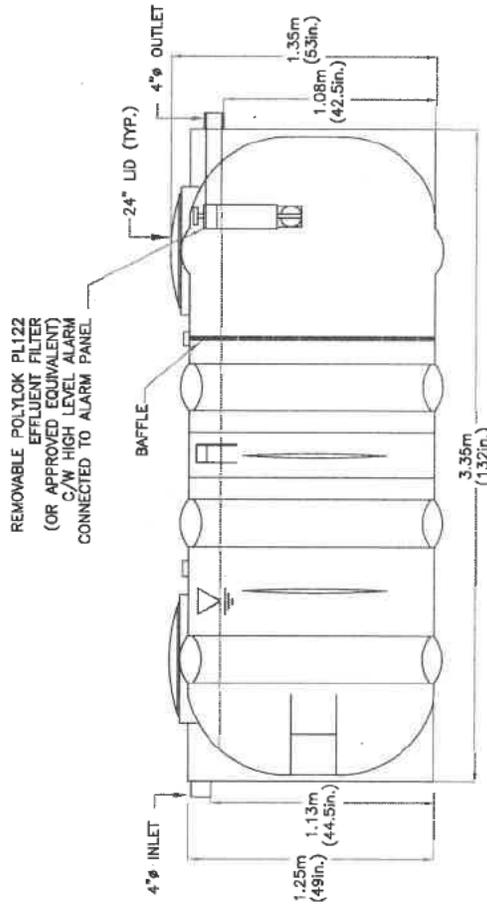
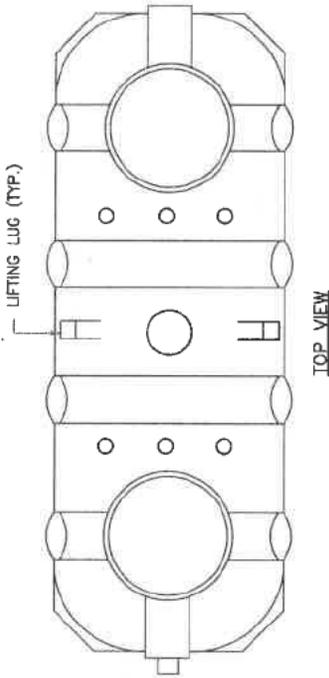
RECORD OF SEWERAGE SYSTEM

Filing # (OFFICE USE ONLY)

GV21/331

1. Property Information	<input type="checkbox"/> New Construction		<input type="checkbox"/> Alteration		<input checked="" type="checkbox"/> Repair		<input type="checkbox"/> Amendment – Original Filing #	
	Tax Assessment Roll #				PID #			
	[REDACTED]				003-594-017			
	Legal Description (Plan, Lot, District Lot, Block Numbers) Lot B Plan VIP20601 District Lot 56 Land District 16 Portion GALIANO ISLAND							
Street (Civic) Address or General Location						City		
555 GANNER DR						GALIANO ISLAND		
2. Owner Information	Name of Legal Owner				Mailing Address			
	Meagan Ireland				47 - 50 Panorama Place			
	Phone		City		Prov		Postal Code	
[REDACTED]		Port Moody		BC		V3H 5H5		
3. Authorized Person Information	Name of Authorized Person				Mailing Address			
	CRAIG REGIER, P.ENG., ROWP				1345 SALSBURY DRIVE			
	Phone		City		Prov		Postal Code	
	[REDACTED]		VANCOUVER		BC		V5L 4B4	
Registration #		Email						
28198		[REDACTED]						
4. Structure Information	Sewerage System Will Serve:							
	<input checked="" type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Other Structure (specify) _____ <input type="checkbox"/> Other Dwelling (specify) _____							
The sewerage system is designed for an estimated minimum daily domestic sewage flow of (check one)								
<input checked="" type="checkbox"/> Less than or equal to 9,100 litres <input type="checkbox"/> More than 9,100 litres but less than 22,700 litres								
5. Site Information	Depth of native soil to seasonal high water table or restrictive layer (cm) >64				Information respecting the type, depth and porosity of the soil is attached			
					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
	GPS Location of System (decimal degrees) Latitude 48.923021°				Longitude -123.453646°			
Horizontal Accuracy (m) 5m				<input checked="" type="checkbox"/> Recreational GPS <input type="checkbox"/> Differential GPS				
6. Drinking Water Protection	Will the sewerage system be located less than 30 m from a well? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
	If yes, attach a professional's report and specify the intended distance _____ (m)							
	Distance of proposed sewerage system to the closest body of surface water >30.5 (m)							
7. System Information	Sewerage treatment method <input checked="" type="checkbox"/> Type 1 <input type="checkbox"/> Type 2 <input type="checkbox"/> Type 3							
8. Legal or Regulatory Considerations	<input checked="" type="checkbox"/> Construction of the proposed sewerage system will not conflict with legal instruments registered on the property.				Is this filing submitted as the result of an order from the Health Authority? <input type="checkbox"/> Yes (attach a copy of the order) <input checked="" type="checkbox"/> No			
9. Plot Plan and Specifications	Plot Plan (to scale) and specifications are attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
	<input checked="" type="checkbox"/> The plans and specifications are consistent with Standard Practice Source of Standard Practice: <input checked="" type="checkbox"/> Ministry of Health Standard Practice Manual <input type="checkbox"/> Other							
10. Authorized Person's Signature	Signature				OFFICE USE ONLY			
	[REDACTED]				Filing Accepted Date June 28, 2021			
	Date				Receipt Number			
June 24, 2021				2106RAB3365				

PROJECT: 555 GANNER DR, GALIANO ISLAND, BC TITLE: PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM - SEPTIC TANK DETAILS		CLIENT: CLEARTECH CONSULTING LTD. 1240 BALSURRY DRWC, VANCOUVER, BC V6L 4S4 P.O. BOX 328-0284 CANADA info@cleartechconsulting.com WWW.cleartechconsulting.com	
SCALE: SHOWN DESIGN: CLR DATE OF ISSUE: JUN 2021 PROJECT NO.: 321-0054	DRAWN: YK REVIEWED: CLR INITIAL: DATE	REVISION:	DUCT: IRELAND
DWG. NO.: 3 OF 6 REV. A	NOTE: DRAWING IS THE SOLE PROPERTY OF CLEARTECH CONSULTING LTD. AND CANNOT BE USED OR REPRODUCED IN ANY MANNER WITHOUT EXPRESS WRITTEN PERMISSION.		



SECTION AND ELEVATION VIEW THROUGH 1000 lgal SEPTIC TANK 2

N.T.S.

NOTES: CONTRACTOR TO PROVIDE STABLE AND LEVEL FOUNDATION SUBGRADE FOR ALL TANKS. MANUFACTURERS BACKFILL SPECIFICATION MUST BE FOLLOWED. TANK DIMENSIONS BASED ON CANWEST RKS1000LP/2

CONTROL PANEL SPECIFICATIONS

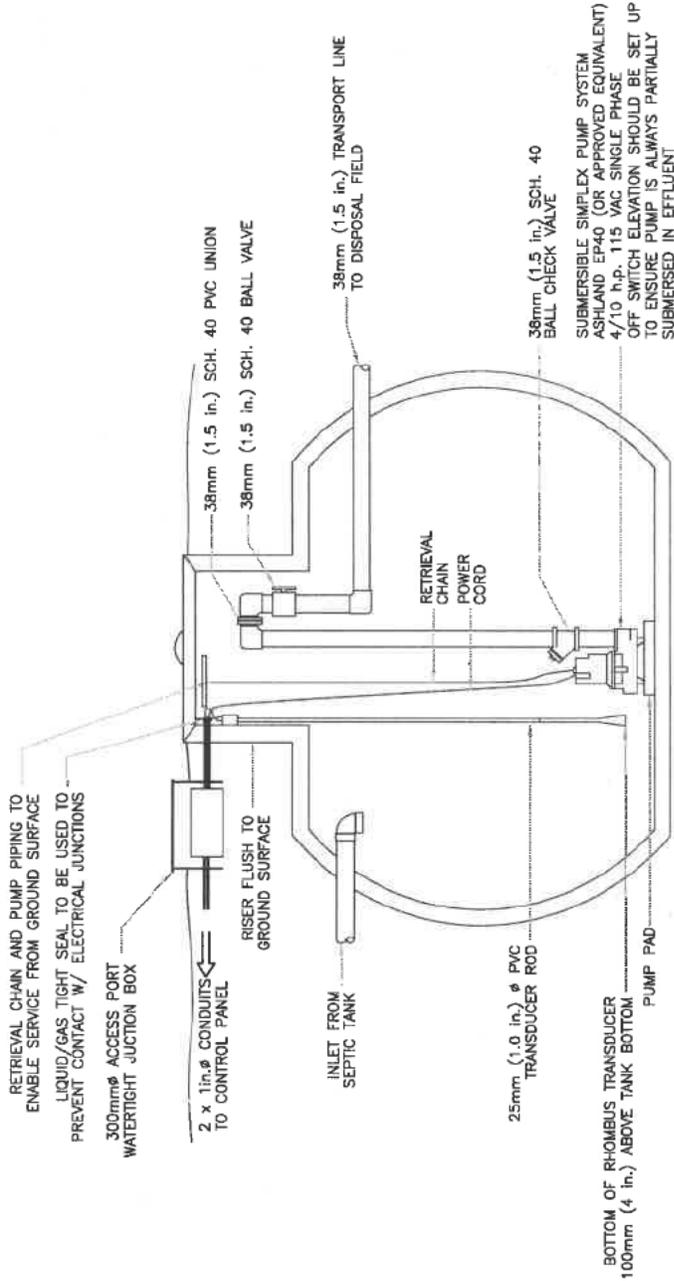
PROVIDE A PRESSURE RHOMBUS C-LEVEL SENSOR AND SIMPLEX/DUPLEX PUMP CONTROL PANEL IN A VANDAL PROOF ENCLOSURE (EEMAC OR EQUIVALENT) FOR INDOOR MOUNTING. PANEL TO BE CSA APPROVED.

* PUMP AND ALARM TO BE WIRED TO SEPARATE POWER SUPPLY CIRCUITS

* NOTE CLEARTECH DOES NOT CONDUCT ELECTRICAL INSPECTION OR CONFIRM COMPLIANCE WITH ANY ELECTRICAL CODES. CLEARTECH WILL TEST FOR ELECTRICAL FUNCTION ONLY.

NOTES:

- 1) TRANSDUCER PANEL SETTINGS TO BE PROVIDED UPON CONFIRMATION OF PUMP CHAMBER SIZE AND DIMENSIONS
- 2) **TRANSDUCER Z-BIAS TO BE TRANSCRIBED TO INSIDE OF CONTROL PANEL UPON INSTALLATION OF TRANSDUCER**
- 3) IF TRANSPORT LINE TO REMAIN FULL (USING CHECK VALVE) THEN THE TRANSPORT LINE MUST BE FROST PROTECTED
- 4) DOSE VOLUME TO INCREASE TO INCLUDE TRANSPORT LINE CHARGE VOLUME IF TRANSPORT LINE DRAINS BACK (IE. NO CHECK VALVE)
- 5) GENERAL CONTRACTOR TO PROVIDE A MINIMUM OF TWO 3-CONDUCTOR 120/240 VAC CABLES AT CONTROL PANEL LOCATION FOR WIRING OF AQUAWORX PANEL



SECTION VIEW THROUGH 500 lgal PUMP CHAMBER 3

N.T.S.
 *** ALL PIPING TO BE CSA APPROVED SCH. 40 PVC ***

SUBMERSIBLE SIMPLEX PUMP SYSTEM
 ASHLAND EP40 (OR APPROVED EQUIVALENT)
 4/10 h.p. 115 VAC SINGLE PHASE
 OFF SWITCH ELEVATION SHOULD BE SET UP
 TO ENSURE PUMP IS ALWAYS PARTIALLY
 SUBMERSED IN EFFLUENT

PROJECT: 555 GANNER DR. GALIANO ISLAND, BC TITLE: PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM - PUMP CHAMBER, EFFLUENT PUMP (SIMPLEX OR DUPLEX), AND CONTROL PANEL SPECIFICATIONS		CLIENT: IRELAND 1248 BALSBRARY DRIVE, VANCOUVER, BC V6L 4S4 EMAIL: info@cleartech.ca TEL: 604-428-8284 WEB: www.cleartech.ca	
SCALE: SHOWN DESIGN: CLR REVIEWED: YK DRAWN: CLR	DATE OF ISSUE: JUN 2021 PROJECT NO.: 321-0054 DWG. NO.: 4 OF 6 REV.: A	REVISION: INITIAL: _____ DATE: _____	NOTE: THIS DRAWING IS THE SOLE PROPERTY OF CLEARTECH CONSULTING LTD. AND SHALL BE LOANED OR DUPLICATED IN ANY WAY WITHOUT EXPRESS WRITTEN PERMISSION.

PROJECT: 555 GANNER DR, GALIANO ISLAND, BC		CLIENT: IRELAND	
TITLE: PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM - SITE PLAN		SCALE: SHOWN	
DATE OF ISSUE: JUN 2021	PROJECT NO.: 321-0054	DESIGN: CLR	REVISION: YK
DATE: 1 OF 6	REV.:	DATE: JUN 2021	INITIAL: CLR
<p>NOTE: DRAWING IS THE SOLE PROPERTY OF CLEARTECH CONSULTING LTD. AND CANNOT BE COPIED OR REPRODUCED IN ANY MANNER WITHOUT EXPRESS WRITTEN PERMISSION.</p>			

CONSTRUCTION NOTES:

- 1) WORK TO BE COMPLETED DURING DRY WEATHER ONLY
- 2) ACTUAL PROPERTY BOUNDARIES TO BE CONFIRMED IN FIELD BY CONTRACTOR/OWNER AS REQUIRED
- 3) ALL WORKS TO BE COMPLETED AS PER CURRENT STANDARDS AS PER LATEST EDITION OF STANDARD PRACTICE MANUAL
- 4) ANY CONFLICTS BETWEEN THESE DRAWINGS AND SITE CONDITIONS TO BE REPORTED TO ENGINEER PRIOR TO CONSTRUCTION
- 5) ALL UTILITIES TO BE LOCATED PRIOR TO SYSTEM INSTALLATION WATER LINE TO BE SLEEVED IF WITHIN 3.0m OF NEW DISPOSAL FIELD (OR RELOCATED)

LOADING RATE INFORMATION

- LOADED BASAL AREA = 37 sq.m. = 400 sq.ft.
- LOADED BASAL AREA LR = 27.0 L/sq.m/d = 0.6 lgal/sq.ft./d
- SYSTEM DESIGNED FOR:
 - 4 BEDROOM RESIDENCE MAX. 98 sq.m. (1055 sq.ft.)
 - PEAK FLOW = SPM TABLE II-8 = 1000 L/d = 220 lgpd
 - AVERAGE FLOW = 500 L/d = 110 lgpd

- * NOTE CLEARTECH DOES NOT CONDUCT ELECTRICAL INSPECTION OR CONFIRM COMPLIANCE WITH ANY ELECTRICAL CODES. CLEARTECH WILL TEST FOR ELECTRICAL FUNCTION ONLY.
- * NO CARBURATOR OR WATER SOFTENER DISCHARGE ALLOWED

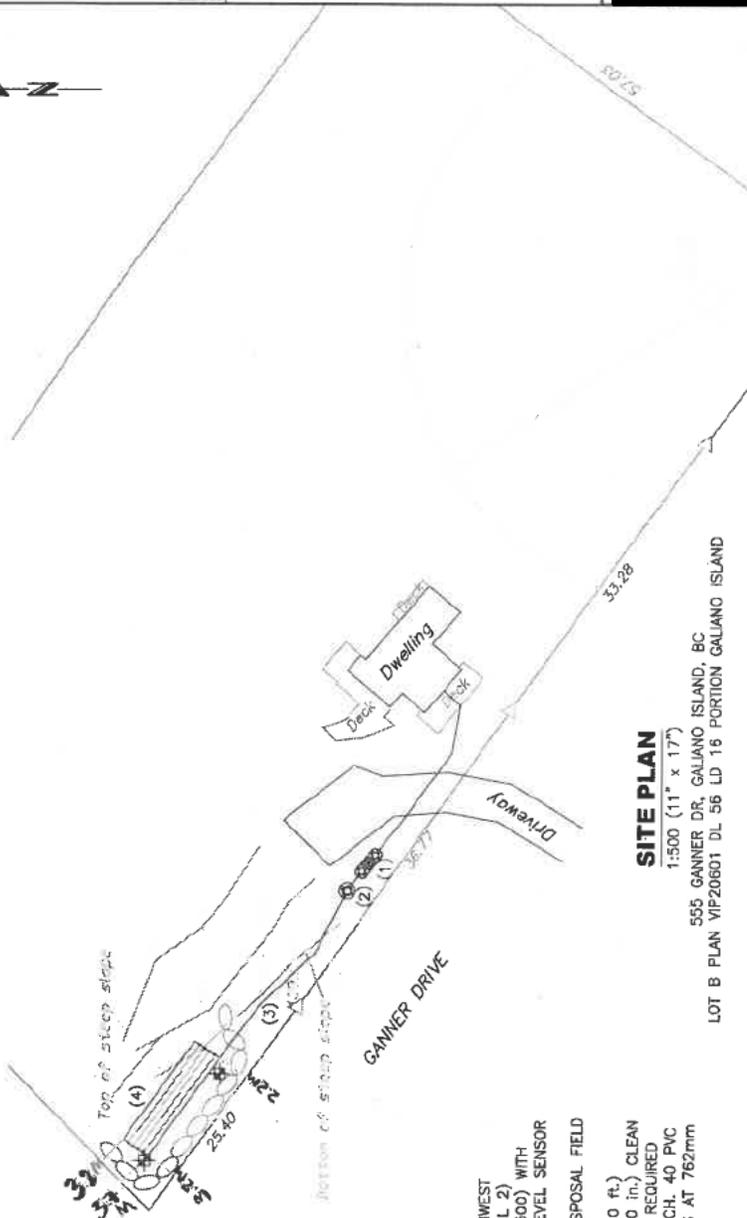


DISPOSAL FIELD INSET

N.T.S.

- LEGEND**
- ⊕ APPROX. LOCATION OF TEST PIT (SEE DWG. NO. 2)
 - INSPECTION WELL (SEE DETAIL 1)
 - PROPERTY LINE
 - DISTRIBUTION LATERAL

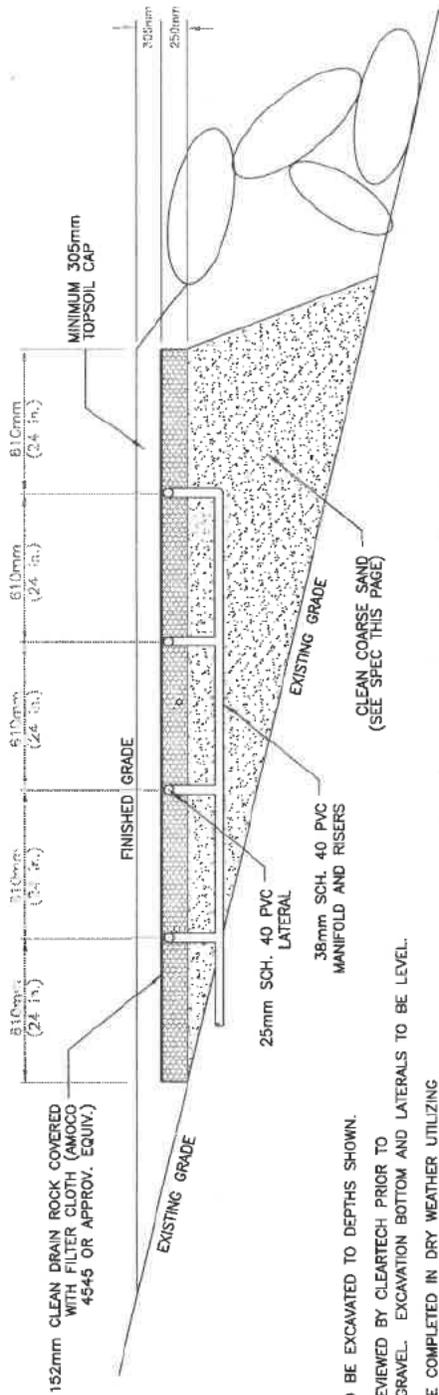
- (1) PROPOSED 1000 lgal 2-CHAMBER POLYETHYLENE SEPTIC TANK (CANWEST RKS1000LP/2) W/ POLYLOK PL-122 FILTER AND ALARM (SEE DETAIL 2)
- (2) PROPOSED 500 lgal POLYETHYLENE PUMP CHAMBER (CANWEST RKP500) WITH ASHLAND EP40 PUMP (115/1/60), RHOMBUS CONTROL PANEL/C-LEVEL SENSOR (SEE DETAIL 3)
- (3) PROPOSED 38mm (1.5 in.) Ø SCH. 40 PVC TRANSPORT LINE TO DISPOSAL FIELD
- (4) PROPOSED SEEPAGE BED DISPOSAL FIELD:
 - BASAL AREA (TOTAL SAND FOOTPRINT) = 12.2m (40 ft.) x 3.0m (10 ft.)
 - INFILTRATION AREA = 12.2m (40 ft.) x 3.0m (10 ft.) x 254mm (10 in.) CLEAN ROUNDED DRAIN ROCK, MIN. 610mm (24 in.) CLEAN COARSE SAND REQUIRED UNDER BED WITH 4 x 12.2m (40 ft.) LONG x 25mm (1.0 in.) Ø SCH. 40 PVC LATERALS, EACH LATERAL TO HAVE 16 x 3mm (1/8 in.) Ø ORIFICES AT 762mm (30 in.) SPACING. SEE DWG. NO. 2 AND DETAIL 4.



SITE PLAN

1:500 (11" x 17")

555 GANNER DR, GALIANO ISLAND, BC
LOT B PLAN VIP20601 DL 56 LD 16 PORTION GALIANO ISLAND



DISPOSAL FIELD CROSS-SECTION A-A

N.T.S.

- NOTES:**
- 1) SEEPAGE BED AREA TO BE EXCAVATED TO DEPTHS SHOWN.
 - 2) EXCAVATIONS TO BE REVIEWED BY CLARETECH PRIOR TO PLACEMENT OF SAND/GRAVEL. EXCAVATION BOTTOM AND LATERALS TO BE LEVEL.
 - 3) BED EXCAVATION TO BE COMPLETED IN DRY WEATHER UTILIZING A TRACK MOUNTED EXCAVATOR BY A CONTRACTOR EXPERIENCED IN DISPOSAL FIELD CONSTRUCTION.

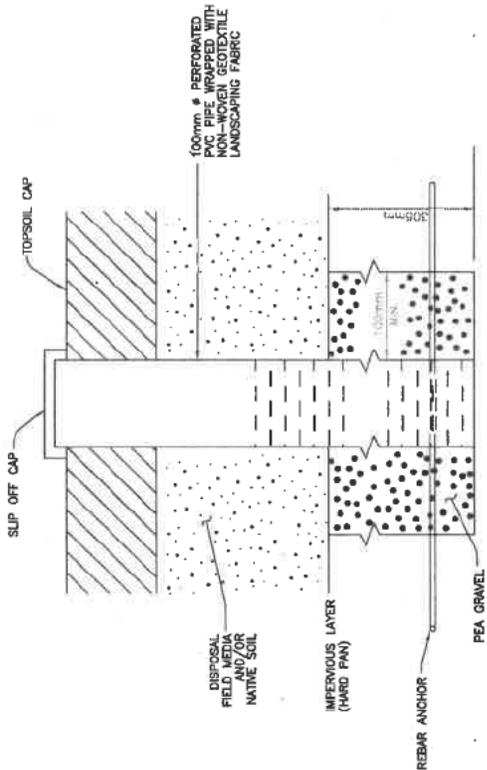
**CLEAN COARSE SAND - SPM V3 TABLE II-25
AGGREGATE GRADATION CHART**

THE FILTER MEDIA SHALL MEET THE FOLLOWING PARTICLE SIZE GRADATION:

Sieve	Effective particle size	% Passing (by weight)
3/8 in	9.5mm	100%
No. 4	4.75mm	95-100%
No. 8	2.36mm	80-100%
No. 16	1.18mm	50-85%
No. 30	0.6mm	25-60%
No. 50	0.3mm	10-30%
No. 100	0.15mm	0-7%
No. 200	0.075mm	0-3%

SOIL PROFILE

- IP1
0->64cm
- brown SILT, sandy to some sand, some clay, roots, cobbles, granular structure
- PH1 = 5.5 min./25mm
- IP2
0->74cm
- brown SILT, sandy to some sand, some clay, roots, cobbles, granular structure
- PH2 = 8.5 min./25mm



INSPECTION WELL 1

N.T.S.

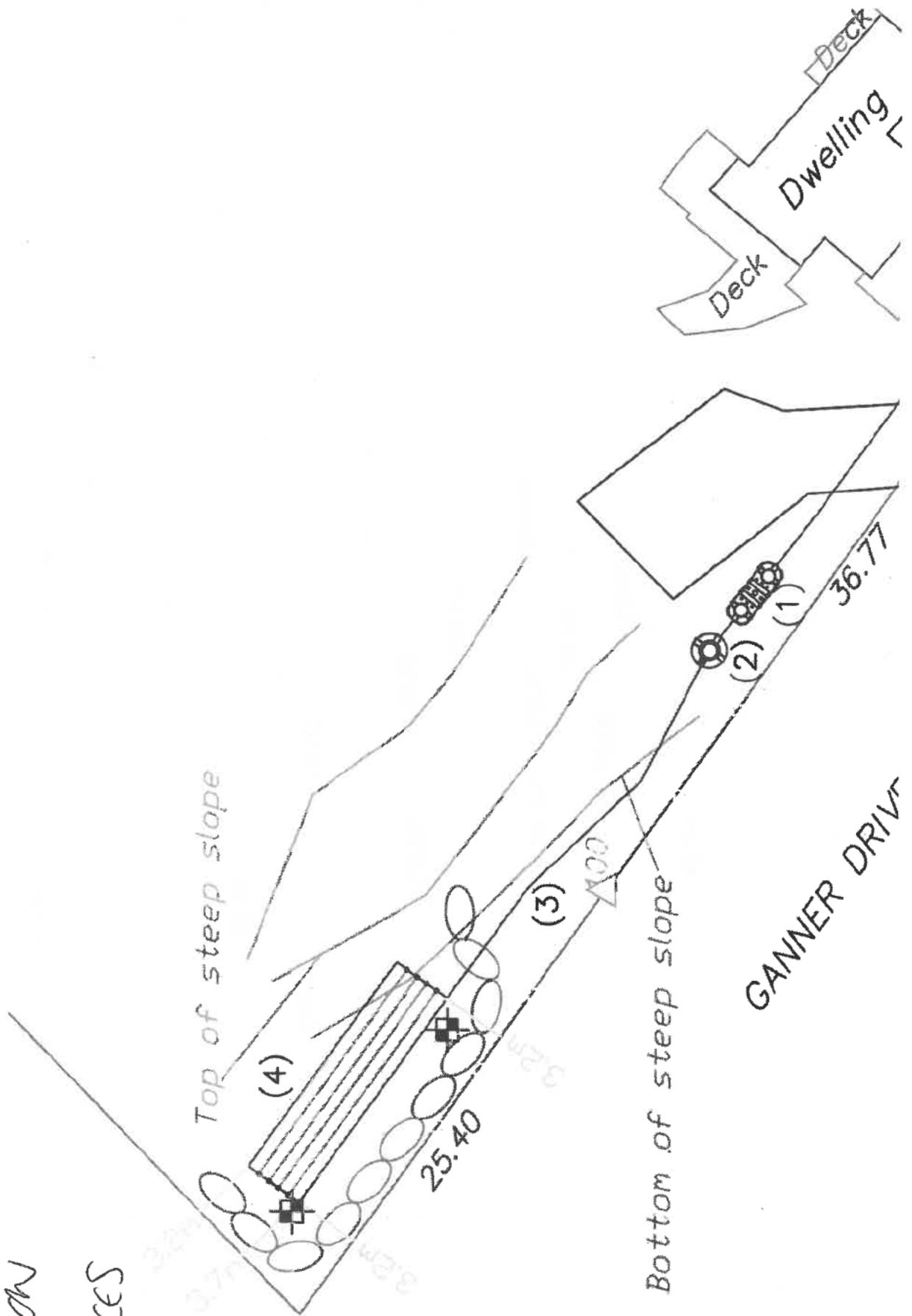
PROJECT: 555 GANNER DR, GALIANO ISLAND, BC
 TITLE: PROPOSED ON-SITE SEWAGE DISPOSAL SYSTEM - FIELD CROSS-SECTION
 CLIENT: IRELAND
 DRAWN: YK
 CHECKED: CLR
 DATE OF ISSUE: JUN 2021
 PROJECT NO.: 321-0054
 DWG. NO.: 2 OF 6
 REV. A

REVISION:

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CLARETECH CONSULTING LTD.
 1348 BURNBURY DRIVE, WILLOWDALE, BC V6L 4B4
 TEL: 604-398-0324
 FAX: 604-398-0324
 WWW: www.claretechconsulting.com

ZOOMED IN
PROPOSED
SEPTIC
LOCATION
WITH
DISTANCES



Attachment 5

From: Katherine Berry <[REDACTED]>
Sent: Monday, November 15, 2021 8:06 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: GL-DVP-2021.10

Hi there,

We've received a notice on a variance for the land use bylaw no 127 at 555 Ganner drive.

We're located at [REDACTED] - the property that extends down to Ganner and [REDACTED] 555 Ganner drive.

We're just wondering why the structure has to be pushed so close to the edge of our property. It seems there is room to not have it be so pushed over. We'd just like to understand if they have specific limitations which force it to be where it is being proposed. It is a big exception to go from 6M setback to 0M to our property line (for the berm) and then from 6M to 3.2 for the septic field.

As well, we wonder then if this would affect any future structures we may put at the bottom of our property alongside Ganner drive. (I believe we can build a small structure, we don't have plans to now but if in the future we do we'd like to understand any implications).

As well, we wonder what the earthen and stone retaining berm would look like. How high and wide and long will it be?

Finally, if there is a problem with the septic field and it were to leak into our property does this become our issue/responsibility? With it being that much closer it seems this increases our risk if it is our responsibility.

Thank you in advance for your reply.

Katherine
[REDACTED].

**Response from Craig Regier, P.Eng. (in *Italics*) to neighbour questions.
Rec'd by e-mail 2021-11-25**

We're just wondering why the structure has to be pushed so close to the edge . It seems there is room to not have it be so pushed over. We'd just like to understand if they have specific limitations which force it to be where it is being proposed. It is a big exception to go from 6M setback to 0M to our property line (for the berm) and then from 6M to 3.2 for the septic field.

The area selected for the septic field is the most suitable area on the lot for this application. The rock wall/berm is required to retain soil that may need to be imported to achieve the requirements for vertical separation in the soils under the septic bed. The setback for the septic field itself (3.2m) actually exceeds the recommended setback of 3.0m as per the septic regulations. There may actually be no requirement for a rock wall or berm if it can be determined that there is adequate natural soils in the area (our test pit depth was limited as the pits were hand dug - there was no limiting later encountered to the max depth that was achieved). Once the area is cleared we can dig a deeper test hole to determine the depth to bedrock and/or impermeable soils.

As well, we wonder then if this would affect any future structures we may put at the bottom of our property alongside Ganner drive. (I believe we can build a small structure, we don't have plans to now but if in the future we do we'd like to understand any implications).

The proposed location of the septic field will not impact the neighbouring properties.

As well, we wonder what the earthen and stone retaining berm would look like. How high and wide and long will it be?

The wall and/or berm would likely be no higher than 2 ft. along the lower property line, and would blend into the natural slope at the top of the field. If rocks are used, there would simply be a row of boulders along the bottom edge of the field.

Finally, if there is a problem with the septic field and it were to leak into our property does this become our issue/responsibility? With it being that much closer it seems this increases our risk if it is our responsibility.

Any problems with the septic system in the future would be the legal responsibility of the property owners, which can be enforced by the Vancouver Island Health Authority via a legally binding Health Order.



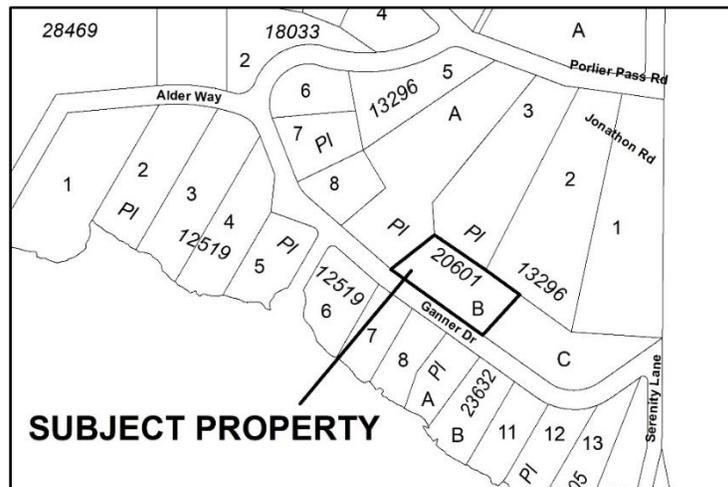
NOTICE
GL-DVP-2021.10
GALIANO ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit is attached and would vary the Galiano Island Land Use Bylaw No. 127, 1999 as follows:

- Variances to the front and an interior side yard setback for construction of a proposed **septic disposal system** (including an irrigation field and infrastructure), and for a retaining **berm** for the septic field as shown on the attached, proposed permit.

The property is located at **555 Ganner Drive** and is legally described as Lot B, District Lot 56, Galiano Island, Cowichan District, Plan 20601 (PID: 003-594-017).

The general location of the subject property is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **November 12, 2021** and continuing up to and including **November 24, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, BC, commencing **November 12, 2021**.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **November 24, 2021**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., December 6, 2021**.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GL-DVP-2021.10**

To: Robert Gathercole and Megan Ireland

1. This Development Variance Permit applies to the land described below:

Lot B, District Lot 56, Galiano Island, Cowichan District, Plan 20601
(PID: 003-594-017)

2. Galiano Island Land Use Bylaw 127, 1999 is varied to allow for the siting of the following:

- a) Article 5.3.8.1 which states that buildings and structures must be sited at least 7.5 metres from front and rear lot lines is varied to permit the siting of a **structure** (septic disposal system including a septic field and associated infrastructure) within **1.5 metres**, and the siting of a **structure** (earthen and stone retaining berm) within **0.0 metres**, from the front lot line; and,
- b) Article 5.3.8.2 which states that buildings and structures must be sited at least 6.0 metres from each interior lot line is varied to permit the siting of a **structure** (septic disposal field) within **3.2 metres**, and the siting of a **structure** (earthen and stone retaining berm) within **0.0 metres**, from an interior lot line.

The development shall be consistent with Schedules 'A' and 'B', which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GALIANO ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

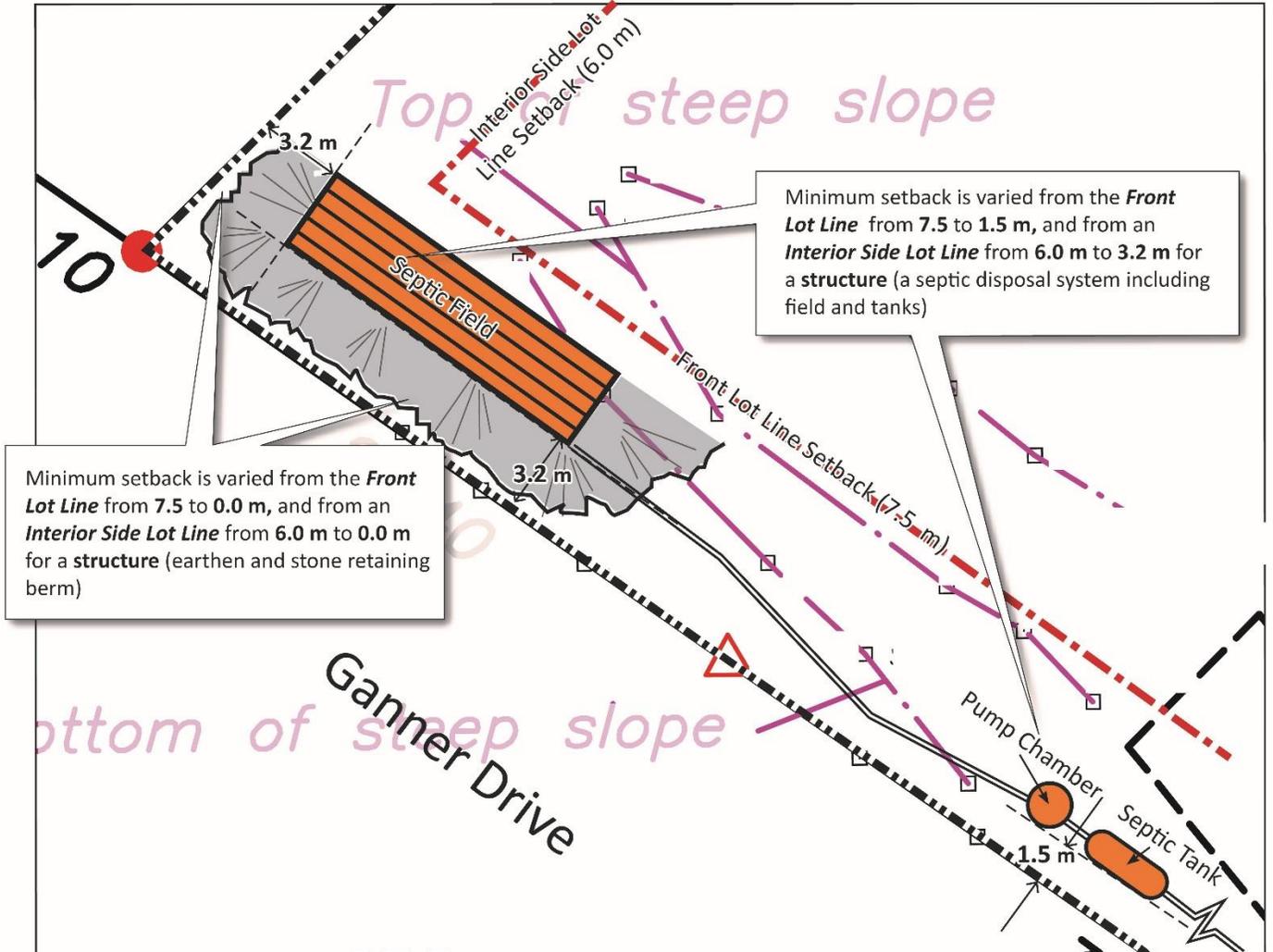
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE #TH DAY OF MONTH, 2023, THIS PERMIT AUTOMATICALLY LAPSES.

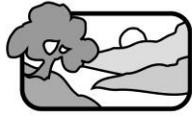
GALIANO ISLAND LOCAL TRUST COMMITTEE

GL-DVP-2021.10

SCHEDULE 'B'

Detail Plan





DATE OF MEETING: December 6, 2021
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: District Lot 86 Rezoning Application – Preliminary Report
Applicant: Andy Gaylor (McElhanney Ltd.) on behalf of Corinne Matheson and Wayne and Ed Bairstow
Location: District Lot 86 Galiano Island Cowichan District

RECOMMENDATION

1. **That the Galiano Island Local Trust Committee direct staff to proceed with application GL-RZ-2021.2 (Gaylor) and to prepare draft bylaws.**

REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application GL-RZ-2021.2 (Gaylor) and to seek direction from the Galiano Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including the preparation of draft bylaws.

The application would amend the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) by rezoning the subject property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**. The proposal would also require subdivision to create four new lots.

The above recommendation is supported as:

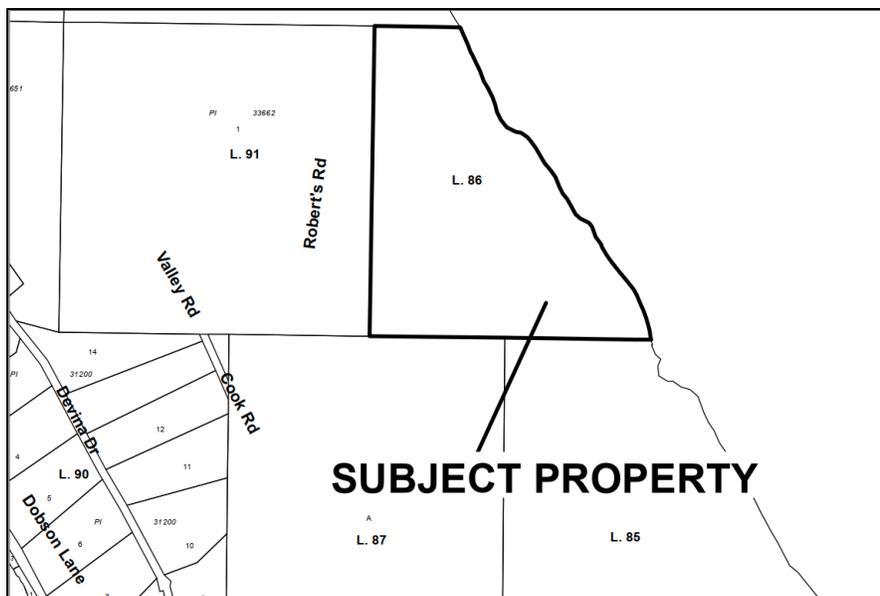
- The rezoning would require amendments to both the Galiano Island Land use Bylaw No. 127 (LUB) and the Galiano Island Official Community Plan No. 108 (OCP);
- The proposal is reasonable and is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest, rural residential and parks and recreation policies;
- The property owner is prepared to enter into sustainable forestry covenant with the LTC and a 3rd party covenant holder for the proposed F3 lot and to donate at least 75% of the remainder;
- The property owner has demonstrated a willingness to collect the additional information required to support LTC's decision-making; and,
- Proceeding with a draft bylaw will facilitate First Nations, public and agency consultation to identify any outstanding issues or concerns with the proposed rezoning and use of the property.

BACKGROUND

A rezoning application for the approximately 38.8 hectare subject property was received on August 23, 2021. Ownership of the subject property has recently transferred, and the new owners are now seeking to rezone the property from **Forest 1 (F1)** to a combination of **Forest 3 (F3)**, **Rural Residential (RR)** and **Nature Protection (NP)**.

The subject property is located at the north end of Galiano Island (Figure 1). There is one illegal dwelling on the property that is subject to bylaw enforcement file GL-BE-2019.16. Adjacent land uses include Dionisio Park to the north (DL 92), Therah Village Community to the east (DL 91), and F1 zoned lots to the south. DL 85 is privately owned and it is understood by staff that a rezoning application may be submitted by the property owners soon. DL 87 is provincial Crown land.

Figure 1. Location of Subject Property



Attachment 1 provides additional site context. Attachment 2 provides relevant maps and ortho-photos. Staff plan to visit the property on November 30, 2021 in preparation for the December 6, 2021 LTC meeting.

ANALYSIS

Application Proposal

The rezoning proposal is to create four new lots (through subdivision at time of rezoning adoption) with two minimum 2.01 hectare lots zoned as RR, one lot zoned as F3, and the remainder zoned to NP via land donation, likely to BC Parks. Figure 2, as provided by the applicant, provides a breakdown of the approximate total area of land proposed to be included within each zone type.

Figure 2. Approximate Total Area Proposed per Zone Type (from applicant)

Proposed Zone	Area (ha / acres)*	% of total land base
Forest 3	22.45 ha (55.5 acres)	58%
Rural Residential	4 ha (9.9 acres)	10%
Parkland / Road	12.35 ha (30.5 acres)	32%
Total	38.8 ha (96 acres)	100%

The lot layout for the rezoning proposal is shown in Figure 3. A cover letter provided by the applicant is included as Attachment 3. It provides additional information and rationale for the rezoning as proposed by the applicant.

Figure 3. Preliminary Layout Plan



Terms of Reference

A TOR for this application has been provided to the applicant and is included for LTC’s reference as Attachment 4. The TOR is consistent with the Galiano Island Development Approval Information Bylaw No. 148 (DAI Bylaw) and provides specific guidance on application requirements and considerations including:

- Provision of a professionally prepared site plan including identification of **developable areas** for each of the three proposed lots with residential uses (developable area includes the area required for the dwelling, accessory buildings and structures, well, septic field, driveways and parking areas)
- Provision of a professionally prepared groundwater report demonstrating proof of water to meet the residential potable water standard of 2275 litres/day for each of the three proposed lots with residential uses;
- Provision of a professionally prepared septic disposal report confirming septic viability and proposed siting for each of the three proposed lots with residential uses;
- Provision of a professionally Ecological Overview and Forestry covenant baseline reports;
- Development Permit Area requirements;
- Road dedication requirements including the potential need for a variance to section 13.7 of the Galiano Island Land Use Bylaw No. 127 (LUB); and,
- Information with respect to potential for archaeological material.

As indicated in their cover letter (Attachment 3), the applicant is working on many of these items already.

Policy/Regulatory

Islands Trust Policy Statement

At the outset, the proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Forest Ecosystems (s.3.2) Freshwater (s.3.3), Forests (s.4.2), and Growth and Development (s.5.2). Hydrogeological reports from the applicant will help to determine consistency with Policy 4.4.2 (Freshwater Resources).

If LTC decides to proceed, the ITPS policy checklist will be presented to LTC for review and consideration in a future staff report when the draft bylaws are presented for 1st reading.

Official Community Plan

The OCP land use designation for the subject-property is currently **Forestry**. Rezoning as proposed would result in the following changes to the OCP schedule B for the four newly configured lots (Figure 4).

Figure 4. OCP Designations for New Lots

LUB Zoning	OCP Designation/Location	# Lots
Rural Residential	Rural Residential (Section II, Article 1.2)	2
Forest 3	Forestry (Section II, Subsection 3)	1
Nature Protection	Nature Protection (Section II, Subsection 7)	1

Lot 1 - Forest 1 to Forest 3 Rezoning

The applicant is proposing to create one ~22.45 hectare F3 zoned lot. OCP Forest Policy b)ii) states that:

Land whose owner grants to the Silva Forest Foundation and the Local Trust Committee or any other covenantee satisfactory to the Local Trust Committee a covenant to manage the land in accordance with sustainable forest practices and prohibiting subdivision of the land into lots less than 20 hectares (49.4 acres), may be rezoned to permit one accessory dwelling per 20 hectares (49.4 acres) if the lot complies with Land Transportation Policy o). The location of the dwelling and any accessory buildings or structures must be selected to minimize their impact and the impact of related services on the forest, and the land use bylaw amendment must specify the location of the buildings.

As proposed, the application is consistent with this Forestry policy, including compliance with Land Transportation Policy o). The applicant will also be required to establish a **developable area** on the F3 lot with the location selected to minimize impact.

Subject to further clarification of details, the property owner has also indicated a willingness to enter into a sustainable forestry covenant with the LTC and a 3rd party covenant holder. The covenant would restrict forest activities based on a Sustainable Forestry Management Plan that includes consideration of sensitive species and habitats identified in a baseline report.

With respect to a 3rd party covenant holder, staff have advised the applicant to contact the Galiano Conservancy as a starting point, should LTC decide to proceed.

Lots 2 and 3 - Forest 1 to Rural Residential and Nature Protection

Although there are no specific OCP forestry policies with respect to the transfer of at least 75% of land in exchange for the remaining 25% to be rezoned to **RR** with a minimum average 2.0 hectare lot size, there are site specific instances in the OCP rural residential policies where LTC has approved rezoning under these terms (RR OCP Policies 1.4 e, f and g).

In this case, the proposed land transfer would be approximately 12.35 hectares (equalling 77% of the remaining lands once the F3 lot is removed), with the other 4.0 hectares used to create the two RR zoned lots. This is consistent with previous examples under RR OCP Policies 1.4 e, f and g. The applicant will also be required to establish **developable areas** on the two lots that with locations selected to minimize impact.

The 12.35 hectare portion designated **Nature Protection** would likely go to BC Parks. Discussions have not yet been initiated by the applicant with BC Parks. If LTC decides to proceed, staff will support the applicant in moving these discussions forward as a next step.

The land transfer is consistent with the **Nature Protection** policies of the OCP, and would provide a considerable community amenity if realized.

Potentially, if the land is subsequently incorporated into Dionisio Park, the lands could be re-zoned and re-designated to Park at that time.

Land Use Bylaw

The subject property is currently zoned **F1** in the LUB. The Permitted uses in this zone are:

- timber production and harvesting;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries

For Lot 1, rezoning to **F3** would permit:

- timber production and harvesting;
- dwellings accessory to timber production and harvesting uses and home occupations, on lots having an area of 20 hectares and more and highway access as defined in subsection 17.1.16;
- accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

Based on the minimum rezoning requirement of one accessory dwelling per 20 hectares, rezoning from F1 to F3 would allow for up to one dwelling along with permitted accessory uses that do include an accessory cottage.

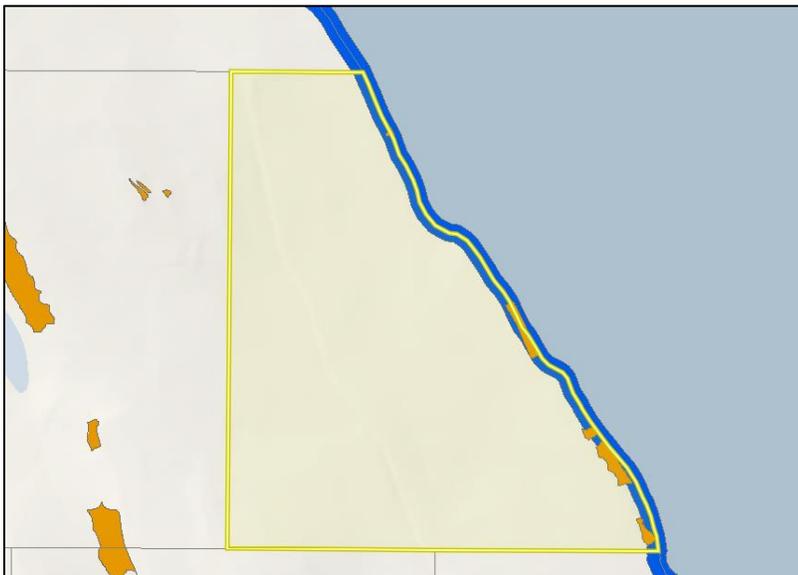
For Lots 2 and 3, rezoning to **RR** would permit on each lot:

- one dwelling (with no maximum floor area) and one accessory cottage with a maximum floor area of 80 m² (to be located within pre-defined **developable areas** determined at time of rezoning);
- home occupations;
- a secondary suite (if no accessory cottage is already built on the lot).

Development Permit Areas

Figure 5 shows the DPA 2 – Shoreline and Marine (DPA 2 - Blue) and DPA 7 Steep Slope –moderate (DPA 7 – Orange) on the subject property.

Figure 5. DPA 2 – Shoreline and Marine (Blue) and DPA 7 Steep Slope (Orange)



DPA 2

DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present.

The preliminary layout plan identifies building sites that may be located within DPA 2. Any proposed development within DPA 2 would also need to be considered in a development permit.

The development permit may be issued at the same time as rezoning or deferred to subdivision stage.

DPA 7

The preliminary layout plan identifies building sites that may be located within DPA 7. The applicant will need to either verify that the proposed **developable area** for each lot does not fall within DPA 7, or provide a geotechnical assessment confirming a suitable building site(s) within the proposed **developable areas** that contain DPA 7 (See TOR for more details).

DPA 3 – Tree Cutting and Removal

The entire Galiano Island local trust area is designated as a development permit area for the purpose of cutting and removal of trees. A DPA 3 development permit is not required for the subdivision of land. However, the applicant should be aware a DPA 3 development permit may be required for future residential development on the three proposed lots if removal of greater than 12 m³ of timber per hectare occurs over a 3 year period.

The DPA 3 guidelines also state that “activities permitted by the Land Use Bylaw and necessitating the removal of trees should be conducted at those locations on the lot that will involve removal of the fewest trees and the removal of no Garry Oak trees.”

For the proposed F3 lot, the DPA 3 guidelines provide the following exception to requiring a permit on the areas of land restricted to forest use only (i.e. areas outside of the **developable area**):

- *the cutting or removal of any tree from the Agricultural Land Reserve or from any area charged by a covenant granted pursuant to Forest policy b)ii) of this Plan that restricts the use of the area to forest uses exclusively.*

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. With direction from LTC, these would be scheduled either separately or concurrently after draft bylaws are complete, reviewed and have received at least First Reading.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

Agencies

Staff have identified the following agencies for bylaw referral; the LTC may direct staff to include other agencies not listed. The LTC may also choose to refer the proposal to the Galiano Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure
- BC Parks

- Island Health
- CRD, Building Inspection Services
- CRD, Galiano Island Parks and Recreation Commission
- Galiano Trails Society
- Galiano Island Fire Rescue – North Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee

First Nations

Staff have identified the following First Nations for bylaw referral:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band
- WSANEC Leadership Council

Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff have directed the applicant to the following guidelines:

- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>.
- In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.
- Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
- For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca.

In this case, staff have also directed the applicant to contact the BC Archaeology Branch to determine if an archaeological permit would be required prior to commencing any development.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- The rezoning would require amendments to both the Galiano Island Land use Bylaw No. 127 (LUB) and the Galiano Island Official Community Plan No. 1098 (OCP);
- The proposal is reasonable and is consistent with Galiano Island Official Community Plan No. 108 (OCP) forest and rural residential policies;
- The property owner is prepared to enter into sustainable forestry covenant with the LTC and a 3rd party covenant holder for the proposed F3 lot and to donate at least 75% of the remainder;
- The property owner has demonstrated a willingness to collect the additional information required to support LTC's decision-making; and,
- Proceeding with a draft bylaw will facilitate First Nations, public and agency consultation to identify any outstanding issues or concerns with the proposed rezoning and use of the property.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust

_____.

2. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2021.2 (Gaylor).

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2021.2 (Gaylor) in abeyance.

NEXT STEPS

With direction from the LTC, Staff will:

- Draft the amending bylaws, and
- Further direct the applicant to complete the requirements of the TOR

Submitted By:	Brad Smith, Island Planner	November 25, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	November 25, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Ortho-photos
3. Cover Letter from applicant
4. DAI Letter - Terms of Reference

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	District Lot 86, Galiano Island, Cowichan District
PID	008-015-961
Civic Address	DL 86, Cook Road, Galiano Island
Lot Size	38.45 hectares (95 acres)

LAND USE

Current Land Use	Forest 1
Surrounding Land Use	Forest 1, Rural 2, Marine, Park, Marine Park

HISTORICAL ACTIVITY

File No.	Purpose
GL-RZ-2008.1	Rezoning to amend OCP and to rezone properties to RR and FH with policy amendment to consider BC Parks as eligible to hold FH zoned land as Park. DLs 79, 85, 86 and 87. LTC directed to proceed no further in March, 2009.
GL-SUB-1993.15	Subdivision to residential – did not proceed

POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 Designations: Forest (F)
Land Use Bylaw	Galiano Island LUB No. 127, 1999: Forest 1
Other Regulations	None
Covenants	None
Bylaw Enforcement	GL-BE-2019.16 – Unlawful dwelling

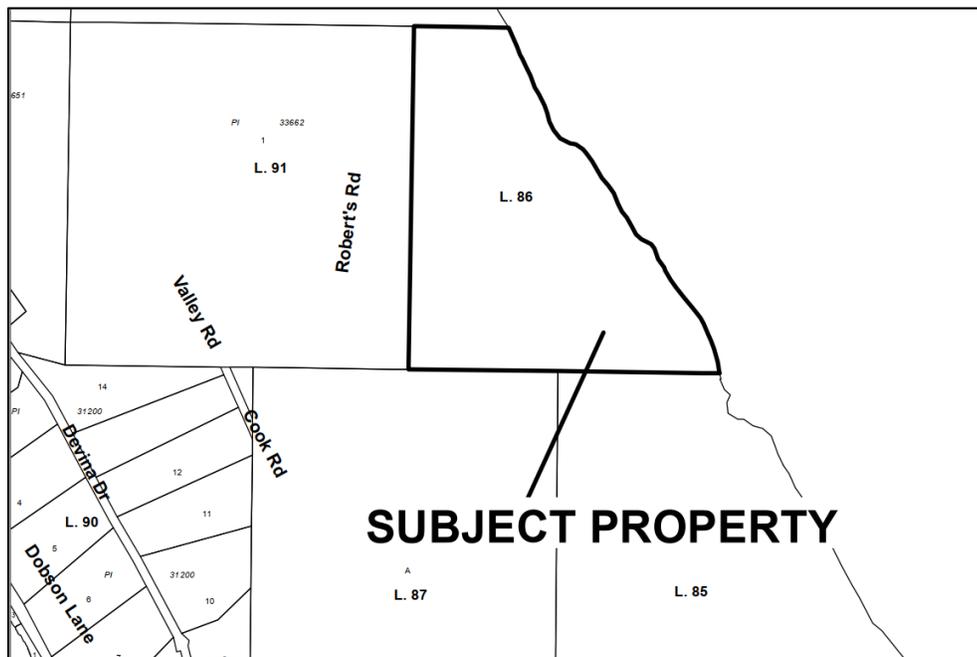
SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Raptor nest near potential building sites on proposed lots 2 and 3, a second raptor nest in area proposed to be donated to BC Parks
Sensitive Ecosystems	Property is largely predominantly <i>Young Forest</i> with a narrow band of <i>Mature Forest</i> along the foreshore. The <i>Mature Forest</i> is mostly protected in the 15 m band of DPA 2 – Shoreline and Marine.
Hazard Areas	There are portions of the property identified as Steep Slope Moderate Risk close to or within the proposed developable areas.

Archaeological Sites	<p>There is potential for the presence of archaeological material. Staff have directed the applicant to the following guidelines:</p> <ul style="list-style-type: none"> • All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits. • In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork. • For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.
Climate Change Adaptation and Mitigation	None
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	None

ATTACHMENT 2 – MAPS, PLANS, ORTHO-PHOTOS

2.1 SUBJECT PROPERTY MAP

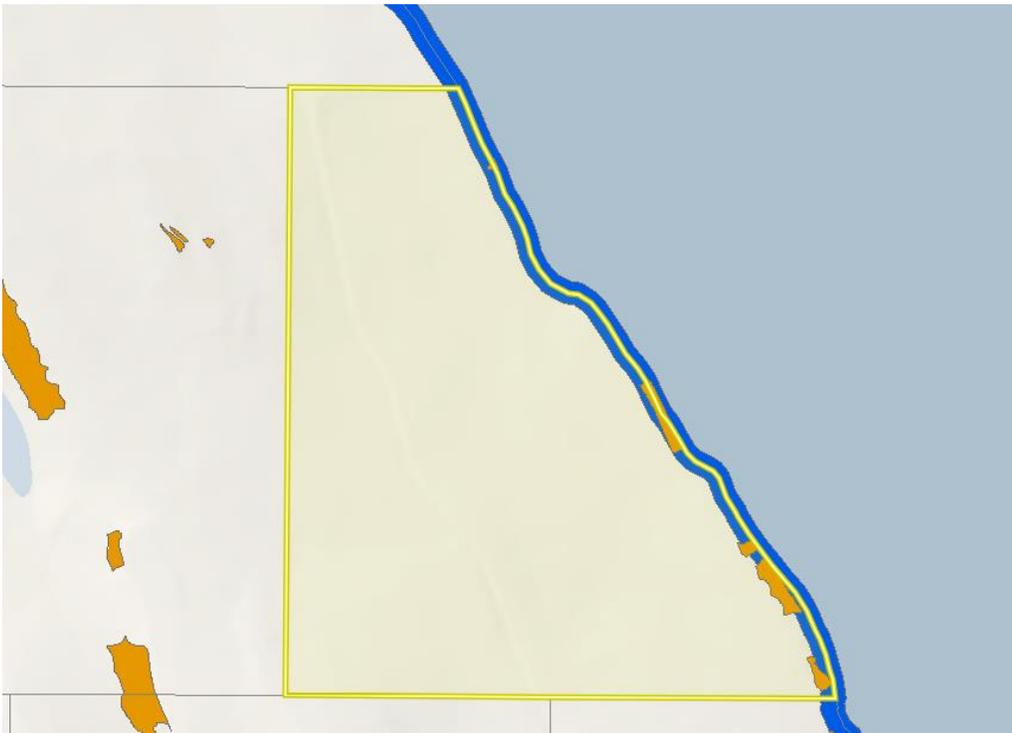


2.2 ZONING AND ORTHO

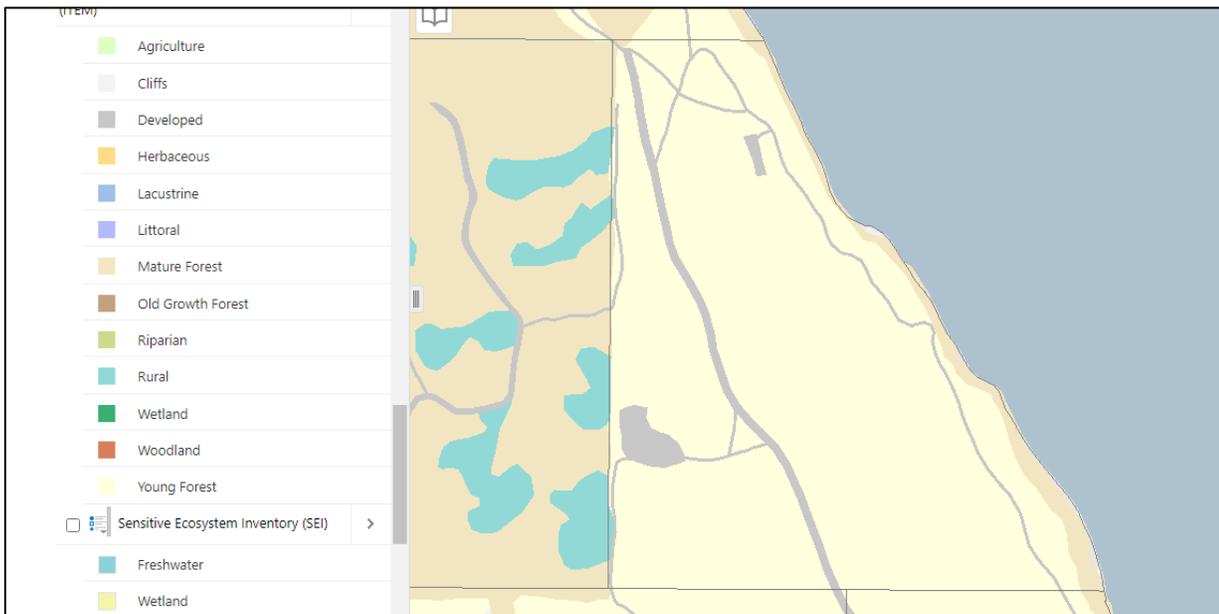


2.4 DEVELOPMENT PERMIT AREAS

DPA 2 (Shoreline and Marine) and DPA 7 (Steep Slope Moderate)



2.5 SENSITIVE ECOSYSTEM MAPPING



August 13, 2021

Islands Trust (Southern Office)
200-1627 Fort Street
Victoria, BC, V8R 1H8

Attention: Brad Smith, P. Ag, Island Planner

Rezoning Cover Letter: D.L. 86

On behalf of my clients, I am pleased to submit this application to amend the Forest One (F-1) Zoning of the subject property. Please consider this as a preliminary application, recognizing that Islands Trust staff, upon initial evaluation of the proposal, will provide Terms of Reference to guide the preparation of further technical studies.

Accordingly, please find attached the following in support of this rezoning application:

- 1) Cover Sheet
- 2) Completed application form
- 3) Application fee (\$4,400)
- 4) Statement of Intent
- 5) Statement of Title Certificate
- 6) Site Disclosure Statement
- 7) Preliminary concept plan

It should be noted that we have also commenced with the preparation of the following studies, in anticipation of upcoming Development Approvals Information requirements:

- 1) Environmental assessment (to evaluate both marine and upland terrestrial ecosystem values) prepared by a qualified environmental professional.
- 2) Forestry assessment prepared by a qualified forester.
- 3) Survey plan prepared by a BCLS.
- 4) Well water study, prepared by a hydrogeologist.
- 5) Septic Disposal report, prepared by a registered onsite wastewater practitioner.

If you have any questions, preliminary comments or require further information, please contact me directly. We look forward to working with you.

Sincerely,
McElhanney Ltd.



Andy Gaylor, MCIP, RPP, Planner
agaylor@mcelhanney.com 250-718-7274

August 16, 2021

Islands Trust (Southern Office)
200 – 1627 Fort Street
Victoria, BC
V8R1H8

Attention: Brad Smith, PAg, Island Planner

Application to Amend OCP and Rezone – D.L. 86 (Galiano Island)

On behalf of my clients, Corinne Matheson and Wayne and Edward Bairstow, I am pleased to submit this application to amend the Galiano Island Official Community Plan (OCP) and rezone the 96-acre subject property, D.L.86, on Galiano Island. The purpose of this rezoning application is to rezone the lands from their current Forest 1 (F1) Zone to the following:

Proposed Zone	Area (ha / acres)*	% of total land base
Forest 3	22.45 ha (55.5 acres)	58%
Rural Residential	4 ha (9.9 acres)	10%
Parkland / Road	12.35 ha (30.5 acres)	32%
Total	38.8 ha (96 acres)	100%

*These figures are approximate, with further refinement to occur at later stages of development.

The proposed OCP amendment, from a Forest designation to a Residential Designation, only applies to the proposed 'Rural Residential' areas – 10% of the total parcel area.

The purpose of this application is to recognize the role that forestry and timber harvesting has played in the evolution of Galiano Island. Rezoning the majority (58%) of the subject lands to Forest 3 will ensure that forestry remains the primary use of the subject lands. To this end, this application also includes a request to include the use of an “enclosed sawmill” within the proposed Land Use Bylaw amendment. We have engaged the services of both a Qualified Environmental Professional (QEP) and forester to prepare

a Forest Management Plan and we are fully committed to working with a third-party conservation group and register a Sustainable Forestry Covenant on property title as a condition of zoning approval.

Following similar precedents set in areas near the subject property, it is proposed that two, 2-hectare, waterfront parcels be permitted, with the remainder of the subject property (above the existing road) being dedicated as both parkland and public road (77% of the lands, once the F3 zoned areas are removed from the equation). Establishing a 20.0m road right-of-way through the subject property is in recognition of the fact that the current and only access into Dionisio Point Park is via an easement road not accessible to the public.

The proposed concept has been developed to align with the “Forest” objectives contained within Galiano’s Official Community Plan. For example, the proposal “*preserves the forest land base*” by ensuring that 90% of the property area will be either be used for sustainable forestry practices and parkland. Registration of a sustainable forestry covenant and parkland dedication will also ensure that the forest’s “*biodiversity, integrity and ecological services*” remain protected. As noted, we are requesting a minor amendment to the Galiano OCP, from Forest to Residential, to allow the two Rural Residential zoned properties.

We believe that this proposal successfully balances the OCP’s goal of promoting sustainable forestry with providing additional public parkland opportunities, adjacent to the existing Dionisio Point Park, alongside some limited residential uses.

Thank you for considering our application and we look forward to working with you.

Sincerely,
McElhanney Ltd.



Andy Gaylor, MPA, MCIP, RPP
agaylor@mcelhanney.com 250-718-7274

cc: Corinne Matheson, Wayne and Garth Bairstow





200-1627 Fort Street, Victoria, BC V8R 1H8
Telephone 250 405-5151 Fax 250 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

October 5, 2021

File Number: GL-RZ-2021.2 (Gaylor)

Attn: Andy Gaylor, McElhanney Ltd.
Via email:

Dear Andy Gaylor:

Re: Rezoning Application GL-RZ-2021.2 (Gaylor) - Terms of Reference - District Lot 86, Galiano Island, Cowichan District (PID 008-015-961).

The Islands Trust has completed a preliminary review of the rezoning application for District Lot 86 on Galiano Island submitted by you on behalf of your clients on August 13, 2021.

The purpose of this letter is to identify information that is required from the applicant pursuant to the [Galiano Island Development Approval Information Bylaw No. 148](#) (DAI Bylaw). Under the DAI bylaw, a zoning amendment application uses a 'terms of reference' (TOR) approach to information collection. The objective of this TOR is to identify and request any anticipated information from the applicant in a timely manner, and as early as possible in the process.

The information received by Islands Trust in your application package includes:

1. Cover Sheet
2. Completed application form
3. Statement of Intent
4. Statement of Title Certificate
5. Site Disclosure Statement
6. Preliminary concept plan

As per this TOR, additional information that is required to proceed with your application for consideration by the Galiano Island Local Trust Committee (LTC) includes:

- 1) A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating all proposed lot lines along with the '**developable area**' and associated features for each of the three (3) proposed residential lots, the applicable development permit area boundaries, existing buildings and structures, roads and driveways, topographic features, and any significant sensitive habitat features.
 - a. The '**developable area**' for each residential lot includes the portion identified for the dwelling, accessory buildings and structures, along with the associated location of the well, septic field, driveways and parking areas.
- 2) A groundwater report, prepared by a professional hydrogeologist, demonstrating proof of water to meet the residential potable water standard of **2275 litres/day** for each of the three (3) proposed residential lots. Staff can provide technical guidance on a terms of reference for demonstrating proof of potable water if requested by the applicant.

- 3) A septic disposal report, prepared by a registered onsite wastewater practitioner, confirming septic viability and proposed siting for the three (3) proposed lots.
- 4) Ecological Overview Report

While the Galiano Island Official Community Plan No. 108 (OCP) does not have a specific policy enabling rezoning from Forest 1 to Rural Residential zoning (RR), the LTC has considered applications based on the approach that the applicant transfer title to at least 75% of their land base in exchange for the remaining 25% that would then allow for a house and accessory cottage per a minimum of each two hectares.

An agreement between the property owner and a new title holder (e.g. BC Parks) will be required based on terms amenable to all parties (including the LTC). While staff can provide some technical guidance, it is largely the responsibility of the applicant to negotiate this land transfer agreement.

To ensure that LTC and staff understand the entire scope and ecological significance of both the lands proposed for transfer and those to be retained by the applicant, an **ecological overview report** is required that considers the entire property. The **ecological overview report** should include at a minimum:

- a. Property location and description including existing legal encumbrances and history of use
- b. Identification of existing structures, roadways and other development features
- c. A desktop GIS inventory that includes:
 - i. Identification of habitat by type and calculation of percentage of each type in relation to proposed 75/25% lot lines (e.g. of total parcel, XX % consists of YY habitat type, of which XX percentage is located within the 75% transfer portion)
 - ii. Identification of significant or sensitive terrestrial and aquatic ecosystem features
- d. Identification of development permit areas (DPAs) and an assessment of ecological impacts of any proposed **developable areas** within those DPAs
- e. Ground-truthing of desktop inventory findings as required
- f. Maps, Photos and other relevant materials

5) Forestry Covenant Baseline Report

The OCP policy enabling rezoning from F1 to F3 requires the granting of a sustainable forest management covenant with a 3rd party covenant holder. An agreement between the property owner and a 3rd party sustainable forestry covenant holder for the proposed F3 lot will be required based on terms amenable to all parties (including the LTC).

While staff can provide some technical guidance, it is largely the responsibility of the applicant to negotiate this agreement with a 3rd party covenant holder. This typically involves providing a **baseline report** and an endowment for monitoring.

The covenant will restrict forest activities based on an approved Sustainable Forestry Management Plan that includes consideration of sensitive species and habitats identified in the **baseline report**.

The **baseline report** for the proposed F3 lot should include at a minimum:

- a. Biological Inventory by Ecosystem Type including:
 - i. Plant and Tree Inventory
 - ii. Wildlife and Wildlife Habitat

- iii. Soil Type
- iv. Disturbance History
- v. Succession
- vi. Restoration Recommendations
- vii. Potential threats
- b. Maps, Photos and other relevant materials

A separate report can be prepared, or this baseline information specific to the F3 lot may be incorporated into the same **ecological overview report** as required in item #5 above.

6) Development Permit Areas

DPA 2 – Shoreline and Marine

DPA 2 includes all land 15 m upland of the natural boundary of the sea. The OCP states that a development permit is required for all subdivision of land where DPA 2 is present (Attachment 1). This is dealt with through a separate application process (and separate fee). The application guide is located here: <https://islandstrust.bc.ca/document/schedule-b-development-permits-application-form/>

The preliminary concept plan identifies building sites that may be located within DPA 2. Any proposed development within DPA 2 would also need to be considered in a development permit.

The development permit may be issued at the same time as rezoning. It could also be deferred to subdivision stage.

DPA 7 – Steep Slope (moderate)

The preliminary concept plan identifies building sites that may be located within DPA 7 (Attachment 1). The applicant will need to either verify that the proposed **developable area** for each lot does not fall within DPA 7, or provide a **geotechnical assessment** confirming a suitable building site(s) for the proposed use within the proposed **developable areas** that contains DPA 7. The assessment should be undertaken by a certified Geotechnical Engineer (P.Eng.) and delineate:

- a. 'safe' buildable areas within the proposed developable area without mitigative measures;
- b. areas that could be built upon with mitigative measures (if applicable); and/or
- c. areas where building is unsafe (if applicable)

7) Road Dedication

The Ministry of Transportation and Infrastructure (MOTI) is the provincial agency that authorizes subdivision approval on Galiano Island. Staff direct the applicant to contact MOTI to determine if the proposed subdivision layout that includes an easement road to access proposed lots 2 and 3 is viable.

If MOTI requires that this easement road be a dedicated provincial highway as a condition of subdivision approval, the applicant will be required to seek development variance from section 13.7 of the Galiano Island Land Use Bylaw No. 127 (LUB) which states:

13.7 No lot divided into two or more areas by a highway or other land may be created unless there is no practical alternative to such configuration.

The applicant will need to consider other sections of Part 13 of the LUB in relation to lot layout (Subdivision and Development Regulations). Islands Trust is a referral agency in the MOTI subdivision process. Once directed by MOTI, the applicant will need to apply again through a separate process (with a separate fee) for Islands Trust to review the proposed subdivision against Part 13 of the LUB. Islands Trust will then respond to MOTI and the applicant with proposed conditions of approval that MOTI typically includes in a preliminary layout review letter to the applicant.

8) Archaeological Material

Regarding the potential for archaeological material to be found on the property, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff direct the applicant to contact the BC Archaeology Branch to determine if an archaeological permit would be required prior to commencing development.

Reporting Requirements

With respect to any reporting requirements listed above, the applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (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, and
- (e) make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development.

This information must be prepared by a professional or professionals 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.

Please also note that the Islands Trust reserves the right to require additional information or clarification in response to the project reports. Any additional requirements will be provided in writing and will identify the additional information required in as clear and specific manner as possible.

Next Steps

Staff will present your application to the LTC at the December 6, 2021 LTC meeting via a preliminary staff report. The staff report will outline the basic parameters of your rezoning proposal and will seek LTC direction to proceed with next steps including the drafting of amending bylaws.

Staff appreciate that providing all of the above information in advance of that meeting may not reasonably be expected. As such, the staff report will include an update on the current status of your application materials along with a copy of this letter. Assuming LTC decides to proceed with your

application, you will then be expected to complete the remainder of these TOR requirements before your application may be considered for final approval.

I will also arrange an onsite meeting with you some time in the fall of 2021 so that I can get a first-hand perspective of your property and the associated rezoning proposal.

If you have any questions concerning the application or TOR requirements stated above, please do not hesitate to contact me.

Sincerely,

BSmith

Brad Smith
Island Planner, Galiano Island Local Trust Area

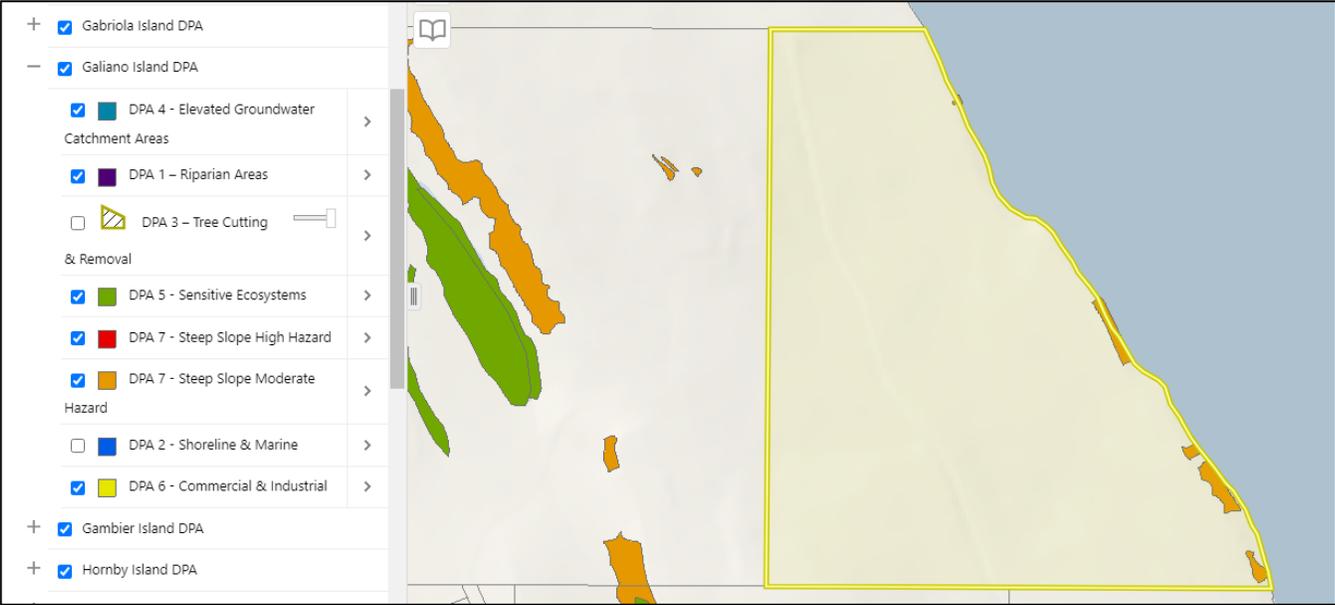
pc: Robert Kojima, Regional Planning Manager

Attachment 1: Development Permit Area Maps

DPA 2 Shoreline and Marine



DPA 7 - Steep Slope (Moderate and High Hazard)





Memorandum

Date: December 6, 2021

File Number: GL-RZ-2014.1 (Crystal Mountain)

To: Galiano Island Local Trust Committee

From: Brad Smith, Island Planner
Southern Team

CC: Robert Kojima, Regional Planning Manager

Re GL-RZ-2014.1 (Crystal Mountain) – Application Updates and LTC Information Requests

Purpose

The purpose of this staff memo is to provide an update to the Galiano Island Local Trust Committee (LTC) on application GL-RZ-2014.1 (Crystal Mountain), and to provide responses to LTC information requests made at the September 7, 2021 LTC meeting.

Application Updates and LTC Information Requests

Restrictions on Maximum Day Use

The September 7, 2021 staff report provided the following from staff with respect to potential maximum density restrictions on day use of the property:

Potential Restrictions on Day Use

Staff do not recommend that restrictions on day use be inserted into draft Bylaw No. 257 as:

- There is no other precedent in the LUB that limits the maximum number of daily visitors for any approved land use or property in the Galiano Island Trust Area;
- The intended land use does not consider exceptionally large gatherings nor is there history of this occurring to date; and,
- Bylaw enforcement of day use would be impractical and difficult to administer.

Despite the above recommendation from staff, LTC could still decide to pursue day use limits and direct staff to further explore the legal and other ramifications of this approach.

At that meeting, LTC directed staff to further analyse the validity and application of day use limits, including legal considerations. This further analysis concluded that:

- The LTC likely does have the authority to establish and enforce day use limits under s. 479 of the *Local Government Act*;
- While likely legal, monitoring, and therefore enforcement, would prove difficult in practice;
- More typical zoning bylaw limits, for example on the number or size of buildings or structures permitted in respect of particular uses, or their location on the land, are likely easier to enforce.

Use of Non-Profit Terminology in Bylaws

At the September 7, 2021 meeting, staff recommended that LTC include the following additional OCP policy in Bylaw 256 under the proposed Spiritual Education heading:

- d. Spiritual education retreat land use programs should be operated on a non-profit basis.

At that meeting, LTC requested that staff further clarify if this is a lawful approach. This additional legal review determines this clause could be *ultra vires* and thus could be severed if legally challenged. Despite this, LTC could decide to leave the clause in proposed BL 256, or to amend and remove it.

Definition of Retreat User

At the September 7, 2021 meeting, LTC directed staff to provide a definition of retreat user for consideration of inclusion in proposed Bylaw 257. Based on the definition of spiritual education retreat, staff suggest the following definition for **retreat user**:

“Retreat User” means a person that is a registered participant in a contemplative, spiritual or meditative educational program at a spiritual education retreat that typically stays at the facility for a period of at least 3 days, but in no case for more than 6 months, and is accommodated in a sleeping hut or tent platform.

And for LTC’s reference, from proposed BL 257:

“spiritual education retreat” means a facility that provides contemplative, spiritual or meditative educational opportunities for retreat users who typically stay at the facility for a period of at least 3 days, but in no case for more than 6 months, and are accommodated in sleeping huts or tent platforms, but does not include, offer, or provide any form of commercial short term or temporary accommodation for the travelling public, or any restaurant or other forms of food service to the general public.

LTC could direct staff to include this definition in an amended BL 257, or suggest changes. LTC could also decide to not include any definition of retreat user.

Section 219 Covenant

Staff are working with the applicant to develop s.219 covenant conditions that reflect the direction already provided by LTC. This work is nearly ready to proceed to Islands Trust legal counsel for drafting of a covenant prior to endorsement by the LTC.

Going forward, staff may also provide additional recommendations to LTC for other items that could be included in the s.219 covenant, for example, conditions that consider water management plan commitments once finalized.

Forest Cover Protection in s.219 Covenant

At the September 7, 2021 meeting, LTC directed staff to investigate the possibility of maintaining a percentage of forest cover by covenant as part of GL-RZ-2014.1.

The applicant has developed a proposal to maintain at least 60 percent natural forest cover on the land in perpetuity, which would be determined at the outset via a baseline report that would provide an accurate description of the land and the amenities including all existing natural forest cover and development area on the land at the time of the agreement (see complete proposal in Attachment 4).

From a staff perspective, the proposal seems reasonable to maintain and protect natural forest cover over time, although monitoring may be challenging given limited on the ground resources and capacity of Trust staff.

Data Logger in Source Well

At the September 7, 2021 meeting, LTC directed the applicant to install a data logger into the source well and to provide a report, by a professional hydrogeologist at the end of the calendar year, and upon recharge of the aquifer. The applicant has installed a data logger and data collection is proceeding.

Water Management Plan Status

A revised water management plan dated August 4, 2021 was submitted by the applicant. This latest draft WMP reflects comments provided by staff on a previous draft version. Staff have not had time yet to provide detailed comments on this draft version.

Detailed comments will be provided shortly to the applicant and a more finalized WMP will be presented to LTC in a future staff report.

NEXT STEPS

In the coming weeks, staff will:

- Provide detailed comments to the applicant on draft water management plan
- Initiate development of draft s. 219 covenant with Islands Trust legal counsel

Attachment 1. Bylaw No. 256

Attachment 2. Bylaw No. 257

Attachment 3. Forest Cover Covenant Condition Proposal (from applicant)

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 256

A BYLAW TO AMEND THE GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016".

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 7TH DAY OF SEPTEMBER , 2021.

PUBLIC HEARING HELD THIS DAY OF , 20__

READ A SECOND TIME THIS DAY OF , 20__

READ A THIRD TIME THIS DAY OF , 20__

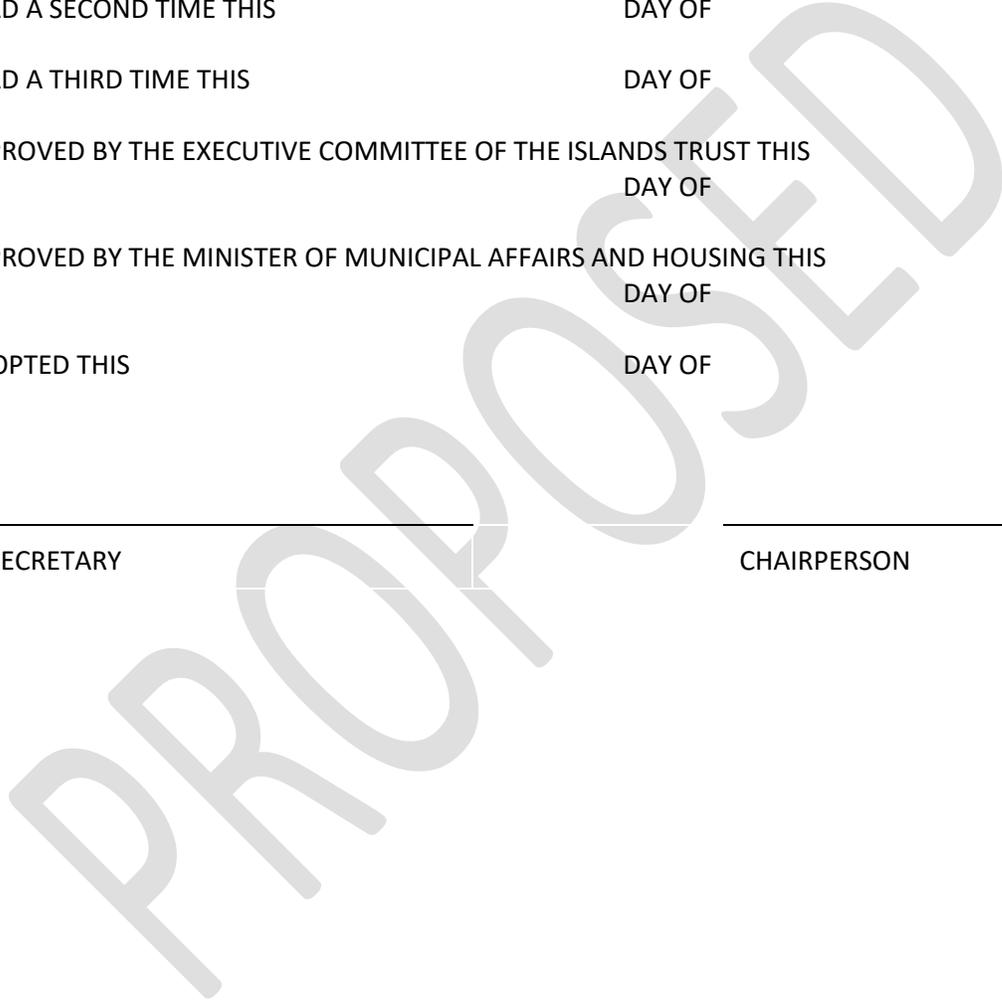
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 20__

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
DAY OF , 20__

ADOPTED THIS DAY OF , 20__

SECRETARY

CHAIRPERSON



**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 256
SCHEDULE 1**

A. Bylaw No. 108, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995” is amended as follows:

1. A new subsection 4.4 is inserted as follows in Section II (Community Facilities and Utilities), after Subsection 4.3 (Health and Wellness Facilities) and preceding Subsection 5 (Economic Activity).

“4.4 Spiritual Education

Spiritual Education Objective

The objective of this subsection is:

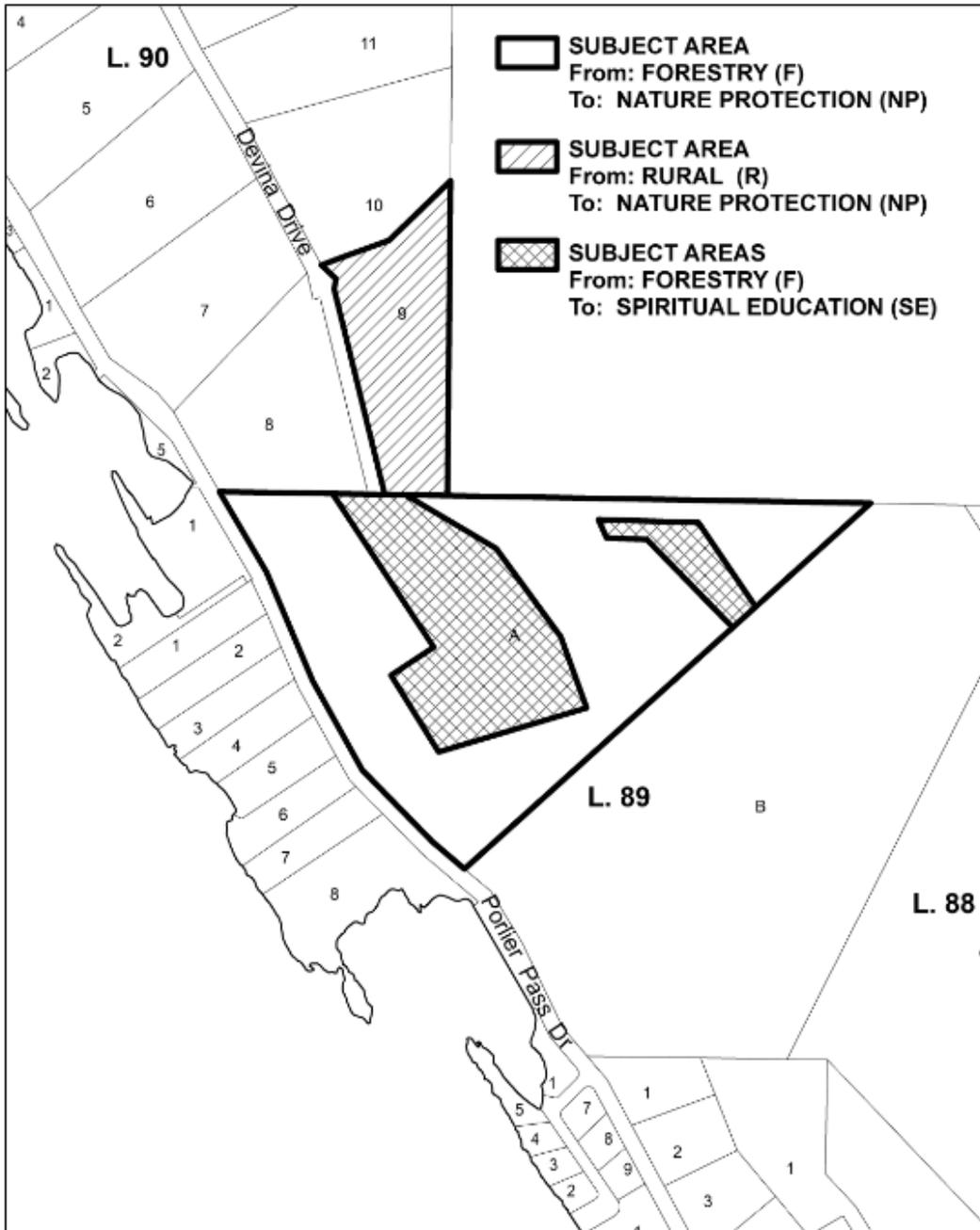
- 1) to allow for spiritual education facilities that enhance the knowledge and wellbeing of retreat users and visitors and that do not adversely affect the natural environment.

Spiritual Education Policies

- a. The principal use shall be spiritual education including spiritual education retreat use.
 - b. Zoning for any spiritual education use, including a spiritual education retreat, shall be considered on a site-specific basis.
 - c. Zoning for spiritual education retreat use:
 - i) shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.
 - ii) shall restrict the number of buildings and structures and maximum floor area to minimize their impact on sensitive ecosystems.
 - d. Spiritual education retreat use programs should be delivered on a non-profit basis.
2. Schedule B (Land Use Designations) is amended for the lands legally described as Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 and Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 as depicted in Plan 1 below.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 256

PLAN 1



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 257

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW 127, 1999

The Galiano Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Galiano Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016”.

2. Galiano Island Land Use Bylaw 127, 1999, is amended as follows:

2.1 Part 4 (Creation and Extension of Zones) Section 4.1 is amended by:

- 1) inserting a new zone in Column 1 named “Crystal Mountain Spiritual Education Retreat” directly below ‘Community Housing 1’ and directly above ‘Utility Service’
- 2) Inserting a new zone abbreviation in Column 2 named “(SE1)” directly below ‘(CH1)’ and directly above ‘(U)’

2.2 The following is inserted after section 8.6, as a new Section 8.7:

“8.7 Crystal Mountain Spiritual Education (SE1) Zone

Permitted Uses

8.7.1 The following uses and no others are permitted in the SE1 Zone:

- 8.7.1.1 contemplative, spiritual or meditative education retreat uses
- 8.7.1.2 contemplative, spiritual or meditative educational activities and facilities with accessory overnight accommodation and camping
- 8.7.1.3 accessory dwelling unit for a person or persons acting as a caretaker for the spiritual education retreat.

Buildings and Structures

8.7.2 The following buildings and structures and no others are permitted in Area A on Schedule D – Plan 6:

- 8.7.2.1 2 sleeping huts, each with a maximum floor area of 21 square metres;
- 8.7.2.2 12 sleeping huts, each with a maximum floor area of 15 square metres;
- 8.7.2.3 one meditation hall restricted to contemplative, spiritual or meditative education uses only with a maximum floor area of 125 square metres;

- 8.7.2.4 one dining/kitchen building with a maximum floor area of 125 square metres;
 - 8.7.2.5 one communal bathroom and laundry building with a maximum floor area of 70 square metres;
 - 8.7.2.6 one storage/workshop structure with a maximum floor area of 80 square metres;
 - 8.7.2.7 one office with a maximum floor area of 70 square metres;
 - 8.7.2.8 one accessory dwelling unit with a maximum floor area of 80 square metres, and
 - 8.7.2.9 five tent platforms, each with a maximum floor area of 14 square metres.
- 8.7.3 The following buildings and structures and no others are permitted in Area B on Schedule D – Plan 6:
- 8.7.3.1 three sleeping huts, each with a maximum floor area of 21 square metres;
 - 8.7.3.2 one communal kitchen/bathroom/laundry building with a maximum floor area of 36 square metres; and
 - 8.7.3.3 one storage building with a maximum floor area of 10 square metres.

Permitted Density

- 8.7.4 Permanent structures are not to exceed a total area of 1063 m²
- 8.7.5 Total lot coverage is not to exceed 1.55 %.
- 8.7.6 Overnight accommodation for retreat users is not to exceed 17 sleeping huts and 5 tent platforms, nor exceed a total of 22 persons.
- 8.7.7 Not more than one accessory dwelling is permitted with a maximum floor area of 80 m².

Permitted Height

- 8.7.8 The maximum height of an accessory dwelling unit is 9 metres.
- 8.7.9 The maximum height of a sleeping hut, or a building or structure other than an accessory dwelling unit, is 5 metres in height.

Minimum Setbacks

- 8.7.10 All buildings and structures must be sited
 - 8.7.10.1 at least 7.5 metres from front and rear lot lines; and
 - 8.7.10.2 at least 6.0 metres from interior and exterior side lot lines.

Minimum Lot Size

- 8.7.11 No lot having an area less than 6.1 hectares may be created by subdivision.

Parking

8.7.12 Despite Section 14.1, the minimum number of off-street parking spaces is as follows:

- 8.7.12.1 1 parking space per sleeping hut or tent platform; and
- 8.7.12.2 2 parking spaces per accessory dwelling unit.”

2.2 Section 17 (Definitions) is amended by inserting the following as new definitions in alphabetical order and re-numbering subsequent subsections accordingly:

“spiritual education retreat” means a facility that provides contemplative, spiritual or meditative educational opportunities for retreat users who typically stay at the facility for a period of at least 3 days, but in no case for more than 6 months, and are accommodated in sleeping huts or tent platforms, but does not include, offer, or provide any form of commercial short term or temporary accommodation for the travelling public, or any restaurant or other forms of food service to the general public.

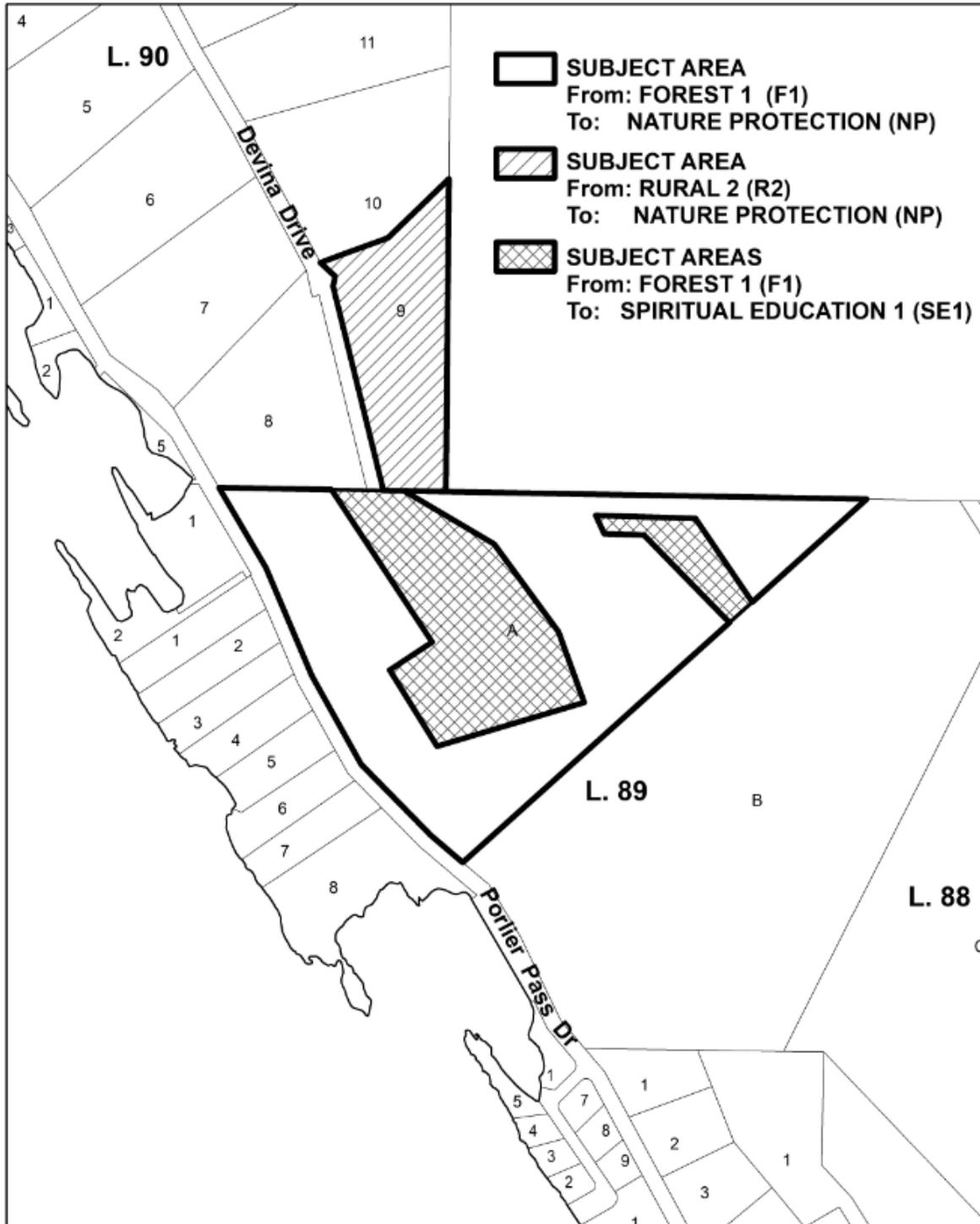
“sleeping hut” means a single-occupancy hut with a maximum floor area of 21 square metres for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures.

“tent platform” means a single-occupancy platform with a maximum floor area of 14 square metres for the erecting of a tent for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures, or any semi-permanent or permanent walls and roof coverings.

- 2.3 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 from Rural 2 (R2) to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 127 as are required to effect this change.
- 2.4 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot A, Districts Lots 88 and 89, Galiano Island, Plan VIP68079 from Forest 1 (F1) to Crystal Mountain Spiritual Education Retreat (SE1) and to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 127 as are required to effect this change.
- 2.5 Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Plan No. 2 as a new “Plan 6”.

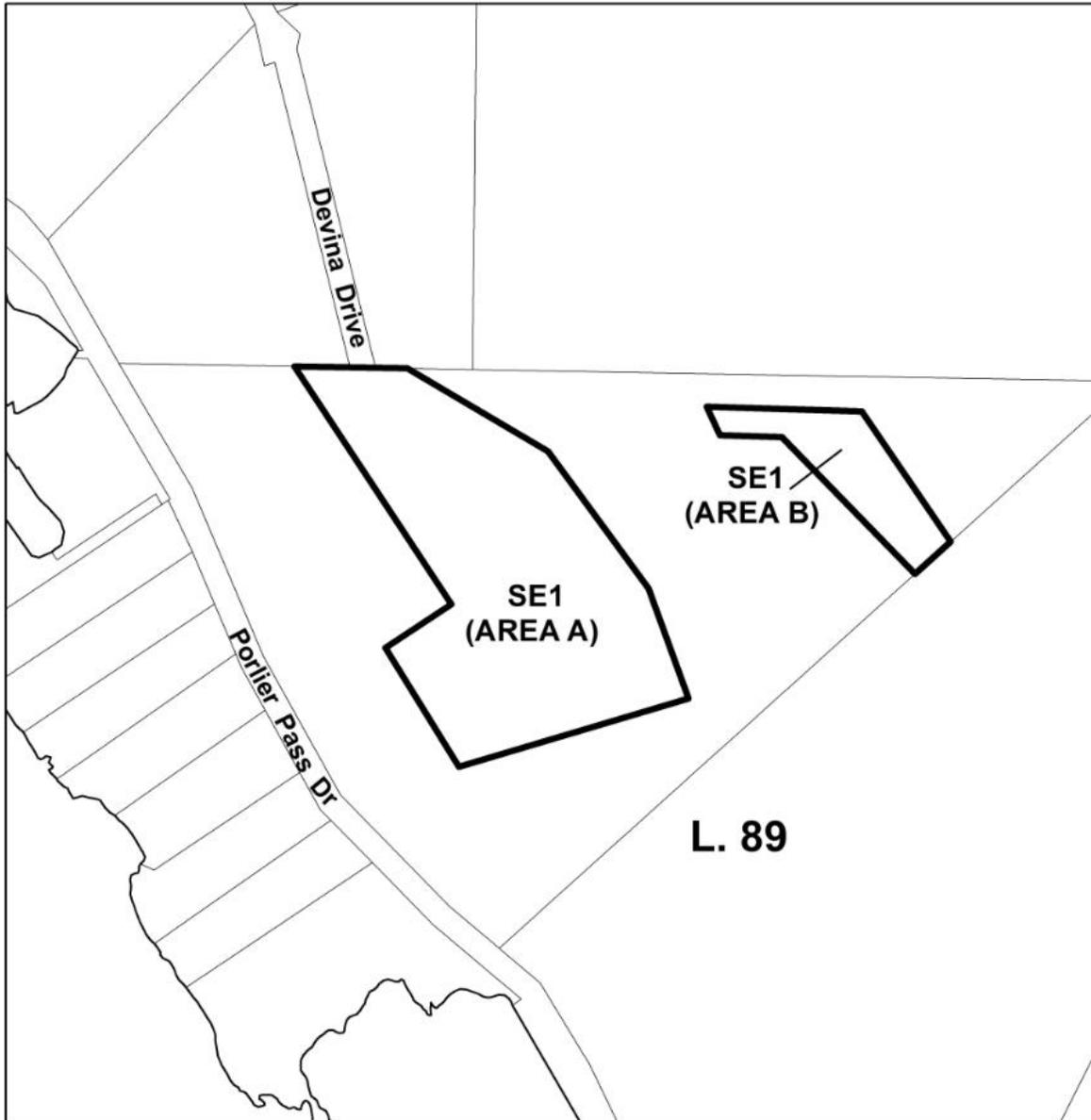
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

Plan No. 1



GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

Plan No. 2



Proposed Forest Cover Protection Clauses for Section 219 Covenant

Prepared by Crystal Mountain Society

November 23rd, 2021

Definitions

- a) “Development Area” means any area that has been cleared of trees and is maintained as such for management purposes including but not limited to roads, utility corridors, building sites, lawns, gardens, landscaped areas, view corridors, solar installations etc.
- b) “Natural Forest Cover” means areas characterized by forest in which natural tree canopy cover is greater than 30%, areas subject to Natural Disturbance, or areas characterized by Naturally Open Ecosystems.
- c) “Natural Disturbance” means the impact of a naturally occurring event that causes significant mortality or damage to a stand of trees, including fire, earthquake, landslide, wind, ice, snow, drought or attack by insects or disease.
- d) “Naturally Open Ecosystem” means any ecosystem that in its climax successional stage is naturally open with less than 30 percent tree cover including, but not limited to, cliffs, exposed rock bluffs with very shallow soils, marsh, and shallow water wetlands.

Intent and Purpose:

- a) To maintain at least 60 percent Natural Forest Cover on the Land.

Baseline Report

- a) The parties agree that the Baseline Report will serve as an objective information baseline for monitoring compliance with the terms of this Agreement.
- b) The Owners represent that the Baseline Report provides an accurate description of the Land and the Amenities as of the date of this Agreement and that the Baseline Report identifies all existing Natural Forest Cover and Development Area on the Land at the time of this Agreement.

Restrictions:

The Owners shall, except with the prior written approval of the Covenant Holders, in the sole discretion of each of them, maintain Natural Forest Cover on at least 60 percent of the Land.

Monitoring

- a) The Covenant Holders may, in the sole discretion of each of them, undertake monitoring to determine compliance with the requirements of this Agreement, including by conducting site visits and inspections on the Land.

From: Daniela Murphy
Sent: Wednesday, November 17, 2021 11:11 AM
To: Becky McErlean; Jas Chonk; Mike Tippett; dlundy@saltspringfire.com; chris.laughlin@viha.ca; Karla Campbell; saltspring@rcmp-grc.gc.ca; Christine Condron; amanda.vanderkloof@bcas.ca; Edward.Panis@dfo-mpo.gc.ca; McIntyre, Cathie BCA:EX; Nichols, Kris MUNI:EX; Jennifer.l.moran@gov.bc.ca; FrontCounter BC FLNR:EX; diana.cooper@gov.bc.ca; Janelle.staite@gov.bc.ca
Cc: Kristine Mayes; Rob Pingle; jarnet@crd.bc.ca
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI
Attachments: SS-BL-525_Referral Form.pdf

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaw: Bylaw No. 525 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 2, 2021" be referred to you for comment.

The proposed bylaw would rezone the subject property from Rural (R) to Rural variant p (R(p) to permit a maximum of one boathouse not exceeding 60 square metres in all lands zoned R(p) and establish a 15-metre setback from the natural boundary of the sea.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under application SS-RZ-2020.1.

A reply is respectfully requested by **Wednesday, December 22, 2021**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kristine Mayes at kmayes@islandstrust.bc.ca or 250-537-9144.

Please direct referral responses to ssiinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Thank you for your time and attention to this matter.

Yours truly,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 525 Date: November 16, 2021

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaws will be held at a later date.

APPLICANTS NAME / ADDRESS:

Douglas MacAlpine / 2980 Cowichan Valley Highway, Duncan, BC V9L 6A2

PURPOSE OF BYLAW:

To permit a maximum of one boathouse not exceeding 60 square metres in all lands zoned R(p) and establish a 15-metre setback from the natural boundary of the sea.

GENERAL LOCATION:

1351 Mountain Road, Salt Spring Island, BC

LEGAL DESCRIPTION:

LOT 5, OF SECTIONS 33 AND 37, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 1812

SIZE OF PROPERTY AFFECTED:

24.69-ha / 61-acres

ALR STATUS:

Non-ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Uplands

OTHER INFORMATION:

To review the staff report or for more information on application SS-RZ-2020.1, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region

First Nations

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Stz'uminus First Nation
- Malahat First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tseycum First Nation
- Semiahmoo First Nation
- Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

- CRD – All Referrals & K. Campbell (SSI Senior Manager)
- CRD – SSI Parks and Recreation
- CRD – SSI Building Inspection
- CRD – Environmental Eng. Division
- CRD – Parks & Community Services
- Vancouver Island Health Authority
- SSI Advisory Planning Commission

Non-Agency Referrals

- BC Ambulance Service
- RCMP
- SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

- Galiano Island Local Trust Committee
- Mayne Island Local Trust Committee
- North Pender Island Local Trust Committee
- Thetis Island Local Trust Committee
- Cowichan Valley Regional District

Provincial Agencies

BC Assessment Authority

Ministry of Municipal Affairs

Ministry of Transportation & Infrastructure

Ministry of Forest Lands, Natural Resource Operations and Rural
Development (Archaeology)

Ministry of Environment and Climate Change Strategy (BC Parks and
Conservation Officer Service Division)

Front Counter BC

BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

525
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 525

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Rural Zone Variation (p) – R(9) after Zone Variation R(o):

“Zone Variation – R(p)

(22) Despite Section 1.1 – Definition of “Boathouse” – a maximum of one *boathouse* not exceeding 60 square metres shall be located within all lands zoned R(p).

(23) Despite Subsection 4.4.2, the setback from the *natural boundary* of the sea is 15 metres.

And by making consequential numbering alterations to effect this change.

2.2 By changing the zoning classification of Lot 5, of Sections 33 and 37, South Salt Spring Island, Cowichan District, Plan 1812 from Rural – (R) to Rural Zone Variation (p) – R(p), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

READ A FIRST TIME THIS 9TH DAY OF NOVEMBER 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

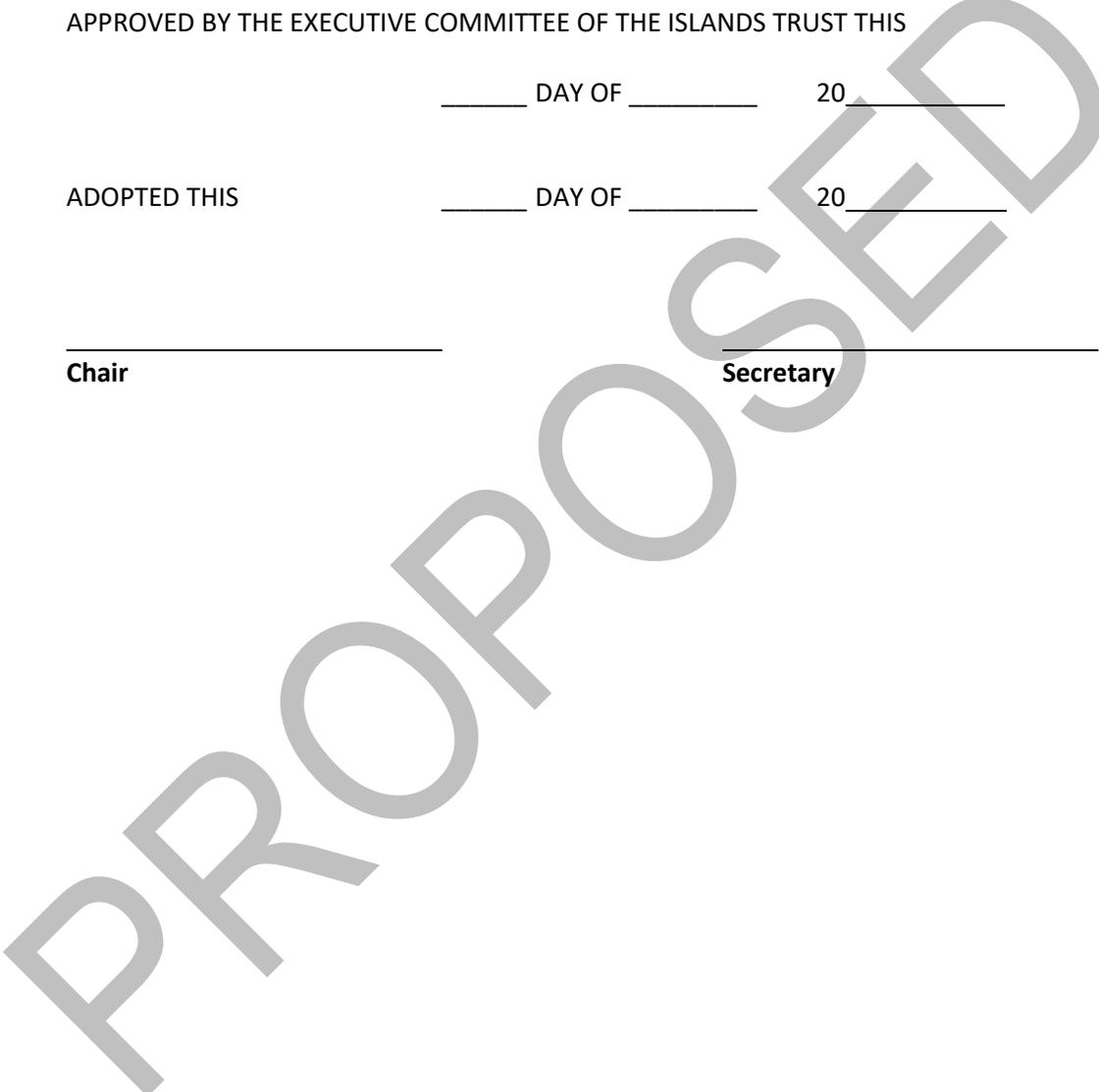
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20_____

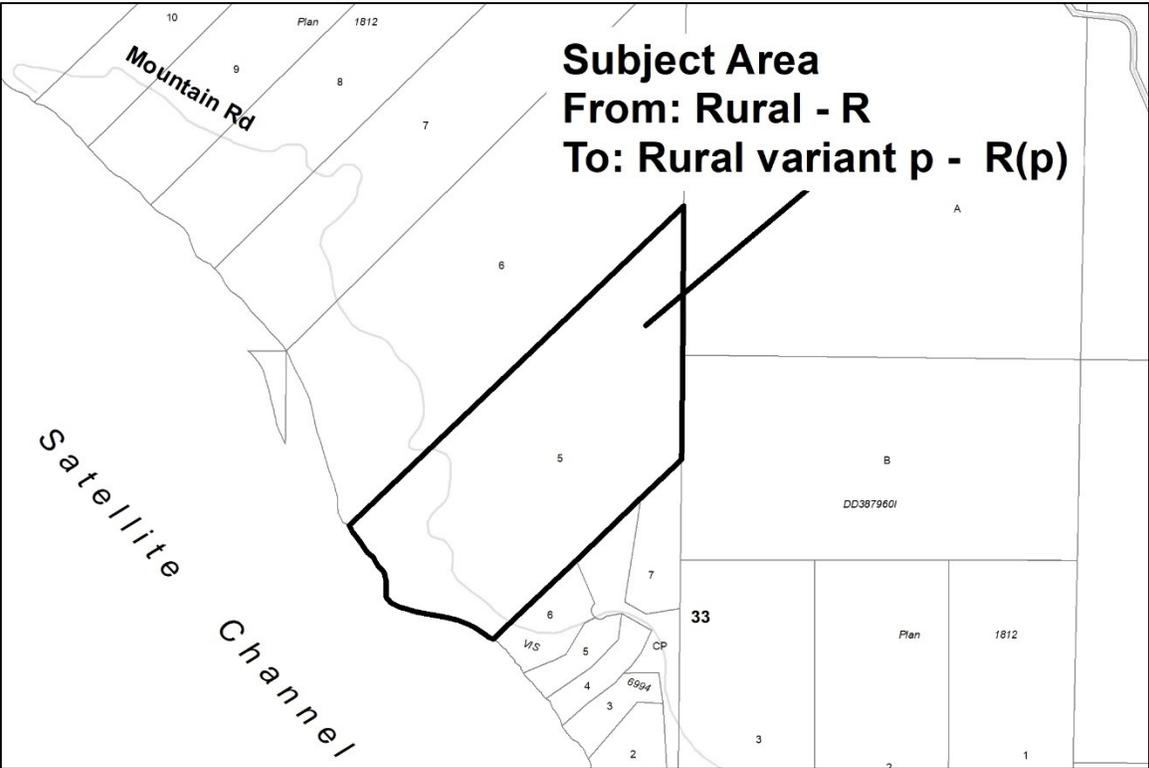
ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary



Plan No. 1



PROOF



Memorandum

Date: December 6, 2021

File Number: GL-LTC-BL 231 & 232

To: Galiano Island Local Trust Committee

From: Brad Smith, Island Planner
Southern Team

CC: Robert Kojima, Regional Planning Manager

Re: DL 68, 72 and 87 Rezoning

Purpose

At the November 8, 2021 meeting, LTC requested that staff reactivate the LTC project related to DL 87 and related properties.

The purpose of this staff memo is to provide additional background information to the Galiano Island Local Trust Committee (LTC) regarding the previous proposal to rezone portions of District Lots 68, 72 and all of District Lot 87. With this further information available, LTC can then decide on next steps, if any.

Background

Staff have researched the history of related rezoning files as summarized below:

- The lots, which are crown lots, were proposed to be rezoned from Forest 1 to Nature Protection (NP), and were included with a number of other largely minor amendments in Bylaws 211 and 212 in 2011;
- BC Parks objected to rezoning and re-designating the crown lots, in response to the bylaws being referred to them, because Parks staff at the time expressed that there was value in retaining the zoning as F1stemming from a proposal to include DL 87 in a rezoning along with DLs 79, 85 and 86 i.e. GL-RZ-2008.1 (Landworks);
- The LTC proceeded with Bylaws 211 and 212 regardless, but Executive Committee (EC) sent the bylaws back to the LTC because of the BC Parks objection (Attachment 1);
- The LTC then amended Bylaws 211 and 212 to remove the rezoning of the crown lots, proceeded with 211 and 212, and requested staff to prepare new bylaws to just amend the crown lots;
- Bylaws 231 and 232 (Attachments 2 and 3) were brought back to the LTC (Attachment 4), given first reading in August 2011, but did not proceed further (including not being referred to BC Parks, potentially as the same response would be anticipated);
- In 2013 and 2014, new parcels created during rezonings (DL 79 and Dewinetz) were transferred to BC Parks, and two MOUs were created for the management of these parcels;
- Bylaws 231 and 232 have remained at First Reading since.

It appears that the LTC of the day wanted bylaws 231 and 232 created, but put them on hold hoping that they could proceed in the future. Staff anticipate that BC Parks may no longer object to the rezonings.

LTC has room on their Top Priority projects list and staff are supportive of this initiative to rezone and redesignate these lands via existing BLs 231 and 232.

Also of note, the Galiano Conservancy has recently acquired District Lot 64, also in North Galiano. It is currently zoned R2 - Residential and they are seeking to rezone the property to NP - Nature Protection. This could be an opportunity for LTC to also address this request at minimal cost to the non-profit Conservancy.

NEXT STEPS

If LTC decide to make this a priority LTC project, staff will develop a project charter for LTC's consideration at an upcoming meeting. The project charter would outline a process for agency and First Nation referrals, including staff engagement with BC Parks.

Attachment 1. June 1, 2011 Staff Report re. BL 211 and 212

Attachment 2: BL 231

Attachment 3: BL 232

Attachment 4. July 28, 2011 Staff Memo re. BL 231 and 232



STAFF REPORT

June 1, 2011

File No.: GL-OCP-2010.2

To: Galiano Island Local Trust Committee
Robert Kojima, Regional Planning Manager

From: Gary Richardson, Island Planner
Local Planning Services

Re: Galiano Island Local Trust Committee Bylaws 211 (OCP) and 212 (LUB)

Owner: various
Applicant: Galiano Island Local Trust Committee
Location: Galiano Island Local Trust Committee Area

Supplementary Report

BACKGROUND:

The purpose of bylaw 211 and 212 are to amend the Galiano Island Official Community Plan, Schedule B (Land Use Designation) and Galiano Island Land Use Bylaw, Schedule B (Zoning Map) by changing the map designations of certain areas for the following reasons: change in ownership/status; request by landowner; to be consistent with the LUB; eliminate a split zoning situation; or to correct a historical inconsistency.

The Ministry of Environment (Parks Planning and Management Branch) forwarded two letters (March 23, 2011 and May 6, 2011) requesting that proposed bylaws 211 and 212 be tabled and that the Ministry of Environment does not support further readings of the bylaws (211 and 212) or the most recent draft Galiano OCP amendment.

The LTC gave the two bylaws 3rd reading at its business meeting May 9, 2011. The bylaws were also forwarded to the Executive Committee of the Islands Trust for approval.

The Executive Committee met on May 24, 2011 and considered proposed bylaws 211 and 212.

The Executive Committee passed the following resolution regarding proposed bylaw 211 (letter attached):

It was Moved and Seconded that the Executive Committee return Galiano Island Local Trust Committee Bylaw No. 211, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010" to the Galiano Island Local Trust Committee with the recommendation to remove Sections 2 and 3 of Schedule 1, on the basis that they are contrary to Section 3 of the Islands Trust Act that directs the Islands Trust to work in cooperation with the Province of British Columbia to achieve the Object (as cited in the May 6, 2011 letter from BC Parks), and that they are contrary to directive policy 3.1.4 in the Islands Trust Policy Statement.

The Executive Committee passed the following resolution regarding proposed bylaw 212:

It was Moved and Seconded that the Executive Committee refuse Galiano Island Local Trust Committee Bylaw No. 212, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2010" on the basis that it is contrary to the current Galiano Island Official Community Plan in the absence of approval of Galiano Island Local Trust Committee proposed Bylaw No. 211.

OPTIONS:

- 1) Proceed no further with proposed bylaws 211 and 212;
- 2) Amend proposed bylaws 211 and 212 as requested by BC Parks; or
- 3) Forward proposed bylaws 211 and 212 to Trust Council for approval.

STAFF COMMENTS:

Proposed Bylaws 211 and 212 contain several map amendments, BC Parks is only objecting to a few of the amendments.

It may be prudent to amend the bylaws as per BC Parks request and work with BC Parks to resolve their concerns before proceeding with amending the OCP designations and zoning on lands that they have interest in. The Subject lands being: District Lot 87; Lot 1, Plan VIP75373, District Lot 72; and Lot A, Plan VIP76636, District Lot 68, all of Galiano Island, Cowichan District.

Proceeding no further is not a recommended option as it would stop several amendments that staff believes will provide clarification and consistency to the maps associated with the Galiano OCP and LUB.

Trust Council is an option; however Trust Council may agree with the Executive Committees interpretation of the *Islands Trust Act*, which would require that the bylaws be amended if they are to proceed and delay the bylaws for some time.

If the LTC proceeds with amending proposed bylaws 211 and 212 as per BC Parks request the following is the appropriate sequence: rescinding 2nd and 3rd readings; amend the bylaws; give the bylaws 2nd reading as amended; and direct staff to schedule a public hearing.

RECOMMENDATIONS:

THAT the Galiano Island Local Trust Committee rescind 2nd and 3rd readings of proposed bylaw 211 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010”.

THAT the Galiano Island Local Trust Committee rescind 2nd and 3rd readings of proposed bylaw 212 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2010”.

THAT the Galiano Island Local Trust Committee amend proposed bylaw 211 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010.” And proposed bylaw 212 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2010”, by deleting amendments that apply to District Lot 87; Lot 1, Plan VIP75373, District Lot 72; and Lot A, Plan VIP76636, District Lot 68, all of Galiano Island, Cowichan District.

THAT the Galiano Island Local Trust Committee give proposed bylaw 211 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010.”second reading as amended.

THAT the Galiano Island Local Trust Committee give proposed bylaw 212 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2010” second reading as amended

That the Galiano Island Local Trust Committee instruct staff to arrange a public hearing for proposed bylaws 211 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010.”and proposed bylaw 212 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2010”.

Prepared and Submitted by:

Gary Richardson

June 2, 2011

Gary Richardson
Island Planner

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

June 2, 2011

Date



200-1627 Fort Street, Victoria BC V8R 1H8
Telephone (250) 405-5151 Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC 1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

May 24, 2011

File Number: GL/04-4

Galiano Island Local Trust Committee
200 – 1627 Fort Street
Victoria BC V8R 1H8

Dear Committee Members:

Re: May 24, 2011 Decisions of the Executive Committee
Galiano Island Local Trust Committee Bylaws 209, 211 and 212

Pursuant to section 22 (1) of the *Islands Trust Act*, this letter is to notify you in writing that the Executive Committee considered proposed Galiano Island Local Trust Committee Bylaw No. 209 on May 24, 2011 and approved it.

The Executive Committee also considered proposed Galiano Island Local Trust Committee Bylaw No. 211 and passed the following resolution:

It was Moved and Seconded that the Executive Committee return Galiano Island Local Trust Committee Bylaw No. 211, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010" to the Galiano Island Local Trust Committee with the recommendation to remove Sections 2 and 3 of Schedule 1, on the basis that they are contrary to Section 3 of the Islands Trust Act that directs the Islands Trust to work in cooperation with the Province of British Columbia to achieve the Object (as cited in the May 6, 2011 letter from BC Parks), and that they are contrary to directive policy 3.1.4 in the Islands Trust Policy Statement.

You may wish to consider this decision and return an amended version of Bylaw 211 to the Executive Committee for consideration at its next business meeting on May 31, 2011. Section 27(3) of the *Islands Trust Act* provides that if the Executive Committee returns or refuses to approve a bylaw, the local trust committee may, by request delivered to the Corporate Secretary, refer the bylaw to the Islands Trust Council for approval.

The Executive Committee also considered proposed Galiano Island Local Trust Committee Bylaw No. 212 and passed the following resolution:

It was Moved and Seconded that the Executive Committee refuse Galiano Island Local Trust Committee Bylaw No. 212, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2010" on the basis that it is contrary to the current Galiano Island Official Community Plan in the absence of approval of Galiano Island Local Trust Committee proposed Bylaw No. 211.

Your planning staff will provide you with further information about options that the local trust committee may wish to consider in regards to these bylaws.

Please do not hesitate to contact me if I can be of assistance.

Sincerely,

Linda Adams
Chief Administrative Officer
ladams@islandstrust.bc.ca
(250) 405-5160

pc: Executive Committee
David Marlor, Director Local Planning Services
Robert Kojima, Regional Planning Manager, Southern Team

Preserving **island** communities, culture and environment

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 231

A BYLAW TO AMEND THE GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 14, 2011.”

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 8th day of August , 2011.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

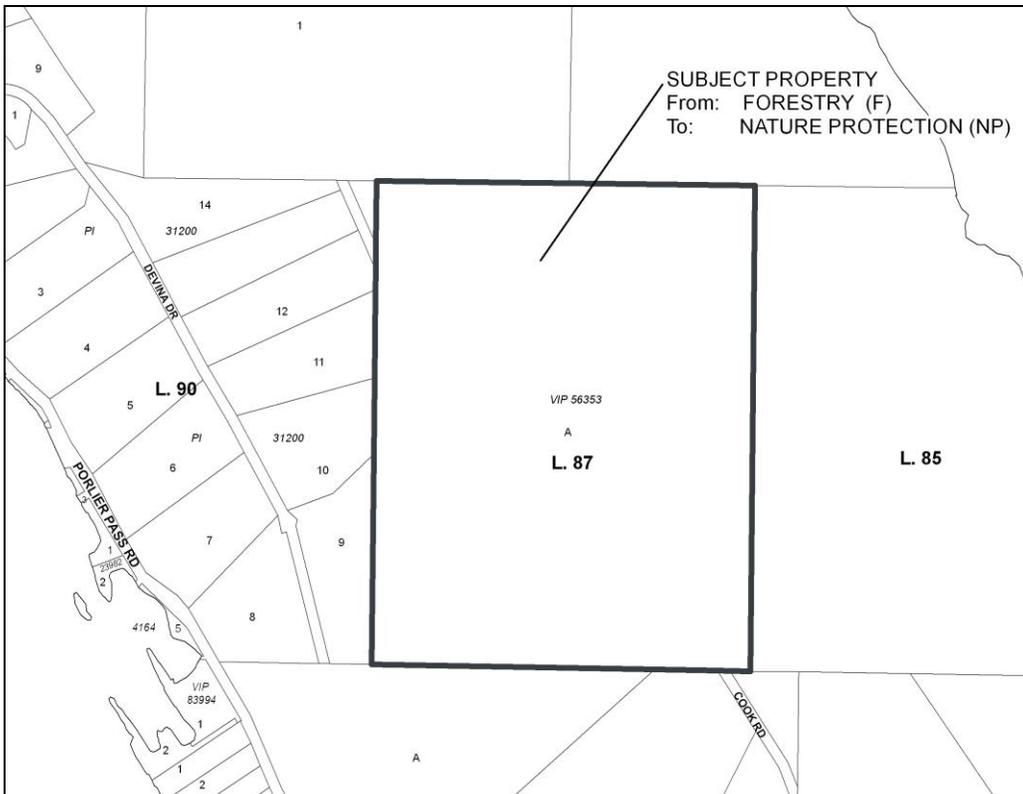
SECRETARY

CHAIRPERSON

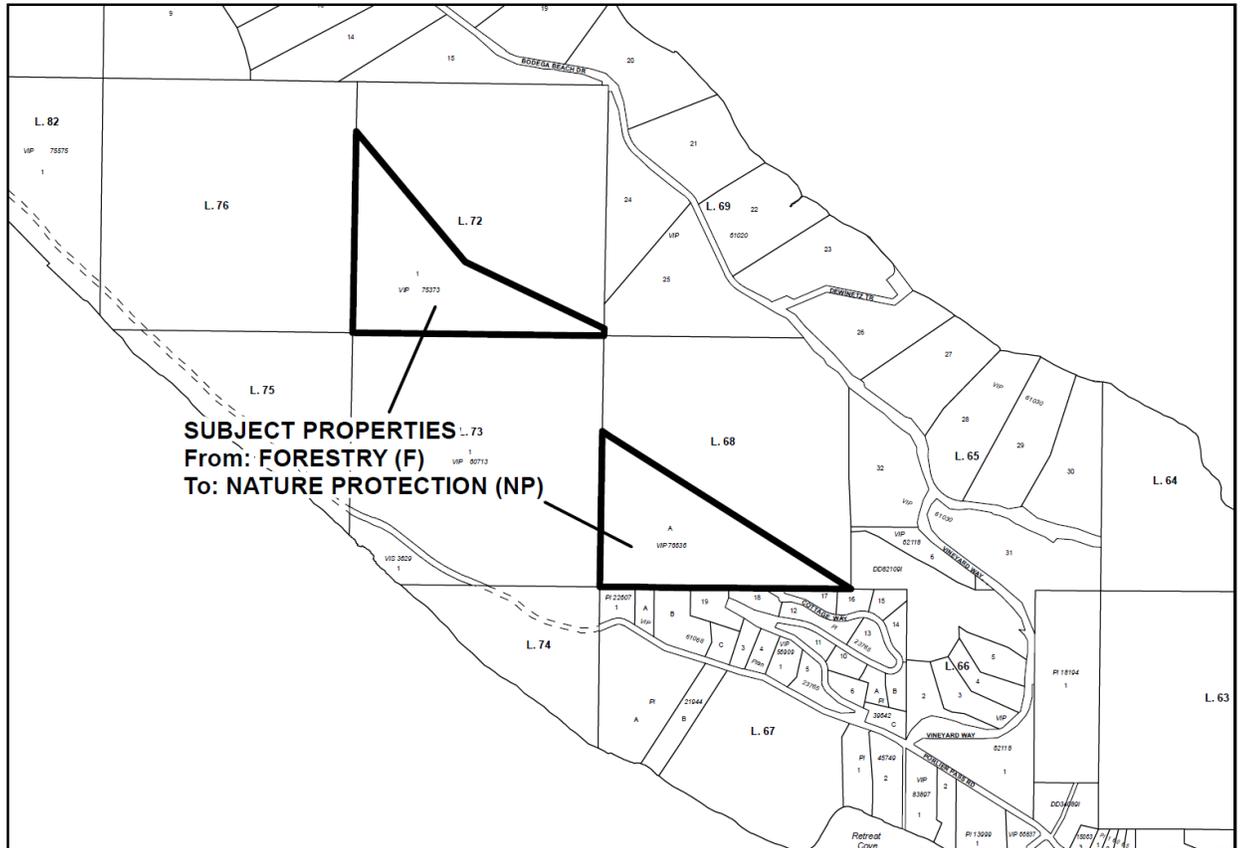
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 231
SCHEDULE 1**

Schedule B (Land Use Designation) is amended by changing the land use designations on the lands legally described as follows:

1. Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation, in accordance with the map below.



2. Lot A, Plan VIP76636, District Lot 68, Galiano Island, Cowichan District; and Lot 1, Plan VIP75373, District Lot 72, Galiano Island, Cowichan District from the Forestry (F) Land Use Designation to the Nature Protection (NP) Land Use Designation in accordance with the map below.



PROPOSED

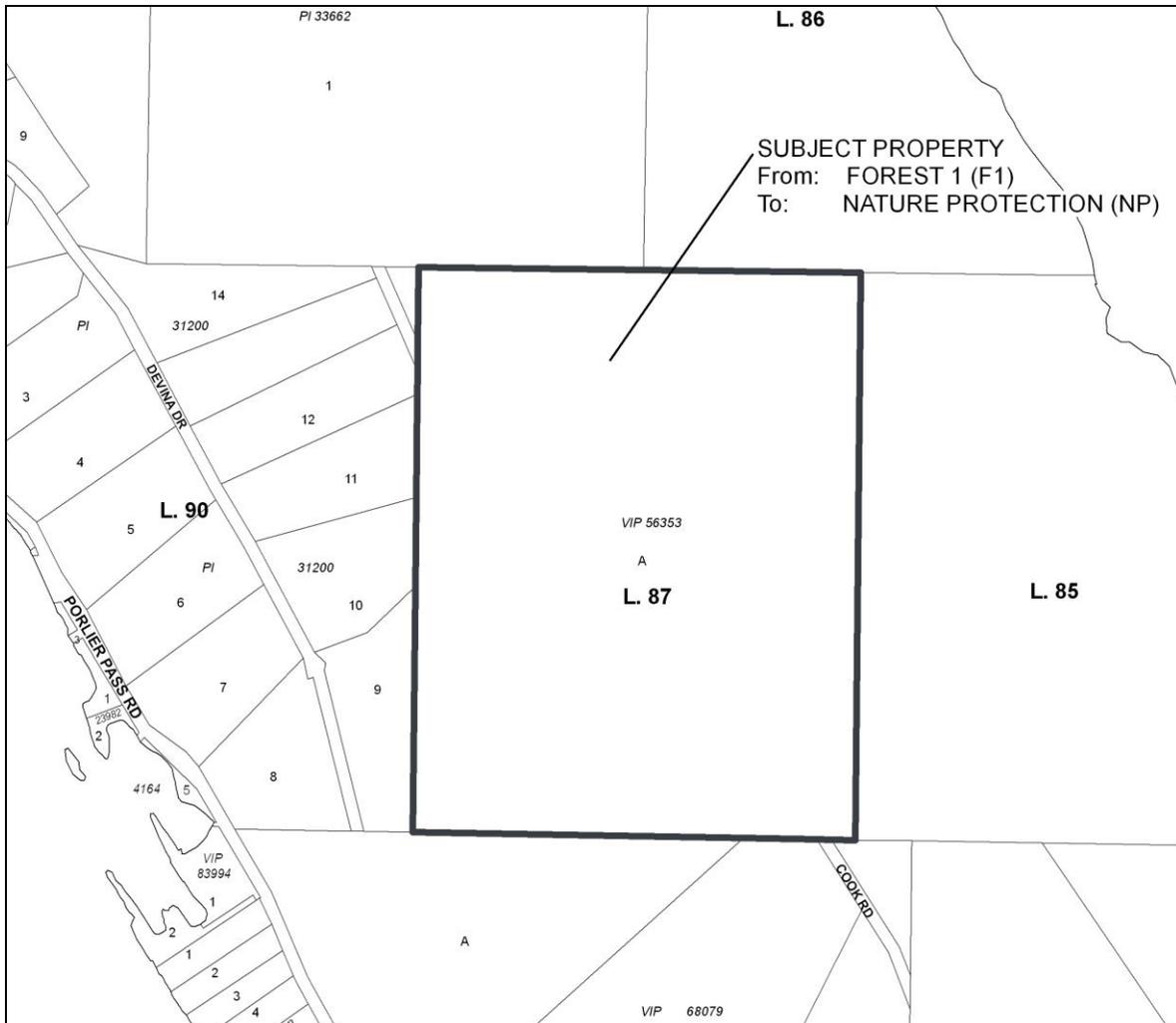
GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 232

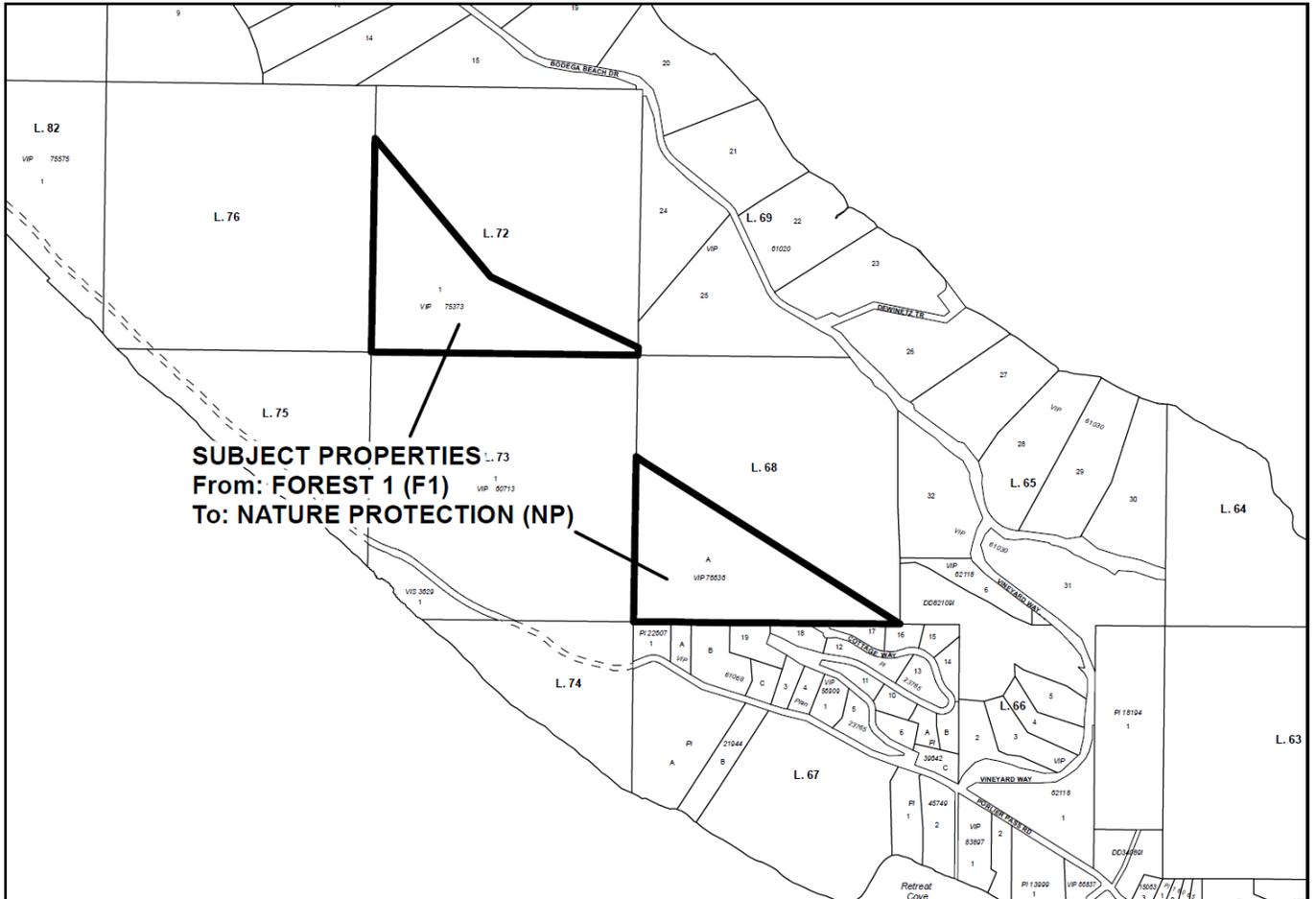
A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

The Galiano Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Galiano Island Trust Committee Area under the *Islands Trust Act*, enacts as follows:

- A. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 1. Lot A, Plan VIP56353, District Lot 87, Galiano Island, Cowichan District, except part in Plan VIP61539 from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



2. Lot A, Plan VIP76636, District Lot 68, Galiano Island, Cowichan District; and Lot 1, Plan VIP75373, District Lot 72, Galiano Island, Cowichan District from the Forest 1 (F1) zone to the Nature Protection (NP) zone, in accordance with the map below.



B. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.3, 2011".

READ A FIRST TIME THIS	8th	DAY OF	August	2011
PUBLIC HEARING HELD THIS		DAY OF		201_
READ A SECOND TIME THIS		DAY OF		201_
READ A THIRD TIME THIS		DAY OF		201_
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		201_
ADOPTED THIS		DAY OF		201_

DEPUTY SECRETARY

CHAIRPERSON



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone (250) 405-5151 FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date July 28, 2011 File Number GL-OCP-2011.1

To Galiano Island Local Trust Committee (LTC)

From Gary Richardson
Island Planner
Local Planning Services

Re Draft Bylaws 231 (OCP) and 232 (LUB)

The properties subject to amendment in draft bylaws 231 and 232 were previously contained in draft bylaws 211 and 212; however at the June 13, 2011 LTC meeting the LTC passed the following resolution:

Resolution GL-LTC-079-11

It was Moved and Seconded that Galiano Island Local Trust Committee Proposed Bylaw No. 211 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 3, 2010" and Proposed Bylaw No. 212 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 3, 2010" be amended by deleting the amendments that apply to District Lot 87; Lot 1, Plan VIP75373, District Lot 72; and Lot A, Plan VIP76636, District Lot 68, all of Galiano Island, Cowichan District.

Staff has drafted bylaws 231 and 232 in response to the above resolution. The draft bylaws are attached for the LTCs consideration.

Top Priorities Report

Galiano Island

2. Groundwater Sustainability

Phase 1 and 2: mapping and data analysis

Phase 3: Implement of mapping and data analysis

- Project Charter - February 2021

Responsible

Narrisa Chadwick

William Shulba

Dates

Rec'd: 02-Apr-2019

Target: 30-Sep-2022



Projects Report

Galiano Island

1. <i>Parking Issues</i>	Responsible	Date Received
<p>Issue for discussion with MoTI and public parking issues generated from associated islands.</p> <p>(see correspondence from P. Midgely on agenda of Apr/12)</p>		23-Jul-2012
2. <i>Light Industrial Zoning</i>	Responsible	Date Received
<p>A review and inventory assessment of existing and potential light industrial zones.</p>		18-Nov-2013
3. <i>Coastal Douglas-Fir Protection</i>	Responsible	Date Received
<p>Review 'Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)' and provide recommendations from toolkit.</p> <p>- LPC is intending to develop a model bylaw in 2021-22.</p> <p>Include review the Contiguous Forest Mapping in the Islands Trust Area Report.</p>		04-Feb-2019
4. <i>Cannabis Retail and production</i>	Responsible	Date Received
<p>Consider review of policies and regulations to address cannabis retail sales and production</p>		05-Mar-2019
5. <i>Dock review</i>	Responsible	Date Received
<p>To review policies and regulations relating to private moorage, including suitable locations, siting and size, and incorporating First Nations sites</p>		02-Apr-2019



Galiano Island

6. Emergency Access Planning

Responsible

Date Received

Follow-up from CRD emergency planning process - include consideration of developing driveway guidelines for emergency access within land use bylaw

02-Apr-2019

7. Review of forestry land designations, policies and community benefit approaches

Responsible

Date Received

Project represents a consolidation of a number of previously identified projects with a similar theme related to forestry zoning on Galiano Island. Project scope within previous projects included: current and potential future approaches to community benefit agreements, use of split zoning, F1 forest lot issues, issues regarding lands without managed forest status, amendments to re-designate and rezone crown owned Forest lots (Bylaws 231, 232 at First Reading)

03-Feb-2020

8. Review of Road Network Plan

Responsible

Date Received

Review of Road Network Plan - include December 11th APC memo in review process - meet with MOTI

02-Mar-2020

9. Review of LUB tiny home/trailer regulations, maximum house sizes and lot coverage

Responsible

Date Received

01-Jun-2021

10. Review of LUB water management and cistern regulations

Responsible

Date Received

02-Nov-2020



Projects Report

Galiano Island

11. <i>Revisit rezoning of DL 87</i>	Responsible	Date Received
		12-Apr-2021



Development Permit

File Number	Applicant Name	Date Received	Purpose
GL-DP-2021.5	Neave O'Shaughnessy	17-Aug-2021	835 STURDIES BAY RD - application for a DP for development in a sensitive ecosystem DPA

Planner: Phil Testemale

Planning Status

Status Date: 26-Nov-2021

QEP in discussion with staff and MoTI with recent land slip and damage (Geotechnical)

Status Date: 04-Nov-2021

February 7, 2022 agenda for consideration.

Status Date: 28-Oct-2021

Biologist contracted and conducted site visit and preparing report

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GL-DVP-2021.10	Robert Gathercole	15-Oct-2021	This Development Variance Permit application (DVP) is replacing the Board of Variance application.

Planner: Phil Testemale

Planning Status

Status Date: 26-Nov-2021

December 6 LTC agenda for consideration

Status Date: 22-Nov-2021

Sent refund in the amount of \$275.00 to Robert Gathercole.

Status Date: 08-Nov-2021

Notice and DVP drafted - to DS for circulation.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

GL-DVP-2021.7	Gerald Longson Architect AIBC	29-Jun-2021	401 SHOPLAND RD - convert the existing two vehicle bay, workshop and sleeping loft into a cottage all within the structure of the existing building
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Planner: Phil Testemale

Planning Status

Status Date: 26-Nov-2021

Application withdrawn.

Status Date: 24-Nov-2021

Sent signed Refund Memo to Nancy today.

Status Date: 17-Nov-2021

Sent Refund Memo, in the amount of \$715.00 to Robert Kojima to sign electronically, in order that I can forward to Nancy Roggers for processing.

Rezoning

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

GL-RZ-2014.1	Crystal Mountain Society	28-Oct-2014	20300 PORLIER PASS RD: Application for rezoning to amend the OCP and LUB to allow for a Forest Retreat Centre - Bylaws 256 (OCP) and 257 (LUB)
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Planner: Brad Smith

Planning Status

Status Date: 25-Nov-2021

Staff memo On December 6 LTC agenda

Status Date: 27-Sep-2021

Planner working on covenant, applicant working on installing data logger

Status Date: 31-Aug-2021

Application on Sep 7 agenda



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.1	GIGAHRS	11-Sep-2019	Georgia View Rd: rezoning application for to amend the OCP and LUB to permit an affordable housing development - Bylaws 276, (OCP), 277 (LUB), 274 (Housing Agreement)

Planner: Brad Smith

Planning Status

Status Date: 23-Nov-2021

Planner and Water Specialist met with applicants engineer to discuss water management plan comments

Status Date: 18-Nov-2021

Draft covenant to applicants lawyer for review

Status Date: 07-Oct-2021

Planner met with applicant's consultants to discuss outstanding tasks

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2019.2	Gauvreau, Lisa	01-Oct-2019	Application to amend the LUB rezone to commercial - Bylaw 271 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 08-Nov-2021

Bylaw given final reading and adopted, LUB to be amended including schedule map, file to be closed

Status Date: 28-Oct-2021

Application on Nov 8, 2021 LTC agenda for 4th reading/final adoption

Status Date: 27-Sep-2021

Amending bylaw given 3rd reading by LTC Sep 7, on October 6th Executive Committee for approval prior to LTC consideration of 4th reading adoption



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2020.1	KING, FRED & DEBBIE	27-Oct-2020	51 Galiano Way - Application for rezoning to amend the OCP to permit residential use - Bylaw 279 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 28-Oct-2021

Applicant working on DAI TOR items

Status Date: 31-Aug-2021

Planner to contact applicant for status update

Status Date: 22-Jun-2021

Applicant working on TOR items - no clear timeline for coming back to LTC

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.1	New Commons Development	08-Mar-2021	409 Porlier Pass Road - Application for rezoning to amend the LUB to permit an affordable housing development with a total of 20 units (within 4 buildings). Bylaw 280 (LUB)

Planner: Brad Smith

Planning Status

Status Date: 02-Nov-2021

Staff memo on November 8 LTC agenda

Status Date: 28-Oct-2021

CIM completed October 23, 2021

Status Date: 28-Oct-2021

Application on Nov 8, 2021 LTC agenda



Rezoning

File Number	Applicant Name	Date Received	Purpose
GL-RZ-2021.2	Andy Gaylor of McElhanney Ltd.	16-Aug-2021	COOK RD - application for rezoning to emend the OCP and LUB to permit a rezoning from F1 to create an F3 zoned parcel, two 2.0 hectare Rural Residential-zoned parcels, and 12+ ha of parkland and road dedication. And to allow a small enclosed sawmill in proposed F3 zoned area.

Planner: Brad Smith

Planning Status

Status Date: 25-Nov-2021
Preliminary report on Dec 6, 2021 agenda

Status Date: 28-Oct-2021
Preliminary staff report planned to be on Dec 6, 2021 agenda

Status Date: 10-Sep-2021
DAI TOR provided to applicant

Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2020.1	Mitchell, Glen	19-Dec-2019	GIGHARS - Proposed two lot conventional subdivision referral of Lot 1 District Lots 30 and 31

Planner: Brad Smith

Planning Status

Status Date: 18-May-2021
Applicant has received preliminary conditions approval letter from MOTI - subdivision subject to successful rezoning

Status Date: 19-Feb-2021
Applicant working on referral report items

Status Date: 15-Dec-2020
Referral report reviewed with applicant



Subdivision

File Number	Applicant Name	Date Received	Purpose
GL-SUB-2021.1	Lawrence Waterfall	09-Jul-2021	350 MARY ANN POINT RD - Referral of a subdivision application for 3 new lots

Planner: Phil Testemale

Planning Status

Status Date: 17-Sep-2021

Terms of Reference for Hydrogeologist's proof of potable water sent to applicant.

Status Date: 10-Sep-2021

Revised response for updated plan (park dedication removed - 2021-08-08) sent to MoTI. cc'd to LTC, CRD, GIPRC and Freshwater Specialist

Status Date: 19-Aug-2021

Revised subdivision layout plan received

Islands Trust

LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending October 2021

625 Galiano	Invoices posted to Month ending October 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	331.00	165.00	166.00
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	4,771.00	2,082.62	2,688.38
65210-625	LTC - Local Exp - APC Meeting Expenses	370.00	1,027.33	-657.33
65220-625	LTC - Local Exp - Communications	250.00	2,073.74	-1,823.74
65230-625	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,685.00</u>	<u>5,183.69</u>	<u>501.31</u>
Projects				
73001-625-2002	Galiano OCP/LUB	1,500.00	1,106.97	393.03
73001-625-4114	Galiano Groundwater Strategy Implementation	2,500.00	129.15	2,370.85
73001-625-4121	Galiano Healthy Watersheds Initiative	20,000.00	137.27	19,862.73
TOTAL Project Expenses		<u>24,000.00</u>	<u>1,373.39</u>	<u>22,626.61</u>



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2020-042 (Standing)</p> <p>That the Galiano Island Local Trust Committee request that development permit applications where a variance is requested be processed as a combined application with both a development permit and a development variance permit.</p>	Carried	08-Sep-2020
<p>2020-041 (Standing)</p> <p>that the Galiano Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <p>a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased.</p> <p>b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.</p> <p>c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue.</p> <p>d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.</p>	Carried	06-Jul-2020



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2020-013 (Standing)</p> <p>that the Galiano Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.</p>	Carried	03-Feb-2020
<p>2019-057 (Standing)</p> <p>that the Galiano Island Local Trust Committee initiate a moratorium on new TUP applications until the STVR project is completed and that bylaw enforcement is directed to require that unlawful STVRs comply with the land use bylaw.</p>	Rescinded	08-Jul-2019
<p>2019-053 (Standing)</p> <p>that the Local Trust Committee seek to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area. 	Carried	03-Jun-2019



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2019-014 (Standing)</p> <p>that the Galiano Local Trust Committee adopt the following standing resolution with respect to the processing of non-medicinal cannabis retail license applications:</p> <ul style="list-style-type: none"> - Proposed or amended licenses for non-medicinal cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> o Name of the applicant and a description of the proposal in general terms o The location of the proposed establishment and the subject site o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application o How public comments may be submitted to the local trust committee. 	Carried	04-Mar-2019
<p>2018-064 (Standing)</p> <p>that the Galiano Island Local Trust Committee endorses the Telecommunication strategy Project Charter dated June 22, 2016</p>	Carried	04-Jun-2018



Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2016-000 (Standing)</p> <p>Without fettering its discretion, the LTC provided the following guidance with respect to its consideration of TUP applications for Commercial Vacation Rentals:</p> <ol style="list-style-type: none"> 1. A Commercial Vacation Rental use should only be considered in one dwelling per lot 2. Permits being considered in Water Management Areas should include conditions requiring cisterns with a minimum capacity of 16,000 litres and a water meter. 3. In order to assist in assessing cumulative impacts, staff are requested to continue to provide an updated map showing the location, status, and maximum number of guests of all Commercial Vacation Rental TUP applications. 	Rescinded	05-Dec-2016
<p>2014-029 (Standing)</p> <p>That the Galiano Island Local Trust Committee will consider as a community benefit for all rezoning applications where there is an increase in density, the establishment of an instrumented observation well.</p>	Carried	07-Apr-2014
<p>2014-000 (Standing)</p> <p>On properties where there is an open bylaw enforcement file, planning staff should refer planning applications to the Bylaw Enforcement Manager for comment where one or more of the following circumstances exist:</p> <ol style="list-style-type: none"> 1. There have been significant delays or longer than typical timelines in the enforcement process 2. The LTC is considering on-going, relevant policy or regulatory changes that could impact enforcement 3. Litigation has been recommended 4. Legal counsel has been involved (beyond providing a basic interpretation) 5. There has been enforcement action beyond seeking voluntary compliance (e.g. a BEN warning or ticket, adjudication, a compliance agreement negotiated, etc.) 6. There has been, or is an expectation of, joint enforcement with other jurisdictions 7. There is potential for impact on other related enforcement files. 	Carried	03-Feb-2014

Standing Resolutions Log

Galiano Island

Resolution Number	Action	Date
<p>2011-205 (Standing)</p> <p>That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property on which Galiano Island Land Use Bylaw No. 127, 1999 permits public assembly uses, such as restaurants or community halls, and where there have been no issues related to parking or past complaints for the preceding three years , staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.</p>	Carried	17-Oct-2011
<p>2010-115 (Standing)</p> <p>That the Galiano Island Local Trust Committee will advertise Public Hearing Notices in the Active Page Magazine in addition to the legally required advertising in the Driftwood Newspaper.</p>	Carried	18-Oct-2010
<p>2009-085 (Standing)</p> <p>That staff refer all applications adjacent to a park or ocean access to the Galiano Island Parks and Recreation Commission for comment</p>	Carried	11-May-2009

From: Samuel Sugita [REDACTED]
Sent: Friday, October 29, 2021 12:39 PM
To: Dan Rogers; Jane Wolverton; Tahirih Rockafella
Subject: RE: Galiano Antenna Colocation on CREST tower

Hello Galiano Local Trustees,

Happy Friday!

Per Islands Trust's Antenna System Siting and Consultation Protocol for Galiano, Rogers would like to inform you of our antenna installation onto the existing tower owned by CREST located at 1228 Montague Road and is exempted from public consultation.

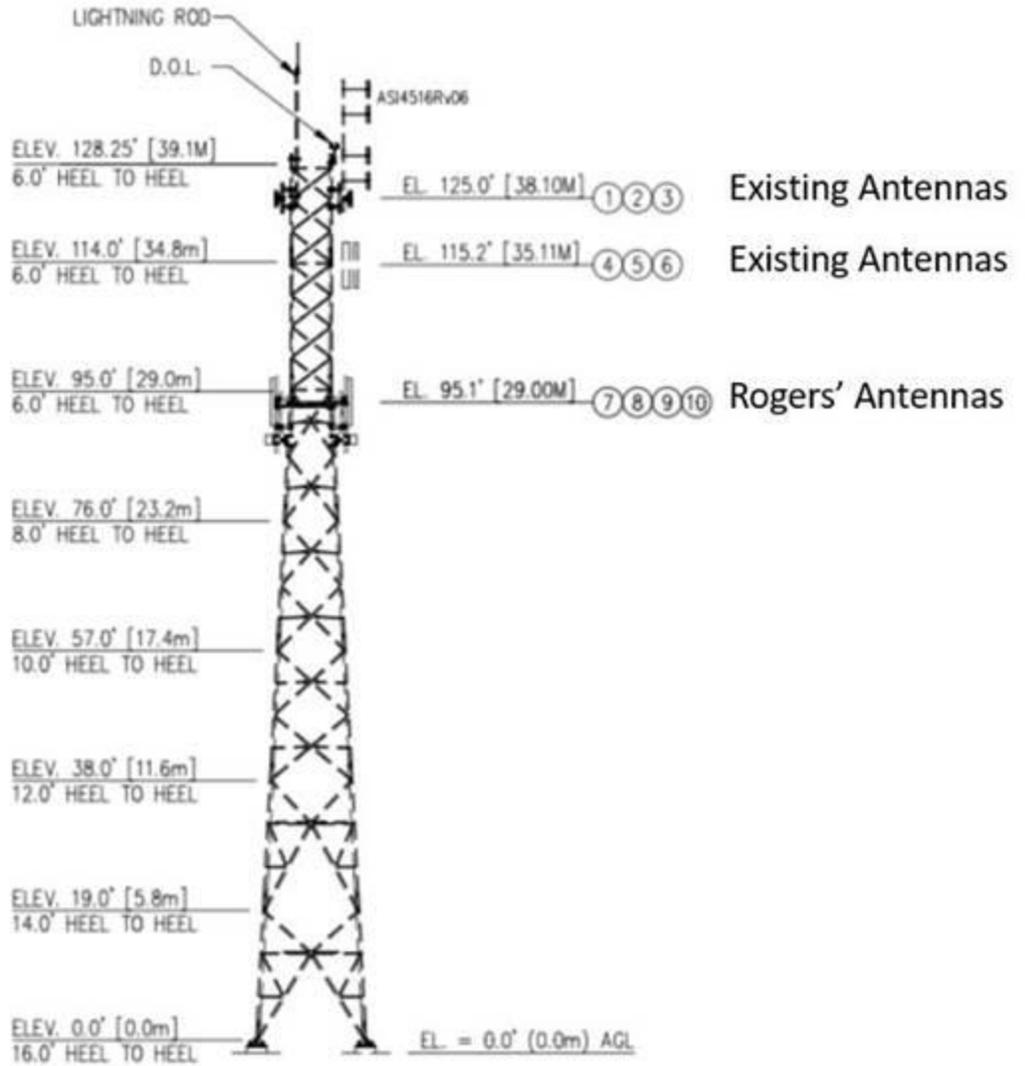
The following describes the proposed scope of work as prescribed in the Protocol but I would be happy to provide any further information should that be desired. The installation would satisfy both Island Trust Protocol, Industry Canada requirements as well as be installed in compliance with Health Canada safety regulations for safe radio emissions (Safety Code 6 put in place to protect all Canadians).

Scope of work:

- a) Location – 1228 Montague Road, Galiano Island
- b) Description – Rogers will be adding 6 antennas to the existing 39.1m self-support tower built in 2018. All Rogers' antennas installations will be at the 29m elevation on the tower. No tower modifications will be made for Rogers' antenna installation.
- c) Height of antenna system – 29m
- d) Height of any modification – 29m

Tower profile for reference below:

Existing Tower



Warm regards,

Samuel Sugita, MCIP RPP
Manager, Real Estate and Municipal Affairs
Access Networks BC

Rogers Communications Inc.
 1900 - 4710 Kingsway,
 Burnaby, BC V5H 4M2
 ☎ 604-676-6298 📠 236-888-8861

GALIANO ISLAND LOCAL TRUST COMMITTEE

ANTENNA SYSTEM SITING &

CONSULTATION PROTOCOL



Islands Trust



Photo Credit: Beacon Wireless – <http://www.beaconwireless.ca/#high-speed-internet>

Last Updated: September 7, 2018

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A. Objectives

The objectives of this *protocol* are:

1. to acknowledge that ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada;
2. to establish a siting and consultation process for reviewing land use issues associated with antenna system proposals that is harmonized with ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with *antenna system* siting proposals;
3. to set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of *antenna system* siting proposals that:
 - minimize the number of new antenna sites by encouraging co-location;
 - encourage designs that integrate with the surrounding land use and public realm;
 - establish when local public consultation is required; and
 - allow ISED and *proponents* to identify and resolve any potential land use, siting or design concerns with the LTA at an early stage in the process.
4. to provide an expeditious review process for *antenna system* siting proposals;
5. to establish a local land use consultation framework that ensures the Galiano Island Local Trust Committee (LTC) and members of the public contribute local knowledge that facilitates and influences the siting--location, development and design (including aesthetics) --of *Antenna system* within the Galiano Island Local Trust Area (LTA) boundaries;
6. to contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network within the Galiano Island LTA; and
7. to provide the Galiano Island LTC with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Galiano Island LTC at the end of the process.

B. Jurisdiction

1. Role of Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of *telecommunication antenna system* is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, the *CPC*, which prescribes the process and review of proposed telecommunication structures. As part of

the process, *proponents* are required to notify the local land-use authority and nearby residents. Moreover, the *proponent* is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

2. Other Federal Legislation

Public Health

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication *proponents* are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009)*. This code is accompanied by the *Technical Guide for Interpretation and Compliance Assessment of Health Canada's Radiofrequency Exposure Guidelines*, to assist users in understanding and assessing the safety of electromagnetic exposures in working and living environments. This code is also accompanied by a fact sheet, *What is Safety Code 6?* (available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html>).

Environmental and Aeronautical Legislation

In addition to Health Canada's requirements, *proponents* must comply with the Canadian Environmental Assessment Act and any painting and lighting requirements for aeronautical safety prescribed by NAV Canada and Transport Canada.

3. Role of Local Government

Local governments are referred applications for proposed towers and are given the opportunity to comment on the proposal. Ultimately, the role of the Galiano Island LTC is to issue a statement of concurrence or non-concurrence to the *proponent* and ISED. The statement considers the land-use compatibility of the antenna structure, the responses of the impacted residents and the *proponent's* adherence to this *protocol*. In addition, the LTC can communicate and provide guidance to the *proponent* on the particular sensitivities, planning priorities, and characteristics of an area (sensitive ecosystems), and establish siting guidelines. The LTC cannot assess any proposal for an *antenna system* with respect to any non-placement or non-design related issues or radiofrequency exposure issues and human health, but can require the *proponent* to confirm compliance with Health Canada's Safety Code 6.

C. Definitions

Antenna system (also telecommunication antenna system) means an exterior transmitting device – or group of devices – used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. *Antenna system* includes the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This *protocol* refers to the following three types of *telecommunication antenna system*, defined below;

Building/structure-mounted antenna system means a *telecommunication antenna system* mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.

Freestanding antenna system means a structure built from the ground for the expressed purpose of hosting transmitting devices; and

Tree-mounted antenna system: means an antenna system mounted on a tree.

Co-location means the placement of antennas and equipment operated by one or more *proponents* on a *telecommunication antenna system* owned by a different party, thereby creating a shared facility;

Community association means an active area or neighbourhood specific group or association within a LTA;

Distance the horizontal distance measured from the lot line to the base of a proposed freestanding antenna system or the base of any building or structure to which an antenna system is mounted to a structure, building, or facility.

Emergency service providers means any police, fire, ambulance or search and rescue organization with a typical response area within the *notification distance* of a proposed *telecommunication antenna system*;

Localized content means any public consultation materials, supporting documentation and/or other relevant promotional material provided by a *proponent* for a proposed *telecommunication antenna system* which has been tailored specifically to the context of the LTA;

Neighbouring land-use jurisdiction means any land-use authority or First Nations within a *Prescribed Notification Distance* of any proposed *telecommunication antenna system*;

Prescribed notification distance: measured horizontally from the outside perimeter of the supporting structure of the proposed *freestanding* or *building/structure-mounted antenna system*. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower;

Proponent: means a company or organization, including contractors or agents undertaking work for telecommunication carriers, for the purpose of providing commercial telecommunication services;

Protocol: means any written local guideline, policy or process that addresses the issue of antenna placement;

Residential area: means lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted with residential use on the same lot).

School District: means an area created or constituted as a school district under the *School Act*;

Sensitive community locations: means institutions and services, such as schools, daycares, recreation facilities, public parks, or other sensitive locations;

Stealth design: means a design of an antenna system that camouflages the antenna and supporting structure as something else such as a tree, water tower, flag pole, component of a building, or similar means.

Telecommunications antenna system: see antenna system definition.

D. Exempt Antenna Systems

This section outlines the criteria for identifying *Antenna system* excluded from the consultation process by ISED, the need to consider local circumstances for all exempt structures, and the process for *proponents* to notify and discuss proposed exempt structures with the Galiano Island LTC.

1. Exemptions from Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, *proponents* are generally excluded by ISED from the requirement to consult with the LTC and the public, ***but must still fulfill the General Requirements outlined in Section 7 of the CPC.***

- **New antenna system:** where the height is ***less than 15 metres*** above ground level proposed by business, government, Crown agencies, general public; this exclusion does not apply to *antenna system* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Existing antenna system:** where modifications are made, antennas added or the tower replaced², including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation³. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to *antenna system* using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Non-tower structure:** antennas on buildings, water towers, lamp posts, and similar structures, ***are excluded*** from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25% and have been reviewed by Islands Trust staff who will provide comment in accordance with Galiano Island LTC *design guidelines*; and
- **Temporary antenna systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing *antenna system*.

2. Voluntary Public Consultation

The CPC states that:

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances.

² The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

³ Initial antenna system installation refers to the system as it was first consulted on, or installed.

Consequently, it may be prudent for the proponents to consult the LTC and the public even though the proposal meets an exclusion noted above.

Therefore, when applying the criteria for exclusion, *proponents* are encouraged to consult the LTC when it is **prudent** to do so in consideration of any of the following:

- The *antenna system's* physical dimensions, including the antenna, mast, and tower, is significant compared to the local surroundings,
- The relative location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- The likelihood of an area being in a community-sensitive location; and
- The nature of Transport Canada's marking and lighting requirements for the proposed structure.

E. Notification and LTC Review of Exempt Antenna Systems

Notwithstanding ISED's exemption criteria for certain *Antenna system*, LTCs should be informed of all new *antenna system* installations within their boundaries so they can:

- be prepared to respond to public inquiries once construction/installation has begun;
- be aware of site *co-location* within the LTA;
- maintain records to refer to in the event of future modifications and additions; and
- engage in meaningful dialogue with the *proponent* with respect to the appearance of the *antenna system* and structure prior to the *proponent* confirming a final design.

Therefore, *proponents* are required to undertake the following steps for **all exempt antenna system installations before commencing construction**.

1. Building/Structure-Mounted Antenna System:

The *proponent* will in all cases provide the following **information** for all new *antenna system* or modifications⁴ to existing *antenna system* that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation:

- a) the location of the *antenna system* (address, name of building, rooftop or wall mounted);
- b) description of proposed **design** with respect to the measures used by existing systems on that site;
- c) the height of the *antenna system*;
- d) the height of any modifications to existing systems.

The Islands Trust staff may notify the *proponent* of any inconsistency with the preferences and sensitivities expressed in the siting criteria and /or design preferences and the parties (proponent and Islands Trust staff) will work towards a solution that minimizes visibility.

⁴ Providing information is required for modifications that materially or noticeably change the appearance of the system. Maintenance works that do not result in such changes are excluded from the information requirement.

2. Additions that Increase the Height of Freestanding Antenna system:

The *proponent* will confirm with the LTC or Islands Trust staff that an addition that extends the height of an existing *freestanding antenna system* meets the exclusion criteria by providing the following:

- a) the location, including its address and location on the lot or structure;
- b) a short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- c) a description of how the proposal meets one or more of the exclusion criteria.

The Islands Trust staff will review the documentation and will contact the *proponent* where there is a site-specific basis for modifying the exemption criteria based on the siting criteria preferences and discouragements expressed of the *protocol*. In such cases, the Islands Trust staff and the *proponent* will work toward a mutually agreeable solution, which may include the Islands Trust staff requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process of this *protocol*, as applicable, concluding with a letter of concurrence or non-concurrence.

3. Additional Exemptions

Local Trust Areas may exclude from all or part of the consultation process any *antenna system* installation in addition to ISED's basic exemptions.

- a) A new *antenna system* proposed to be located outside the LTC's preferred distance from the nearest lot line;
- b) The Islands Trust staff may additionally, on a case-by-case basis, exempt a *proponent* from all or part of the consultation requirements of this *protocol*. For example, exemptions may be granted where the proposed location is separated from a *residential area* or heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.
- c) Antenna system greater than 15 metres in height proposed by government agencies such as police, fire protection, ambulance, other emergency services, BC ferries, and BC Hydro who maintain their own two-way telecommunication networks, except, however, such systems are not exempt if they are proposed in partnership with a commercial telecommunication service provider.

F. Application, Consultation Process, & Request for Concurrence for Non-Exempt Antenna Systems

1. Consultation Objectives

The *protocol* for public consultation is designed to:

- inform;
- incorporate local knowledge;
- harmonize with ISED regulations and guidelines;
- be transparent;
- be consistent;
- be predictable; and
- be expeditious.

2. Public Consultation Requirements

Proponents must complete public consultation for the following:

- ***New antenna systems***: where the height is greater than 15 metres
- ***New antenna systems***: where the height is less than 15 metres proposed by telecommunication carriers, broadcasting undertakings or third-party owners
- ***Existing antenna systems***: where modifications exceed a cumulative height increase of greater than 25%
- ***Non-Tower Structures***: where the height above ground of the non-tower structure, exclusive of appurtenances, is increased by more than 25%

3. Pre-Consultation with the Islands Trust

Prior to submitting an *antenna system* proposal that does not meet any of the exemptions listed in Section D, the *proponent* will undertake the following preliminary consultations with the LTC:

a) Pre-Consultation

The purpose of the pre-consultation phase is for the proponent to share with Islands Trust staff the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the *proponent* notifies Islands Trust staff that locations in the community are being assessed for potential *antenna system* siting;
- the *proponent* provides the Islands Trust staff potential locations and invites feedback on preferred locations and/or designs; and
- the *proponent* may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

b) Site Investigation Meeting

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- **Site Location:** preferred location, type and height of the proposed *telecommunication antenna system*;
- **Alternative Locations:** summary of what other alternative locations were considered, including options to co-locate on existing structures;
- **Site Design:** preliminary drawings and/or visual renderings of the proposed *telecommunication antenna system*;
- **Co-location:** summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the *proponent* to outline the proposal to the LTC;
- give opportunity for the LTC and Islands Trust staff to provide initial feedback to the *proponent*;
- identify any *locations of sensitive ecosystems* ;
- identify any potential *neighbouring land-use jurisdictions, school districts, emergency service providers and community associations* that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating *localized content* for public notification and distribution; and
- Inform the *proponent* of the LTC's preference to support future *Co-location* opportunities.

c) LTC Preferences and Requirements

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- **Public consultation:** confirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a public information meeting is required or, (b) public consultation is not required;
- **Site design:** comments on proposed location and design; and
- **Professional reports and permits:** a list of plans, professional reports and/or permits that may be required (i.e. environmental impact statements) as well as any fees for processing application.

d) Pre-Consultation Update to LTC

After completion of the site investigation meeting with the proponent, Islands Trust staff will inform the Galiano Island LTC of the following:

- Potential sites outlined by the proponent;
- Height, type and design of antenna systems;
- Co-location information, or consideration of co-location by the proponent; and
- Applicable feedback given to the proponent by Islands Trust staff.

Information provided to the LTC at the Pre-Consultation stage may change upon receipt of final application submission by the proponent. The LTC is not required to comment on the antenna system proposal until a full application submission is made.

4. Application

a) Application Submission to the Islands Trust: Initial Application Proposal

The *proponent* must include the following information when submitting a *telecommunication antenna system* siting proposal to the Islands Trust that does not meet the exemption criteria for the proposal review and public consultation requirement:

- Site Rationale:** a letter or report from the *proponent* indicating the need for the proposed site, the rationale for site selection, and a summary of opportunities for *co-location* potentials on existing or proposed *antenna system* within the LTA;
- Co-location: (a)** a summary of effort proponent has made to encourage others to co-locate on the proposed new infrastructure, as well as a list of parties who have expressed an interest in co-locating, and **(b)** a written and signed attestation that there are no *co-location* opportunities within the LTA;
- Site Design:** Preliminary engineering plans of the proposed structure which includes information outlining the number of antennas proposed on the structure, and the structure's ability to accommodate future antennas (including *co-location*). Proponents are encouraged to provide site design options;
- Visual Renderings:** visual rendering(s) of the proposed *antenna system* with best effort to superimpose to scale;
- Site Plan:** a site plan showing the proposed development situated on the site;
- Site Distance to Surrounding Areas:** a map showing the horizontal distance between the proposed antenna system and the nearest residential, commercial and institutional uses within 1000 metres of the proposed antenna system;

- vii. **Letter of Authorization:** confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;
- viii. **Title Search:** a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the *telecommunication antenna system* is proposed on;
- ix. **Safety Code 6:** a written and signed attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple *telecommunication antenna system* at the location and in the immediate area;
- x. **Supplemental Documentation:** any other documentation as reasonably identified by the LTC following the site investigation meeting; and
- xi. **Draft Notification:** Based on required consultation process as directed by LTC, the proponent is to provide, (a) a draft of all public notices to be delivered by mail to the public, *School Districts, community associations and neighbouring land-use jurisdictions*, which is to be approved by Islands Trust staff prior to mail out; (b) an address list and map indicating all properties **and residents** which are to be notified by mail of the proposal, (c) a draft of newspaper advertisements indicating the time and date of any public information meeting, which is to be reviewed by Islands Trust staff prior to publication (if a public information meeting is required); and
- xii. **Comments from Emergency Services:** a copy of written correspondence indicating that the *proponent* has referred the proposal to local fire, police and ambulance services, and if given, any comments received emergency services should be submitted to LTA staff prior to mail out; and
- xiii. **Information on the following items:**
 - a. A description (or map) of the area of coverage or point or points to which transmissions will be directed.
 - b. A description of the benefits of the Antenna System to Galiano Island residents, businesses and visitors.
 - c. A description of the backup power system including energy source, duration of operation and level of automation.
 - d. Graphic portrayals including plan and elevation drawings showing tower, guy wires, buildings, fencing, etc. as applicable, and location of the development on the property.
 - e. Transport Canada marking requirements including painting and lighting details.
 - f. A review of visibility from residences and public transportation corridors within 1000 metres of the installation (photos with proposed structures superimposed may be appropriate).

- g. Details of access for construction and ongoing operation, and the location of utility corridors, and assessment of environmental impacts and planned mitigation measures.
- h. Details of planned security including fencing, gates and alarms.

b) Waivers to Application Submissions

The LTA may waive any of the Initial Application or Public Notification requirements for amateur radio operators on a case by case basis.

5. Public Consultation

In addition to ISED’s public consultation requirements as prescribed in *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*, the Galiano Island LTC has incorporated into the requirements a number of **augmentations** to the public consultation process. Itemization of the augmented elements may be found in Appendix A: “Consultation and Information –Process Steps and Requirements: ISECD & Augmentation.”

a) Notification Requirements

- i. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all property owners and residents with a *notification distance* 1000 metres from the base of the structure.
- ii. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all *neighbouring land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 1000 metres from the base of the structure.
- iii. The *proponent* will provide notice to ISED’s regional office.
- iv. The *proponent* will provide written notification to Community Associations identified at the site investigation meeting.
- v. The *proponent* will place notice of the *telecommunication antenna system* proposal in at least two editions of a local newspaper.
- vi. Where a public information meeting is to be held for a proposed *telecommunication antenna system*, a notice of the meeting shall be placed in at least two editions of a local newspaper and the *proponent* will provide written notice of the meeting sent by regular mail or hand delivered, to all property owners, *land-use jurisdictions, emergency service providers and school districts* with a *notification distance* 1000 metres from the base of the structure..
- vii. The public information meeting must be held within 60 days of the Islands Trust receiving a complete application by the *proponent*.
- viii. All costs associated with notification and holding a public information meeting will be the responsibility of the *proponent*.

b) Notice Content Requirements

The *proponent* shall include at a minimum the following information in any mailed or otherwise delivered public notice:

- i. The proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- ii. Information on the location within the community, the geographic coordinates and the specific property or rooftop, height, type, design and colour of the proposed telecommunication antenna system, including a copy of the site plan submitted with the application;
- iii. Description of the antenna that may be mounted on the supporting structure and simulated images of the proposal;
- iv. Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- v. An attestation that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- vi. An attestation that the installation will respect good engineering practices including structural adequacy;
- vii. Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- viii. Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;
- ix. Clear information on the role of ISED as the sole approving authority for the siting of telecommunication Antenna system and that the Galiano Island LTC only provides a statement of siting concurrence/non-concurrence at the request of the proponent;
- x. Notice that general information relating to antenna systems is available on ISED Canada’s Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- xi. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- xii. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to the Islands Trust for their records;
- xiii. Information that citizens may request their name and contact information be kept confidential within the published records;
- xiv. The name and contact information of a contact person for the *proponent*;
- xv. The name and contact information of ISED;
- xvi. The name and contact information of Islands Trust staff;

- xvii. An attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices;
- xviii. The date, time and location of the public information meeting where required;
- xix. closing date for submission of written public comments (not less than 30 days from receipt of notification); and
- xx. The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement: "NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED."

c) Public Information Meeting

The LTC requests the *proponent* host and chair a public information meeting for all proposed *telecommunication Antenna systems*. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with Islands Trust staff;
- the *proponent* will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of *localized content*;
- the *proponent* shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the *proponent* may request Islands Trust staff attendance and participation in the meeting.

d) Online Community Engagement

- A proponent may augment the public information session with an online forum to allow information sharing and feedback from people who may not be able to attend a public forum.

e) Additional Public Information Meetings

The Galiano Island LTC may request the proponent to host additional public information meetings or the attendance of the proponent at the Galiano Island LTC Community Information Meeting (CIM) if the LTC deems it necessary. The proponent must cover the cost of additional public information meetings or a CIM (advertising, mailing, and administrative costs) by a cost recovery agreement with the Islands Trust. The proponent is expected to fully participate in the CIM to address any outstanding issues or concerns.

The Islands Trust will keep the ISED's regional office informed of updates to the consultation process.

6. Request for Concurrence

a. **Submission to the LTC: Request for Concurrence**

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTC:

- i. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*;
- ii. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed *telecommunication antenna system*;
- iii. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed *telecommunication antenna system*;
- iv. A package summarizing the results of the public information meeting containing at a minimum, the following:
 - The time, date, location and number of people in attendance of any public information meeting held;
 - A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
 - Copies of all letters and other written communications received; and
 - A letter outlining how all the concerns and issues raised by the public were addressed.

b. **Statement of Concurrence or Non-concurrence**

The statement of concurrence or non-concurrence shall occur within 120 days of acceptance of a complete application, unless otherwise agreed to by the proponent and ISED.

c. **Duration of Concurrence**

- i. Concurrence remains in effect for a maximum period of 3 years from the date it was issued by the LTC. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction activity.
- ii. Request notification of intent to construct 60 days prior commencement of construction activity (OR, building permit).
- iii. Once concurrence has been issued, it may be transferred from the original proponent to another proponent without the need for further consultation provided that:
 - All information gathered by the original *proponent* is transferred to the new *proponent*;
 - The structure and *antenna system* for which the concurrence was issued to the original *proponent* is what the new *proponent* builds, and

- Construction of the structure is begun within the duration of the concurrence period.

d. Letter of Undertaking

The Proponent may be required by the LTC to provide a Letter of Undertaking which may include the following requirements:

- i. posting of a security for the construction of any proposed fencing, screening or landscaping;
- ii. building permit requirements determined by the regulations of the Capital Regional District; or
- iii. conditions identified in the letter of concurrence.

G. Preferred Locations & Development Guidelines

Antenna systems should be sited and designed to respect local sensitivities and preferences as identified by the LTC and the Galiano Island Official Community Plan, including making efforts to being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.

The proponent should review the preferred locations guidelines identified below as early as possible and should attempt to resolve any outstanding issues prior to submitting its *antenna system* siting proposal and undertaking the public consultation, where required by the LTC. Because expressed preferences may be location or site specific, the proponent is encouraged to discuss the guidelines fully with Islands Trust planning staff during a preliminary meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.

a) Co-location

Before submitting a proposal for an *antenna system* on a new site, the *proponent* must explore the following options:

- consider *co-location* by sharing an existing *antenna system*;
- explore modifying or replacing a structure if necessary; and
- locate, analyze and attempt to use any feasible ***existing infrastructure***, including (but not limited to) rooftops, water towers, utility poles or light standards; and
- explore the feasibility of designing a new antenna system where the visibility of the equipment is minimized from street level, including shrouding or stealth design.

Where *co-location*, re-use, modification, use of existing infrastructure, or a *stealth design* of a new structure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTC's preference.

The LTC recognizes that the objective of promoting *co-location* and the objective of making *antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTC intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The *proponent* should, in all cases, verify the LTC's site-specific criteria preferences during the pre-submission consultation process before investing in a final design or site.

b) Preferred locations

When new *Antenna systems* must be constructed, ***where technically feasible***, the following locations are preferred:

1. Buildings & Infrastructure

- Existing buildings and/or structure mounted *antenna systems*

- Areas that can access fiber optic networks to allow for backhauling into the fiber optic network

2. *Land Use Preferences*

- Industrial use land
- Agricultural use land
- Highway or service commercial use land (excluding mixed residential use)
- Land owned by a government entity
- Utility institutional use land were appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges
- BC Hydro utility corridor rights of way

c) *Discouraged Locations*

All Antenna Systems

- 500 metres from residences or buildings that are occupied or are in use on a regular basis
- Locations directly in front of doors, windows, balconies or residential frontages
- Land zoned for nature protection
- Environmentally sensitive ecosystems as defined in the Official Community Plan

Free-standing Antenna Systems

- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Sites of topographical and geographic prominence
- Sites that detrimentally affect the scenic quality of a corridor.
- Sites that detrimentally affect the foreground views of residents;

d) *Criteria not to address*

As described in the CPC, *proponents* have specific obligations subject to federal requirements. Additional obligations may not be imposed; however, it is appropriate to ask questions and seek clarification concerning their steps and alternatives available to satisfy these requirements.

Proponents must comply with the following:

- Health Canada's public radio frequency exposure guidelines – Safety Code 6 (Limits of Human Exposure to Radio Frequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz – Safety Code (2009));
- Radio Frequency Interference and Immunity – EMCAB-2—Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters;
- Canadian Environmental Assessment Act, 2012 –CEAA 2012; and

- Aeronautical Safety – Transport Canada and NAV CANADA requirements for aeronautical safety.

e) Design Guidelines

Antenna Systems should be designed in terms of minimizing impacts on the natural environment appearance and aesthetics, to respect their immediate surroundings including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reducing the need for future facilities in the same area.

In preparing its proposal, the factors which the Proponent should consider, but not be limited to, include:

- colour scheme;
- buffering and screening;
- structure;
- height;
- yards and parking;
- service corridors;
- a map depicting the projected useable service area;
- a description of associated microwave link, if applicable;
- a calculation of cumulative power density of the proposed Antenna System and any co-located antennas out to a distance of 500 metres from base of the antenna;
- access roads;
- ancillary buildings and equipment cabinets;
- signage and lighting;
- site security;
- rooftop equipment;
- power sources;
- environmental impacts and mitigation measures;
- seismic risk and design;
- adherence to Safety Code 6 or other health safety standards;
- expected drainage patterns; and
- provision for future Co-location on the structure.

The Galiano Island LTC encourages proponents to also outline proposed public consultation activities and be prepared to discuss its proposal at the site investigation meeting.

H. Terms of Use of This Policy

The LTC is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

Appendix A

Consultation and Information –Process Steps and Requirements: ISED & Augmentation		
Step	Default ISED Requirement	LTC Augmentation
Pre-consultation		
Informal meetings	None	Yes
Information about exempt antenna systems	None	Yes
Notification	None	Yes
Site investigation meeting	None	Yes
Confirmation of LTC preferences and requirements	None	Yes
Application		
Initial application proposal	None	Yes
Submission Prior to Notification –for staff review and approval	None	<ul style="list-style-type: none"> ○ Draft of all public notices ○ Address list and map of all property owners and residents to be notified ○ Draft of newspaper ads ○ Copy of written notice referencing emergency services providers referral comments
Public Consultation		
Written notice	Property owners within 3 X tower height prescribed distance	<ul style="list-style-type: none"> ○ Include property owners and all residents, including seasonal residents
	Neighbouring land use jurisdictions, emergency service providers, and school districts within 3 X tower or building/ structure height	<ul style="list-style-type: none"> ○ Community associations
Newspaper notice	Notice regarding proposal in one edition of a local newspaper	<ul style="list-style-type: none"> ○ Proposal and information meeting ○ Optional community workshop ○ Two editions of local newspaper ○ Website and/or social media notification ○ Optional online forum
Notice content	12 points of the CPC Appendix 1 ‘Public Notification Package’	<ul style="list-style-type: none"> ○ Site plan ○ Statement on respective roles of ISED and LTC
Public information session	None	<ul style="list-style-type: none"> ○ Yes